

As Reported by the House Finance Committee

131st General Assembly

Regular Session

2015-2016

Sub. S. B. No. 331

Senator Peterson

Cosponsors: Senators Eklund, Seitz

A BILL

To amend sections 956.01, 956.03, 956.04, 956.12, 1
956.13, 956.14, 956.15, 956.18, 959.15, 959.99, 2
1717.06, 4111.02, 4939.01, 4939.02, 4939.03, and 3
4939.08; to enact sections 956.051, 956.181, 4
956.19, 956.20, 956.21, 956.22, 956.23, 956.99, 5
959.21, 4113.85, 4939.031, 4939.032, 4939.033, 6
4939.035, 4939.037, 4939.038, 4939.039, 7
4939.0311, 4939.0313, 4939.0315, 4939.0317, 8
4939.0319, 4939.0321, 4939.0325, and 4939.0327 9
of the Revised Code; and to amend Section 211.10 10
of Am. Sub. H.B. 64 of the 131st General 11
Assembly to regulate the sale of dogs from pet 12
stores and dog retailers, to require the 13
Director of Agriculture to license pet stores, 14
and to revise the civil penalties applicable to 15
dog breeders and other specified entities; to 16
govern construction and attachment activities 17
related to micro wireless facilities in the 18
public way; to prohibit political subdivisions 19
from establishing minimum wage rates different 20
from the rate required by state law; to 21
generally grant private employers exclusive 22
authority to establish policies concerning hours 23

and location of work, scheduling, and fringe 24
benefits, unless an exception applies; to 25
prohibit a person from engaging in sexual 26
conduct with an animal and related acts, to 27
provide for the seizure and impoundment of an 28
animal that is the subject of a violation, and 29
to authorize a sentencing court to require an 30
offender to undergo psychological evaluation or 31
counseling; to prohibit and establish an 32
increased penalty for knowingly engaging in 33
activities associated with cockfighting, 34
bearbaiting, or pitting an animal against 35
another; to remove the residency requirement for 36
the appointment of an agent to a county humane 37
society; and to make an appropriation. 38

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

Section 1. That sections 956.01, 956.03, 956.04, 956.12, 39
956.13, 956.14, 956.15, 956.18, 959.15, 959.99, 1717.06, 40
4111.02, 4939.01, 4939.02, 4939.03, and 4939.08 be amended and 41
sections 956.051, 956.181, 956.19, 956.20, 956.21, 956.22, 42
956.23, 956.99, 959.21, 4113.85, 4939.031, 4939.032, 4939.033, 43
4939.035, 4939.037, 4939.038, 4939.039, 4939.0311, 4939.0313, 44
4939.0315, 4939.0317, 4939.0319, 4939.0321, 4939.0325, and 45
4939.0327 of the Revised Code be enacted to read as follows: 46

Sec. 956.01. As used in this chapter: 47

~~(A)~~ "Accredited veterinarian" means a veterinarian 48
accredited by the United States department of agriculture. 49

"Adult dog" means a dog that is twelve months of age or older. 50
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~~(B)~~—"Animal rescue for dogs" means an individual or organization recognized by the director of agriculture that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not operate for profit, does not sell dogs for a profit, does not breed dogs, and does not purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under Chapter 955. of the Revised Code, a humane society, or another animal rescue for dogs. "Animal rescue for dogs" includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs. 52
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~~(C)~~—"Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs such as a dog pound operated by a municipal corporation, or by a county under Chapter 955. of the Revised Code, or that is operated by a humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals. 66
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~~(D)~~—"Boarding kennel" means an establishment operating for profit that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care, and feeding of the dogs in return for a fee or other consideration. 74
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~~(E)~~—"Breeding dog" means an unneutered, unspayed dog that is primarily harbored or housed on property that is the dog's 78
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primary residence. 80

~~(F)~~—"High volume breeder" means an establishment that 81
keeps, houses, and maintains adult breeding dogs that produce at 82
least nine litters of puppies in any given calendar year and, in 83
return for a fee or other consideration, sells sixty or more 84
adult dogs or puppies per calendar year. 85

~~(G)~~—"Humane society" means an organization that is 86
organized under section 1717.05 of the Revised Code. 87

~~(H)~~—"Dog retailer" means a person who buys, sells, or 88
offers to sell dogs at wholesale for resale to another or who 89
sells or gives one or more dogs to a pet store annually. "Dog 90
retailer" does not include an animal rescue for dogs, an animal 91
shelter for dogs, a humane society, a medical kennel for dogs, a 92
research kennel for dogs, a pet store, or a veterinarian. 93

~~(I)~~—"Environmental division of the Franklin county 94
municipal court" means the environmental division of the 95
Franklin county municipal court created in section 1901.011 of 96
the Revised Code. 97

~~(J)~~—"Medical kennel for dogs" means a facility that is 98
maintained by a veterinarian and operated primarily for the 99
treatment of sick or injured dogs. 100

~~(K)~~—"Pet store" means a an individual retail store that to 101
which both of the following apply: the store sells dogs to the 102
public; and with regard to the sale of a dog from the store, the 103
sales person, the buyer of a dog, and the dog for sale are 104
physically present during the sales transaction so that the 105
buyer may personally observe the dog and help ensure its health 106
prior to taking custody. "Pet store" does not include an animal 107
rescue for dogs, an animal shelter for dogs, a humane society, a 108

medical kennel for dogs, or a research kennel for dogs. 109

~~(L)~~ "Puppy" means a dog that is under twelve months of 110
age. 111

~~(M)~~ "Research kennel for dogs" means a facility housing 112
dogs that is maintained exclusively for research purposes. 113

~~(N)~~ "Veterinarian" means either a veterinarian licensed in 114
this state under Chapter 4741. of the Revised Code or a 115
veterinarian licensed out of this state by an applicable state 116
entity. 117

Sec. 956.03. (A) The director of agriculture shall adopt 118
rules in accordance with Chapter 119. of the Revised Code 119
establishing all of the following: 120

~~(A)~~ (1) Requirements and procedures governing high volume 121
breeders, including the licensing and inspection of and record 122
keeping by high volume breeders, in addition to the requirements 123
and procedures established in this chapter; 124

~~(B)~~ (2) Requirements and procedures for conducting 125
background investigations of each applicant for a license issued 126
under section 956.04 of the Revised Code in order to determine 127
if the applicant has been convicted of or pleaded guilty to any 128
of the violations specified in division (A) (2) of section 956.15 129
of the Revised Code; 130

~~(C)~~ (3) Requirements and procedures governing dog 131
retailers, including the licensing of and record keeping by dog 132
retailers, in addition to the requirements and procedures 133
established in this chapter; 134

~~(D)~~ (4) The form of applications for licenses issued under 135
this chapter and the information that is required to be 136

submitted in the applications and the form for registering as an 137
animal rescue for dogs under this chapter and the information 138
that is required to be provided with a registration, including 139
the name and address of each foster home that an animal rescue 140
for dogs utilizes; 141

~~(E)~~ (5) A requirement that each high volume breeder submit 142
to the director, with an application for a high volume breeder 143
license, evidence of insurance or, in the alternative, evidence 144
of a surety bond payable to the state to ensure compliance with 145
this chapter and rules adopted under it. The face value of the 146
insurance coverage or bond shall be in the following amounts: 147

~~(1)~~ (a) Five thousand dollars for high volume breeders 148
keeping, housing, and maintaining not more than twenty-five 149
adult dogs; 150

~~(2)~~ (b) Ten thousand dollars for high volume breeders 151
keeping, housing, and maintaining at least twenty-six adult 152
dogs, but not more than fifty adult dogs; 153

~~(3)~~ (c) Fifty thousand dollars for high volume breeders 154
keeping, housing, and maintaining more than fifty adult dogs. 155

The rules shall require that the insurance be payable to 156
the state or that the surety bond be subject to redemption by 157
the state, as applicable, upon a suspension or revocation of a 158
high volume breeder license for the purpose of paying for the 159
maintenance and care of dogs that are seized or otherwise 160
impounded from the high volume breeder in accordance with this 161
chapter. 162

~~(F)~~ ~~(1)~~ (6) (a) For high volume breeders, standards of care 163
governing all of the following: 164

~~(a)~~ (i) Housing; 165

(b) <u>(ii)</u> Nutrition;	166
(c) <u>(iii)</u> Exercise;	167
(d) <u>(iv)</u> Grooming;	168
(e) <u>(v)</u> Biosecurity and disease control;	169
(f) <u>(vi)</u> Waste management;	170
(g) <u>(vii)</u> Whelping;	171
(h) <u>(viii)</u> Any other general standards of care for dogs.	172
(2) <u>(b)</u> In adopting rules under division (F)(1) <u>(A)(6)(a)</u>	173
of this section, the director shall consider the following	174
factors, without limitation:	175
(a) <u>(i)</u> Best management practices for the care and well- being of dogs;	176 177
(b) <u>(ii)</u> Biosecurity;	178
(c) <u>(iii)</u> The prevention of disease;	179
(d) <u>(iv)</u> Morbidity and mortality data;	180
(e) <u>(v)</u> Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association;	181 182 183
(f) <u>(vi)</u> Standards established by the United States department of agriculture under the federal animal welfare act as defined in section 959.131 of the Revised Code.	184 185 186
(G) <u>(7)</u> Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures established in that section, and procedures for making records of the inspections;	187 188 189 190

~~(H)~~ ~~(1)~~ ~~(8)~~ (a) A requirement that an in-state retailer of a puppy or adult dog provide to the purchaser the complete name, address, and telephone number of all high volume breeders, dog retailers, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society, or a valid health certificate from the state of origin pertaining to the puppy or adult dog;

~~(2)~~ (b) A requirement that an out-of-state retailer of a puppy or adult dog that is conducting business in this state provide to the purchaser a valid health certificate from the state of origin pertaining to the puppy or adult dog and the complete name, address, and telephone number of all breeders, retailers, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society in this state or another state.

