

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 269

Representative Henne

Cosponsors: Representatives Brinkman, Schuring, Butler, Lipps, Hambley, Green, Scherer, Brenner, Retherford, Romanchuk, Riedel, Becker, Dean, Seitz, Rezabek, Ginter, Keller, Patton, McColley, Schaffer, Kick, Huffman, Stein, Thompson, Smith, R.

A BILL

To amend sections 9.239, 9.315, 101.532, 102.02, 102.06, 103.143, 109.579, 109.84, 109.981, 119.01, 119.12, 121.03, 121.52, 123.01, 124.11, 124.14, 125.18, 125.30, 126.30, 126.45, 133.03, 149.01, 151.01, 152.091, 152.16, 152.17, 152.242, 152.26, 152.27, 153.02, 153.03, 154.13, 164.09, 165.08, 166.08, 175.10, 191.02, 306.09, 306.85, 307.02, 351.11, 353.16, 715.011, 742.38, 902.10, 1545.27, 1555.08, 1557.03, 1561.04, 1561.24, 1701.86, 1707.01, 1707.164, 1707.165, 1707.17, 1707.19, 1707.22, 1707.23, 1707.25, 1707.261, 1707.431, 1707.44, 1707.46, 1729.55, 2111.03, 2305.24, 2305.25, 2305.252, 2705.05, 2743.521, 2913.48, 3121.01, 3121.0311, 3121.899, 3313.643, 3318.26, 3335.61, 3345.12, 3355.10, 3366.04, 3377.11, 3517.13, 3701.27, 3701.741, 3706.14, 3737.947, 3781.10, 3781.16, 3783.02, 3796.28, 3798.01, 4101.15, 4101.16, 4112.31, 4113.21, 4113.23, 4115.32, 4117.10, 4121.01, 4121.03, 4121.08, 4121.11, 4121.12, 4121.121, 4121.122, 4121.123, 4121.125, 4121.126,

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| 5531.10, 5537.08, 5540.06, 5703.21, 6121.15, and | 66 |
| 6123.15 and to enact sections 4121.124 and | 67 |
| 4123.561 of the Revised Code to rename the | 68 |
| entities who carry out workers' compensation | 69 |
| functions in this state, to require the | 70 |
| Administrator of Worker Safety and | 71 |
| Rehabilitation to develop incentives for | 72 |
| employers to participate in safety consultations | 73 |
| and loss prevention programs, to require an | 74 |
| employee who is receiving temporary total | 75 |
| disability compensation to comply with a return | 76 |
| to work plan, and to make changes with respect | 77 |
| to compensation for permanent total disability | 78 |
| and death benefits. | 79 |

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

Section 1. That sections 9.239, 9.315, 101.532, 102.02, 80

102.06, 103.143, 109.579, 109.84, 109.981, 119.01, 119.12, 81
121.03, 121.52, 123.01, 124.11, 124.14, 125.18, 125.30, 126.30, 82
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5528.54, 5531.10, 5537.08, 5540.06, 5703.21, 6121.15, and 128
6123.15 be amended and sections 4121.124 and 4123.561 of the 129
Revised Code be enacted to read as follows: 130

Sec. 9.239. (A) There is hereby created the government 131
contracting advisory council. The attorney general and auditor 132
of state shall consult with the council on the performance of 133
their rule-making functions under sections 9.237 and 9.238 of 134
the Revised Code and shall consider any recommendations of the 135
council. The medicaid director shall annually report to the 136
council the cost methodology of the medicaid-funded services 137
described in division (A) (3) (d) of section 9.231 of the Revised 138
Code. The council shall consist of the following members or 139
their designees: 140

(1) The attorney general; 141

(2) The auditor of state; 142

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| (3) The director of administrative services; | 143 |
| (4) The director of aging; | 144 |
| (5) The medicaid director; | 145 |
| (6) The director of budget and management; | 146 |
| (7) The director of development services; | 147 |
| (8) The director of job and family services; | 148 |
| (9) The director of mental health and addiction services; | 149 |
| (10) The director of developmental disabilities; | 150 |
| (11) The director of rehabilitation and correction; | 151 |
| (12) The administrator of workers' compensation <u>worker</u> <u>safety and rehabilitation</u> ; | 152 153 |
| (13) The executive director of the county commissioners' association of Ohio; | 154 155 |
| (14) The president of the Ohio grantmakers forum; | 156 |
| (15) The president of the Ohio chamber of commerce; | 157 |
| (16) The president of the Ohio state bar association; | 158 |
| (17) The president of the Ohio society of certified public accountants; | 159 160 |
| (18) The executive director of the Ohio association of nonprofit organizations; | 161 162 |
| (19) The president of the Ohio united way; | 163 |
| (20) One additional member appointed by the attorney general; | 164 165 |
| (21) One additional member appointed by the auditor of | 166 |

state. 167

(B) If an agency or organization represented on the 168
council ceases to exist in the form it has on September 29, 169
2005, the successor agency or organization shall be represented 170
in its place. If there is no successor agency or organization, 171
or if it is not clear what agency or organization is the 172
successor, the attorney general shall designate an agency or 173
organization to be represented in place of the agency or 174
organization originally represented on the council. 175

(C) The two members appointed to the council shall serve 176
three-year terms. Original appointments shall be made not later 177
than sixty days after September 29, 2005. Vacancies on the 178
council shall be filled in the same manner as the original 179
appointment. 180

(D) The attorney general or the attorney general's 181
designee shall be the chairperson of the council. The council 182
shall meet at least once every two years to review the rules 183
adopted under sections 9.237 and 9.238 of the Revised Code and 184
to make recommendations to the attorney general and auditor of 185
state regarding the adoption, amendment, or repeal of those 186
rules. The council shall also meet at other times as requested 187
by the attorney general or auditor of state. 188

(E) Members of the council shall serve without 189
compensation or reimbursement. 190

(F) The office of the attorney general shall provide 191
necessary staff, facilities, supplies, and services to the 192
council. 193

(G) Sections 101.82 to 101.87 of the Revised Code do not 194
apply to the council. 195

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| Sec. 9.315. (A) As used in sections 9.315 and 9.316 of the | 196 |
| Revised Code: | 197 |
| (1) "Public authority" means the state or a county, | 198 |
| township, municipal corporation, school district, or other | 199 |
| political subdivision of the state, or any public agency, | 200 |
| authority, board, commission, instrumentality, or special | 201 |
| district of the state or of a county, township, municipal | 202 |
| corporation, school district, or other political subdivision of | 203 |
| the state. | 204 |
| (2) "Self-insured public authority" means a public | 205 |
| authority that has been granted the privilege to self-insure a | 206 |
| construction project against workers' compensation liability by | 207 |
| the administrator of workers' compensation <u>worker safety and</u> | 208 |
| <u>rehabilitation</u> pursuant to division (O) of section 4123.35 of | 209 |
| the Revised Code. | 210 |
| (B) No officer, employee, or other agent of a public | 211 |
| authority, in issuing an invitation for bids or a request for | 212 |
| proposals for a contract with the public authority for the | 213 |
| rendering of services or the supplying of materials, or for the | 214 |
| construction, demolition, alteration, repair, or reconstruction | 215 |
| of any public building, structure, highway, or other | 216 |
| improvement, shall, directly or indirectly, require that any bid | 217 |
| bond, performance bond, payment bond, or other bond, or any | 218 |
| insurance policy, required under the contract be furnished by or | 219 |
| acquired from a particular surety or insurance company or a | 220 |
| particular agent or broker. | 221 |
| (C) Division <u>Division</u> (B) of this section does not apply to | 222 |
| any insurance policy entered into by a self-insured public | 223 |
| authority in connection with a contract otherwise subject to | 224 |
| this section. This division does not exempt any bid bond, | 225 |

performance bond, payment bond, or other bond from the 226
appropriate application of division (B) of this section. 227

Sec. 101.532. The main operating appropriations bill shall 228
not contain appropriations for the industrial commission or the 229
~~bureau of workers' compensation~~ office of worker safety and 230
rehabilitation. Appropriations for the ~~bureau office~~ shall be 231
enacted in one bill, and appropriations for the industrial 232
commission shall be enacted in a separate bill. 233

Sec. 102.02. (A) (1) Except as otherwise provided in 234
division (H) of this section, all of the following shall file 235
with the appropriate ethics commission the disclosure statement 236
described in this division on a form prescribed by the 237
appropriate commission: every person who is elected to or is a 238
candidate for a state, county, or city office and every person 239
who is appointed to fill a vacancy for an unexpired term in such 240
an elective office; all members of the state board of education; 241
the director, assistant directors, deputy directors, division 242
chiefs, or persons of equivalent rank of any administrative 243
department of the state; the president or other chief 244
administrative officer of every state institution of higher 245
education as defined in section 3345.011 of the Revised Code; 246
the executive director and the members of the capitol square 247
review and advisory board appointed or employed pursuant to 248
section 105.41 of the Revised Code; all members of the Ohio 249
casino control commission, the executive director of the 250
commission, all professional employees of the commission, and 251
all technical employees of the commission who perform an 252
internal audit function; the individuals set forth in division 253
(B) (2) of section 187.03 of the Revised Code; the chief 254
executive officer and the members of the board of each state 255
retirement system; each employee of a state retirement board who 256

is a state retirement system investment officer licensed 257
pursuant to section 1707.163 of the Revised Code; the members of 258
the Ohio retirement study council appointed pursuant to division 259
(C) of section 171.01 of the Revised Code; employees of the Ohio 260
retirement study council, other than employees who perform 261
purely administrative or clerical functions; the administrator 262
of ~~workers' compensation~~ worker safety and rehabilitation and 263
each member of the ~~bureau of workers' compensation~~ office of 264
worker safety and rehabilitation board of directors; the ~~bureau-~~ 265
~~of workers' compensation~~ office of worker safety and 266
rehabilitation director of investments; the worker safety and 267
rehabilitation chief investment officer ~~of the bureau of~~ 268
~~workers' compensation~~; all members of the board of commissioners 269
on grievances and discipline of the supreme court and the ethics 270
commission created under section 102.05 of the Revised Code; 271
every business manager, treasurer, or superintendent of a city, 272
local, exempted village, joint vocational, or cooperative 273
education school district or an educational service center; 274
every person who is elected to or is a candidate for the office 275
of member of a board of education of a city, local, exempted 276
village, joint vocational, or cooperative education school 277
district or of a governing board of an educational service 278
center that has a total student count of twelve thousand or more 279
as most recently determined by the department of education 280
pursuant to section 3317.03 of the Revised Code; every person 281
who is appointed to the board of education of a municipal school 282
district pursuant to division (B) or (F) of section 3311.71 of 283
the Revised Code; all members of the board of directors of a 284
sanitary district that is established under Chapter 6115. of the 285
Revised Code and organized wholly for the purpose of providing a 286
water supply for domestic, municipal, and public use, and that 287
includes two municipal corporations in two counties; every 288

public official or employee who is paid a salary or wage in 289
accordance with schedule C of section 124.15 or schedule E-2 of 290
section 124.152 of the Revised Code; members of the board of 291
trustees and the executive director of the southern Ohio 292
agricultural and community development foundation; all members 293
appointed to the Ohio livestock care standards board under 294
section 904.02 of the Revised Code; all entrepreneurs in 295
residence assigned by the LeanOhio office in the department of 296
administrative services under section 125.65 of the Revised Code 297
and every other public official or employee who is designated by 298
the appropriate ethics commission pursuant to division (B) of 299
this section. 300

(2) The disclosure statement shall include all of the 301
following: 302

(a) The name of the person filing the statement and each 303
member of the person's immediate family and all names under 304
which the person or members of the person's immediate family do 305
business; 306

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 307
this section and except as otherwise provided in section 102.022 308
of the Revised Code, identification of every source of income, 309
other than income from a legislative agent identified in 310
division (A) (2) (b) (ii) of this section, received during the 311
preceding calendar year, in the person's own name or by any 312
other person for the person's use or benefit, by the person 313
filing the statement, and a brief description of the nature of 314
the services for which the income was received. If the person 315
filing the statement is a member of the general assembly, the 316
statement shall identify the amount of every source of income 317
received in accordance with the following ranges of amounts: 318

zero or more, but less than one thousand dollars; one thousand 319
dollars or more, but less than ten thousand dollars; ten 320
thousand dollars or more, but less than twenty-five thousand 321
dollars; twenty-five thousand dollars or more, but less than 322
fifty thousand dollars; fifty thousand dollars or more, but less 323
than one hundred thousand dollars; and one hundred thousand 324
dollars or more. Division (A) (2) (b) (i) of this section shall not 325
be construed to require a person filing the statement who 326
derives income from a business or profession to disclose the 327
individual items of income that constitute the gross income of 328
that business or profession, except for those individual items 329
of income that are attributable to the person's or, if the 330
income is shared with the person, the partner's, solicitation of 331
services or goods or performance, arrangement, or facilitation 332
of services or provision of goods on behalf of the business or 333
profession of clients, including corporate clients, who are 334
legislative agents. A person who files the statement under this 335
section shall disclose the identity of and the amount of income 336
received from a person who the public official or employee knows 337
or has reason to know is doing or seeking to do business of any 338
kind with the public official's or employee's agency. 339

(ii) If the person filing the statement is a member of the 340
general assembly, the statement shall identify every source of 341
income and the amount of that income that was received from a 342
legislative agent during the preceding calendar year, in the 343
person's own name or by any other person for the person's use or 344
benefit, by the person filing the statement, and a brief 345
description of the nature of the services for which the income 346
was received. Division (A) (2) (b) (ii) of this section requires 347
the disclosure of clients of attorneys or persons licensed under 348
section 4732.12 of the Revised Code, or patients of persons 349

certified under section 4731.14 of the Revised Code, if those 350
clients or patients are legislative agents. Division (A) (2) (b) 351
(ii) of this section requires a person filing the statement who 352
derives income from a business or profession to disclose those 353
individual items of income that constitute the gross income of 354
that business or profession that are received from legislative 355
agents. 356

(iii) Except as otherwise provided in division (A) (2) (b) 357
(iii) of this section, division (A) (2) (b) (i) of this section 358
applies to attorneys, physicians, and other persons who engage 359
in the practice of a profession and who, pursuant to a section 360
of the Revised Code, the common law of this state, a code of 361
ethics applicable to the profession, or otherwise, generally are 362
required not to reveal, disclose, or use confidences of clients, 363
patients, or other recipients of professional services except 364
under specified circumstances or generally are required to 365
maintain those types of confidences as privileged communications 366
except under specified circumstances. Division (A) (2) (b) (i) of 367
this section does not require an attorney, physician, or other 368
professional subject to a confidentiality requirement as 369
described in division (A) (2) (b) (iii) of this section to disclose 370
the name, other identity, or address of a client, patient, or 371
other recipient of professional services if the disclosure would 372
threaten the client, patient, or other recipient of professional 373
services, would reveal details of the subject matter for which 374
legal, medical, or professional advice or other services were 375
sought, or would reveal an otherwise privileged communication 376
involving the client, patient, or other recipient of 377
professional services. Division (A) (2) (b) (i) of this section 378
does not require an attorney, physician, or other professional 379
subject to a confidentiality requirement as described in 380

division (A) (2) (b) (iii) of this section to disclose in the brief 381
description of the nature of services required by division (A) 382
(2) (b) (i) of this section any information pertaining to specific 383
professional services rendered for a client, patient, or other 384
recipient of professional services that would reveal details of 385
the subject matter for which legal, medical, or professional 386
advice was sought or would reveal an otherwise privileged 387
communication involving the client, patient, or other recipient 388
of professional services. 389

(c) The name of every corporation on file with the 390
secretary of state that is incorporated in this state or holds a 391
certificate of compliance authorizing it to do business in this 392
state, trust, business trust, partnership, or association that 393
transacts business in this state in which the person filing the 394
statement or any other person for the person's use and benefit 395
had during the preceding calendar year an investment of over one 396
thousand dollars at fair market value as of the thirty-first day 397
of December of the preceding calendar year, or the date of 398
disposition, whichever is earlier, or in which the person holds 399
any office or has a fiduciary relationship, and a description of 400
the nature of the investment, office, or relationship. Division 401
(A) (2) (c) of this section does not require disclosure of the 402
name of any bank, savings and loan association, credit union, or 403
building and loan association with which the person filing the 404
statement has a deposit or a withdrawable share account. 405

(d) All fee simple and leasehold interests to which the 406
person filing the statement holds legal title to or a beneficial 407
interest in real property located within the state, excluding 408
the person's residence and property used primarily for personal 409
recreation; 410

(e) The names of all persons residing or transacting 411
business in the state to whom the person filing the statement 412
owes, in the person's own name or in the name of any other 413
person, more than one thousand dollars. Division (A) (2) (e) of 414
this section shall not be construed to require the disclosure of 415
debts owed by the person resulting from the ordinary conduct of 416
a business or profession or debts on the person's residence or 417
real property used primarily for personal recreation, except 418
that the superintendent of financial institutions shall disclose 419
the names of all state-chartered savings and loan associations 420
and of all service corporations subject to regulation under 421
division (E) (2) of section 1151.34 of the Revised Code to whom 422
the superintendent in the superintendent's own name or in the 423
name of any other person owes any money, and that the 424
superintendent and any deputy superintendent of banks shall 425
disclose the names of all state-chartered banks and all bank 426
subsidiary corporations subject to regulation under section 427
1109.44 of the Revised Code to whom the superintendent or deputy 428
superintendent owes any money. 429

(f) The names of all persons residing or transacting 430
business in the state, other than a depository excluded under 431
division (A) (2) (c) of this section, who owe more than one 432
thousand dollars to the person filing the statement, either in 433
the person's own name or to any person for the person's use or 434
benefit. Division (A) (2) (f) of this section shall not be 435
construed to require the disclosure of clients of attorneys or 436
persons licensed under section 4732.12 of the Revised Code, or 437
patients of persons certified under section 4731.14 of the 438
Revised Code, nor the disclosure of debts owed to the person 439
resulting from the ordinary conduct of a business or profession. 440