~~(I)~~ (9) A requirement that a high volume breeder or a dog retailer who advertises the sale of a puppy or adult dog include with the advertisement the vendor number assigned by the tax commissioner to the high volume breeder or to the dog retailer if the sale of the puppy or dog is subject to the tax levied under Chapter 5739. of the Revised Code;

~~(J)~~ (10) A requirement that a licensed high volume breeder and a licensed dog retailer comply with Chapter 5739. of the Revised Code. The rules shall authorize the director to suspend or revoke a license for failure to comply with that chapter. The director shall work in conjunction with the tax commissioner for

the purposes of rules adopted under this division.	221
(K) <u>(11) Requirements and procedures governing pet stores,</u>	222
<u>including requirements and procedures governing the initial</u>	223
<u>licensing of pet stores and the renewal of pet store licenses;</u>	224
<u>(12) The application form for a license issued under</u>	225
<u>division (A) of section 956.21 of the Revised Code and the</u>	226
<u>information that is required to be submitted in the application;</u>	227
<u>(13) Requirements governing permanent implanted</u>	228
<u>identification microchips for dogs to be sold at a pet store and</u>	229
<u>by a dog retailer;</u>	230
<u>(14) Any other requirements and procedures that are</u>	231
determined by the director to be necessary for the	232
administration and enforcement of this chapter and rules adopted	233
under it. However, rules adopted under this division shall not	234
establish additional requirements and procedures governing	235
animal rescues for dogs other than those adopted under division	236
(D) <u>(A) (4) of this section.</u>	237
<u>(B) The director of agriculture may adopt rules in</u>	238
<u>accordance with Chapter 119. of the Revised Code establishing</u>	239
<u>disease testing protocols and vaccination requirements for dogs</u>	240
<u>to be sold at a pet store.</u>	241
Sec. 956.04. (A) (1) No person shall operate a high volume	242
breeder in this state without a high volume breeder license	243
issued by the director of agriculture in accordance with this	244
section and rules adopted under section 956.03 of the Revised	245
Code.	246
(2) The director shall not issue a license under this	247
section unless the director determines that the applicant will	248
operate or will continue to operate the high volume breeder in	249

accordance with this chapter and rules adopted under it.	250
(B) In determining whether an establishment is a high	251
volume breeder requiring a license under this chapter, the	252
director shall determine if, in any given year, the	253
establishment is a high volume breeder as defined in section	254
956.01 of the Revised Code. All facilities that are located at	255
an individual postal address shall be licensed as one high	256
volume breeder. Not more than one license shall be issued under	257
this section for any given postal address.	258
(C) A person who is proposing to operate a new high volume	259
breeder shall submit an application for a license to the	260
director at least ninety days before commencing operation of the	261
high volume breeder. The application shall be submitted in the	262
form and with the information required by rules adopted under	263
section 956.03 of the Revised Code and shall include with it at	264
least all of the following:	265
(1) An affidavit signed under oath or solemn affirmation	266
of the number of adult dogs that are kept, housed, and	267
maintained by the applicant at the location that is the subject	268
of the application;	269
(2) An estimate of the number of puppies to be kept,	270
housed, and maintained and of the number of litters of puppies	271
or total number of puppies to be produced during the term of the	272
license;	273
(3) Photographic evidence documenting the facilities where	274
dogs will be kept, housed, and maintained by the applicant. The	275
director may conduct an inspection of the facilities that are	276
the subject of an application in addition to reviewing	277
photographic evidence submitted by an applicant for a license.	278

(4) A signed release permitting the performance of a 279
background investigation regarding the applicant in accordance 280
with rules adopted under section 956.03 of the Revised Code; 281

(5) Proof that the applicant has established a veterinary- 282
client-patient relationship as described in section 4741.04 of 283
the Revised Code. 284

(D) During the month of December, but before the first day 285
of January of the next year, a person who is proposing to 286
continue the operation of a high volume breeder shall obtain a 287
license for the high volume breeder from the director for the 288
following year. The person shall apply for the license in the 289
same manner as for an initial license, except that the person 290
does not need to include with the application the photographic 291
evidence required under division (C) (3) of this section. 292

(E) The owner or operator of a high volume breeder that is 293
in operation on ~~the effective date of this section~~ March 13, 294
2013, shall submit to the director an application for a high 295
volume breeder license not later than three months after ~~the~~ 296
~~effective date of this section~~ March 13, 2013. The director 297
shall issue or deny the application for a license within ninety 298
days after the receipt of the completed application. 299

(F) A person who has received a license under this 300
section, upon sale or other disposition of the high volume 301
breeder, may have the license transferred to another person with 302
the consent of the director, provided that the transferee 303
otherwise qualifies to be licensed as a high volume breeder 304
under this chapter and rules adopted under it and does not have 305
a certified unpaid debt to the state. 306

(G) An applicant for a license issued under this section 307

shall demonstrate that the high volume breeder that is the 308
subject of the application complies with standards established 309
in rules adopted under section 956.03 of the Revised Code. 310

Sec. 956.051. (A) No dog retailer shall negligently sell, 311
deliver, barter, auction, broker, give away, or transfer a live 312
dog to a pet store in this state unless the dog was obtained 313
from one of the following sources: 314

(1) An animal rescue for dogs; 315

(2) An animal shelter for dogs; 316

(3) A humane society; 317

(4) A qualified breeder as defined in section 956.19 of 318
the Revised Code. 319

(B) No dog retailer shall negligently sell, deliver, 320
barter, auction, broker, give away, or transfer to a pet store 321
in this state any of the following: 322

(1) A dog that is less than eight weeks old; 323

(2) A dog without a certificate of veterinarian inspection 324
signed by an accredited veterinarian; 325

(3) A dog that does not have a permanent implanted 326
identification microchip that is approved for use by the 327
director of agriculture under rules adopted under section 956.03 328
of the Revised Code; 329

(4) A dog to a person who is younger than eighteen years 330
of age as verified by valid photo identification; 331

(5) A dog acquired from a qualified breeder as defined in 332
section 956.19 of the Revised Code unless the dog retailer 333
provides to the person acquiring the dog, at a time prior to the 334

transaction for the acquisition of the dog, a written 335
certification that includes all of the following information: 336

(a) The name of the breeder that bred the dog; 337

(b) The address, if available, of the breeder that bred 338
the dog; 339

(c) The United States department of agriculture license 340
number of the breeder that bred the dog, if applicable, and a 341
copy of the most current United States department of agriculture 342
inspection report for the breeder; 343

(d) The dog's birth date, if known; 344

(e) The date that the pet store took possession of the 345
dog; 346

(f) The breed, gender, color, and any identifying marks of 347
the dog; 348

(g) A document signed by an accredited veterinarian that 349
describes any known disease, illness, or congenital or 350
hereditary condition that adversely affects the health of the 351
dog at the time of examination; 352

(h) A document signed by the dog retailer certifying that 353
all information required to be provided to the person acquiring 354
the dog under this section is accurate. A dog retailer shall 355
keep a copy of the certification for a period of at least two 356
years from the date of the acquisition. The dog retailer shall 357
make the copy of the certification available for inspection or 358
duplication by the department of agriculture. 359

(C) No dog retailer shall recklessly alter or provide 360
false information on a certification provided in accordance with 361
division (B) (5) of this section. 362

(D) This section does not apply to any dog that is being 363
sold, delivered, bartered, auctioned, given away, brokered, or 364
transferred from the premises where the dog was bred and reared. 365

Sec. 956.12. If the director of agriculture or the 366
director's authorized representative determines that a person 367
has violated or is violating this chapter or rules adopted under 368
it, the director may issue and cause to be served by certified 369
mail or personal service a citation of violation and ~~an order a~~ 370
notice requiring the person to cease the acts or practices that 371
constitute a violation of this chapter or rules adopted under it 372
or requiring the person to take corrective actions to eliminate 373
the conditions that constitute a violation of this chapter and 374
rules adopted under it. The ~~order notice~~ shall state 375
specifically the provision or provisions of this chapter or the 376
rule or rules adopted under this chapter that have been violated 377
and the facts constituting the violation, the actions that the 378
person must take to correct the deficiencies, and the time 379
period within which the person must correct the violations. 380

Sec. 956.13. (A) The director of agriculture may assess a 381
civil penalty against a person violating ~~this chapter sections~~ 382
956.01 to 956.18 of the Revised Code or rules adopted under it 383
if all of the following occur: 384

(1) The person has received ~~an order a~~ notice and been 385
notified of the violation by certified mail or personal service 386
as required in section 956.12 of the Revised Code. 387

(2) After the time period for correcting the violation 388
specified in the ~~order notice~~ has elapsed, the director or the 389
director's authorized representative has ~~inspected the premises~~ 390
~~where the violation has occurred and~~ determined that the 391
violation has not been corrected, and the director has issued a 392

notice of an adjudication hearing pursuant to division (A) (3) of 393
this section. 394

(3) The director affords the person an opportunity for an 395
adjudication hearing under Chapter 119. of the Revised Code to 396
challenge the director's determination that the person is not in 397
compliance with this chapter or rules adopted under it, the 398
imposition of the civil penalty, or both. A person may waive the 399
opportunity for an adjudication hearing. 400