(g) Except as otherwise provided in section 102.022 of the 441

Revised Code, the source of each gift of over seventy-five 442
dollars, or of each gift of over twenty-five dollars received by 443
a member of the general assembly from a legislative agent, 444
received by the person in the person's own name or by any other 445
person for the person's use or benefit during the preceding 446
calendar year, except gifts received by will or by virtue of 447
section 2105.06 of the Revised Code, or received from spouses, 448
parents, grandparents, children, grandchildren, siblings, 449
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 450
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 451
or any person to whom the person filing the statement stands in 452
loco parentis, or received by way of distribution from any inter 453
vivos or testamentary trust established by a spouse or by an 454
ancestor; 455

(h) Except as otherwise provided in section 102.022 of the 456
Revised Code, identification of the source and amount of every 457
payment of expenses incurred for travel to destinations inside 458
or outside this state that is received by the person in the 459
person's own name or by any other person for the person's use or 460
benefit and that is incurred in connection with the person's 461
official duties, except for expenses for travel to meetings or 462
conventions of a national or state organization to which any 463
state agency, including, but not limited to, any legislative 464
agency or state institution of higher education as defined in 465
section 3345.011 of the Revised Code, pays membership dues, or 466
any political subdivision or any office or agency of a political 467
subdivision pays membership dues; 468

(i) Except as otherwise provided in section 102.022 of the 469
Revised Code, identification of the source of payment of 470
expenses for meals and other food and beverages, other than for 471
meals and other food and beverages provided at a meeting at 472

which the person participated in a panel, seminar, or speaking 473
engagement or at a meeting or convention of a national or state 474
organization to which any state agency, including, but not 475
limited to, any legislative agency or state institution of 476
higher education as defined in section 3345.011 of the Revised 477
Code, pays membership dues, or any political subdivision or any 478
office or agency of a political subdivision pays membership 479
dues, that are incurred in connection with the person's official 480
duties and that exceed one hundred dollars aggregated per 481
calendar year; 482

(j) If the disclosure statement is filed by a public 483
official or employee described in division (B) (2) of section 484
101.73 of the Revised Code or division (B) (2) of section 121.63 485
of the Revised Code who receives a statement from a legislative 486
agent, executive agency lobbyist, or employer that contains the 487
information described in division (F) (2) of section 101.73 of 488
the Revised Code or division (G) (2) of section 121.63 of the 489
Revised Code, all of the nondisputed information contained in 490
the statement delivered to that public official or employee by 491
the legislative agent, executive agency lobbyist, or employer 492
under division (F) (2) of section 101.73 or (G) (2) of section 493
121.63 of the Revised Code. 494

(3) A person may file a statement required by this section 495
in person, by mail, or by electronic means. 496

(4) A person who is required to file a statement under 497
this section shall file that statement according to the 498
following deadlines, as applicable: 499

(a) Except as otherwise provided in divisions (A) (4) (b), 500
(c), and (d) of this section, the person shall file the 501
statement not later than the fifteenth day of May of each year. 502

(b) A person who is a candidate for elective office shall 503
file the statement no later than the thirtieth day before the 504
primary, special, or general election at which the candidacy is 505
to be voted on, whichever election occurs soonest, except that a 506
person who is a write-in candidate shall file the statement no 507
later than the twentieth day before the earliest election at 508
which the person's candidacy is to be voted on. 509

(c) A person who is appointed to fill a vacancy for an 510
unexpired term in an elective office shall file the statement 511
within fifteen days after the person qualifies for office. 512

(d) A person who is appointed or employed after the 513
fifteenth day of May, other than a person described in division 514
(A) (4) (c) of this section, shall file an annual statement within 515
ninety days after appointment or employment. 516

(5) No person shall be required to file with the 517
appropriate ethics commission more than one statement or pay 518
more than one filing fee for any one calendar year. 519

(6) The appropriate ethics commission, for good cause, may 520
extend for a reasonable time the deadline for filing a statement 521
under this section. 522

(7) A statement filed under this section is subject to 523
public inspection at locations designated by the appropriate 524
ethics commission except as otherwise provided in this section. 525

(B) The Ohio ethics commission, the joint legislative 526
ethics committee, and the board of commissioners on grievances 527
and discipline of the supreme court, using the rule-making 528
procedures of Chapter 119. of the Revised Code, may require any 529
class of public officials or employees under its jurisdiction 530
and not specifically excluded by this section whose positions 531

involve a substantial and material exercise of administrative 532
discretion in the formulation of public policy, expenditure of 533
public funds, enforcement of laws and rules of the state or a 534
county or city, or the execution of other public trusts, to file 535
an annual statement under division (A) of this section. The 536
appropriate ethics commission shall send the public officials or 537
employees written notice of the requirement not less than thirty 538
days before the applicable filing deadline unless the public 539
official or employee is appointed after that date, in which case 540
the notice shall be sent within thirty days after appointment, 541
and the filing shall be made not later than ninety days after 542
appointment. 543

Disclosure statements filed under this division with the 544
Ohio ethics commission by members of boards, commissions, or 545
bureaus of the state for which no compensation is received other 546
than reasonable and necessary expenses shall be kept 547
confidential. Disclosure statements filed with the Ohio ethics 548
commission under division (A) of this section by business 549
managers, treasurers, and superintendents of city, local, 550
exempted village, joint vocational, or cooperative education 551
school districts or educational service centers shall be kept 552
confidential, except that any person conducting an audit of any 553
such school district or educational service center pursuant to 554
section 115.56 or Chapter 117. of the Revised Code may examine 555
the disclosure statement of any business manager, treasurer, or 556
superintendent of that school district or educational service 557
center. Disclosure statements filed with the Ohio ethics 558
commission under division (A) of this section by the individuals 559
set forth in division (B) (2) of section 187.03 of the Revised 560
Code shall be kept confidential. The Ohio ethics commission 561
shall examine each disclosure statement required to be kept 562

confidential to determine whether a potential conflict of 563
interest exists for the person who filed the disclosure 564
statement. A potential conflict of interest exists if the 565
private interests of the person, as indicated by the person's 566
disclosure statement, might interfere with the public interests 567
the person is required to serve in the exercise of the person's 568
authority and duties in the person's office or position of 569
employment. If the commission determines that a potential 570
conflict of interest exists, it shall notify the person who 571
filed the disclosure statement and shall make the portions of 572
the disclosure statement that indicate a potential conflict of 573
interest subject to public inspection in the same manner as is 574
provided for other disclosure statements. Any portion of the 575
disclosure statement that the commission determines does not 576
indicate a potential conflict of interest shall be kept 577
confidential by the commission and shall not be made subject to 578
public inspection, except as is necessary for the enforcement of 579
Chapters 102. and 2921. of the Revised Code and except as 580
otherwise provided in this division. 581

(C) No person shall knowingly fail to file, on or before 582
the applicable filing deadline established under this section, a 583
statement that is required by this section. 584

(D) No person shall knowingly file a false statement that 585
is required to be filed under this section. 586

(E) (1) Except as provided in divisions (E) (2) and (3) of 587
this section, the statement required by division (A) or (B) of 588
this section shall be accompanied by a filing fee of sixty 589
dollars. 590

(2) The statement required by division (A) of this section 591
shall be accompanied by the following filing fee to be paid by 592

| | | |
|-------------------------------------------------------------------|------|-----|
| the person who is elected or appointed to, or is a candidate | | 593 |
| for, any of the following offices: | | 594 |
| | | 595 |
| For state office, except member of the | | 596 |
| state board of education | \$95 | 597 |
| For office of member of general assembly | \$40 | 598 |
| For county office | \$60 | 599 |
| For city office | \$35 | 600 |
| For office of member of the state board | | 601 |
| of education | \$35 | 602 |
| For office of member of a city, local, | | 603 |
| exempted village, or cooperative | | 604 |
| education board of | | 605 |
| education or educational service | | 606 |
| center governing board | \$30 | 607 |
| For position of business manager, | | 608 |
| treasurer, or superintendent of a | | 609 |
| city, local, exempted village, joint | | 610 |
| vocational, or cooperative education | | 611 |
| school district or | | 612 |
| educational service center | \$30 | 613 |
| (3) No judge of a court of record or candidate for judge | | 614 |
| of a court of record, and no referee or magistrate serving a | | 615 |
| court of record, shall be required to pay the fee required under | | 616 |
| division (E) (1) or (2) or (F) of this section. | | 617 |
| (4) For any public official who is appointed to a | | 618 |
| nonelective office of the state and for any employee who holds a | | 619 |
| nonelective position in a public agency of the state, the state | | 620 |
| agency that is the primary employer of the state official or | | 621 |
| employee shall pay the fee required under division (E) (1) or (F) | | 622 |
| of this section. | | 623 |

(F) If a statement required to be filed under this section 624
is not filed by the date on which it is required to be filed, 625
the appropriate ethics commission shall assess the person 626
required to file the statement a late filing fee of ten dollars 627
for each day the statement is not filed, except that the total 628
amount of the late filing fee shall not exceed two hundred fifty 629
dollars. 630

(G)(1) The appropriate ethics commission other than the 631
Ohio ethics commission and the joint legislative ethics 632
committee shall deposit all fees it receives under divisions (E) 633
and (F) of this section into the general revenue fund of the 634
state. 635

(2) The Ohio ethics commission shall deposit all receipts, 636
including, but not limited to, fees it receives under divisions 637
(E) and (F) of this section, investigative or other fees, costs, 638
or other funds it receives as a result of court orders, and all 639
moneys it receives from settlements under division (G) of 640
section 102.06 of the Revised Code, into the Ohio ethics 641
commission fund, which is hereby created in the state treasury. 642
All moneys credited to the fund shall be used solely for 643
expenses related to the operation and statutory functions of the 644
commission. 645

(3) The joint legislative ethics committee shall deposit 646
all receipts it receives from the payment of financial 647
disclosure statement filing fees under divisions (E) and (F) of 648
this section into the joint legislative ethics committee 649
investigative fund. 650

(H) Division (A) of this section does not apply to a 651
person elected or appointed to the office of precinct, ward, or 652
district committee member under Chapter 3517. of the Revised 653

Code; a presidential elector; a delegate to a national 654
convention; village or township officials and employees; any 655
physician or psychiatrist who is paid a salary or wage in 656
accordance with schedule C of section 124.15 or schedule E-2 of 657
section 124.152 of the Revised Code and whose primary duties do 658
not require the exercise of administrative discretion; or any 659
member of a board, commission, or bureau of any county or city 660
who receives less than one thousand dollars per year for serving 661
in that position. 662

Sec. 102.06. (A) The appropriate ethics commission shall 663
receive and may initiate complaints against persons subject to 664
this chapter concerning conduct alleged to be in violation of 665
this chapter or section 2921.42 or 2921.43 of the Revised Code. 666
All complaints except those by the commission shall be by 667
affidavit made on personal knowledge, subject to the penalties 668
of perjury. Complaints by the commission shall be by affidavit, 669
based upon reasonable cause to believe that a violation has 670
occurred. 671

(B) The appropriate ethics commission shall investigate 672
complaints, may investigate charges presented to it, and may 673
request further information, including the specific amount of 674
income from a source, from any person filing with the commission 675
a statement required by section 102.02 or 102.021 of the Revised 676
Code, if the information sought is directly relevant to a 677
complaint or charges received by the commission pursuant to this 678
section. This information is confidential, except that the 679
commission, in its discretion, may share information gathered in 680
the course of any investigation with, or disclose the 681
information to, the inspector general, any appropriate 682
prosecuting authority, any law enforcement agency, or any other 683
appropriate ethics commission. If the accused person is a member 684

of the public employees retirement board, state teachers 685
retirement board, school employees retirement board, board of 686
trustees of the Ohio police and fire pension fund, or state 687
highway patrol retirement board, or is a member of the ~~bureau of~~ 688
~~workers' compensation office~~ office of worker safety and rehabilitation 689
board of directors, the appropriate ethics commission, in its 690
discretion, also may share information gathered in the course of 691
an investigation with, or disclose the information to, the 692
attorney general and the auditor of state. The person so 693
requested shall furnish the information to the commission, 694
unless within fifteen days from the date of the request the 695
person files an action for declaratory judgment challenging the 696
legitimacy of the request in the court of common pleas of the 697
county of the person's residence, the person's place of 698
employment, or Franklin county. The requested information need 699
not be furnished to the commission during the pendency of the 700
judicial proceedings. Proceedings of the commission in 701
connection with the declaratory judgment action shall be kept 702
confidential except as otherwise provided by this section. 703
Before the commission proceeds to take any formal action against 704
a person who is the subject of an investigation based on charges 705
presented to the commission, a complaint shall be filed against 706
the person. If the commission finds that a complaint is not 707
frivolous, and there is reasonable cause to believe that the 708
facts alleged in a complaint constitute a violation of section 709
102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of 710
the Revised Code, it shall hold a hearing. If the commission 711
does not so find, it shall dismiss the complaint and notify the 712
accused person in writing of the dismissal of the complaint. The 713
commission shall not make a report of its finding unless the 714
accused person requests a report. Upon the request of the 715
accused person, the commission shall make a public report of its 716

finding. The person against whom the complaint is directed shall 717
be given reasonable notice by certified mail of the date, time, 718
and place of the hearing and a statement of the charges and the 719
law directly involved and shall be given the opportunity to be 720
represented by counsel, to have counsel appointed for the person 721
if the person is unable to afford counsel without undue 722
hardship, to examine the evidence against the person, to produce 723
evidence and to call and subpoena witnesses in the person's 724
defense, to confront the person's accusers, and to cross-examine 725
witnesses. The commission shall have a stenographic record made 726
of the hearing. The hearing shall be closed to the public. 727

(C) (1) (a) If, upon the basis of the hearing, the 728
appropriate ethics commission finds by a preponderance of the 729
evidence that the facts alleged in the complaint are true and 730
constitute a violation of section 102.02, 102.021, 102.03, 731
102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it 732
shall report its findings to the appropriate prosecuting 733
authority for proceedings in prosecution of the violation and to 734
the appointing or employing authority of the accused. If the 735
accused person is a member of the public employees retirement 736
board, state teachers retirement board, school employees 737
retirement board, board of trustees of the Ohio police and fire 738
pension fund, or state highway patrol retirement board, the 739
commission also shall report its findings to the Ohio retirement 740
study council. 741

(b) If the Ohio ethics commission reports its findings to 742
the appropriate prosecuting authority under division (C) (1) (a) 743
of this section and the prosecuting authority has not initiated 744
any official action on those findings within ninety days after 745
receiving the commission's report of them, the commission may 746
publicly comment that no official action has been taken on its 747

findings, except that the commission shall make no comment in 748
violation of the Rules of Criminal Procedure or about any 749
indictment that has been sealed pursuant to any law or those 750
rules. The commission shall make no comment regarding the merits 751
of its findings. As used in division (C) (1) (b) of this section, 752
"official action" means prosecution, closure after 753
investigation, or grand jury action resulting in a true bill of 754
indictment or no true bill of indictment. 755

(2) If the appropriate ethics commission does not find by 756
a preponderance of the evidence that the facts alleged in the 757
complaint are true and constitute a violation of section 102.02, 758
102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the 759
Revised Code or if the commission has not scheduled a hearing 760
within ninety days after the complaint is filed or has not 761
finally disposed of the complaint within six months after it has 762
been heard, it shall dismiss the complaint and notify the 763
accused person in writing of the dismissal of the complaint. The 764
commission shall not make a report of its finding unless the 765
accused person requests a report. Upon the request of the 766
accused person, the commission shall make a public report of the 767
finding, but in this case all evidence and the record of the 768
hearing shall remain confidential unless the accused person also 769
requests that the evidence and record be made public. Upon 770
request by the accused person, the commission shall make the 771
evidence and the record available for public inspection. 772

(D) The appropriate ethics commission, or a member of the 773
commission, may administer oaths, and the commission may issue 774
subpoenas to any person in the state compelling the attendance 775
of witnesses and the production of relevant papers, books, 776
accounts, and records. The commission shall issue subpoenas to 777
compel the attendance of witnesses and the production of 778

documents upon the request of an accused person. Section 101.42 779
of the Revised Code shall govern the issuance of these subpoenas 780
insofar as applicable. Upon the refusal of any person to obey a 781
subpoena or to be sworn or to answer as a witness, the 782
commission may apply to the court of common pleas of Franklin 783
county under section 2705.03 of the Revised Code. The court 784
shall hold proceedings in accordance with Chapter 2705. of the 785
Revised Code. The commission or the accused person may take the 786
depositions of witnesses residing within or without the state in 787
the same manner as prescribed by law for the taking of 788
depositions in civil actions in the court of common pleas. 789

(E) At least once each year, the Ohio ethics commission 790
shall report on its activities of the immediately preceding year 791
to the majority and minority leaders of the senate and house of 792
representatives of the general assembly. The report shall 793
indicate the total number of complaints received, initiated, and 794
investigated by the commission, the total number of complaints 795
for which formal hearings were held, and the total number of 796
complaints for which formal prosecution was recommended or 797
requested by the commission. The report also shall indicate the 798
nature of the inappropriate conduct alleged in each complaint 799
and the governmental entity with which any employee or official 800
that is the subject of a complaint was employed at the time of 801
the alleged inappropriate conduct. 802

(F) All papers, records, affidavits, and documents upon 803
any complaint, inquiry, or investigation relating to the 804
proceedings of the appropriate ethics commission shall be sealed 805
and are private and confidential, except as otherwise provided 806
in this section and section 102.07 of the Revised Code. 807