(B) If the opportunity for an adjudication hearing is 401
waived or if, after an adjudication hearing, the director 402
determines that a violation of this chapter or a rule adopted 403
under it has occurred or is occurring, the director may assess a 404
civil penalty. The civil penalty may be appealed in accordance 405
with section 119.12 of the Revised Code, except that the civil 406
penalty may be appealed only to the environmental division of 407
the Franklin county municipal court. 408

~~(C) Civil penalties shall be assessed in the following~~ 409
~~amounts:~~ 410

~~(1) A person who has violated division (A) (1) of section~~ 411
~~956.04 or division (A) (1) of section 956.05 of the Revised Code~~ 412
~~shall pay a civil penalty in an amount that is established in~~ 413
~~rules adopted under section 956.03 of the Revised Code.~~ 414

~~(2) A person who has violated any other provision of this~~ 415
~~chapter or rules adopted under it shall pay a civil penalty of~~ 416
~~one hundred dollars.~~ A person who is assessed a civil penalty 417
under this section is liable for a civil penalty of not more 418
than five hundred dollars for a first violation, not more than 419
two thousand five hundred dollars for a second violation, and 420
not more than ten thousand dollars for a third or subsequent 421

violation. 422

Each day that a violation continues constitutes a separate 423
violation. 424

(D) Any person assessed a civil penalty under this section 425
shall pay the amount prescribed to the department of 426
agriculture. The department shall remit all money collected 427
under this section to the treasurer of state for deposit in the 428
high volume breeder kennel control license fund created under 429
section 956.18 of the Revised Code. 430

Sec. 956.14. The attorney general, upon the request of the 431
director of agriculture, may bring an action for injunction 432
against a person who has violated or is violating this chapter, 433
rules adopted under it, or ~~an order~~ a notice issued under 434
section 956.12 of the Revised Code. An action for injunction 435
shall be filed in the appropriate court in the county in which 436
the violation is alleged to have occurred. The court shall grant 437
such injunctive relief upon a showing that the person against 438
whom the action is brought has violated or is violating this 439
chapter, rules adopted under it, or ~~an order~~ a notice issued 440
under it. The court shall give precedence to such an action over 441
all other cases. 442

Sec. 956.15. (A) The director of agriculture shall deny an 443
application for a license that is submitted under section 956.04 444
or 956.05 of the Revised Code for either of the following 445
reasons: 446

(1) The applicant for the license has violated any 447
provision of this chapter or a rule adopted under it if the 448
violation materially threatens the health or welfare of a dog. 449

(2) The applicant, in the past twenty years, has been 450

convicted of or pleaded guilty to violating section 959.01, 451
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the 452
Revised Code or an equivalent municipal ordinance, ~~law of~~ 453
~~another state, or law of the federal government~~ or, in the past 454
twenty years, has been convicted of or pleaded guilty to 455
violating more than once section 2919.25 of the Revised Code or 456
an equivalent municipal ordinance, ~~law of another state, or law~~ 457
~~of the federal government.~~ 458

(B) The director may suspend or revoke a license issued 459
under this chapter for violation of any provision of this 460
chapter or a rule adopted or order issued under it if the 461
violation materially threatens the health and welfare of a dog. 462

(C) An application or a license shall not be denied, 463
suspended, or revoked under this section without a written order 464
of the director stating the findings on which the denial, 465
suspension, or revocation is based. A copy of the order shall be 466
sent to the applicant or license holder by certified mail or may 467
be provided to the applicant or license holder by personal 468
service. In addition, the person to whom a denial, suspension, 469
or revocation applies may request an adjudication hearing under 470
Chapter 119. of the Revised Code. The director shall comply with 471
such a request. The determination of the director at an 472
adjudication hearing may be appealed in accordance with section 473
119.12 of the Revised Code, except that the determination may be 474
appealed only to the environmental division of the Franklin 475
county municipal court. 476

Sec. 956.18. (A) All money collected by the director of 477
agriculture from license fees under section 956.07 and civil 478
penalties assessed under section 956.13 of the Revised Code 479
shall be deposited in the state treasury to the credit of the 480

high volume breeder kennel control license fund, which is hereby 481
created. The fund shall also consist of money appropriated to 482
it. 483

~~(B) No money may be released from the fund without 484
controlling board approval. The director shall request the 485
controlling board to release money in an amount not to exceed 486
two million five hundred thousand dollars per biennium. 487~~

~~(C) The director shall use the money in the fund for the 488
purpose of administering this chapter sections 956.01 to 956.18 489
of the Revised Code and rules adopted under it. 490~~

Sec. 956.181. (A) All money collected by the director of 491
agriculture from license fees under section 956.21 and civil 492
penalties assessed under section 956.22 of the Revised Code 493
shall be deposited in the state treasury to the credit of the 494
pet store license fund, which is hereby created. The fund shall 495
also consist of money appropriated to it. 496

(B) The director shall use the money in the fund for the 497
purpose of administering sections 956.19 to 956.23 of the 498
Revised Code and rules adopted under it. 499

Sec. 956.19. As used in section 956.20 of the Revised 500
Code, a "qualified breeder" means either of the following: 501

(A) A breeder that keeps, houses, and maintains female 502
adult dogs that is not a high volume breeder as defined in 503
section 956.01 of the Revised Code. 504

(B) A high volume breeder located in or out of this state 505
that meets all of the following requirements: 506

(1) The breeder is licensed by the United States 507
department of agriculture under 7 U.S.C. 2133 and, if 508

applicable, a state agency. 509

(2) The breeder has not been issued a report of a direct noncompliance violation by the United States department of agriculture under the federal animal welfare act, as defined in section 959.131 of the Revised Code, for a period of three years prior to offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog. 510
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(3) The breeder has not had three or more noncompliance violations documented in any report issued by the United States department of agriculture under the federal animal welfare act, as defined in section 959.131 of the Revised Code, for a period of twelve months prior to offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog. 516
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(4) The breeder has been issued a dog retailer license under section 956.05 of the Revised Code. 523
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Sec. 956.20. (A) No owner, manager, or employee of a pet store shall negligently display, offer for sale, deliver, barter, auction, broker, give away, transfer, or sell any live dog from a pet store to a person unless the dog was obtained from one of the following sources: 525
526
527
528
529

(1) An animal rescue for dogs; 530

(2) An animal shelter for dogs; 531

(3) A humane society; 532

(4) A dog retailer, provided that, if the dog retailer originally obtained the dog from a breeder, the breeder is a qualified breeder; 533
534
535

(5) A qualified breeder. 536

(B) No owner, manager, or employee of a pet store shall 537
negligently sell, deliver, barter, auction, broker, give away, 538
or transfer any of the following: 539

(1) A dog that is less than eight weeks old; 540

(2) A dog without a certificate of veterinarian inspection 541
signed by an accredited veterinarian; 542

(3) A dog that does not have a permanent implanted 543
identification microchip that is approved for use by the 544
director of agriculture under rules adopted under section 956.03 545
of the Revised Code; 546

(4) A dog to a person who is younger than eighteen years 547
of age as verified by valid photo identification; 548

(5) A dog acquired from a qualified breeder or a dog 549
retailer unless the owner, manager, or employee provides to the 550
person acquiring the dog, at a time prior to the transaction for 551
the acquisition of the dog, a written certification that 552
includes all of the following information: 553

(a) The name of the breeder that bred the dog; 554

(b) The address, if available, of the breeder that bred 555
the dog; 556

(c) The United States department of agriculture license 557
number of the breeder that bred the dog, if applicable, and a 558
copy of the most current United States department of agriculture 559
inspection report for the breeder; 560

(d) The dog's birth date, if known; 561

(e) The date that the pet store took possession of the 562
dog; 563

<u>(f) The breed, gender, color, and any identifying marks of</u>	564
<u>the dog;</u>	565
<u>(g) A document signed by an accredited veterinarian that</u>	566
<u>describes any known disease, illness, or congenital or</u>	567
<u>hereditary condition that adversely affects the health of the</u>	568
<u>dog at the time of examination;</u>	569
<u>(h) A document signed by the owner, manager, or employee</u>	570
<u>of the pet store certifying that all information required to be</u>	571
<u>provided to the person acquiring the dog under division (B) (5)</u>	572
<u>of this section is accurate. A pet store shall keep a copy of</u>	573
<u>the certification for a period of at least two years from the</u>	574
<u>date of the acquisition. The owner, manager, or an employee of</u>	575
<u>the pet store shall make the copy of the certification available</u>	576
<u>for inspection or duplication by the department of agriculture.</u>	577
<u>(6) A dog acquired from a qualified breeder or a dog</u>	578
<u>retailer unless all of the following information regarding the</u>	579
<u>dog is available to the general public at the pet store:</u>	580
<u>(a) The name of the breeder that bred the dog;</u>	581
<u>(b) The address, if available, of the breeder that bred</u>	582
<u>the dog;</u>	583
<u>(c) The United States department of agriculture license</u>	584
<u>number of the breeder that bred the dog, if applicable;</u>	585
<u>(d) The dog's birth date, if known;</u>	586
<u>(e) The breed of the dog.</u>	587
<u>(C) No owner, manager, or employee of a pet store shall</u>	588
<u>recklessly alter or provide false information on a certification</u>	589
<u>provided in accordance with division (B) (5) of this section.</u>	590

(D) This section does not apply to any dog that is being 591
sold, delivered, bartered, auctioned, given away, brokered, or 592
transferred from the premises where the dog was bred and reared. 593

Sec. 956.21. (A) The director of agriculture may issue a 594
pet store license to an owner or operator of a pet store when 595
the owner or operator does all of the following: 596

(1) Applies for a license in accordance with this section 597
and rules adopted under it; 598

(2) Affirms in writing that the owner or operator will 599
maintain compliance with the applicable requirements established 600
under section 959.20 of the Revised Code; 601

(3) Submits with the application for a pet store license a 602
fee of five hundred dollars. 603

(B) The director of agriculture may deny, suspend, or 604
revoke a license issued under this section for a violation of 605
division (A), (B), or (C) of section 956.20 of the Revised Code 606
or rules adopted under that section. The denial, suspension, or 607
revocation of a license is not effective until the licensee is 608
given written notice of the violation, a reasonable amount of 609
time to correct the violation, if possible, and an opportunity 610
for a hearing. 611

The director also may refuse to issue a license under 612
division (B) of this section if the applicant has violated 613
division (A), (B), or (C) of section 956.20 of the Revised Code 614
or the rules adopted under this section during the thirty-six- 615
month period prior to submitting an application for the license. 616

(C) Any license issued under this section is valid for a 617
period of one year from the date of issuance. A pet store 618
license must be renewed annually in the manner provided in rules 619

adopted under this section. 620

(D) Money collected by the director of agriculture from 621
each application fee submitted under this section shall be 622
deposited in the state treasury to the credit of the pet store 623
license fund created in section 956.181 of the Revised Code. 624

(E) No owner, operator, or manager of a pet store shall 625
negligently display, offer for sale, deliver, barter, auction, 626
broker, give away, transfer, or sell any live dog from a pet 627
store in this state unless a license has been issued for the pet 628
store by the director of agriculture in accordance with this 629
section and rules adopted under it. 630

Sec. 956.22. (A) The director of agriculture may assess a 631
civil penalty against a person that violates division (A), (B), 632
or (C) of section 956.20 of the Revised Code or division (E) of 633
section 956.21 of the Revised Code if all of the following 634
occur: 635

(1) The person has received a notice and been notified of 636
the violation by certified mail or personal service under 637
section 956.12 of the Revised Code. 638

(2) After the time period for correcting the violation 639
specified in the notice has elapsed, the director or the 640
director's authorized representative has determined that the 641
violation has not been corrected, and the director has issued a 642
notice of an adjudication hearing pursuant to division (A) (3) of 643
this section. 644

(3) The director affords the person an opportunity for an 645
adjudication hearing under Chapter 119. of the Revised Code to 646
challenge the director's determination that the person is not in 647
compliance with this chapter or rules adopted under it, the 648

imposition of the civil penalty, or both. A person may waive the 649
opportunity for an adjudication hearing. 650

(B) If the opportunity for an adjudication hearing is 651
waived or if, after an adjudication hearing, the director 652
determines that a violation of this chapter or a rule adopted 653
under it has occurred or is occurring, the director may assess a 654
civil penalty. The civil penalty may be appealed in accordance 655
with section 119.12 of the Revised Code, except that the civil 656
penalty may be appealed only to the environmental division of 657
the Franklin county municipal court. 658

(C) The person who is assessed a civil penalty under this 659
section is liable for a civil penalty of not more than five 660
hundred dollars for a first violation, not more than two 661
thousand five hundred dollars for a second violation, and not 662
more than ten thousand dollars for a third or subsequent 663
violation. 664

(D) Any person assessed a civil penalty under this section 665
shall pay the amount prescribed to the department of 666
agriculture. The department shall remit all money collected 667
under this section to the treasurer of state for deposit in the 668
pet store license fund created under section 956.181 of the 669
Revised Code. 670

Sec. 956.23. The regulation of pet stores is a matter of 671
general statewide interest that requires statewide regulation. 672
Sections 956.181 to 956.23 of the Revised Code and section 673
956.99 of the Revised Code constitute a comprehensive plan with 674
respect to all aspects of the regulation of pet stores. 675
Accordingly, it is the intent of the general assembly to preempt 676
any local ordinance, resolution, or other law adopted to 677
regulate the sale, delivery, barter, auction, broker, or 678

transfer of a dog to a person from a pet store. 679

Sec. 956.99. Whoever violates division (A), (B), or (C) of 680
section 956.051 of the Revised Code, division (A), (B), or (C) 681
of section 956.20 of the Revised Code, or division (E) of 682
section 956.21 of the Revised Code is guilty of a misdemeanor of 683
the fourth degree. 684

Sec. 959.15. (A) No person shall knowingly ~~engage~~ do 685
either of the following: 686

(1) Engage in ~~or be employed at~~ cockfighting, bearbaiting, 687
or pitting an animal against another; ~~no person shall receive~~ 688
~~money for the admission of another to a place kept for such~~ 689
~~purpose; no person shall use~~ 690

(2) Use, train, or possess any animal for seizing, 691
detaining, or maltreating a domestic animal. ~~Any person who~~ 692
~~knowingly purchases a ticket of admission to such place, or is~~ 693
~~present thereat, or witnesses such spectacle, is an aider and~~ 694
~~abettor.~~ 695

(B) No person shall knowingly do either of the following: 696

(1) Be employed at cockfighting, bearbaiting, or pitting 697
an animal against another; 698

(2) Do any of the following regarding an event involving 699
cockfighting, bearbaiting, or pitting an animal against another: 700

(a) Wager money or anything else of value on the results 701
of the event; 702

(b) Pay money or give anything else of value in exchange 703
for admission to or being present at the event; 704

(c) Receive money or anything else of value in exchange 705

for the admission of another person to the event or for another 706
person to be present at the event; 707

(d) Use, possess, or permit or cause to be present at the 708
event any device or substance intended to enhance an animal's 709
ability to fight or to inflict injury on another animal; 710

(e) Permit or cause a minor to be present at the event if 711
any person present at or involved with the event is conducting 712
any of the activities described in division (B)(1) or (B)(2)(a), 713
(b), (c), or (d) of this section. 714

(C) A person who knowingly witnesses cockfighting, 715
bearbaiting, or an event in which one animal is pitted against 716
another when a violation of division (B) of this section is 717
occurring at the cockfighting, bearbaiting, or event is an aider 718
and abettor and has committed a violation of this division. 719

Sec. 959.21. (A) As used in this section: 720

(1) "Animal" means a nonhuman mammal, bird, reptile, or 721
amphibian, either dead or alive. 722

(2) "Offense" means a violation of this section or an 723
attempt, in violation of section 2923.02 of the Revised Code, to 724
violate this section. 725

(3) "Officer" has the same meaning as in section 959.132 726
of the Revised Code. 727

(4) "Sexual conduct" means either of the following 728
committed for the purpose of sexual gratification: 729

(a) Any act done between a person and animal that involves 730
contact of the penis of one and the vulva of the other, the 731
penis of one and the penis of the other, the penis of one and 732
the anus of the other, the mouth of one and the penis of the 733

other, the mouth of one and the anus of the other, the vulva of 734
one and the vulva of the other, the mouth of one and the vulva 735
of the other, any other contact between a reproductive organ of 736
one and a reproductive organ of the other, or any other 737
insertion of a reproductive organ of one into an orifice of the 738
other; 739

(b) Without a bona fide veterinary or animal husbandry 740
purpose to do so, the insertion, however slight, of any part of 741
a person's body or any instrument, apparatus, or other object 742
into the vaginal, anal, or reproductive opening of an animal. 743

(B) No person shall knowingly engage in sexual conduct 744
with an animal or knowingly possess, sell, or purchase an animal 745
with the intent that it be subjected to sexual conduct. 746

(C) No person shall knowingly organize, promote, aid, or 747
abet in the conduct of an act involving any sexual conduct with 748
an animal. 749

(D) An officer may seize and cause to be impounded at an 750
impounding agency an animal that the officer has probable cause 751
to believe is the subject of an offense. With respect to an 752
animal so seized and impounded, all procedures and requirements 753
that are established in section 959.132 of the Revised Code, and 754
all other provisions of that section, apply to the seizure, 755
impoundment, and disposition of the animal. References in 756
section 959.132 of the Revised Code to "section 959.131 of the 757
Revised Code," "companion animal," and "offense" shall be 758
construed, respectively, as being references to "section 959.21 759
of the Revised Code" and to "animal" and "offense" as defined in 760
this section, for purposes of application under this section 761
only. 762

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor. (B) Except as otherwise provided in this division, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars or more, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the first degree. (C) Whoever violates section 959.03, 959.06, 959.12, ~~959.15,~~ or 959.17 or division (A) of section 959.15 of the Revised Code is guilty of a misdemeanor of the fourth degree. (D) Whoever violates division (A) of section 959.13 or section 959.21 of the Revised Code is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (E) (1) Whoever violates division (B) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense. (2) Whoever violates section 959.01 of the Revised Code or division (C) of section 959.131 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a

misdemeanor of the first degree on each subsequent offense.	792
(3) Whoever violates division (D) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.	793 794
(4) Whoever violates division (E) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree.	795 796
(5) (a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.	797 798 799 800 801 802 803 804
(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.	805 806 807 808 809 810 811 812
(6) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 <u>or 959.21</u> of the Revised Code suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.	813 814 815 816 817 818 819 820

(F) Whoever violates section 959.14 of the Revised Code is 821
guilty of a misdemeanor of the second degree on a first offense 822
and a misdemeanor of the first degree on each subsequent 823
offense. 824

(G) Whoever violates section 959.05 or 959.20 of the 825
Revised Code is guilty of a misdemeanor of the first degree. 826

(H) Whoever violates section 959.16 of the Revised Code is 827
guilty of a felony of the fourth degree for a first offense and 828
a felony of the third degree on each subsequent offense. 829

(I) Whoever violates division (B) or (C) of section 959.15 830
of the Revised Code is guilty of a felony and shall be fined not 831
more than ten thousand dollars. 832