(G) (1) When a complaint or charge is before it, the Ohio 808

ethics commission or the appropriate prosecuting authority, in 809
consultation with the person filing the complaint or charge, the 810
accused, and any other person the commission or prosecuting 811
authority considers necessary, may compromise or settle the 812
complaint or charge with the agreement of the accused. The 813
compromise or settlement may include mediation, restitution, 814
rescission of affected contracts, forfeiture of any benefits 815
resulting from a violation or potential violation of law, 816
resignation of a public official or employee, or any other 817
relief that is agreed upon between the commission or prosecuting 818
authority and the accused. 819

(2) Any settlement agreement entered into under division 820
(G) (1) of this section shall be in writing and be accompanied by 821
a statement of the findings of the commission or prosecuting 822
authority and the reasons for entering into the agreement. The 823
commission or prosecuting authority shall retain the agreement 824
and statement in the commission's or prosecuting authority's 825
office and, in the commission's or prosecuting authority's 826
discretion, may make the agreement, the statement, and any 827
supporting information public, unless the agreement provides 828
otherwise. 829

(3) If a settlement agreement is breached by the accused, 830
the commission or prosecuting authority, in the commission's or 831
prosecuting authority's discretion, may rescind the agreement 832
and reinstitute any investigation, hearing, or prosecution of 833
the accused. No information obtained from the accused in 834
reaching the settlement that is not otherwise discoverable from 835
the accused shall be used in any proceeding before the 836
commission or by the appropriate prosecuting authority in 837
prosecuting the violation. Notwithstanding any other section of 838
the Revised Code, if a settlement agreement is breached, any 839

statute of limitations for a violation of this chapter or 840
section 2921.42 or 2921.43 of the Revised Code is tolled from 841
the date the complaint or charge is filed until the date the 842
settlement agreement is breached. 843

Sec. 103.143. In addition to its duties under section 844
103.14 of the Revised Code, the legislative service commission 845
shall, in accordance with this section, review all bills 846
assigned to a committee of the general assembly, complete the 847
appropriate local impact statements required by this section, 848
and compile and distribute these statements as required by 849
division (D) of this section. 850

(A) Subject to division (F) of this section, whenever any 851
bill is introduced into either house of the general assembly and 852
receives second consideration pursuant to the rules of that 853
house, the bill shall be reviewed immediately by the legislative 854
budget officer. Upon completing this review, the legislative 855
budget officer shall determine whether the bill could result in 856
a net additional cost to school districts, counties, townships, 857
or municipal corporations from any new or expanded program or 858
service that school districts, counties, townships, or municipal 859
corporations would be required to perform or administer under 860
the bill. If the legislative budget officer determines that it 861
could result in such a cost, the legislative service commission 862
shall prepare a local impact statement in the manner specified 863
in this section. Immediately upon determining the potential for 864
a net additional cost, the legislative budget officer shall 865
notify the sponsor of the bill, the chairperson of the committee 866
to which the bill has been assigned, and the presiding officer 867
and minority leader of the house in which the bill originates of 868
the legislative budget officer's determination by signing and 869
dating a statement to be delivered to them. 870

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

No bill for which a local impact statement is required by this section shall be voted out of committee until after the committee members have received and considered the statement or, if the bill was amended in committee, the revised statement, unless the bill is voted out of committee by a two-thirds vote of the membership of the committee.

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

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

(2) Any other information the legislative service 901
commission considers necessary for it to understand or explain 902
the fiscal effect of the bill. 903

An instrumentality, officer, or entity shall comply with a 904
request as soon as reasonably possible, but not later than 905
fifteen days, after receiving it. The legislative service 906
commission shall specify the manner of compliance in its 907
request, and if necessary may specify a period of time longer 908
than fifteen days for compliance. The legislative service 909
commission may consider any information provided under division 910
(B) (1) or (2) of this section in preparing a local impact 911
statement. 912

(C) Any time a bill is amended, the legislative service 913
commission shall, as soon as reasonably possible, revise the 914
local impact statement to reflect changes made by amendment. 915

(D) The legislative service commission shall annually 916
compile the final local impact statements completed for all laws 917
passed by both houses of the general assembly in the preceding 918
year. It shall send a copy of this compilation as a draft report 919
to associations or nonprofit organizations formed for the 920
improvement of school districts or municipal, township, or 921
county government or for their elected officials by the last day 922
of July of each year. Upon receiving the draft report, these 923
associations and organizations may comment about the actual 924
fiscal impact of bills passed during the year covered by the 925
report and forward those comments to the legislative service 926
commission by the last day of August. The legislative service 927
commission shall then prepare a final report consisting of the 928
compiled local impact statements and all forwarded comments. The 929
final report shall be completed by the last day of September and 930

copies of the report shall be sent to the governor, the speaker 931
of the house of representatives, and the president of the 932
senate. 933

(E) As used in this section, "net additional cost" means 934
any cost incurred or anticipated to be incurred by a school 935
district, county, township, or municipal corporation in 936
performing or administering a new or expanded program or service 937
required by a state law other than any of the following: 938

(1) A cost arising from the exercise of authority granted 939
by a state law rather than from the performance of a duty or 940
obligation imposed by a state law; 941

(2) New duties or obligations that create only a minimal 942
cost for affected school districts, counties, townships, or 943
municipal corporations. The legislative service commission shall 944
determine what constitutes such a minimal cost. Before making 945
this determination, the legislative service commission shall 946
notify the state organizations that represent school districts, 947
counties, townships, and municipal corporations regarding the 948
proposed determination and provide a thirty-day period for these 949
organizations and individual school districts, counties, 950
townships, and municipal corporations to comment on it. 951

(3) A cost arising from a law passed as a result of a 952
federal mandate. 953

The amounts described in division (E) (2) of this section 954
include only the amounts remaining after subtracting from such 955
costs any revenues received or receivable by the school 956
district, county, township, or municipal corporation on account 957
of the program or service, including the following: 958

(a) Fees charged to the recipients of the program or 959

| | |
|-----------------------------------------------------------------------------------|-----|
| service; | 960 |
| (b) State or federal aid paid specifically or | 961 |
| categorically in connection with the program or service; | 962 |
| (c) Any offsetting savings resulting from the diminution | 963 |
| or elimination of any other program or service directly | 964 |
| attributable to the performance or administration of the | 965 |
| required program or service. | 966 |
| (F) This section does not apply to any of the following: | 967 |
| (1) The main biennial operating appropriations bill; | 968 |
| (2) The biennial operating appropriations bill for state | 969 |
| agencies supported by motor fuel tax revenue; | 970 |
| (3) The biennial operating appropriations bill or bills | 971 |
| for the bureau of workers' compensation <u>office of worker safety</u> | 972 |
| <u>and rehabilitation</u> and the industrial commission; | 973 |
| (4) Any other bill that makes the principal biennial | 974 |
| operating appropriations for one or more state agencies; | 975 |
| (5) The bill that primarily contains corrections and | 976 |
| supplemental appropriations to the biennial operating | 977 |
| appropriations bills; | 978 |
| (6) The main biennial capital appropriations bill; | 979 |
| (7) The bill that primarily contains reappropriations from | 980 |
| previous capital appropriations bills. | 981 |
| Sec. 109.579. (A) On receipt of a request pursuant to | 982 |
| division (B) of section 4123.444 of the Revised Code, a | 983 |
| completed form prescribed pursuant to division (C)(1) of this | 984 |
| section, and a set of fingerprint impressions obtained in the | 985 |
| manner described in division (C)(2) of this section, the | 986 |

superintendent of the bureau of criminal identification and 987
investigation shall conduct a criminal records check in the 988
manner described in division (B) of this section to determine 989
whether any information exists that indicates that the person 990
who is the subject of the request previously has been convicted 991
of or pleaded guilty to any criminal offense involving theft, 992
receiving stolen property, embezzlement, forgery, fraud, passing 993
bad checks, money laundering, drug trafficking, or any criminal 994
offense involving money or securities, as set forth in Chapters 995
2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the 996
Revised Code or other law of this state, or the laws of any 997
other state or of the United States that are substantially 998
equivalent to those offenses. 999

(B) The superintendent shall conduct a criminal records 1000
check pursuant to division (A) of this section as follows: 1001

(1) The superintendent shall review or cause to be 1002
reviewed any relevant information gathered and compiled by the 1003
bureau under division (A) of section 109.57 of the Revised Code 1004
that relates to the person who is the subject of the request, 1005
including any relevant information contained in records that 1006
have been sealed under section 2953.32 of the Revised Code. 1007

(2) If the request received by the superintendent asks for 1008
information from the federal bureau of investigation, the 1009
superintendent shall request from the federal bureau of 1010
investigation any information it has with respect to the person 1011
who is the subject of the request. The superintendent shall 1012
review or cause to be reviewed any information that the 1013
superintendent receives from the federal bureau of 1014
investigation. 1015

(3) The superintendent shall forward the results of a 1016

criminal records check conducted pursuant to this division to 1017
the administrator of ~~workers' compensation~~ worker safety and 1018
rehabilitation. 1019

(C) (1) The superintendent shall prescribe a form to obtain 1020
the information necessary to conduct a criminal records check 1021
from any person for whom a criminal records check is requested 1022
pursuant to division (B) of section 4123.444 of the Revised 1023
Code. The form that the superintendent prescribes pursuant to 1024
this division may be in a tangible format, in an electronic 1025
format, or in both tangible and electronic formats. 1026

(2) The superintendent shall prescribe standard impression 1027
sheets to obtain the fingerprint impressions of any person for 1028
whom a criminal records check is requested pursuant to section 1029
4123.444 of the Revised Code. Any person for whom the 1030
administrator requests the superintendent to conduct a criminal 1031
records check pursuant to that section shall have the person's 1032
fingerprint impressions made at a county sheriff's office, a 1033
municipal police department, or any other entity with the 1034
ability to make fingerprint impressions on the standard 1035
impression sheets prescribed by the superintendent. The office, 1036
department, or entity may charge the person a reasonable fee for 1037
making the impressions. The standard impression sheets the 1038
superintendent prescribes pursuant to this division may be in a 1039
tangible format, in an electronic format, or in both tangible 1040
and electronic formats. 1041

(3) The superintendent may prescribe methods of forwarding 1042
fingerprint impressions and information necessary to conduct a 1043
criminal records check. The methods shall include, but are not 1044
limited to, electronic methods. 1045

(D) A determination whether any information exists that 1046

indicates that a person previously has been convicted of or 1047
pleaded guilty to any offense listed or described in division 1048
(A) of this section that the superintendent makes pursuant to 1049
information considered in a criminal records check under this 1050
section is valid for the person who is the subject of that 1051
criminal records check for a period of one year after the date 1052
the superintendent makes that determination. 1053

(E) The superintendent shall prescribe and charge a 1054
reasonable fee for providing a criminal records check requested 1055
under section 4123.444 of the Revised Code. If another request 1056
for a criminal records check is made under this section for a 1057
person for whom a valid determination under division (D) of this 1058
section is available, the superintendent shall provide the 1059
determination for a reduced fee. 1060

Sec. 109.84. (A) Upon the written request of the governor, 1061
the industrial commission, the administrator of ~~workers'~~ 1062
compensation worker safety and rehabilitation, or upon the 1063
attorney general's becoming aware of criminal or improper 1064
activity related to Chapter 4121. or 4123. of the Revised Code, 1065
the attorney general shall investigate any criminal or civil 1066
violation of law related to Chapter 4121. or 4123. of the 1067
Revised Code. 1068

(B) When it appears to the attorney general, as a result 1069
of an investigation under division (A) of this section, that 1070
there is cause to prosecute for the commission of a crime or to 1071
pursue a civil remedy, ~~he~~ the attorney general may refer the 1072
evidence to the prosecuting attorney having jurisdiction of the 1073
matter, or to a regular grand jury drawn and impaneled pursuant 1074
to sections 2939.01 to 2939.24 of the Revised Code, or to a 1075
special grand jury drawn and impaneled pursuant to section 1076

2939.17 of the Revised Code, or ~~he~~ the attorney general may 1077
initiate and prosecute any necessary criminal or civil actions 1078
in any court or tribunal of competent jurisdiction in this 1079
state. When proceeding under this section, the attorney general 1080
has all rights, privileges, and powers of prosecuting attorneys, 1081
and any assistant or special counsel designated by ~~him~~ the 1082
attorney general for that purpose has the same authority. 1083

(C) The attorney general shall be reimbursed by the ~~bureau~~ 1084
~~of workers' compensation~~ office of worker safety and 1085
rehabilitation for all actual and necessary costs incurred in 1086
conducting investigations requested by the governor, the 1087
commission, or the administrator and all actual and necessary 1088
costs in conducting the prosecution arising out of such 1089
investigation. 1090

Sec. 109.981. If a member of the ~~bureau of workers'~~ 1091
~~compensation~~ office of worker safety and rehabilitation board of 1092
directors breaches the member's fiduciary duty to the ~~bureau of~~ 1093
~~workers' compensation~~ office of worker safety and 1094
rehabilitation, the attorney general may maintain a civil action 1095
against the board member for harm resulting from that breach. 1096
Notwithstanding section 4121.128 of the Revised Code, after 1097
being informed of an allegation that the entire board has 1098
breached its fiduciary duty, the board may retain independent 1099
legal counsel, including legal counsel provided by the board's 1100
fiduciary insurance carrier, to advise the board and to 1101
represent the board. The attorney general may recover damages or 1102
be granted injunctive relief, which shall include the enjoinder 1103
of specified activities and the removal of the member from the 1104
board. Any damages awarded shall be paid to the ~~bureau~~ office. 1105
The authority to maintain a civil action created by this section 1106
is in addition to any authority the attorney general possesses 1107

under any other provision of the Revised Code. 1108

Sec. 119.01. As used in sections 119.01 to 119.13 of the 1109
Revised Code: 1110

(A) (1) "Agency" means, except as limited by this division, 1111
any official, board, or commission having authority to 1112
promulgate rules or make adjudications in the civil service 1113
commission, the division of liquor control, the department of 1114
taxation, the industrial commission, ~~the bureau of workers'~~ 1115
~~compensation~~ office of worker safety and rehabilitation, the 1116
functions of any administrative or executive officer, 1117
department, division, bureau, board, or commission of the 1118
government of the state specifically made subject to sections 1119
119.01 to 119.13 of the Revised Code, and the licensing 1120
functions of any administrative or executive officer, 1121
department, division, bureau, board, or commission of the 1122
government of the state having the authority or responsibility 1123
of issuing, suspending, revoking, or canceling licenses. 1124

Sections 119.01 to 119.13 of the Revised Code do not apply 1125
to the public utilities commission. Sections 119.01 to 119.13 of 1126
the Revised Code do not apply to the utility radiological safety 1127
board; to the controlling board; to actions of the 1128
superintendent of financial institutions and the superintendent 1129
of insurance in the taking possession of, and rehabilitation or 1130
liquidation of, the business and property of banks, savings and 1131
loan associations, savings banks, credit unions, insurance 1132
companies, associations, reciprocal fraternal benefit societies, 1133
and bond investment companies; to any action taken by the 1134
division of securities under section 1707.201 of the Revised 1135
Code; or to any action that may be taken by the superintendent 1136
of financial institutions under section 1113.03, 1121.06, 1137

1121.10, 1125.09, 1125.12, 1125.18, 1157.09, 1157.12, 1157.18, 1138
1165.09, 1165.12, 1165.18, 1349.33, 1733.35, 1733.361, 1733.37, 1139
or 1761.03 of the Revised Code. 1140

Sections 119.01 to 119.13 of the Revised Code do not apply 1141
to actions of the industrial commission or the ~~bureau of~~ 1142
~~workers' compensation office of worker safety and rehabilitation~~ 1143
under sections 4123.01 to 4123.94 of the Revised Code with 1144
respect to all matters of adjudication, or to the actions of the 1145
industrial commission, ~~bureau of workers' compensation office of~~ 1146
~~worker safety and rehabilitation board of directors, and bureau~~ 1147
~~of workers' compensation office of worker safety and~~ 1148
~~rehabilitation~~ under division (D) of section 4121.32, sections 1149
4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 1150
4123.44, 4123.442, 4127.07, divisions (B), (C), and (E) of 1151
section 4131.04, and divisions (B), (C), and (E) of section 1152
4131.14 of the Revised Code with respect to all matters 1153
concerning the establishment of premium, contribution, and 1154
assessment rates. 1155

(2) "Agency" also means any official or work unit having 1156
authority to promulgate rules or make adjudications in the 1157
department of job and family services, but only with respect to 1158
both of the following: 1159

(a) The adoption, amendment, or rescission of rules that 1160
section 5101.09 of the Revised Code requires be adopted in 1161
accordance with this chapter; 1162

(b) The issuance, suspension, revocation, or cancellation 1163
of licenses. 1164

(B) "License" means any license, permit, certificate, 1165
commission, or charter issued by any agency. "License" does not 1166

include any arrangement whereby a person or government entity 1167
furnishes medicaid services under a provider agreement with the 1168
department of medicaid. 1169

(C) "Rule" means any rule, regulation, or standard, having 1170
a general and uniform operation, adopted, promulgated, and 1171
enforced by any agency under the authority of the laws governing 1172
such agency, and includes any appendix to a rule. "Rule" does 1173
not include any internal management rule of an agency unless the 1174
internal management rule affects private rights and does not 1175
include any guideline adopted pursuant to section 3301.0714 of 1176
the Revised Code. 1177

(D) "Adjudication" means the determination by the highest 1178
or ultimate authority of an agency of the rights, duties, 1179
privileges, benefits, or legal relationships of a specified 1180
person, but does not include the issuance of a license in 1181
response to an application with respect to which no question is 1182
raised, nor other acts of a ministerial nature. 1183

(E) "Hearing" means a public hearing by any agency in 1184
compliance with procedural safeguards afforded by sections 1185
119.01 to 119.13 of the Revised Code. 1186