Sec. 1717.06. A county humane society organized under 833
section 1717.05 of the Revised Code may appoint agents, ~~who are~~ 834
~~residents of the county or municipal corporation for which the~~ 835
~~appointment is made,~~ for the purpose of prosecuting any person 836
guilty of an act of cruelty to persons or animals. Such agents 837
may arrest any person found violating this chapter or any other 838
law for protecting persons or animals or preventing acts of 839
cruelty thereto. Upon making an arrest the agent forthwith shall 840
convey the person arrested before some court or magistrate 841
having jurisdiction of the offense, and there make complaint 842
against the person on oath or affirmation of the offense. 843

All appointments of agents under this section shall be 844
approved by the mayor of the municipal corporation for which 845
they are made. If the society exists outside a municipal 846
corporation, such appointments shall be approved by the probate 847
judge of the county for which they are made. The mayor or 848
probate judge shall keep a record of such appointments. 849

In order to qualify for appointment as a humane agent 850
under this section, a person first shall successfully complete a 851
minimum of twenty hours of training on issues relating to the 852
investigation and prosecution of cruelty to and neglect of 853
animals. The training shall comply with rules recommended by the 854
peace officer training commission under section 109.73 of the 855
Revised Code and shall include, without limitation, instruction 856
regarding animal husbandry practices as described in division 857
(A) (12) of that section. A person who has been appointed as a 858
humane agent under this section prior to ~~the effective date of~~ 859
~~this amendment~~ April 9, 2003, may continue to act as a humane 860
agent for a period of time on and after ~~the effective date of~~ 861
~~this amendment~~ April 9, 2003, without completing the training. 862
However, on or before December 31, 2004, a person who has been 863
appointed as a humane agent under this section prior to ~~the~~ 864
~~effective date of this amendment~~ April 9, 2003, shall 865
successfully complete the training described in this paragraph 866
and submit proof of its successful completion to the appropriate 867
appointing mayor or probate judge in order to continue to act as 868
a humane agent after December 31, 2004. 869

An agent of a county humane society only has the specific 870
authority granted to the agent under this section and section 871
1717.08 of the Revised Code. 872

Sec. 4111.02. Every employer, as defined in Section 34a of 873
Article II, Ohio Constitution, shall pay each of the employer's 874
employees at a wage rate of not less than the wage rate 875
specified in Section 34a of Article II, Ohio Constitution. 876

The director of commerce annually shall adjust the wage 877
rate as specified in Section 34a of Article II, Ohio 878
Constitution. 879

No political subdivision shall establish a minimum wage 880
rate different from the wage rate required under this section. 881

As used in this section, "employee" has the same meaning 882
as in section 4111.14 of the Revised Code. 883

Sec. 4113.85. (A) (1) As used in this section: 884

(a) "Employee" means any individual employed by an 885
employer. 886

(b) "Employer" means any individual, partnership, 887
association, corporation, business trust, or any person or group 888
of persons, acting in the interest of an employer in relation to 889
an employee, but does not include the state, its 890
instrumentalities, a political subdivision of the state, or an 891
instrumentality of a political subdivision. 892

(c) "Fringe benefit" means any benefit for which the 893
employer would incur an expense, including health, welfare, or 894
retirement benefits, whether paid for entirely by the employee 895
or on the basis of a joint employer-employee contribution; 896
leaves of absence; or vacation, separation, sick, or holiday 897
pay. 898

(2) In construing the meaning of the terms "reporting 899
time," "on call," and "split shift" in this section, the court 900
shall give due consideration and great weight to the United 901
States department of labor's and federal courts' interpretations 902
of those terms under the "Fair Labor Standards Act of 1938," 52 903
Stat. 1060, 29 U.S.C. 201 as amended, and the regulations 904
adopted pursuant to it. 905

(B) Except as otherwise expressly provided in state or 906
federal law, the following matters are exclusively the result of 907
an employer's policy, an agreement between an employer and the 908

employer's employees, a contract between an employer and the 909
employer's employees, or a collective bargaining agreement 910
between an employer and the employer's employees: 911

(1) The number of hours an employee is required to work or 912
be on call for work; 913

(2) The time when an employee is required to work or be on 914
call for work; 915

(3) The location where an employee is required to work; 916

(4) The amount of notification an employee receives of 917
work schedule assignments or changes to work schedule 918
assignments, including any addition or reduction of hours, 919
cancellation of a shift, or change in the date or time of a work 920
shift; 921

(5) Minimizing fluctuations in the number of hours an 922
employee is scheduled to work on a daily, weekly, or monthly 923
basis; 924

(6) Additional payment for reporting time when work is or 925
becomes unavailable, for being on call for work, or for working 926
a split shift; 927

(7) Whether an employer will provide advance notice of an 928
employee's initial work or shift schedule, notice of new 929
schedules, or notice of changed schedules, including whether an 930
employer will provide employees with predictive schedules; 931

(8) Whether an employer will provide additional hours of 932
work to employees the employer currently employs before 933
employing additional workers; 934

(9) Whether an employer will provide employees with fringe 935
benefits and the type and amount of those benefits. 936

(C) Nothing in this section requires an employer to adopt 937
a policy concerning any of the matters described in division (B) 938
of this section. 939

(D) Nothing in this section affects the authority provided 940
by case law, the Revised Code, or Section 3 of Article XVIII, 941
Ohio Constitution, for a political subdivision to adopt a 942
resolution or ordinance to limit the hours an employer operates. 943

Sec. 4939.01. As used in sections 4939.01 to 4939.08 of 944
the Revised Code: 945

(A) "Accessory equipment" means any equipment used in 946
conjunction with a wireless facility or wireless support 947
structure. "Accessory equipment" includes utility or 948
transmission equipment, power storage, generation or control 949
equipment, cables, wiring, and equipment cabinets. 950

(B) "Antenna" means communications equipment that 951
transmits or receives radio frequency signals in the provision 952
of wireless service, including associated accessory equipment. 953

(C) "Cable operator," "cable service," and "franchise" 954
have the same meanings as in the "Cable Communications Policy 955
Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 522. 956

~~(B)~~ (D) "Distributed antenna system" means a network or 957
facility to which all of the following apply: 958

(1) It distributes radio frequency signals to provide 959
wireless service. 960

(2) It meets the height and size characteristics of a 961
small cell facility. 962

(3) It consists of all of the following: 963

- (a) Remote antenna nodes deployed throughout a desired coverage area; 964
965
- (b) A high-capacity signal transport medium connected to a central hub site; 966
967
- (c) Equipment located at the hub site to process or control the radio frequency signals through the antennas. 968
969
- (4) It conforms to the size limitations specified in division (N) of this section. 970
971
- (E) "Eligible facilities request" has the same meaning as in 47 U.S.C. 1455(a)(2). 972
973
- (F) "Micro wireless facility" includes both a distributed antenna system and a small cell facility, and the related wireless facilities. 974
975
976
- (G) "Micro wireless facility operator" means a public utility or cable operator that operates a micro wireless facility. 977
978
979
- (H) "Municipal electric utility" has the same meaning as in section 4928.01 of the Revised Code. 980
981
- (I) "Occupy or use" means, with respect to a public way, to place a tangible thing in a public way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator. 982
983
984
985
986
987
988
- ~~(C)~~ (J) "Person" means any natural person, corporation, or partnership and also includes any governmental entity. 989
990

~~(D)~~ (K) "Public utility" means any company described in 991
section 4905.03 of the Revised Code except in divisions (B) and 992
(I) of that section, which company also is a public utility as 993
defined in section 4905.02 of the Revised Code; and includes any 994
electric supplier as defined in section 4933.81 of the Revised 995
Code. 996

~~(E)~~ (L) "Public way" means the surface of, and the space 997
within, through, on, across, above, or below, any public street, 998
public road, public highway, public freeway, public lane, public 999
path, public alley, public court, public sidewalk, public 1000
boulevard, public parkway, public drive, and any other land 1001
dedicated or otherwise designated for a compatible public use, 1002
which, on or after July 2, 2002, is owned or controlled by a 1003
municipal corporation. "Public way" excludes a private easement. 1004

~~(F)~~ (M) "Public way fee" means a fee levied to recover the 1005
costs incurred by a municipal corporation and associated with 1006
the occupancy or use of a public way. 1007

(N) "Small cell facility" means a wireless facility that 1008
meets the requirements of division (N)(1) of this section and 1009
also division (N)(2) of this section: 1010

(1)(a) Each antenna is located inside an enclosure of not 1011
more than six cubic feet in volume or, in the case of an antenna 1012
that has exposed elements, the antenna and all of its exposed 1013
elements could fit within an enclosure of not more than six 1014
cubic feet in volume. 1015

(b) All other wireless equipment associated with the 1016
facility is cumulatively not more than twenty-eight cubic feet 1017
in volume. The calculation of equipment volume shall not include 1018
electric meters, concealment elements, telecommunications 1019

demarcation boxes, grounding equipment, power transfer switches, 1020
cut-off switches, and vertical cable runs for the connection of 1021
power and other services. 1022

(2) If the wireless facility were placed on a wireless 1023
support structure, the increased height would be not more than 1024
ten feet or the overall resulting height would be not more than 1025
fifty feet. 1026

(O) "Utility pole" means a structure that is designed for, 1027
or used for the purpose of, carrying lines, cables, or wires for 1028
electric or telecommunications service. 1029

(P) "Wireless facility" means an antenna, accessory 1030
equipment, or other wireless device or equipment used to provide 1031
wireless service. 1032

(Q) "Wireless service" means any services using licensed 1033
or unlicensed wireless spectrum, whether at a fixed location or 1034
mobile, provided using wireless facilities. 1035

(R) "Wireless support structure" means a pole, such as a 1036
monopole, either guyed or self-supporting, light pole, traffic 1037
signal, sign pole, or utility pole capable of supporting 1038
wireless facilities. As used in section 4939.031 of the Revised 1039
Code, "wireless support structure" excludes a utility pole or 1040
other facility owned or operated by a municipal electric 1041
utility. 1042

Sec. 4939.02. (A) It is the public policy of this state to 1043
do all of the following: 1044

(1) Promote the public health, safety, and welfare 1045
regarding access to and the occupancy or use of public ways, to 1046
protect public and private property, and to promote economic 1047
development in this state; 1048

(2) Promote the availability of a wide range of utility, 1049
communication, and other services to residents of this state at 1050
reasonable costs, including the rapid implementation of new 1051
technologies and innovative services; 1052

(3) Ensure that access to and occupancy or use of public 1053
ways advances the state policies specified in sections 4927.02, 1054
4928.02, and 4929.02 of the Revised Code; 1055

(4) Recognize the authority of a municipal corporation to 1056
manage access to and the occupancy or use of public ways to the 1057
extent necessary with regard to matters of local concern, and to 1058
receive cost recovery for the occupancy or use of public ways in 1059
accordance with law; 1060

(5) Ensure in accordance with law the recovery by a public 1061
utility of public way fees and related costs; 1062

(6) Promote coordination and standardization of municipal 1063
management of the occupancy or use of public ways, to enable 1064
efficient placement and operation of structures, appurtenances, 1065
or facilities necessary for the delivery of public utility or 1066
cable services; 1067

(7) Encourage agreement among parties regarding public way 1068
fees and regarding terms and conditions pertaining to access to 1069
and the occupancy or use of public ways, and to facilitate the 1070
resolution of disputes regarding public way fees; 1071

(8) Expedite the installation and operation of micro, and 1072
smaller, wireless facilities in order to facilitate the 1073
deployment of advanced wireless service throughout the state. 1074

(B) This policy establishes fair terms and conditions for 1075
the use of public ways and does not unduly burden persons 1076
occupying or using public ways or persons that benefit from the 1077

services provided by such occupants or users. 1078

Sec. 4939.03. (A) No person shall occupy or use a public 1079
way except in accordance with law. 1080

(B) In occupying or using a public way, no person shall 1081
unreasonably compromise the public health, safety, and welfare. 1082

(C) (1) No person shall occupy or use a public way without 1083
first obtaining, under this section or section 1332.24 or 1084
4939.031 of the Revised Code, any requisite consent of the 1085
municipal corporation owning or controlling the public way. 1086

(2) Except as otherwise provided in division (C) (5) of 1087
this section and sections 4939.031 and 4939.035 of the Revised 1088
Code, a municipal corporation, not later than sixty days after 1089
the date of filing by a person of a completed request for 1090
consent, shall grant or deny its consent. 1091

(3) A municipal corporation shall not unreasonably 1092
withhold or deny consent. 1093

(4) If a request by a person for consent is denied, the 1094
municipal corporation shall provide to the person in writing its 1095
reasons for denying the request and such information as the 1096
person may reasonably request to obtain consent. If a request 1097
for consent is denied for an activity described in section 1098
4939.031 of the Revised Code, the reasons required under this 1099
division shall be supported by substantial, competent evidence 1100
and the denial of consent shall not unreasonably discriminate 1101
against the entity requesting the consent. 1102

(5) Except in the case of a public utility subject to the 1103
jurisdiction and recognized on the rolls of the public utilities 1104
commission or of a cable operator possessing a valid franchise 1105
awarded pursuant to the "Cable Communications Policy Act of 1106

1984," 98 Stat. 2779, 47 U.S.C.A. 541, a municipal corporation, 1107
for good cause shown, may withhold, deny, or delay its consent 1108
to any person based upon the person's failure to possess the 1109
financial, technical, and managerial resources necessary to 1110
protect the public health, safety, and welfare. 1111

(6) Initial consent for occupancy or use of a public way 1112
shall be conclusively presumed for all lines, poles, pipes, 1113
conduits, ducts, equipment, or other appurtenances, structures, 1114
or facilities of a public utility or cable operator that, ~~on the~~ 1115
~~effective date of this section~~ July 2, 2002, lawfully so occupy 1116
or use a public way. However, such presumed consent does not 1117
relieve the public utility or cable operator of compliance with 1118
any law related to the ongoing occupancy or use of a public way. 1119

Sec. 4939.031. (A) A municipal corporation, not later than 1120
ninety days after the date of filing by an entity of a completed 1121
request for consent for any of the following, to be done in a 1122
public way, shall, subject to sections 4939.03, 4939.033 to 1123
4939.037, and 4939.0313 to 4939.0319 of the Revised Code, grant 1124
or deny its consent: 1125

(1) Attaching micro wireless facilities to a wireless 1126
support structure; 1127

(2) Locating two or more wireless service providers' micro 1128
wireless facilities on the same wireless support structure; 1129

(3) Replacing or modifying a micro wireless facility on a 1130
wireless support structure; 1131

(4) Constructing, modifying, or replacing a wireless 1132
support structure associated with a micro wireless facility. 1133

(B) Except as provided in this chapter as well as any 1134
franchise, pole attachment, or other agreements between a 1135

municipal corporation and a cable operator or public utility, a 1136
municipal corporation shall not require any zoning or other 1137
approval, consent, permit, certificate, or condition for the 1138
construction, replacement, location, attachment, or operation of 1139
a micro wireless facility, or otherwise prohibit or restrain the 1140
activities as described in this section. 1141

Sec. 4939.032. A micro wireless facility operator may 1142
construct and operate the facility in a public way, subject to 1143
this chapter. 1144

Sec. 4939.033. A request for consent under section 1145
4939.031 of the Revised Code shall be deemed a permitted use and 1146
shall be exempt from local zoning review. 1147

Sec. 4939.035. (A) The ninety-day time period required in 1148
section 4939.031 of the Revised Code may be tolled only: 1149

(1) By mutual agreement between the entity requesting 1150
consent and the municipal corporation; 1151

(2) In cases where the municipal corporation determines 1152
that the application is incomplete; or 1153

(3) By the municipal corporation in the event it has an 1154
extraordinary number of wireless facilities contained in pending 1155
requests, in which case the municipal corporation may toll the 1156
ninety-day period for a reasonable amount of days not exceeding 1157
an additional ninety days. 1158

(B) To toll the time period for incompleteness, the 1159
municipal corporation shall provide written notice to the entity 1160
requesting consent not later than thirty days after receiving 1161
the request, clearly and specifically delineating all missing 1162
documents or information. The missing documents or information 1163
shall be reasonably related to determining whether the request 1164

meets the requirements of applicable federal and state law. Any 1165
notice of incompleteness requiring other information or 1166
documentation, including information of the type described in 1167
section 4939.0315 of the Revised Code or documentation intended 1168
to illustrate the need for the request or to justify the 1169
business decision for the request, does not toll the time 1170
period. 1171

(C) The time period begins running again when the entity 1172
makes a supplemental submission in response to the municipal 1173
corporation's notice of incompleteness. 1174

(D) If a supplemental submission is inadequate, the 1175
municipal corporation shall notify the entity not later than ten 1176
days after receiving the supplemental submission that the 1177
supplemental submission did not provide the information 1178
identified in the original notice delineating missing documents 1179
or information. The time period may be tolled in the case of 1180
second or subsequent notices under the procedures identified in 1181
divisions (A) to (C) of this section. Second or subsequent 1182
notices of incompleteness may not specify missing documents or 1183
information that were not delineated in the original notice of 1184
incompleteness. 1185

Sec. 4939.037. If a municipal corporation fails to approve 1186
a request for consent under section 4939.031 of the Revised Code 1187
or a request for a relevant construction permit within the 1188
required time period, provided the time period is not tolled 1189
under section 4939.035 of the Revised Code, the request shall be 1190
deemed granted upon the requesting entity providing notice to 1191
the municipal corporation that the time period for acting on the 1192
request has lapsed. 1193

Sec. 4939.038. Nothing in this chapter precludes a 1194

municipal corporation from applying its generally applicable 1195
health, safety, and welfare regulations when granting consent 1196
for a micro wireless facility. 1197

Sec. 4939.039. Notwithstanding sections 4939.031 to 1198
4939.037 of the Revised Code, a municipal corporation shall 1199
approve within sixty days, and may not deny, an eligible 1200
facilities request under 47 C.F.R. 1.40001. 1201

Sec. 4939.0311. (A) Consent shall not be required for 1202
either of the following activities conducted in the public way: 1203

(1) Routine maintenance of wireless facilities; 1204

(2) The replacement of wireless facilities with wireless 1205
facilities that are either of the following: 1206

(a) Substantially similar to the existing wireless 1207
facilities; 1208

(b) The same size or smaller than the existing wireless 1209
facilities. 1210

(B) A municipal corporation may require a work permit for 1211
an activity described in division (A) of this section. Any such 1212
permit shall be subject to any applicable law in this chapter. 1213

Sec. 4939.0313. (A) An entity seeking to construct, 1214
modify, or replace more than one micro wireless facility within 1215
the jurisdiction of a single municipal corporation may file, at 1216
the entity's discretion, a consolidated request for consent 1217
under division (A) (4) of section 4939.031 of the Revised Code 1218
and receive a single permit for the construction, modification, 1219
or replacement of the micro wireless facilities or associated 1220
wireless support structures. 1221

(B) In the case of a consolidated request, the fees 1222

provided for in section 4927.0319 of the Revised Code may be 1223
cumulative. 1224

Sec. 4939.0315. With respect to the provision of any micro 1225
wireless facility, a municipal corporation shall not do any of 1226
the following: 1227