(F) "Person" means a person, firm, corporation, 1187
association, or partnership. 1188

(G) "Party" means the person whose interests are the 1189
subject of an adjudication by an agency. 1190

(H) "Appeal" means the procedure by which a person, 1191
aggrieved by a finding, decision, order, or adjudication of any 1192
agency, invokes the jurisdiction of a court. 1193

(I) "Internal management rule" means any rule, regulation, 1194
or standard governing the day-to-day staff procedures and 1195

operations within an agency. 1196

Sec. 119.12. (A) (1) Except as provided in division (A) (2) 1197
or (3) of this section, any party adversely affected by any 1198
order of an agency issued pursuant to an adjudication denying an 1199
applicant admission to an examination, or denying the issuance 1200
or renewal of a license or registration of a licensee, or 1201
revoking or suspending a license, or allowing the payment of a 1202
forfeiture under section 4301.252 of the Revised Code may appeal 1203
from the order of the agency to the court of common pleas of the 1204
county in which the place of business of the licensee is located 1205
or the county in which the licensee is a resident. 1206

(2) An appeal from an order described in division (A) (1) 1207
of this section issued by any of the following agencies shall be 1208
made to the court of common pleas of Franklin county: 1209

(a) The liquor control commission; 1210

(b) The Ohio casino control commission; 1211

(c) The state medical board; 1212

~~(e)~~ (d) The state chiropractic board; 1213

~~(d)~~ (e) The board of nursing; 1214

~~(e)~~ (f) The bureau of workers' compensation office of 1215
worker safety and rehabilitation regarding participation in the 1216
health partnership program created in sections 4121.44 and 1217
4121.441 of the Revised Code. 1218

(3) If any party appealing from an order described in 1219
division (A) (1) of this section is not a resident of and has no 1220
place of business in this state, the party may appeal to the 1221
court of common pleas of Franklin county. 1222

(B) Any party adversely affected by any order of an agency 1223
issued pursuant to any other adjudication may appeal to the 1224
court of common pleas of Franklin county, except that appeals 1225
from orders of the fire marshal issued under Chapter 3737. of 1226
the Revised Code may be to the court of common pleas of the 1227
county in which the building of the aggrieved person is located 1228
and except that appeals under division (B) of section 124.34 of 1229
the Revised Code from a decision of the state personnel board of 1230
review or a municipal or civil service township civil service 1231
commission shall be taken to the court of common pleas of the 1232
county in which the appointing authority is located or, in the 1233
case of an appeal by the department of rehabilitation and 1234
correction, to the court of common pleas of Franklin county. 1235

(C) This section does not apply to appeals from the 1236
department of taxation. 1237

(D) Any party desiring to appeal shall file a notice of 1238
appeal with the agency setting forth the order appealed from and 1239
stating that the agency's order is not supported by reliable, 1240
probative, and substantial evidence and is not in accordance 1241
with law. The notice of appeal may, but need not, set forth the 1242
specific grounds of the party's appeal beyond the statement that 1243
the agency's order is not supported by reliable, probative, and 1244
substantial evidence and is not in accordance with law. The 1245
notice of appeal shall also be filed by the appellant with the 1246
court. In filing a notice of appeal with the agency or court, 1247
the notice that is filed may be either the original notice or a 1248
copy of the original notice. Unless otherwise provided by law 1249
relating to a particular agency, notices of appeal shall be 1250
filed within fifteen days after the mailing of the notice of the 1251
agency's order as provided in this section. For purposes of this 1252
paragraph, an order includes a determination appealed pursuant 1253

to division (C) of section 119.092 of the Revised Code. The 1254
amendments made to this paragraph by Sub. H.B. 215 of the 128th 1255
general assembly are procedural, and this paragraph as amended 1256
by those amendments shall be applied retrospectively to all 1257
appeals pursuant to this paragraph filed before September 13, 1258
2010, but not earlier than May 7, 2009, which was the date the 1259
supreme court of Ohio released its opinion and judgment in 1260
Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs. (2009), 1261
121 Ohio St.3d 622. 1262

(E) The filing of a notice of appeal shall not 1263
automatically operate as a suspension of the order of an agency. 1264
If it appears to the court that an unusual hardship to the 1265
appellant will result from the execution of the agency's order 1266
pending determination of the appeal, the court may grant a 1267
suspension and fix its terms. If an appeal is taken from the 1268
judgment of the court and the court has previously granted a 1269
suspension of the agency's order as provided in this section, 1270
the suspension of the agency's order shall not be vacated and 1271
shall be given full force and effect until the matter is finally 1272
adjudicated. No renewal of a license or permit shall be denied 1273
by reason of the suspended order during the period of the appeal 1274
from the decision of the court of common pleas. In the case of 1275
an appeal from the Ohio casino control commission, the state 1276
medical board, or the state chiropractic board, the court may 1277
grant a suspension and fix its terms if it appears to the court 1278
that an unusual hardship to the appellant will result from the 1279
execution of the agency's order pending determination of the 1280
appeal and the health, safety, and welfare of the public will 1281
not be threatened by suspension of the order. This provision 1282
shall not be construed to limit the factors the court may 1283
consider in determining whether to suspend an order of any other 1284

agency pending determination of an appeal. 1285

(F) The final order of adjudication may apply to any 1286
renewal of a license or permit which has been granted during the 1287
period of the appeal. 1288

(G) Notwithstanding any other provision of this section, 1289
any order issued by a court of common pleas or a court of 1290
appeals suspending the effect of an order of the liquor control 1291
commission issued pursuant to Chapter 4301. or 4303. of the 1292
Revised Code that suspends, revokes, or cancels a permit issued 1293
under Chapter 4303. of the Revised Code or that allows the 1294
payment of a forfeiture under section 4301.252 of the Revised 1295
Code shall terminate not more than six months after the date of 1296
the filing of the record of the liquor control commission with 1297
the clerk of the court of common pleas and shall not be 1298
extended. The court of common pleas, or the court of appeals on 1299
appeal, shall render a judgment in that matter within six months 1300
after the date of the filing of the record of the liquor control 1301
commission with the clerk of the court of common pleas. A court 1302
of appeals shall not issue an order suspending the effect of an 1303
order of the liquor control commission that extends beyond six 1304
months after the date on which the record of the liquor control 1305
commission is filed with a court of common pleas. 1306

(H) Notwithstanding any other provision of this section, 1307
any order issued by a court of common pleas or a court of 1308
appeals suspending the effect of an order of the Ohio casino 1309
control commission issued under Chapter 3772. of the Revised 1310
Code that limits, conditions, restricts, suspends, revokes, 1311
denies, not renews, fines, or otherwise penalizes an applicant, 1312
licensee, or person excluded or ejected from a casino facility 1313
in accordance with section 3772.031 of the Revised Code shall 1314

terminate not more than six months after the date of the filing 1315
of the record of the Ohio casino control commission with the 1316
clerk of the court of common pleas and shall not be extended. 1317
The court of common pleas, or the court of appeals on appeal, 1318
shall render a judgment in that matter within six months after 1319
the date of the filing of the record of the Ohio casino control 1320
commission with the clerk of the court of common pleas. A court 1321
of appeals shall not issue an order suspending the effect of an 1322
order of the Ohio casino control commission that extends beyond 1323
six months after the date on which the record of the Ohio casino 1324
control commission is filed with the clerk of a court of common 1325
pleas. 1326

(I) Notwithstanding any other provision of this section, 1327
any order issued by a court of common pleas suspending the 1328
effect of an order of the state medical board or state 1329
chiropractic board that limits, revokes, suspends, places on 1330
probation, or refuses to register or reinstate a certificate 1331
issued by the board or reprimands the holder of the certificate 1332
shall terminate not more than fifteen months after the date of 1333
the filing of a notice of appeal in the court of common pleas, 1334
or upon the rendering of a final decision or order in the appeal 1335
by the court of common pleas, whichever occurs first. 1336

~~(I)~~ (J) Within thirty days after receipt of a notice of 1337
appeal from an order in any case in which a hearing is required 1338
by sections 119.01 to 119.13 of the Revised Code, the agency 1339
shall prepare and certify to the court a complete record of the 1340
proceedings in the case. Failure of the agency to comply within 1341
the time allowed, upon motion, shall cause the court to enter a 1342
finding in favor of the party adversely affected. Additional 1343
time, however, may be granted by the court, not to exceed thirty 1344
days, when it is shown that the agency has made substantial 1345

effort to comply. The record shall be prepared and transcribed, 1346
and the expense of it shall be taxed as a part of the costs on 1347
the appeal. The appellant shall provide security for costs 1348
satisfactory to the court of common pleas. Upon demand by any 1349
interested party, the agency shall furnish at the cost of the 1350
party requesting it a copy of the stenographic report of 1351
testimony offered and evidence submitted at any hearing and a 1352
copy of the complete record. 1353

~~(J)~~ (K) Notwithstanding any other provision of this 1354
section, any party desiring to appeal an order or decision of 1355
the state personnel board of review shall, at the time of filing 1356
a notice of appeal with the board, provide a security deposit in 1357
an amount and manner prescribed in rules that the board shall 1358
adopt in accordance with this chapter. In addition, the board is 1359
not required to prepare or transcribe the record of any of its 1360
proceedings unless the appellant has provided the deposit 1361
described above. The failure of the board to prepare or 1362
transcribe a record for an appellant who has not provided a 1363
security deposit shall not cause a court to enter a finding 1364
adverse to the board. 1365

~~(K)~~ (L) Unless otherwise provided by law, in the hearing of 1366
the appeal, the court is confined to the record as certified to 1367
it by the agency. Unless otherwise provided by law, the court 1368
may grant a request for the admission of additional evidence 1369
when satisfied that the additional evidence is newly discovered 1370
and could not with reasonable diligence have been ascertained 1371
prior to the hearing before the agency. 1372

~~(L)~~ (M) The court shall conduct a hearing on the appeal and 1373
shall give preference to all proceedings under sections 119.01 1374
to 119.13 of the Revised Code, over all other civil cases, 1375

irrespective of the position of the proceedings on the calendar 1376
of the court. An appeal from an order of the state medical board 1377
issued pursuant to division (G) of either section 4730.25 or 1378
4731.22 of the Revised Code, the state chiropractic board issued 1379
pursuant to section 4734.37 of the Revised Code, the liquor 1380
control commission issued pursuant to Chapter 4301. or 4303. of 1381
the Revised Code, or the Ohio casino control commission issued 1382
pursuant to Chapter 3772. of the Revised Code shall be set down 1383
for hearing at the earliest possible time and takes precedence 1384
over all other actions. The hearing in the court of common pleas 1385
shall proceed as in the trial of a civil action, and the court 1386
shall determine the rights of the parties in accordance with the 1387
laws applicable to a civil action. At the hearing, counsel may 1388
be heard on oral argument, briefs may be submitted, and evidence 1389
may be introduced if the court has granted a request for the 1390
presentation of additional evidence. 1391

~~(M)~~ (N) The court may affirm the order of the agency 1392
complained of in the appeal if it finds, upon consideration of 1393
the entire record and any additional evidence the court has 1394
admitted, that the order is supported by reliable, probative, 1395
and substantial evidence and is in accordance with law. In the 1396
absence of this finding, it may reverse, vacate, or modify the 1397
order or make such other ruling as is supported by reliable, 1398
probative, and substantial evidence and is in accordance with 1399
law. The court shall award compensation for fees in accordance 1400
with section 2335.39 of the Revised Code to a prevailing party, 1401
other than an agency, in an appeal filed pursuant to this 1402
section. 1403

~~(N)~~ (O) The judgment of the court shall be final and 1404
conclusive unless reversed, vacated, or modified on appeal. 1405
These appeals may be taken either by the party or the agency, 1406

shall proceed as in the case of appeals in civil actions, and 1407
shall be pursuant to the Rules of Appellate Procedure and, to 1408
the extent not in conflict with those rules, Chapter 2505. of 1409
the Revised Code. An appeal by the agency shall be taken on 1410
questions of law relating to the constitutionality, 1411
construction, or interpretation of statutes and rules of the 1412
agency, and, in the appeal, the court may also review and 1413
determine the correctness of the judgment of the court of common 1414
pleas that the order of the agency is not supported by any 1415
reliable, probative, and substantial evidence in the entire 1416
record. 1417

The court shall certify its judgment to the agency or take 1418
any other action necessary to give its judgment effect. 1419

Sec. 121.03. The following administrative department heads 1420
shall be appointed by the governor, with the advice and consent 1421
of the senate, and shall hold their offices during the term of 1422
the appointing governor, and are subject to removal at the 1423
pleasure of the governor. 1424

- (A) The director of budget and management; 1425
- (B) The director of commerce; 1426
- (C) The director of transportation; 1427
- (D) The director of agriculture; 1428
- (E) The director of job and family services; 1429
- (F) Until July 1, 1997, the director of liquor control; 1430
- (G) The director of public safety; 1431
- (H) The superintendent of insurance; 1432
- (I) The director of development services; 1433

| | |
|------------------------------------------------------------------------------------|------|
| (J) The tax commissioner; | 1434 |
| (K) The director of administrative services; | 1435 |
| (L) The director of natural resources; | 1436 |
| (M) The director of mental health and addiction services; | 1437 |
| (N) The director of developmental disabilities; | 1438 |
| (O) The director of health; | 1439 |
| (P) The director of youth services; | 1440 |
| (Q) The director of rehabilitation and correction; | 1441 |
| (R) The director of environmental protection; | 1442 |
| (S) The director of aging; | 1443 |
| (T) The administrator of workers' compensation <u>worker</u> | 1444 |
| <u>safety and rehabilitation</u> who meets the qualifications required | 1445 |
| under division (A) of section 4121.121 of the Revised Code; | 1446 |
| (U) The director of veterans services who meets the | 1447 |
| qualifications required under section 5902.01 of the Revised | 1448 |
| Code; | 1449 |
| (V) The chancellor of higher education; | 1450 |
| (W) The medicaid director. | 1451 |
| Sec. 121.52. There is hereby created in the office of the | 1452 |
| inspector general the office of deputy inspector general for the | 1453 |
| bureau of workers' compensation and industrial commission <u>office</u> | 1454 |
| <u>of worker safety and rehabilitation.</u> The inspector general shall | 1455 |
| appoint the deputy inspector general, and the deputy inspector | 1456 |
| general shall serve at the pleasure of the inspector general. A | 1457 |
| person employed as the deputy inspector general shall have the | 1458 |
| same qualifications as those specified in section 121.49 of the | 1459 |

Revised Code for the inspector general. The inspector general 1460
shall provide professional and clerical assistance to the deputy 1461
inspector general. 1462

The deputy inspector general for the ~~bureau of workers'~~ 1463
~~compensation and the industrial commission~~ office of worker 1464
safety and rehabilitation shall investigate wrongful acts or 1465
omissions that have been committed by or are being committed by 1466
officers or employees of the ~~bureau of workers' compensation~~ 1467
office of worker safety and rehabilitation and the industrial 1468
commission. The deputy inspector general has the same powers and 1469
duties regarding matters concerning the ~~bureau~~ office of worker 1470
safety and rehabilitation and the commission as those specified 1471
in sections 121.42, 121.43, and 121.45 of the Revised Code for 1472
the inspector general. Complaints may be filed with the deputy 1473
inspector general in the same manner as prescribed for 1474
complaints filed with the inspector general under section 121.46 1475
of the Revised Code. All investigations conducted and reports 1476
issued by the deputy inspector general are subject to section 1477
121.44 of the Revised Code. 1478

There is hereby created in the state treasury the deputy 1479
inspector general for the ~~bureau of workers' compensation and~~ 1480
~~industrial commission~~ office of worker safety and rehabilitation 1481
fund, which shall consist of moneys deposited into it that the 1482
inspector general receives from the administrator of ~~workers'~~ 1483
~~compensation~~ worker safety and rehabilitation and receives from 1484
the industrial commission in accordance with this section. The 1485
inspector general shall use the fund to pay the costs incurred 1486
by the deputy inspector general in performing the duties of the 1487
deputy inspector general as required under this section. 1488

The members of the industrial commission, ~~bureau of~~ 1489

~~workers' compensation office of worker safety and rehabilitation~~ 1490
board of directors, ~~workers' compensation~~ audit committee of the 1491
office of worker safety and rehabilitation, workers' 1492
~~compensation~~ actuarial committee of the office of worker safety 1493
and rehabilitation, and workers' compensation investment 1494
committee of the office of worker safety and rehabilitation, and 1495
the administrator, and employees of the industrial commission 1496
and the ~~bureau~~ office shall cooperate with and provide 1497
assistance to the deputy inspector general in the performance of 1498
any investigation conducted by the deputy inspector general. In 1499
particular, those persons shall make their premises, equipment, 1500
personnel, books, records, and papers readily available to the 1501
deputy inspector general. In the course of an investigation, the 1502
deputy inspector general may question any person employed by the 1503
industrial commission or the administrator and any person 1504
transacting business with the industrial commission, the board, 1505
the audit committee, the actuarial committee, the investment 1506
committee, the administrator, or the ~~bureau~~ office and may 1507
inspect and copy any books, records, or papers in the possession 1508
of those persons or entities, taking care to preserve the 1509
confidentiality of information contained in responses to 1510
questions or the books, records, or papers that are made 1511
confidential by law. 1512

In performing any investigation, the deputy inspector 1513
general shall avoid interfering with the ongoing operations of 1514
the entities being investigated, except insofar as is reasonably 1515
necessary to successfully complete the investigation. 1516