(A) Require the requestor to submit information about, or 1228
evaluate a requestor's business decisions with respect to, the 1229
requestor's service, customer demand, or quality of service to 1230
or from a particular area or site; 1231

(B) Require the requestor to submit information about the 1232
need for the micro wireless facility or the associated wireless 1233
support structure, including additional wireless coverage, 1234
capacity, or increased speeds; 1235

(C) Require the requestor to justify the need for the new 1236
micro wireless facility or associated wireless support 1237
structure, or to submit business information, including strategy 1238
documents, propagation maps, or telecommunications traffic 1239
studies; 1240

(D) Evaluate the request based on the availability of 1241
other potential locations for the placement of the micro 1242
wireless facility or associated wireless support structure, 1243
including the options to submit a request under division (A)(1) 1244
or (2) of section 4939.031 of the Revised Code or under division 1245
(A)(4) of that section to modify an existing micro wireless 1246
facility or associated wireless support structure except that a 1247
municipal corporation may propose an alternate location within 1248
fifty feet of the proposed location, which the requestor shall 1249
use if it has the right to use the alternate structure on 1250
reasonable terms and conditions and the alternate location does 1251

<u>not impose technical limits or additional costs;</u>	1252
<u>(E) Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of the request. This division shall not preclude a municipal corporation from adopting reasonable rules intended to ensure the public health, safety, and welfare with respect to the removal of an abandoned wireless support structure or abandoned wireless facilities.</u>	1253
	1254
	1255
	1256
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	1259
<u>(F) Impose restrictions with respect to objects in navigable airspace that are stricter than or in conflict with any restrictions imposed by the federal aviation administration;</u>	1260
	1261
	1262
<u>(G) Impose requirements for bonds, escrow deposits, letters of credit, or any other type of financial surety to ensure removal of abandoned or unused wireless facilities, unless the municipal corporation imposes similar requirements on other permits for occupancy of the public way;</u>	1263
	1264
	1265
	1266
	1267
<u>(H) Unreasonably discriminate among providers of functionally equivalent services;</u>	1268
	1269
<u>(I) Impose unreasonable requirements regarding the maintenance or appearance of the micro wireless facility or associated wireless support structure and accessory equipment, including the types of materials to be used and the screening or landscaping of wireless facilities;</u>	1270
	1271
	1272
	1273
	1274
<u>(J) Require that the requestor purchase, lease, or use facilities, networks, or services owned or operated by the municipal corporation, in whole or in part, or owned or operated, in whole or in part, by any entity in which the municipal corporation has an economic governance interest;</u>	1275
	1276
	1277
	1278
	1279
<u>(K) Condition the grant of consent on the requestor's</u>	1280

agreement to permit other wireless facilities to be placed at, 1281
attached to, or located on the associated wireless support 1282
structure; 1283

(L) Limit the duration of any permit that is granted, 1284
except that a municipal corporation may require that 1285
construction commence within two years; 1286

(M) Impose setback or fall-zone requirements for the 1287
associated wireless support structure that are different from 1288
requirements imposed on other types of structures in the public 1289
way; 1290

(N) Impose environmental testing, sampling, or monitoring 1291
requirements that exceed federal law or that are not imposed on 1292
other types of construction or elements of the construction; 1293

(O) Impose any regulations pertaining to radio frequency 1294
emissions or exposure to such emissions that are contrary to or 1295
exceed rules of the federal communications commission; 1296

(P) Impose separation requirements that require any space 1297
to be maintained between wireless facilities or wireless support 1298
structures; 1299

(Q) Prevent the requestor from locating the micro wireless 1300
facility or wireless support structure in a residential area or 1301
within a specific distance from a residence or other structure. 1302

Sec. 4939.0317. No municipal corporation may institute a 1303
moratorium on the filing, acceptance of filings, consideration, 1304
or approval of requests for consent described in section 1305
4939.031 of the Revised Code. 1306

Sec. 4939.0319. Any fee charged by a municipal corporation 1307
for a request for consent under section 4939.031 of the Revised 1308

Code shall not exceed the lesser of two hundred fifty dollars 1309
per micro wireless facility or the amount charged by the 1310
municipal corporation for a building permit for any other type 1311
of commercial development or land use development. 1312

Sec. 4939.0321. No municipal corporation shall have or 1313
exercise any jurisdiction, authority, or control over the 1314
design, engineering, construction, installation, or operation of 1315
any micro wireless facility located in an interior structure not 1316
owned or controlled by the municipal corporation. 1317

Sec. 4939.0325. (A) A municipal corporation shall permit, 1318
for the purpose of providing wireless service, an attachment by 1319
a micro wireless facility operator to a wireless support 1320
structure owned or operated by the municipal corporation and 1321
located in the public way. 1322

(B) (1) The total annual charges and fees for the 1323
attachment and any activities related to the attachment shall be 1324
the lesser of the actual, direct, and reasonable costs related 1325
to the use of the wireless support structure by the operator or 1326
two hundred dollars per attachment. 1327

(2) In any controversy concerning the appropriateness of a 1328
charge or fee under this section, the municipal corporation 1329
shall have the burden of proving that the charge or fee is 1330
reasonably related to its actual, direct, and reasonable costs. 1331

(C) The charges, fees, terms, and conditions for 1332
attachments under this section, including the processes and time 1333
for approval of applications and permits for the attachments, 1334
shall be nondiscriminatory as to all attaching operators 1335
regardless of the types of services provided by the operators. 1336

(D) Nothing in this chapter affects the need for an entity 1337

seeking to place a micro wireless facility on a public-utility 1338
owned utility pole to obtain from the public utility any 1339
necessary authority to place the facility. 1340

Sec. 4939.0327. A municipal corporation shall not enter 1341
into an exclusive arrangement with any entity for the right to 1342
attach to the municipal corporation's wireless support 1343
structures. 1344

Sec. 4939.08. (A) Nothing in sections 4939.01 to 4939.07 1345
of the Revised Code applies to a franchise or to any agreement 1346
with a public utility ~~or,~~ cable operator, or micro wireless 1347
facility operator, for the balance of its term, if the franchise 1348
or agreement meets all of the following, as applicable: 1349

(1) ~~The~~ (a) With respect to a public utility or cable 1350
operator, the franchise was granted, or the agreement was 1351
authorized by ordinance or otherwise and was entered into, by a 1352
municipal corporation prior to ~~the effective date of this~~ 1353
~~section~~ July 2, 2002. 1354

(b) With respect to a micro wireless facility operator, 1355
the agreement was authorized by ordinance or otherwise and was 1356
entered into by a municipal corporation and the micro wireless 1357
facility operator prior to the effective date of the amendments 1358
to this section by S.B. 331 of the 131st general assembly. 1359

(2) The franchise or agreement authorizes the occupation 1360
or use of public ways. 1361

(3) The public utility or micro wireless facility operator 1362
agrees with the applicable public way fees, or nonmonetary 1363
compensation, if any, or the cable operator pays the applicable 1364
fee or utilizes the credit, offset, or deduction specified in 1365
division (B) (4) of section 4939.05 of the Revised Code. 1366

(B) (1) Except as otherwise provided in division (A) of 1367
section 4939.06 of the Revised Code, nothing in sections 4939.01 1368
to 4939.07 of the Revised Code applies to an ordinance both 1369
governing public ways and enacted by a municipal corporation 1370
prior to September 29, 1999, unless, on or after that date, the 1371
ordinance is materially modified. 1372

(2) Division (B) (1) of this section does not apply to 1373
micro wireless facility operators and their facilities. 1374

(C) Nothing in sections 4939.01 to 4939.07 of the Revised 1375
Code authorizes a municipal corporation to levy a fee, other 1376
than a public way fee authorized by section 4939.05 of the 1377
Revised Code, on a pipeline company or an operator of a pipeline 1378
facility regulated under the "Accountable Pipeline Safety and 1379
Partnership Act of 1996," 110 Stat. 3793, 49 U.S.C.A. 60101, or 1380
on an operating partner or affiliated business unit operating 1381
under guidelines of the federal energy regulatory commission as 1382
they relate to the construction and operation of a pipeline. 1383

(D) Nothing in sections 4939.01 to 4939.07 and this 1384
section of the Revised Code prohibits a municipal corporation 1385
from doing either of the following: 1386

(1) Charging a cable operator a franchise fee in 1387
accordance with the "Cable Communications Policy Act of 1984," 1388
98 Stat. 2779, 47 U.S.C.A. 542; 1389

(2) Allowing a credit, offset, or deduction against the 1390
payment of a construction permit fee for any franchise fee a 1391
cable operator pays to the municipal corporation. 1392

Section 2. That existing sections 956.01, 956.03, 956.04, 1393
956.12, 956.13, 956.14, 956.15, 956.18, 959.15, 959.99, 1717.06, 1394
4111.02, 4939.01, 4939.02, 4939.03, and 4939.08 of the Revised 1395

Code are hereby repealed.				1396
Section 3. That Section 211.10 of Am. Sub. H.B. 64 of the				1397
131st General Assembly be amended to read as follows:				1398
Sec. 211.10. AGR DEPARTMENT OF AGRICULTURE				1399
General Revenue Fund				1400
GRF 700401 Animal Health Programs	\$ 3,686,687	\$ 3,686,687		1401
GRF 700403 Dairy Division	\$ 1,163,115	\$ 1,163,115		1402
GRF 700404 Ohio Proud	\$ 50,000	\$ 50,000		1403
GRF 700406 Consumer Protection	\$ 1,287,556	\$ 1,287,556		1404
Lab				1405
GRF 700407 Food Safety	\$ 1,287,556	\$ 1,287,556		1406
GRF 700409 Farmland Preservation	\$ 72,750	\$ 72,750		1407
GRF 700410 Plant Industry	\$ 150,000	\$ 150,000		1408
GRF 700412 Weights and Measures	\$ 600,000	\$ 600,000		1409
GRF 700415 Poultry Inspection	\$ 592,978	\$ 592,978		1410
GRF 700418 Livestock Regulation	\$ 1,108,071	\$ 1,108,071		1411
Program				1412
GRF 700424 Livestock Testing and	\$ 92,493	\$ 92,493		1413
Inspections				1414
GRF 700426 Dangerous and	\$ 800,000	\$ 800,000		1415
Restricted Animals				1416
GRF 700427 High Volume Breeder	\$ 350,000	\$ 350,000		1417
Kennel Control		<u>1,364,700</u>		1418

GRF	700428	Soil and Water	\$ 1,807,700	\$ 3,619,000	1419
		Division			1420
GRF	700499	Meat Inspection	\$ 4,425,097	\$ 4,425,097	1421
		Program - State Share			1422
GRF	700501	County Agricultural	\$ 391,415	\$ 391,415	1423
		Societies			1424
GRF	700509	Soil and Water	\$ 0	\$ 3,250,000	1425
		District Support			1426
TOTAL GRF	General Revenue Fund		\$ 17,865,418	\$ 22,926,718	1427
				<u>23,941,418</u>	1428
		Dedicated Purpose Fund Group			1429
4900	700651	License Plates -	\$ 7,000	\$ 7,000	1430
		Sustainable Agriculture			1431
4940	700612	Agricultural Commodity	\$ 213,000	\$ 213,000	1432
		Marketing Program			1433
4960	700626	Ohio Grape Industries	\$ 970,000	\$ 970,000	1434
4970	700627	Grain Warehouse	\$ 332,672	\$ 332,672	1435
		Program			1436
4C90	700605	Commercial Feed and	\$ 1,760,000	\$ 1,760,000	1437
		Seed			1438
4D20	700609	Auction Education	\$ 35,000	\$ 35,000	1439
4E40	700606	Utility Radiological	\$ 125,000	\$ 125,000	1440
		Safety			1441

4P70	700610	Food Safety Inspection	\$ 957,328	\$ 957,328	1442
4R00	700636	Ohio Proud Marketing	\$ 35,500	\$ 35,500	1443
4R20	700637	Dairy Industry	\$ 1,658,247	\$ 1,658,247	1444
		Inspection			1445
4T60	700611	Poultry and Meat	\$ 120,000	\$ 120,000	1446
		Inspection			1447
5780	700620	Ride Inspection	\$ 1,215,142	\$ 1,215,142	1448
5880	700633	Brand Registration	\$ 5,000	\$ 5,000	1449
5B80	700629	Auctioneers	\$ 340,000	\$ 340,000	1450
5BV0	700660	Heidelberg Water	\$ 125,000	\$ 250,000	1451
		Quality Lab			1452
5BV0	700661	Soil and Water	\$ 4,000,000	\$ 8,000,000	1453
		Districts			1454
5CP0	700652	License Plate	\$ 10,000	\$ 10,000	1455
		Scholarships			1456
5FC0	700648	Plant Pest Program	\$ 1,190,000	\$ 1,190,000	1457
5H20	700608	Metrology Lab and	\$ 552,000	\$ 552,000	1458
		Scale Certification			1459
5L80	700604	Livestock Management	\$ 135,000	\$ 135,000	1460
		Program			1461
5MA0	700657	Dangerous and	\$ 50,000	\$ 50,000	1462
		Restricted Animals			1463

5MR0	700658	High Volume Breeders	\$ 174,000	\$ 174,000	1464
		and Kennels			1465
5QW0	700653	Watershed Assistance	\$ 557,500	\$ 515,000	1466
6520	700634	Animal, Consumer,	\$ 4,966,383	\$ 4,966,383	1467
		and ATL Labs			1468
6690	700635	Pesticide, Fertilizer,	\$ 4,418,041	\$ 4,418,041	1469
		and Lime Inspection			1470
		Program			1471
TOTAL DPF Dedicated Purpose			\$ 23,951,813	\$ 28,034,313	1472
Fund Group					1473
Internal Service Activity Fund Group					1474
5DA0	700644	Laboratory	\$ 1,164,000	\$ 1,164,000	1475
		Administration Support			1476
5GH0	700655	Administrative Support	\$ 4,404,073	\$ 4,404,073	1477
TOTAL ISA Internal Service Activity			\$ 5,568,073	\$ 5,568,073	1478
Fund Group					1479
Capital Projects Fund Group					1480
7057	700632	Clean Ohio	\$ 310,000	\$ 310,000	1481
		Agricultural			1482
		Easement Operating			1483
TOTAL CPF Capital Projects Fund Group			\$ 310,000	\$ 310,000	1484
Federal Fund Group					1485

3260	700618	Meat Inspection	\$ 4,450,000	\$ 4,450,000	1486
		Program			1487
		- Federal Share			1488
3360	700617	Ohio Farm Loan -	\$ 101,000	\$ 101,000	1489
		Revolving			1490
3820	700601	Federal Cooperative	\$ 4,827,900	\$ 5,131,500	1491
		Contracts			1492
3AB0	700641	Agricultural Easement	\$ 150,000	\$ 150,000	1493
3J40	700607	Federal Administrative	\$ 1,200,000	\$ 1,200,000	1494
		Programs			1495
3R20	700614	Federal Plant Industry	\$ 6,000,000	\$ 6,000,000	1496
TOTAL FED	Federal Fund Group		\$ 16,728,900	\$ 17,032,500	1497
TOTAL ALL BUDGET FUND GROUPS			\$ 64,424,204	\$ 73,871,604	1498
				<u>74,886,304</u>	1499
		DANGEROUS AND RESTRICTED WILD ANIMALS			1500
		The foregoing appropriation item 700426, Dangerous and			1501
		Restricted Animals, shall be used to administer the Dangerous			1502
		and Restricted Wild Animal Permitting Program.			1503
		COUNTY AGRICULTURAL SOCIETIES			1504
		The foregoing appropriation item 700501, County			1505
		Agricultural Societies, shall be used to reimburse county and			1506
		independent agricultural societies for expenses related to			1507
		Junior Fair activities.			1508
		SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE			1509

ERIE BASIN 1510

Of the foregoing appropriation item 700509, Soil and Water 1511
District Support, \$350,000 in fiscal year 2017 shall be used by 1512
the Department of Agriculture for a program to support soil and 1513
water conservation districts in the Western Lake Erie Basin to 1514
comply with provisions of Sub. S.B. 1 of the 131st General 1515
Assembly. The Department shall approve a soil and water 1516
district's application for funding under the program if the 1517
application demonstrates that funding will be used for, but not 1518
limited to, providing technical assistance, developing 1519
applicable nutrient or manure management plans, hiring and 1520
training of soil and water conservation district staff on best 1521
conservation practices, or other activities the Director 1522
determines is appropriate to assist farmers in the Western Lake 1523
Erie Basin in complying with the provisions of Sub. S.B. 1 of 1524
the 131st General Assembly. 1525

SOIL AND WATER DISTRICTS 1526

In addition to state payments to soil and water 1527
conservation districts authorized by section 940.08 of the 1528
Revised Code, the Department of Agriculture may use 1529
appropriation item 700661, Soil and Water Districts, to pay any 1530
soil and water conservation district an annual amount not to 1531
exceed \$40,000 upon receipt of a request and justification from 1532
the district and approval by the Ohio Soil and Water 1533
Conservation Commission. The county auditor shall credit the 1534
payments to the special fund established under section 940.08 of 1535
the Revised Code for the local soil and water conservation 1536
district. Moneys received by each district shall be expended for 1537
the purposes of the district. 1538

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 1539

The foregoing appropriation item 700632, Clean Ohio
Agricultural Easement Operating, shall be used by the Department
of Agriculture in administering Ohio Agricultural Easement Fund
(Fund 7057) projects pursuant to sections 901.21, 901.22, and
5301.67 to 5301.70 of the Revised Code.

Section 4. That existing Section 211.10 of Am. Sub. H.B.
64 of the 131st General Assembly is hereby repealed.

Section 5. Section 4113.85 of the Revised Code, as enacted
by this act, is enacted pursuant to the General Assembly's
exclusive authority under Section 34 of Article II, Ohio
Constitution, to fix and regulate the hours of labor and provide
for the comfort, health, safety, and general welfare of
employees. The General Assembly finds that the regulation of the
employment relationship between an employer and the employer's
employees as it pertains to hours of labor and fringe benefits
is a matter of statewide concern that requires uniform statewide
regulation. Many employers in this state operate in multiple
political subdivisions. Consequently, the General Assembly finds
that permitting individual political subdivisions to enact their
own requirements for private employers concerning hours of labor
and fringe benefits creates additional and unnecessary costs on
employers, diminishes employers' flexibility to respond to
changing economic conditions, adversely affects employees' job
flexibility, impairs economic growth, and impedes employers'
ability to operate competitively both in Ohio and elsewhere. By
enacting section 4113.85 of the Revised Code, it is the intent
of the General Assembly to exclusively regulate the hours of
labor and fringe benefits arising from the employer-employee
relationship.

Section 6. If any item of law that constitutes the whole

or part of a codified or uncodified section of law contained in 1570
this act, or if any application of any item of law that 1571
constitutes the whole or part of a codified or uncodified 1572
section of law contained in this act, is held invalid, the 1573
invalidity does not affect other items of law or applications of 1574
items of law that can be given effect without the invalid item 1575
of law or application. To this end, the items of law of which 1576
the codified and uncodified sections of law contained in this 1577
act are composed, and their applications, are independent and 1578
severable. 1579