At the conclusion of an investigation conducted by the 1517
deputy inspector general for the ~~bureau of workers' compensation~~ 1518
~~and industrial commission~~ office of worker safety and 1519
rehabilitation, the deputy inspector general shall deliver to 1520

the board, the administrator, the industrial commission, and the 1521
governor any case for which remedial action is necessary. The 1522
deputy inspector general shall maintain a public record of the 1523
activities of the office of the deputy inspector general to the 1524
extent permitted under this section, ensuring that the rights of 1525
the parties involved in each case are protected. The inspector 1526
general shall include in the annual report required under 1527
section 121.48 of the Revised Code a summary of the activities 1528
of the deputy inspector general during the previous year. 1529

No person shall disclose any information that is 1530
designated as confidential in accordance with section 121.44 of 1531
the Revised Code or any confidential information that is 1532
acquired in the course of an investigation conducted under this 1533
section to any person who is not legally entitled to disclosure 1534
of that information. 1535

Sec. 123.01. (A) The department of administrative 1536
services, in addition to those powers enumerated in Chapters 1537
124. and 125. of the Revised Code and provided elsewhere by law, 1538
shall exercise the following powers: 1539

(1) To prepare and suggest comprehensive plans for the 1540
development of grounds and buildings under the control of a 1541
state agency; 1542

(2) To acquire, by purchase, gift, devise, lease, or 1543
grant, all real estate required by a state agency, in the 1544
exercise of which power the department may exercise the power of 1545
eminent domain, in the manner provided by sections 163.01 to 1546
163.22 of the Revised Code; 1547

(3) To erect, supervise, and maintain all public monuments 1548
and memorials erected by the state, except where the supervision 1549

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| and maintenance is otherwise provided by law; | 1550 |
| (4) To procure, by lease, storage accommodations for a state agency; | 1551 1552 |
| (5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, and shall be executed for the state by the director of administrative services, provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code. | 1553 1554 1555 1556 1557 1558 1559 1560 1561 1562 1563 1564 1565 1566 |
| (6) To lease space for the use of a state agency; | 1567 |
| (7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency; | 1568 1569 1570 |
| (8) To exercise general custodial care of all real property of the state; | 1571 1572 |
| (9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use; | 1573 1574 1575 1576 |
| (10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof | 1577 1578 |

under a lease-purchase plan, buildings, structures, and other 1579
improvements for any public purpose, and, in conjunction 1580
therewith, to grant leases, easements, or licenses for lands 1581
under the control of a state agency for a period not to exceed 1582
forty years. The lease-purchase plan shall provide that at the 1583
end of the lease period, the buildings, structures, and related 1584
improvements, together with the land on which they are situated, 1585
shall become the property of the state without cost. 1586

(a) Whenever any building, structure, or other improvement 1587
is to be so leased by a state agency, the department shall 1588
retain either basic plans, specifications, bills of materials, 1589
and estimates of cost with sufficient detail to afford bidders 1590
all needed information or, alternatively, all of the following 1591
plans, details, bills of materials, and specifications: 1592

(i) Full and accurate plans suitable for the use of 1593
mechanics and other builders in the improvement; 1594

(ii) Details to scale and full sized, so drawn and 1595
represented as to be easily understood; 1596

(iii) Accurate bills showing the exact quantity of 1597
different kinds of material necessary to the construction; 1598

(iv) Definite and complete specifications of the work to 1599
be performed, together with such directions as will enable a 1600
competent mechanic or other builder to carry them out and afford 1601
bidders all needed information; 1602

(v) A full and accurate estimate of each item of expense 1603
and of the aggregate cost thereof. 1604

(b) The department shall give public notice, in such 1605
newspaper, in such form, and with such phraseology as the 1606
director of administrative services prescribes, published once 1607

each week for four consecutive weeks, of the time when and place 1608
where bids will be received for entering into an agreement to 1609
lease to a state agency a building, structure, or other 1610
improvement. The last publication shall be at least eight days 1611
preceding the day for opening the bids. The bids shall contain 1612
the terms upon which the builder would propose to lease the 1613
building, structure, or other improvement to the state agency. 1614
The form of the bid approved by the department shall be used, 1615
and a bid is invalid and shall not be considered unless that 1616
form is used without change, alteration, or addition. Before 1617
submitting bids pursuant to this section, any builder shall 1618
comply with Chapter 153. of the Revised Code. 1619

(c) On the day and at the place named for receiving bids 1620
for entering into lease agreements with a state agency, the 1621
director of administrative services shall open the bids and 1622
shall publicly proceed immediately to tabulate the bids upon 1623
duplicate sheets. No lease agreement shall be entered into until 1624
the ~~bureau of workers' compensation~~ office of worker safety and 1625
rehabilitation has certified that the person to be awarded the 1626
lease agreement has complied with Chapter 4123. of the Revised 1627
Code, until, if the builder submitting the lowest and best bid 1628
is a foreign corporation, the secretary of state has certified 1629
that the corporation is authorized to do business in this state, 1630
until, if the builder submitting the lowest and best bid is a 1631
person nonresident of this state, the person has filed with the 1632
secretary of state a power of attorney designating the secretary 1633
of state as its agent for the purpose of accepting service of 1634
summons in any action brought under Chapter 4123. of the Revised 1635
Code, and until the agreement is submitted to the attorney 1636
general and the attorney general's approval is certified 1637
thereon. Within thirty days after the day on which the bids are 1638

received, the department shall investigate the bids received and 1639
shall determine that the ~~bureau~~office of worker safety and 1640
rehabilitation and the secretary of state have made the 1641
certifications required by this section of the builder who has 1642
submitted the lowest and best bid. Within ten days of the 1643
completion of the investigation of the bids, the department 1644
shall award the lease agreement to the builder who has submitted 1645
the lowest and best bid and who has been certified by the ~~bureau~~ 1646
office and secretary of state as required by this section. If 1647
bidding for the lease agreement has been conducted upon the 1648
basis of basic plans, specifications, bills of materials, and 1649
estimates of costs, upon the award to the builder the 1650
department, or the builder with the approval of the department, 1651
shall appoint an architect or engineer licensed in this state to 1652
prepare such further detailed plans, specifications, and bills 1653
of materials as are required to construct the building, 1654
structure, or improvement. The department shall adopt such rules 1655
as are necessary to give effect to this section. The department 1656
may reject any bid. Where there is reason to believe there is 1657
collusion or combination among bidders, the bids of those 1658
concerned therein shall be rejected. 1659

(11) To acquire by purchase, gift, devise, or grant and to 1660
transfer, lease, or otherwise dispose of all real property 1661
required to assist in the development of a conversion facility 1662
as defined in section 5709.30 of the Revised Code as that 1663
section existed before its repeal by Amended Substitute House 1664
Bill 95 of the 125th general assembly; 1665

(12) To lease for a period not to exceed forty years, 1666
notwithstanding any other division of this section, the state- 1667
owned property located at 408-450 East Town Street, Columbus, 1668
Ohio, formerly the state school for the deaf, to a developer in 1669

accordance with this section. "Developer," as used in this 1670
section, has the same meaning as in section 123.77 of the 1671
Revised Code. 1672

Such a lease shall be for the purpose of development of 1673
the land for use by senior citizens by constructing, altering, 1674
renovating, repairing, expanding, and improving the site as it 1675
existed on June 25, 1982. A developer desiring to lease the land 1676
shall prepare for submission to the department a plan for 1677
development. Plans shall include provisions for roads, sewers, 1678
water lines, waste disposal, water supply, and similar matters 1679
to meet the requirements of state and local laws. The plans 1680
shall also include provision for protection of the property by 1681
insurance or otherwise, and plans for financing the development, 1682
and shall set forth details of the developer's financial 1683
responsibility. 1684

The department may employ, as employees or consultants, 1685
persons needed to assist in reviewing the development plans. 1686
Those persons may include attorneys, financial experts, 1687
engineers, and other necessary experts. The department shall 1688
review the development plans and may enter into a lease if it 1689
finds all of the following: 1690

(a) The best interests of the state will be promoted by 1691
entering into a lease with the developer; 1692

(b) The development plans are satisfactory; 1693

(c) The developer has established the developer's 1694
financial responsibility and satisfactory plans for financing 1695
the development. 1696

The lease shall contain a provision that construction or 1697
renovation of the buildings, roads, structures, and other 1698

necessary facilities shall begin within one year after the date 1699
of the lease and shall proceed according to a schedule agreed to 1700
between the department and the developer or the lease will be 1701
terminated. The lease shall contain such conditions and 1702
stipulations as the director considers necessary to preserve the 1703
best interest of the state. Moneys received by the state 1704
pursuant to this lease shall be paid into the general revenue 1705
fund. The lease shall provide that at the end of the lease 1706
period the buildings, structures, and related improvements shall 1707
become the property of the state without cost. 1708

(13) To manage the use of space owned and controlled by 1709
the department by doing all of the following: 1710

(a) Biennially implementing, by state agency location, a 1711
census of agency employees assigned space; 1712

(b) Periodically in the discretion of the director of 1713
administrative services: 1714

(i) Requiring each state agency to categorize the use of 1715
space allotted to the agency between office space, common areas, 1716
storage space, and other uses, and to report its findings to the 1717
department; 1718

(ii) Creating and updating a master space utilization plan 1719
for all space allotted to state agencies. The plan shall 1720
incorporate space utilization metrics. 1721

(iii) Conducting a cost-benefit analysis to determine the 1722
effectiveness of state-owned buildings; 1723

(iv) Assessing the alternatives associated with 1724
consolidating the commercial leases for buildings located in 1725
Columbus. 1726

(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 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

employees involved in the purchasing process; 1756

(f) Working with the development services agency to make 1757
recommendations regarding planning and implementation of 1758
purchasing policies and procedures that are supportive of energy 1759
efficiency and conservation. 1760

(16) To require all state agencies, departments, 1761
divisions, bureaus, offices, units, commissions, boards, 1762
authorities, quasi-governmental entities, institutions, and 1763
state institutions of higher education to implement procedures 1764
to ensure that all of the passenger automobiles they acquire in 1765
each fiscal year, except for those passenger automobiles 1766
acquired for use in law enforcement or emergency rescue work, 1767
achieve a fleet average fuel economy of not less than the fleet 1768
average fuel economy for that fiscal year as the department 1769
shall prescribe by rule. The department shall adopt the rule 1770
prior to the beginning of the fiscal year, in accordance with 1771
the average fuel economy standards established by federal law 1772
for passenger automobiles manufactured during the model year 1773
that begins during the fiscal year. 1774

Each state agency, department, division, bureau, office, 1775
unit, commission, board, authority, quasi-governmental entity, 1776
institution, and state institution of higher education shall 1777
determine its fleet average fuel economy by dividing the total 1778
number of passenger vehicles acquired during the fiscal year, 1779
except for those passenger vehicles acquired for use in law 1780
enforcement or emergency rescue work, by a sum of terms, each of 1781
which is a fraction created by dividing the number of passenger 1782
vehicles of a given make, model, and year, except for passenger 1783
vehicles acquired for use in law enforcement or emergency rescue 1784
work, acquired during the fiscal year by the fuel economy 1785

measured by the administrator of the United States environmental 1786
protection agency, for the given make, model, and year of 1787
vehicle, that constitutes an average fuel economy for combined 1788
city and highway driving. 1789

As used in division (A) (16) of this section, "acquired" 1790
means leased for a period of sixty continuous days or more, or 1791
purchased. 1792

(B) This section and section 125.02 of the Revised Code 1793
shall not interfere with any of the following: 1794

(1) The power of the adjutant general to purchase military 1795
supplies, or with the custody of the adjutant general of 1796
property leased, purchased, or constructed by the state and used 1797
for military purposes, or with the functions of the adjutant 1798
general as director of state armories; 1799

(2) The power of the director of transportation in 1800
acquiring rights-of-way for the state highway system, or the 1801
leasing of lands for division or resident district offices, or 1802
the leasing of lands or buildings required in the maintenance 1803
operations of the department of transportation, or the purchase 1804
of real property for garage sites or division or resident 1805
district offices, or in preparing plans and specifications for 1806
and constructing such buildings as the director may require in 1807
the administration of the department; 1808

(3) The power of the director of public safety and the 1809
registrar of motor vehicles to purchase or lease real property 1810
and buildings to be used solely as locations to which a deputy 1811
registrar is assigned pursuant to division (B) of section 1812
4507.011 of the Revised Code and from which the deputy registrar 1813
is to conduct the deputy registrar's business, the power of the 1814

director of public safety to purchase or lease real property and 1815
buildings to be used as locations for division or district 1816
offices as required in the maintenance of operations of the 1817
department of public safety, and the power of the superintendent 1818
of the state highway patrol in the purchase or leasing of real 1819
property and buildings needed by the patrol, to negotiate the 1820
sale of real property owned by the patrol, to rent or lease real 1821
property owned or leased by the patrol, and to make or cause to 1822
be made repairs to all property owned or under the control of 1823
the patrol; 1824

(4) The power of the division of liquor control in the 1825
leasing or purchasing of retail outlets and warehouse facilities 1826
for the use of the division; 1827

(5) The power of the director of development services to 1828
enter into leases of real property, buildings, and office space 1829
to be used solely as locations for the state's foreign offices 1830
to carry out the purposes of section 122.05 of the Revised Code; 1831

(6) The power of the director of environmental protection 1832
to enter into environmental covenants, to grant and accept 1833
easements, or to sell property pursuant to division (G) of 1834
section 3745.01 of the Revised Code. 1835

(C) Purchases for, and the custody and repair of, 1836
buildings under the management and control of the capitol square 1837
review and advisory board, the opportunities for Ohioans with 1838
disabilities agency, ~~the bureau of workers' compensation office~~ 1839
of worker safety and rehabilitation, or the departments of 1840
public safety, job and family services, mental health and 1841
addiction services, developmental disabilities, and 1842
rehabilitation and correction; buildings of educational and 1843
benevolent institutions under the management and control of 1844

boards of trustees; and purchases or leases for, and the custody 1845
and repair of, office space used for the purposes of the joint 1846
legislative ethics committee are not subject to the control and 1847
jurisdiction of the department of administrative services. 1848

If the joint legislative ethics committee so requests, the 1849
committee and the director of administrative services may enter 1850
into a contract under which the department of administrative 1851
services agrees to perform any services requested by the 1852
committee that the department is authorized under this section 1853
to perform. 1854

(D) Any instrument by which real property is acquired 1855
pursuant to this section shall identify the agency of the state 1856
that has the use and benefit of the real property as specified 1857
in section 5301.012 of the Revised Code. 1858

Sec. 124.11. The civil service of the state and the 1859
several counties, cities, civil service townships, city health 1860
districts, general health districts, and city school districts 1861
of the state shall be divided into the unclassified service and 1862
the classified service. 1863

(A) The unclassified service shall comprise the following 1864
positions, which shall not be included in the classified 1865
service, and which shall be exempt from all examinations 1866
required by this chapter: 1867

(1) All officers elected by popular vote or persons 1868
appointed to fill vacancies in those offices; 1869

(2) All election officers as defined in section 3501.01 of 1870
the Revised Code; 1871

(3) (a) The members of all boards and commissions, and 1872
heads of principal departments, boards, and commissions 1873

appointed by the governor or by and with the governor's consent; 1874

(b) The heads of all departments appointed by a board of 1875
county commissioners; 1876

(c) The members of all boards and commissions and all 1877
heads of departments appointed by the mayor, or, if there is no 1878
mayor, such other similar chief appointing authority of any city 1879
or city school district; 1880

Except as otherwise provided in division (A) (17) or (C) of 1881
this section, this chapter does not exempt the chiefs of police 1882
departments and chiefs of fire departments of cities or civil 1883
service townships from the competitive classified service. 1884

(4) The members of county or district licensing boards or 1885
commissions and boards of revision, and not more than five 1886
deputy county auditors; 1887

(5) All officers and employees elected or appointed by 1888
either or both branches of the general assembly, and employees 1889
of the city legislative authority engaged in legislative duties; 1890

(6) All commissioned, warrant, and noncommissioned 1891
officers and enlisted persons in the Ohio organized militia, 1892
including military appointees in the adjutant general's 1893
department; 1894

(7) (a) All presidents, business managers, administrative 1895
officers, superintendents, assistant superintendents, 1896
principals, deans, assistant deans, instructors, teachers, and 1897
such employees as are engaged in educational or research duties 1898
connected with the public school system, colleges, and 1899
universities, as determined by the governing body of the public 1900
school system, colleges, and universities; 1901

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| (b) The library staff of any library in the state | 1902 |
| supported wholly or in part at public expense. | 1903 |
| (8) Four clerical and administrative support employees for | 1904 |
| each of the elective state officers, four clerical and | 1905 |
| administrative support employees for each board of county | 1906 |
| commissioners and one such employee for each county | 1907 |
| commissioner, and four clerical and administrative support | 1908 |
| employees for other elective officers and each of the principal | 1909 |
| appointive executive officers, boards, or commissions, except | 1910 |
| for civil service commissions, that are authorized to appoint | 1911 |
| such clerical and administrative support employees; | 1912 |
| (9) The deputies and assistants of state agencies | 1913 |
| authorized to act for and on behalf of the agency, or holding a | 1914 |
| fiduciary or administrative relation to that agency and those | 1915 |
| persons employed by and directly responsible to elected county | 1916 |
| officials or a county administrator and holding a fiduciary or | 1917 |
| administrative relationship to such elected county officials or | 1918 |
| county administrator, and the employees of such county officials | 1919 |
| whose fitness would be impracticable to determine by competitive | 1920 |
| examination, provided that division (A) (9) of this section shall | 1921 |
| not affect those persons in county employment in the classified | 1922 |
| service as of September 19, 1961. Nothing in division (A) (9) of | 1923 |
| this section applies to any position in a county department of | 1924 |
| job and family services created pursuant to Chapter 329. of the | 1925 |
| Revised Code. | 1926 |
| (10) Bailiffs, constables, official stenographers, and | 1927 |
| commissioners of courts of record, deputies of clerks of the | 1928 |
| courts of common pleas who supervise or who handle public moneys | 1929 |
| or secured documents, and such officers and employees of courts | 1930 |
| of record and such deputies of clerks of the courts of common | 1931 |

pleas as the appointing authority finds it impracticable to 1932
determine their fitness by competitive examination; 1933

(11) Assistants to the attorney general, special counsel 1934
appointed or employed by the attorney general, assistants to 1935
county prosecuting attorneys, and assistants to city directors 1936
of law; 1937

(12) Such teachers and employees in the agricultural 1938
experiment stations; such students in normal schools, colleges, 1939
and universities of the state who are employed by the state or a 1940
political subdivision of the state in student or intern 1941
classifications; and such unskilled labor positions as the 1942
director of administrative services, with respect to positions 1943
in the service of the state, or any municipal civil service 1944
commission may find it impracticable to include in the 1945
competitive classified service; provided such exemptions shall 1946
be by order of the commission or the director, duly entered on 1947
the record of the commission or the director with the reasons 1948
for each such exemption; 1949

(13) Any physician or dentist who is a full-time employee 1950
of the department of mental health and addiction services, the 1951
department of developmental disabilities, or an institution 1952
under the jurisdiction of either department; and physicians who 1953
are in residency programs at the institutions; 1954

(14) Up to twenty positions at each institution under the 1955
jurisdiction of the department of mental health and addiction 1956
services or the department of developmental disabilities that 1957
the department director determines to be primarily 1958
administrative or managerial; and up to fifteen positions in any 1959
division of either department, excluding administrative 1960
assistants to the director and division chiefs, which are within 1961

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| the immediate staff of a division chief and which the director | 1962 |
| determines to be primarily and distinctively administrative and | 1963 |
| managerial; | 1964 |
| (15) Noncitizens of the United States employed by the | 1965 |
| state, or its counties or cities, as physicians or nurses who | 1966 |
| are duly licensed to practice their respective professions under | 1967 |
| the laws of this state, or medical assistants, in mental or | 1968 |
| chronic disease hospitals, or institutions; | 1969 |
| (16) Employees of the governor's office; | 1970 |
| (17) Fire chiefs and chiefs of police in civil service | 1971 |
| townships appointed by boards of township trustees under section | 1972 |
| 505.38 or 505.49 of the Revised Code; | 1973 |
| (18) Executive directors, deputy directors, and program | 1974 |
| directors employed by boards of alcohol, drug addiction, and | 1975 |
| mental health services under Chapter 340. of the Revised Code, | 1976 |
| and secretaries of the executive directors, deputy directors, | 1977 |
| and program directors; | 1978 |
| (19) Superintendents, and management employees as defined | 1979 |
| in section 5126.20 of the Revised Code, of county boards of | 1980 |
| developmental disabilities; | 1981 |
| (20) Physicians, nurses, and other employees of a county | 1982 |
| hospital who are appointed pursuant to sections 339.03 and | 1983 |
| 339.06 of the Revised Code; | 1984 |
| (21) The executive director of the state medical board, | 1985 |
| who is appointed pursuant to division (B) of section 4731.05 of | 1986 |
| the Revised Code; | 1987 |
| (22) County directors of job and family services as | 1988 |
| provided in section 329.02 of the Revised Code and | 1989 |

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| administrators appointed under section 329.021 of the Revised Code; | 1990 1991 |
| (23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code; | 1992 1993 |
| (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; | 1994 1995 1996 1997 |
| (25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code; | 1998 1999 2000 |
| (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 <u>department of higher education</u> , bureau of workers' compensation <u>office of worker safety and rehabilitation</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 determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 47 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A) (26) of this section is in addition to and does not limit any other authority that an administrative | 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 |

department or state agency has under the Revised Code to 2020
establish positions, appoint employees, or set compensation. 2021

(27) Employees of the department of agriculture employed 2022
under section 901.09 of the Revised Code; 2023

(28) For cities, counties, civil service townships, city 2024
health districts, general health districts, and city school 2025
districts, the deputies and assistants of elective or principal 2026
executive officers authorized to act for and in the place of 2027
their principals or holding a fiduciary relation to their 2028
principals; 2029

(29) Employees who receive intermittent or temporary 2030
appointments under division (B) of section 124.30 of the Revised 2031
Code; 2032

(30) Employees appointed to administrative staff positions 2033
for which an appointing authority is given specific statutory 2034
authority to set compensation; 2035

(31) Employees appointed to highway patrol cadet or 2036
highway patrol cadet candidate classifications; 2037

(32) Employees placed in the unclassified service by 2038
another section of the Revised Code. 2039

(B) The classified service shall comprise all persons in 2040
the employ of the state and the several counties, cities, city 2041
health districts, general health districts, and city school 2042
districts of the state, not specifically included in the 2043
unclassified service. Upon the creation by the board of trustees 2044
of a civil service township civil service commission, the 2045
classified service shall also comprise, except as otherwise 2046
provided in division (A) (17) or (C) of this section, all persons 2047
in the employ of a civil service township police or fire 2048

department having ten or more full-time paid employees. The 2049
classified service consists of two classes, which shall be 2050
designated as the competitive class and the unskilled labor 2051
class. 2052

(1) The competitive class shall include all positions and 2053
employments in the state and the counties, cities, city health 2054
districts, general health districts, and city school districts 2055
of the state, and, upon the creation by the board of trustees of 2056
a civil service township or a township civil service commission, 2057
all positions in a civil service township police or fire 2058
department having ten or more full-time paid employees, for 2059
which it is practicable to determine the merit and fitness of 2060
applicants by competitive examinations. Appointments shall be 2061
made to, or employment shall be given in, all positions in the 2062
competitive class that are not filled by promotion, 2063
reinstatement, transfer, or reduction, as provided in this 2064
chapter, and the rules of the director of administrative 2065
services, by appointment from those certified to the appointing 2066
officer in accordance with this chapter. 2067

(2) The unskilled labor class shall include ordinary 2068
unskilled laborers. Vacancies in the labor class for positions 2069
in service of the state shall be filled by appointment from 2070
lists of applicants registered by the director or the director's 2071
designee. Vacancies in the labor class for all other positions 2072
shall be filled by appointment from lists of applicants 2073
registered by a commission. The director or the commission, as 2074
applicable, by rule, shall require an applicant for registration 2075
in the labor class to furnish evidence or take tests as the 2076
director or commission considers proper with respect to age, 2077
residence, physical condition, ability to labor, honesty, 2078
sobriety, industry, capacity, and experience in the work or 2079

employment for which application is made. Laborers who fulfill 2080
the requirements shall be placed on the eligible list for the 2081
kind of labor or employment sought, and preference shall be 2082
given in employment in accordance with the rating received from 2083
that evidence or in those tests. Upon the request of an 2084
appointing officer, stating the kind of labor needed, the pay 2085
and probable length of employment, and the number to be 2086
employed, the director or commission, as applicable, shall 2087
certify from the highest on the list double the number to be 2088
employed; from this number, the appointing officer shall appoint 2089
the number actually needed for the particular work. If more than 2090
one applicant receives the same rating, priority in time of 2091
application shall determine the order in which their names shall 2092
be certified for appointment. 2093

(C) A municipal or civil service township civil service 2094
commission may place volunteer firefighters who are paid on a 2095
fee-for-service basis in either the classified or the 2096
unclassified civil service. 2097

(D) (1) This division does not apply to persons in the 2098
unclassified service who have the right to resume positions in 2099
the classified service under sections 4121.121, 5119.18, 2100
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 2101
Code or to cities, counties, or political subdivisions of the 2102
state. 2103

(2) A person who holds a position in the classified 2104
service of the state and who is appointed to a position in the 2105
unclassified service shall retain the right to resume the 2106
position and status held by the person in the classified service 2107
immediately prior to the person's appointment to the position in 2108
the unclassified service, regardless of the number of positions 2109

the person held in the unclassified service. An employee's right 2110
to resume a position in the classified service may only be 2111
exercised when an appointing authority demotes the employee to a 2112
pay range lower than the employee's current pay range or revokes 2113
the employee's appointment to the unclassified service and any 2114
of the following apply: 2115

(a) That person held a certified position prior to July 1, 2116
2007, in the classified service within the appointing 2117
authority's agency; 2118

(b) That person held a permanent position on or after July 2119
1, 2007, in the classified service within the appointing 2120
authority's agency, and was appointed to the position in the 2121
unclassified service prior to January 1, 2016; 2122

(c) That person held a permanent position on or after 2123
January 1, 2016, in the classified service within the appointing 2124
authority's agency, and is within five years from the effective 2125
date of the person's appointment in the unclassified service. 2126

(3) An employee forfeits the right to resume a position in 2127
the classified service when: 2128

(a) The employee is removed from the position in the 2129
unclassified service due to incompetence, inefficiency, 2130
dishonesty, drunkenness, immoral conduct, insubordination, 2131
discourteous treatment of the public, neglect of duty, violation 2132
of this chapter or the rules of the director of administrative 2133
services, any other failure of good behavior, any other acts of 2134
misfeasance, malfeasance, or nonfeasance in office, or 2135
conviction of a felony while employed in the civil service; or 2136

(b) Upon transfer to a different agency. 2137

(4) Reinstatement to a position in the classified service 2138

shall be to a position substantially equal to that position in 2139
the classified service held previously, as certified by the 2140
director of administrative services. If the position the person 2141
previously held in the classified service has been placed in the 2142
unclassified service or is otherwise unavailable, the person 2143
shall be appointed to a position in the classified service 2144
within the appointing authority's agency that the director of 2145
administrative services certifies is comparable in compensation 2146
to the position the person previously held in the classified 2147
service. Service in the position in the unclassified service 2148
shall be counted as service in the position in the classified 2149
service held by the person immediately prior to the person's 2150
appointment to the position in the unclassified service. When a 2151
person is reinstated to a position in the classified service as 2152
provided in this division, the person is entitled to all rights, 2153
status, and benefits accruing to the position in the classified 2154
service during the person's time of service in the position in 2155
the unclassified service. 2156

Sec. 124.14. (A) (1) The director of administrative 2157
services shall establish, and may modify or rescind, a job 2158
classification plan for all positions, offices, and employments 2159
in the service of the state. The director shall group jobs 2160
within a classification so that the positions are similar enough 2161
in duties and responsibilities to be described by the same 2162
title, to have the same pay assigned with equity, and to have 2163
the same qualifications for selection applied. The director 2164
shall assign a classification title to each classification 2165
within the classification plan. However, the director shall 2166
consider in establishing classifications, including 2167
classifications with parenthetical titles, and assigning pay 2168
ranges such factors as duties performed only on one shift, 2169

special skills in short supply in the labor market, recruitment 2170
problems, separation rates, comparative salary rates, the amount 2171
of training required, and other conditions affecting employment. 2172
The director shall describe the duties and responsibilities of 2173
the class, establish the qualifications for being employed in 2174
each position in the class, and file with the secretary of state 2175
a copy of specifications for all of the classifications. The 2176
director shall file new, additional, or revised specifications 2177
with the secretary of state before they are used. 2178

The director shall assign each classification, either on a 2179
statewide basis or in particular counties or state institutions, 2180
to a pay range established under section 124.15 or section 2181
124.152 of the Revised Code. The director may assign a 2182
classification to a pay range on a temporary basis for a period 2183
of six months. The director may establish experimental 2184
classification plans for some or all employees paid directly by 2185
warrant of the director of budget and management. Any such 2186
experimental classification plan shall include specifications 2187
for each classification within the plan and shall specifically 2188
address compensation ranges, and methods for advancing within 2189
the ranges, for the classifications, which may be assigned to 2190
pay ranges other than the pay ranges established under section 2191
124.15 or 124.152 of the Revised Code. 2192

(2) The director of administrative services may reassign 2193
to a proper classification those positions that have been 2194
assigned to an improper classification. If the compensation of 2195
an employee in such a reassigned position exceeds the maximum 2196
rate of pay for the employee's new classification, the employee 2197
shall be placed in pay step X and shall not receive an increase 2198
in compensation until the maximum rate of pay for that 2199
classification exceeds the employee's compensation. 2200

(3) The director may reassign an exempt employee, as 2201
defined in section 124.152 of the Revised Code, to a bargaining 2202
unit classification if the director determines that the 2203
bargaining unit classification is the proper classification for 2204
that employee. Notwithstanding Chapter 4117. of the Revised Code 2205
or instruments and contracts negotiated under it, these 2206
placements are at the director's discretion. 2207

(4) The director shall assign related classifications, 2208
which form a career progression, to a classification series. The 2209
director shall assign each classification in the classification 2210
plan a five-digit number, the first four digits of which shall 2211
denote the classification series to which the classification is 2212
assigned. When a career progression encompasses more than ten 2213
classifications, the director shall identify the additional 2214
classifications belonging to a classification series. The 2215
additional classifications shall be part of the classification 2216
series, notwithstanding the fact that the first four digits of 2217
the number assigned to the additional classifications do not 2218
correspond to the first four digits of the numbers assigned to 2219
other classifications in the classification series. 2220

(B) Division (A) of this section and sections 124.15 and 2221
124.152 of the Revised Code do not apply to the following 2222
persons, positions, offices, and employments: 2223

(1) Elected officials; 2224

(2) Legislative employees, employees of the legislative 2225
service commission, employees in the office of the governor, 2226
employees who are in the unclassified civil service and exempt 2227
from collective bargaining coverage in the office of the 2228
secretary of state, auditor of state, treasurer of state, and 2229
attorney general, and employees of the supreme court; 2230

(3) Any position for which the authority to determine 2231
compensation is given by law to another individual or entity; 2232

(4) Employees of the ~~bureau of workers' compensation~~ 2233
office of worker safety and rehabilitation whose compensation 2234
the administrator of ~~workers' compensation~~ worker safety and 2235
rehabilitation establishes under division (B) of section 2236
4121.121 of the Revised Code. 2237

(C) The director may employ a consulting agency to aid and 2238
assist the director in carrying out this section. 2239

(D) (1) When the director proposes to modify a 2240
classification or the assignment of classes to appropriate pay 2241
ranges, the director shall notify the appointing authorities of 2242
the affected employees before implementing the modification. The 2243
director's notice shall include the effective date of the 2244
modification. The appointing authorities shall notify the 2245
affected employees regarding the modification. 2246

(2) When the director proposes to reclassify any employee 2247
in the service of the state so that the employee is adversely 2248
affected, the director shall give to the employee affected and 2249
to the employee's appointing authority a written notice setting 2250
forth the proposed new classification, pay range, and salary. 2251
Upon the request of any classified employee in the service of 2252
the state who is not serving in a probationary period, the 2253
director shall perform a job audit to review the classification 2254
of the employee's position to determine whether the position is 2255
properly classified. The director shall give to the employee 2256
affected and to the employee's appointing authority a written 2257
notice of the director's determination whether or not to 2258
reclassify the position or to reassign the employee to another 2259
classification. An employee or appointing authority desiring a 2260

hearing shall file a written request for the hearing with the 2261
state personnel board of review within thirty days after 2262
receiving the notice. The board shall set the matter for a 2263
hearing and notify the employee and appointing authority of the 2264
time and place of the hearing. The employee, the appointing 2265
authority, or any authorized representative of the employee who 2266
wishes to submit facts for the consideration of the board shall 2267
be afforded reasonable opportunity to do so. After the hearing, 2268
the board shall consider anew the reclassification and may order 2269
the reclassification of the employee and require the director to 2270
assign the employee to such appropriate classification as the 2271
facts and evidence warrant. As provided in division (A) (1) of 2272
section 124.03 of the Revised Code, the board may determine the 2273
most appropriate classification for the position of any employee 2274
coming before the board, with or without a job audit. The board 2275
shall disallow any reclassification or reassignment 2276
classification of any employee when it finds that changes have 2277
been made in the duties and responsibilities of any particular 2278
employee for political, religious, or other unjust reasons. 2279

(E) (1) Employees of each county department of job and 2280
family services shall be paid a salary or wage established by 2281
the board of county commissioners. The provisions of section 2282
124.18 of the Revised Code concerning the standard work week 2283
apply to employees of county departments of job and family 2284
services. A board of county commissioners may do either of the 2285
following: 2286

(a) Notwithstanding any other section of the Revised Code, 2287
supplement the sick leave, vacation leave, personal leave, and 2288
other benefits of any employee of the county department of job 2289
and family services of that county, if the employee is eligible 2290
for the supplement under a written policy providing for the 2291

| | |
|------------------------------------------------------------------|------|
| supplement; | 2292 |
| (b) Notwithstanding any other section of the Revised Code, | 2293 |
| establish alternative schedules of sick leave, vacation leave, | 2294 |
| personal leave, or other benefits for employees not inconsistent | 2295 |
| with the provisions of a collective bargaining agreement | 2296 |
| covering the affected employees. | 2297 |
| (2) Division (E)(1) of this section does not apply to | 2298 |
| employees for whom the state employment relations board | 2299 |
| establishes appropriate bargaining units pursuant to section | 2300 |
| 4117.06 of the Revised Code, except in either of the following | 2301 |
| situations: | 2302 |
| (a) The employees for whom the state employment relations | 2303 |
| board establishes appropriate bargaining units elect no | 2304 |
| representative in a board-conducted representation election. | 2305 |
| (b) After the state employment relations board establishes | 2306 |
| appropriate bargaining units for such employees, all employee | 2307 |
| organizations withdraw from a representation election. | 2308 |
| (F)(1) Notwithstanding any contrary provision of sections | 2309 |
| 124.01 to 124.64 of the Revised Code, the board of trustees of | 2310 |
| each state university or college, as defined in section 3345.12 | 2311 |
| of the Revised Code, shall carry out all matters of governance | 2312 |
| involving the officers and employees of the university or | 2313 |
| college, including, but not limited to, the powers, duties, and | 2314 |
| functions of the department of administrative services and the | 2315 |
| director of administrative services specified in this chapter. | 2316 |
| Officers and employees of a state university or college shall | 2317 |
| have the right of appeal to the state personnel board of review | 2318 |
| as provided in this chapter. | 2319 |
| (2) Each board of trustees shall adopt rules under section | 2320 |

111.15 of the Revised Code to carry out the matters of 2321
governance described in division (F) (1) of this section. Until 2322
the board of trustees adopts those rules, a state university or 2323
college shall continue to operate pursuant to the applicable 2324
rules adopted by the director of administrative services under 2325
this chapter. 2326

(G) (1) Each board of county commissioners may, by a 2327
resolution adopted by a majority of its members, establish a 2328
county personnel department to exercise the powers, duties, and 2329
functions specified in division (G) of this section. As used in 2330
division (G) of this section, "county personnel department" 2331
means a county personnel department established by a board of 2332
county commissioners under division (G) (1) of this section. 2333

(2) (a) Each board of county commissioners, by a resolution 2334
adopted by a majority of its members, may designate the county 2335
personnel department of the county to exercise the powers, 2336
duties, and functions specified in sections 124.01 to 124.64 and 2337
Chapter 325. of the Revised Code with regard to employees in the 2338
service of the county, except for the powers and duties of the 2339
state personnel board of review, which powers and duties shall 2340
not be construed as having been modified or diminished in any 2341
manner by division (G) (2) of this section, with respect to the 2342
employees for whom the board of county commissioners is the 2343
appointing authority or co-appointing authority. 2344

(b) Nothing in division (G) (2) of this section shall be 2345
construed to limit the right of any employee who possesses the 2346
right of appeal to the state personnel board of review to 2347
continue to possess that right of appeal. 2348

(c) Any board of county commissioners that has established 2349
a county personnel department may contract with the department 2350

of administrative services, in accordance with division (H) of 2351
this section, another political subdivision, or an appropriate 2352
public or private entity to provide competitive testing services 2353
or other appropriate services. 2354

(3) After the county personnel department of a county has 2355
been established as described in division (G) (2) of this 2356
section, any elected official, board, agency, or other 2357
appointing authority of that county, upon written notification 2358
to the county personnel department, may elect to use the 2359
services and facilities of the county personnel department. Upon 2360
receipt of the notification by the county personnel department, 2361
the county personnel department shall exercise the powers, 2362
duties, and functions as described in division (G) (2) of this 2363
section with respect to the employees of that elected official, 2364
board, agency, or other appointing authority. 2365

(4) Each board of county commissioners, by a resolution 2366
adopted by a majority of its members, may disband the county 2367
personnel department. 2368

(5) Any elected official, board, agency, or appointing 2369
authority of a county may end its involvement with a county 2370
personnel department upon actual receipt by the department of a 2371
certified copy of the notification that contains the decision to 2372
no longer participate. 2373

(6) A county personnel department, in carrying out its 2374
duties, shall adhere to merit system principles with regard to 2375
employees of county departments of job and family services, 2376
child support enforcement agencies, and public child welfare 2377
agencies so that there is no threatened loss of federal funding 2378
for these agencies, and the county is financially liable to the 2379
state for any loss of federal funds due to the action or 2380

inaction of the county personnel department. 2381

(H) County agencies may contract with the department of 2382
administrative services for any human resources services, 2383
including, but not limited to, establishment and modification of 2384
job classification plans, competitive testing services, and 2385
periodic audits and reviews of the county's uniform application 2386
of the powers, duties, and functions specified in sections 2387
124.01 to 124.64 and Chapter 325. of the Revised Code with 2388
regard to employees in the service of the county. Nothing in 2389
this division modifies the powers and duties of the state 2390
personnel board of review with respect to employees in the 2391
service of the county. Nothing in this division limits the right 2392
of any employee who possesses the right of appeal to the state 2393
personnel board of review to continue to possess that right of 2394
appeal. 2395

(I) The director of administrative services shall 2396
establish the rate and method of compensation for all employees 2397
who are paid directly by warrant of the director of budget and 2398
management and who are serving in positions that the director of 2399
administrative services has determined impracticable to include 2400
in the state job classification plan. This division does not 2401
apply to elected officials, legislative employees, employees of 2402
the legislative service commission, employees who are in the 2403
unclassified civil service and exempt from collective bargaining 2404
coverage in the office of the secretary of state, auditor of 2405
state, treasurer of state, and attorney general, employees of 2406
the courts, employees of the ~~bureau of workers' compensation~~ 2407
office of worker safety and rehabilitation whose compensation 2408
the administrator of ~~workers' compensation~~ worker safety and 2409
rehabilitation establishes under division (B) of section 2410
4121.121 of the Revised Code, or employees of an appointing 2411

authority authorized by law to fix the compensation of those 2412
employees. 2413

(J) The director of administrative services shall set the 2414
rate of compensation for all intermittent, seasonal, temporary, 2415
emergency, and casual employees in the service of the state who 2416
are not considered public employees under section 4117.01 of the 2417
Revised Code. Those employees are not entitled to receive 2418
employee benefits, unless otherwise required by law. This rate 2419
of compensation shall be equitable in terms of the rate of 2420
employees serving in the same or similar classifications. This 2421
division does not apply to elected officials, legislative 2422
employees, employees of the legislative service commission, 2423
employees who are in the unclassified civil service and exempt 2424
from collective bargaining coverage in the office of the 2425
secretary of state, auditor of state, treasurer of state, and 2426
attorney general, employees of the courts, employees of the 2427
~~bureau of workers' compensation~~ office of worker safety and 2428
rehabilitation whose compensation the administrator establishes 2429
under division (B) of section 4121.121 of the Revised Code, or 2430
employees of an appointing authority authorized by law to fix 2431
the compensation of those employees. 2432

Sec. 125.18. (A) There is hereby established the office of 2433
information technology within the department of administrative 2434
services. The office shall be under the supervision of a state 2435
chief information officer to be appointed by the director of 2436
administrative services and subject to removal at the pleasure 2437
of the director. The chief information officer is an assistant 2438
director of administrative services. 2439

(B) Under the direction of the director of administrative 2440
services, the state chief information officer shall lead, 2441

oversee, and direct state agency activities related to 2442
information technology development and use. In that regard, the 2443
state chief information officer shall do all of the following: 2444

(1) Coordinate and superintend statewide efforts to 2445
promote common use and development of technology by state 2446
agencies. The office of information technology shall establish 2447
policies and standards that govern and direct state agency 2448
participation in statewide programs and initiatives. 2449

(2) Establish policies and standards for the acquisition 2450
and use of common information technology by state agencies, 2451
including, but not limited to, hardware, software, technology 2452
services, and security, and the extension of the service life of 2453
information technology systems, with which state agencies shall 2454
comply; 2455

(3) Establish criteria and review processes to identify 2456
state agency information technology projects or purchases that 2457
require alignment or oversight. As appropriate, the department 2458
of administrative services shall provide the governor and the 2459
director of budget and management with notice and advice 2460
regarding the appropriate allocation of resources for those 2461
projects. The state chief information officer may require state 2462
agencies to provide, and may prescribe the form and manner by 2463
which they must provide, information to fulfill the state chief 2464
information officer's alignment and oversight role; 2465

(4) Establish policies and procedures for the security of 2466
personal information that is maintained and destroyed by state 2467
agencies; 2468

(5) Employ a chief information security officer who is 2469
responsible for the implementation of the policies and 2470

procedures described in division (B)(4) of this section and for 2471
coordinating the implementation of those policies and procedures 2472
in all of the state agencies; 2473

(6) Employ a chief privacy officer who is responsible for 2474
advising state agencies when establishing policies and 2475
procedures for the security of personal information and 2476
developing education and training programs regarding the state's 2477
security procedures; 2478

(7) Establish policies on the purchasing, use, and 2479
reimbursement for use of handheld computing and 2480
telecommunications devices by state agency employees; 2481

(8) Establish policies for the reduction of printing and 2482
the use of electronic records by state agencies; 2483

(9) Establish policies for the reduction of energy 2484
consumption by state agencies; 2485

(10) Compute the amount of revenue attributable to the 2486
amortization of all equipment purchases and capitalized systems 2487
from information technology service delivery and major 2488
information technology purchases operating appropriation items 2489
and major computer purchases capital appropriation items that is 2490
recovered as part of the information technology services rates 2491
the department of administrative services charges and deposits 2492
into the information technology fund created in section 125.15 2493
of the Revised Code; 2494

(11) Regularly review and make recommendations regarding 2495
improving the infrastructure of the state's cybersecurity 2496
operations with existing resources and through partnerships 2497
between government, business, and institutions of higher 2498
education; 2499

(12) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state. 2500
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(C) (1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer. 2502
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(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system. 2510
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(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria. 2513
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(E) The office of information technology may operate technology services for state agencies in accordance with this chapter. 2519
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(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects. 2522
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(G) The office of information technology may operate a 2528

program to make information technology purchases. The director 2529
of administrative services may recover the cost of operating the 2530
program from all participating government entities by issuing 2531
intrastate transfer voucher billings for the procured technology 2532
or through any pass-through billing method agreed to by the 2533
director of administrative services, the director of budget and 2534
management, and the participating government entities that will 2535
receive the procured technology. 2536

If the director of administrative services chooses to 2537
recover the program costs through intrastate transfer voucher 2538
billings, the participating government entities shall process 2539
the intrastate transfer vouchers to pay for the cost. Amounts 2540
received under this section for the information technology 2541
purchase program shall be deposited to the credit of the 2542
information technology governance fund created in section 125.15 2543
of the Revised Code. 2544

(H) Upon request from the director of administrative 2545
services, the director of budget and management may transfer 2546
cash from the information technology fund created in section 2547
125.15 of the Revised Code to the major information technology 2548
purchases fund in an amount not to exceed the amount computed 2549
under division (B) (10) of this section. The major information 2550
technology purchases fund is hereby created in the state 2551
treasury. 2552

(I) As used in this section: 2553

(1) "Personal information" has the same meaning as in 2554
section 149.45 of the Revised Code. 2555

(2) "State agency" means every organized body, office, or 2556
agency established by the laws of the state for the exercise of 2557

any function of state government, other than any state-supported 2558
institution of higher education, the office of the auditor of 2559
state, treasurer of state, secretary of state, or attorney 2560
general, the adjutant general's department, the ~~bureau of~~ 2561
~~workers' compensation~~ office of worker safety and 2562
rehabilitation, the industrial commission, the public employees 2563
retirement system, the Ohio police and fire pension fund, the 2564
state teachers retirement system, the school employees 2565
retirement system, the state highway patrol retirement system, 2566
the general assembly or any legislative agency, the capitol 2567
square review advisory board, or the courts or any judicial 2568
agency. 2569

Sec. 125.30. (A) The department of administrative services 2570
shall do both of the following: 2571

(1) Create a business reply form that is capable of 2572
containing information that a private business is required to 2573
provide to state agencies on a regular basis. The director of 2574
administrative services shall adopt rules in accordance with 2575
Chapter 119. of the Revised Code specifying the information that 2576
the form shall contain. Subject to division (E) of this section, 2577
state agencies shall use the business reply form to obtain 2578
information from private businesses. 2579

(2) Create an on-line computer network system to allow 2580
private businesses to electronically file the business reply 2581
form. 2582

In creating the business reply form described in division 2583
(A) (1) of this section, the director may consider the 2584
recommendations of interested parties from the small business 2585
community who have direct knowledge of and familiarity with the 2586
current state reporting requirements that apply to and the 2587

associated forms that are filed by small businesses. 2588

(B) The director shall establish procedures by which state 2589
agencies may share the information that is collected through the 2590
form established under division (A) of this section. These 2591
procedures shall provide that information that has been 2592
designated as confidential by any state agency shall not be made 2593
available to the other state agencies having access to the 2594
business reply form. 2595

(C) Not later than September 30, 1999, the director may 2596
report to the director of budget and management and to the 2597
committees that handle finance and the committees that handle 2598
state government affairs in the house of representatives and the 2599
senate on the progress of state agencies in complying with 2600
division (A) (1) of this section. The director may recommend a 2601
five per cent reduction in the future appropriations of any 2602
state agency that has failed to comply with that division 2603
without good cause. 2604

(D) As used in this section: 2605

(1) "State agency" means the secretary of state, the 2606
department of job and family services regarding duties it 2607
performs pursuant to Title XLI of the Revised Code, the ~~bureau~~ 2608
~~of workers' compensation office of worker safety and~~ 2609
rehabilitation, the department of administrative services, and 2610
any other state agency that elects to participate in the pilot 2611
program as provided in division (E) of this section. 2612

(2) "Form" has the same meaning as in division (B) of 2613
section 125.91 of the Revised Code. 2614

(E) The provisions of this section pertaining to the 2615
business reply form constitute a two-year pilot program. Not 2616

later than one year after January 21, 1998, the department of 2617
administrative services shall complete the planning and 2618
preparation that is necessary to implement the pilot program. 2619
The director of administrative services may request other state 2620
agencies, as defined in division (A) of section 125.91 of the 2621
Revised Code, to participate in the pilot program. If the 2622
director so requests, the state agency may participate in the 2623
program. The provisions of this section shall cease to have 2624
effect three years after January 21, 1998. Within ninety days 2625
after the completion of the pilot program, the director of 2626
administrative services shall report to the director of budget 2627
and management and the committees described in division (C) of 2628
this section on the effectiveness of the pilot program. 2629

Sec. 126.30. (A) Any state agency that purchases, leases, 2630
or otherwise acquires any equipment, materials, goods, supplies, 2631
or services from any person and fails to make payment for the 2632
equipment, materials, goods, supplies, or services by the 2633
required payment date shall pay an interest charge to the person 2634
in accordance with division (E) of this section, unless the 2635
amount of the interest charge is less than ten dollars. Except 2636
as otherwise provided in division (B), (C), or (D) of this 2637
section, the required payment date shall be the date on which 2638
payment is due under the terms of a written agreement between 2639
the state agency and the person or, if a specific payment date 2640
is not established by such a written agreement, the required 2641
payment date shall be thirty days after the state agency 2642
receives a proper invoice for the amount of the payment due. 2643

(B) If the invoice submitted to the state agency contains 2644
a defect or impropriety, the agency shall send written 2645
notification to the person within fifteen days after receipt of 2646
the invoice. The notice shall contain a description of the 2647

defect or impropriety and any additional information necessary 2648
to correct the defect or impropriety. If the agency sends such 2649
written notification to the person, the required payment date 2650
shall be thirty days after the state agency receives a proper 2651
invoice. 2652

(C) In applying this section to claims submitted to the 2653
department of job and family services by providers of equipment, 2654
materials, goods, supplies, or services, the required payment 2655
date shall be the date on which payment is due under the terms 2656
of a written agreement between the department and the provider. 2657
If a specific payment date is not established by a written 2658
agreement, the required payment date shall be thirty days after 2659
the department receives a proper claim. If the department 2660
determines that the claim is improperly executed or that 2661
additional evidence of the validity of the claim is required, 2662
the department shall notify the claimant in writing or by 2663
telephone within fifteen days after receipt of the claim. The 2664
notice shall state that the claim is improperly executed and 2665
needs correction or that additional information is necessary to 2666
establish the validity of the claim. If the department makes 2667
such notification to the provider, the required payment date 2668
shall be thirty days after the department receives the corrected 2669
claim or such additional information as may be necessary to 2670
establish the validity of the claim. 2671

(D) In applying this section to invoices submitted to the 2672
~~bureau of workers' compensation~~ office of worker safety and 2673
rehabilitation for equipment, materials, goods, supplies, or 2674
services provided to employees in connection with an employee's 2675
claim against the state insurance fund, the public work-relief 2676
employees' compensation fund, the coal-workers pneumoconiosis 2677
fund, or the marine industry fund as compensation for injuries 2678

or occupational disease pursuant to Chapter 4123., 4127., or 2679
4131. of the Revised Code, the required payment date shall be 2680
the date on which payment is due under the terms of a written 2681
agreement between the ~~bureau~~ office and the provider. If a 2682
specific payment date is not established by a written agreement, 2683
the required payment date shall be thirty days after the ~~bureau~~ 2684
office receives a proper invoice for the amount of the payment 2685
due or thirty days after the final adjudication allowing payment 2686
of an award to the employee, whichever is later. Nothing in this 2687
section shall supersede any faster timetable for payments to 2688
health care providers contained in sections 4121.44 and 4123.512 2689
of the Revised Code. 2690

For purposes of this division, a "proper invoice" includes 2691
the claimant's name, claim number and date of injury, employer's 2692
name, the provider's name and address, the provider's assigned 2693
payee number, a description of the equipment, materials, goods, 2694
supplies, or services provided by the provider to the claimant, 2695
the date provided, and the amount of the charge. If more than 2696
one item of equipment, materials, goods, supplies, or services 2697
is listed by a provider on a single application for payment, 2698
each item shall be considered separately in determining if it is 2699
a proper invoice. 2700

If prior to a final adjudication the ~~bureau~~ office 2701
determines that the invoice contains a defect, the ~~bureau~~ office 2702
shall notify the provider in writing at least fifteen days prior 2703
to what would be the required payment date if the invoice did 2704
not contain a defect. The notice shall contain a description of 2705
the defect and any additional information necessary to correct 2706
the defect. If the ~~bureau~~ office sends a notification to the 2707
provider, the required payment date shall be redetermined in 2708
accordance with this division after the ~~bureau~~ office receives a 2709

proper invoice. 2710

For purposes of this division, "final adjudication" means 2711
the later of the date of the decision or other action by the 2712
~~bureau office~~, the industrial commission, or a court allowing 2713
payment of the award to the employee from which there is no 2714
further right to reconsideration or appeal that would require 2715
the ~~bureau office~~ to withhold compensation and benefits, or the 2716
date on which the rights to reconsideration or appeal have 2717
expired without an application therefor having been filed or, if 2718
later, the date on which an application for reconsideration or 2719
appeal is withdrawn. If after final adjudication, the 2720
administrator of ~~the bureau of workers' compensation worker~~ 2721
safety and rehabilitation or the industrial commission makes a 2722
modification with respect to former findings or orders, pursuant 2723
to Chapter 4123., 4127., or 4131. of the Revised Code or 2724
pursuant to court order, the adjudication process shall no 2725
longer be considered final for purposes of determining the 2726
required payment date for invoices for equipment, materials, 2727
goods, supplies, or services provided after the date of the 2728
modification when the propriety of the invoices is affected by 2729
the modification. 2730

(E) The interest charge on amounts due shall be paid to 2731
the person for the period beginning on the day after the 2732
required payment date and ending on the day that payment of the 2733
amount due is made. The amount of the interest charge that 2734
remains unpaid at the end of any thirty-day period after the 2735
required payment date, including amounts under ten dollars, 2736
shall be added to the principal amount of the debt and 2737
thereafter the interest charge shall accrue on the principal 2738
amount of the debt plus the added interest charge. The interest 2739
charge shall be at the rate per calendar month that equals one- 2740

twelfth of the rate per annum prescribed by section 5703.47 of 2741
the Revised Code for the calendar year that includes the month 2742
for which the interest charge accrues. 2743

(F) No appropriations shall be made for the payment of any 2744
interest charges required by this section. Any state agency 2745
required to pay interest charges under this section shall make 2746
the payments from moneys available for the administration of 2747
agency programs. 2748

If a state agency pays interest charges under this 2749
section, but determines that all or part of the interest charges 2750
should have been paid by another state agency, the state agency 2751
that paid the interest charges may request the attorney general 2752
to determine the amount of the interest charges that each state 2753
agency should have paid under this section. If the attorney 2754
general determines that the state agency that paid the interest 2755
charges should have paid none or only a part of the interest 2756
charges, the attorney general shall notify the state agency that 2757
paid the interest charges, any other state agency that should 2758
have paid all or part of the interest charges, and the director 2759
of budget and management of the attorney general's decision, 2760
stating the amount of interest charges that each state agency 2761
should have paid. The director shall transfer from the 2762
appropriate funds of any other state agency that should have 2763
paid all or part of the interest charges to the appropriate 2764
funds of the state agency that paid the interest charges an 2765
amount necessary to implement the attorney general's decision. 2766

(G) Not later than forty-five days after the end of each 2767
fiscal year, each state agency shall file with the director of 2768
budget and management a detailed report concerning the interest 2769
charges the agency paid under this section during the previous 2770

fiscal year. The report shall include the number, amounts, and 2771
frequency of interest charges the agency incurred during the 2772
previous fiscal year and the reasons why the interest charges 2773
were not avoided by payment prior to the required payment date. 2774
The director shall compile a summary of all the reports 2775
submitted under this division and shall submit a copy of the 2776
summary to the president and minority leader of the senate and 2777
to the speaker and minority leader of the house of 2778
representatives no later than the thirtieth day of September of 2779
each year. 2780

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of 2781
the Revised Code, "state agency" means the administrative 2782
departments listed in section 121.02 of the Revised Code, the 2783
department of taxation, the ~~bureau of workers' compensation~~ 2784
office of worker safety and rehabilitation, the Ohio board of 2785
regents, the opportunities for Ohioans with disabilities agency, 2786
the public utilities commission of Ohio, the adjutant general, 2787
and the state lottery commission. 2788

(B) The office of internal audit is hereby created in the 2789
office of budget and management to direct internal audits of 2790
state agencies or divisions of state agencies to improve their 2791
operations in the areas of risk management, internal controls, 2792
and governance. The director of budget and management, with the 2793
approval of the governor, shall appoint for the office of 2794
internal audit a chief internal auditor who meets the 2795
qualifications specified in division (E) of this section. The 2796
chief internal auditor shall serve at the director's pleasure 2797
and be responsible for the administration of the office of 2798
internal audit consistent with sections 126.45 to 126.48 of the 2799
Revised Code. 2800

(C) The office of internal audit shall conduct programs 2801
for the internal auditing of state agencies. The programs shall 2802
include an annual internal audit plan, reviewed by the state 2803
audit committee, that utilizes risk assessment techniques and 2804
identifies the specific audits to be directed during the year. 2805
The programs also shall include periodic audits of each state 2806
agency's major systems and controls, including those systems and 2807
controls pertaining to accounting, administration, and 2808
information technology. Upon the request of the office of 2809
internal audit, each state agency shall provide office employees 2810
access to all records and documents necessary for the 2811
performance of an internal audit. 2812

The director of budget and management shall assess a 2813
charge against each state agency for which the office of 2814
internal audit conducts internal auditing programs under 2815
sections 126.45 to 126.48 of the Revised Code so that the total 2816
amount of these charges is sufficient to cover the costs of the 2817
operation of the office of internal audit. 2818

(D) At the request of any other organized body, office, or 2819
agency established by the laws of the state for the exercise of 2820
any function of state government that is not described in 2821
division (A) of this section, the office of internal audit may 2822
direct an internal audit of all or part of that body, office, or 2823
agency. The office of internal audit shall charge an amount 2824
sufficient to cover the costs it incurs in relation to the 2825
requested audit. 2826

(E) The chief internal auditor of the office of internal 2827
audit shall hold at least a bachelor's degree and be one of the 2828
following: 2829

(1) A certified internal auditor, a certified government 2830

auditing professional, or a certified public accountant, who 2831
also has held a PA registration or a CPA certificate authorized 2832
by Chapter 4701. of the Revised Code for at least four years and 2833
has at least six years of auditing experience; 2834

(2) An auditor who has held a PA registration or a CPA 2835
certificate authorized by Chapter 4701. of the Revised Code for 2836
at least four years and has at least ten years of auditing 2837
experience. 2838

(F) The chief internal auditor, subject to the direction 2839
and control of the director of budget and management, may 2840
appoint and maintain any staff necessary to carry out the duties 2841
assigned by sections 126.45 to 126.48 of the Revised Code to the 2842
office of internal audit or to the chief internal auditor. 2843

Sec. 133.03. (A) Chapter 133. securities are: 2844

(1) Lawful investments for banks, savings and loan 2845
associations, credit union share guaranty corporations, trust 2846
companies, trustees, fiduciaries, insurance companies, including 2847
domestic for life and domestic not for life, trustees or other 2848
officers having charge of sinking and bond retirement or other 2849
funds of the state, subdivisions, and taxing districts, the 2850
commissioners of the sinking fund of the state, the 2851
administrator of ~~workers' compensation~~ worker safety and 2852
rehabilitation, the state teachers, public employees, and school 2853
employees retirement systems, and the Ohio police and fire 2854
pension fund, notwithstanding any other provisions of the 2855
Revised Code or rules adopted pursuant to those provisions by 2856
any agency of the state with respect to investments by them; 2857

(2) Eligible as security for the repayment of the deposit 2858
of public moneys. 2859

(B) Section 9.96 of the Revised Code applies to Chapter 2860
133. securities notwithstanding any other provision in this 2861
chapter. 2862

(C) A subdivision may enter into an agreement with an 2863
agency, including a commission, officer, board, authority, or 2864
other instrumentality, of the state or of the federal government 2865
for the issuance and sale of Chapter 133. securities to that 2866
agency for purposes for which the subdivision is otherwise 2867
authorized to issue those securities, and may issue and sell 2868
those securities under procedures and having terms, other than 2869
those provided in other sections of this chapter, that comply 2870
with that agreement and the rules of that agency. 2871

(D) A subdivision may not issue securities for the purpose 2872
of paying current expenses except for securities authorized to 2873
be issued for that purpose by this chapter or other laws. 2874

(E) The purpose of Chapter 133. securities may be stated 2875
in general terms, such as "street improvements," or "park 2876
improvements," or "extension and improvement of the waterworks 2877
system," or "school improvements." Any legislation submitting to 2878
the electors the question of issuing securities and the 2879
published notice of that election, and the legislation 2880
specifically authorizing securities, shall generally identify 2881
the permanent improvements included in the purpose. 2882

(F) Securities issued pursuant to section 133.13 of the 2883
Revised Code may include amounts to pay financing costs relating 2884
to those securities. 2885

(G) As used in this chapter, with respect to public 2886
obligations: 2887

(1) "Principal amount" means the aggregate of the amount 2888

as stated or provided for in the legislation authorizing the 2889
public obligations as the amount on which interest or interest 2890
equivalent is initially calculated. 2891

(2) "Principal payments" means the payments of or on 2892
account of the principal amount as defined in division (G)(1) of 2893
this section. 2894

(H) Interest or interest equivalent on public obligations 2895
may be paid or compounded at such time as shall be provided in 2896
the legislation authorizing the public obligations. 2897

Sec. 149.01. Each elective state officer, the adjutant 2898
general, the adult parole authority, the department of 2899
agriculture, the director of administrative services, the public 2900
utilities commission, the superintendent of insurance, the 2901
superintendent of financial institutions, the superintendent of 2902
purchases and printing, the fire marshal, the industrial 2903
commission, the administrator of ~~workers' compensation~~ worker 2904
safety and rehabilitation, the state department of 2905
transportation, the department of health, the state medical 2906
board, the state dental board, the board of embalmers and 2907
funeral directors, the Ohio commission for the blind, the 2908
accountancy board of Ohio, the state council of uniform state 2909
laws, the board of commissioners of the sinking fund, the 2910
department of taxation, the board of tax appeals, the division 2911
of liquor control, the director of state armories, the trustees 2912
of the Ohio state university, and every private or quasi-public 2913
institution, association, board, or corporation receiving state 2914
money for its use and purpose shall make annually, at the end of 2915
each fiscal year, in quadruplicate, a report of the transactions 2916
and proceedings of that office or department for that fiscal 2917
year, excepting receipts and disbursements unless otherwise 2918

specifically required by law. The report shall contain a summary 2919
of the official acts of the officer, board, council, commission, 2920
institution, association, or corporation and any suggestions and 2921
recommendations that are proper. 2922

One of the reports shall be filed with the governor, one 2923
with the secretary of state, and one with the state library, and 2924
one shall be kept on file in the office of the officer, board, 2925
council, commission, institution, association, or corporation. 2926
The reports shall be so filed by the first day of August, except 2927
that the report of the treasurer of state shall be so filed by 2928
the thirty-first day of December. 2929

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 2930
151.40 of the Revised Code and in the applicable bond 2931
proceedings unless otherwise provided: 2932

(1) "Bond proceedings" means the resolutions, orders, 2933
agreements, and credit enhancement facilities, and amendments 2934
and supplements to them, or any one or more or combination of 2935
them, authorizing, awarding, or providing for the terms and 2936
conditions applicable to or providing for the security or 2937
liquidity of, the particular obligations, and the provisions 2938
contained in those obligations. 2939

(2) "Bond service fund" means the respective bond service 2940
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 2941
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, 2942
and any accounts in that fund, including all moneys and 2943
investments, and earnings from investments, credited and to be 2944
credited to that fund and accounts as and to the extent provided 2945
in the applicable bond proceedings. 2946

(3) "Capital facilities" means capital facilities or 2947

projects as referred to in section 151.03, 151.04, 151.05, 2948
151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the 2949
Revised Code. 2950

(4) "Costs of capital facilities" means the costs of 2951
acquiring, constructing, reconstructing, rehabilitating, 2952
remodeling, renovating, enlarging, improving, equipping, or 2953
furnishing capital facilities, and of the financing of those 2954
costs. "Costs of capital facilities" includes, without 2955
limitation, and in addition to costs referred to in section 2956
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 2957
151.11, or 151.40 of the Revised Code, the cost of clearance and 2958
preparation of the site and of any land to be used in connection 2959
with capital facilities, the cost of any indemnity and surety 2960
bonds and premiums on insurance, all related direct 2961
administrative expenses and allocable portions of direct costs 2962
of the issuing authority, costs of engineering and architectural 2963
services, designs, plans, specifications, surveys, and estimates 2964
of cost, financing costs, interest on obligations, including but 2965
not limited to, interest from the date of their issuance to the 2966
time when interest is to be paid from sources other than 2967
proceeds of obligations, amounts necessary to establish any 2968
reserves as required by the bond proceedings, the reimbursement 2969
of all moneys advanced or applied by or borrowed from any person 2970
or governmental agency or entity for the payment of any item of 2971
costs of capital facilities, and all other expenses necessary or 2972
incident to planning or determining feasibility or 2973
practicability with respect to capital facilities, and such 2974
other expenses as may be necessary or incident to the 2975
acquisition, construction, reconstruction, rehabilitation, 2976
remodeling, renovation, enlargement, improvement, equipment, and 2977
furnishing of capital facilities, the financing of those costs, 2978

and the placing of the capital facilities in use and operation, 2979
including any one, part of, or combination of those classes of 2980
costs and expenses. For purposes of sections 122.085 to 122.0820 2981
of the Revised Code, "costs of capital facilities" includes 2982
"allowable costs" as defined in section 122.085 of the Revised 2983
Code. 2984

(5) "Credit enhancement facilities," "financing costs," 2985
and "interest" or "interest equivalent" have the same meanings 2986
as in section 133.01 of the Revised Code. 2987

(6) "Debt service" means principal, including any 2988
mandatory sinking fund or redemption requirements for retirement 2989
of obligations, interest and other accreted amounts, interest 2990
equivalent, and any redemption premium, payable on obligations. 2991
If not prohibited by the applicable bond proceedings, debt 2992
service may include costs relating to credit enhancement 2993
facilities that are related to and represent, or are intended to 2994
provide a source of payment of or limitation on, other debt 2995
service. 2996

(7) "Issuing authority" means the Ohio public facilities 2997
commission created in section 151.02 of the Revised Code for 2998
obligations issued under section 151.03, 151.04, 151.05, 151.07, 2999
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 3000
treasurer of state, or the officer who by law performs the 3001
functions of that office, for obligations issued under section 3002
151.06 or 151.40 of the Revised Code. 3003

(8) "Net proceeds" means amounts received from the sale of 3004
obligations, excluding amounts used to refund or retire 3005
outstanding obligations, amounts required to be deposited into 3006
special funds pursuant to the applicable bond proceedings, and 3007
amounts to be used to pay financing costs. 3008

(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 3040
natural resources fund created by section 1557.02 of the Revised 3041
Code, the coal research and development fund created by section 3042
1555.15 of the Revised Code, the clean Ohio conservation fund 3043
created by section 164.27 of the Revised Code, the clean Ohio 3044
revitalization fund created by section 122.658 of the Revised 3045
Code, the job ready site development fund created by section 3046
122.0820 of the Revised Code, the third frontier research and 3047
development fund created by section 184.19 of the Revised Code, 3048
the third frontier research and development taxable bond fund 3049
created by section 184.191 of the Revised Code, or other funds 3050
created by the bond proceedings that are not stated by those 3051
proceedings to be special funds. 3052

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15, 3053
and Section 17, of Article VIII, Ohio Constitution, the state, 3054
by the issuing authority, is authorized to issue and sell, as 3055
provided in sections 151.03 to 151.11 or 151.40 of the Revised 3056
Code, and in respective aggregate principal amounts as from time 3057
to time provided or authorized by the general assembly, general 3058
obligations of this state for the purpose of paying costs of 3059
capital facilities or projects identified by or pursuant to 3060
general assembly action. 3061

(C) Each issue of obligations shall be authorized by 3062
resolution or order of the issuing authority. The bond 3063
proceedings shall provide for or authorize the manner for 3064
determining the principal amount or maximum principal amount of 3065
obligations of an issue, the principal maturity or maturities, 3066
the interest rate or rates, the date of and the dates of payment 3067
of interest on the obligations, their denominations, and the 3068
place or places of payment of debt service which may be within 3069
or outside the state. Unless otherwise provided by law, the 3070

latest principal maturity may not be later than the earlier of 3071
the thirty-first day of December of the twenty-fifth calendar 3072
year after the year of issuance of the particular obligations or 3073
of the twenty-fifth calendar year after the year in which the 3074
original obligation to pay was issued or entered into. Sections 3075
9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to 3076
obligations. The purpose of the obligations may be stated in the 3077
bond proceedings in general terms, such as, as applicable, 3078
"financing or assisting in the financing of projects as provided 3079
in Section 2l of Article VIII, Ohio Constitution," "financing or 3080
assisting in the financing of highway capital improvement 3081
projects as provided in Section 2m of Article VIII, Ohio 3082
Constitution," "paying costs of capital facilities for a system 3083
of common schools throughout the state as authorized by Section 3084
2n of Article VIII, Ohio Constitution," "paying costs of capital 3085
facilities for state-supported and state-assisted institutions 3086
of higher education as authorized by Section 2n of Article VIII, 3087
Ohio Constitution," "paying costs of coal research and 3088
development as authorized by Section 15 of Article VIII, Ohio 3089
Constitution," "financing or assisting in the financing of local 3090
subdivision capital improvement projects as authorized by 3091
Section 2m, 2p, and 2s of Article VIII, Ohio Constitution," 3092
"paying costs of conservation projects as authorized by Sections 3093
2o and 2q of Article VIII, Ohio Constitution," "paying costs of 3094
revitalization projects as authorized by Sections 2o and 2q of 3095
Article VIII, Ohio Constitution," "paying costs of preparing 3096
sites for industry, commerce, distribution, or research and 3097
development as authorized by Section 2p of Article VIII, Ohio 3098
Constitution," or "paying costs of research and development as 3099
authorized by Section 2p of Article VIII, Ohio Constitution." 3100

(D) The issuing authority may appoint or provide for the 3101

appointment of paying agents, bond registrars, securities 3102
depositories, clearing corporations, and transfer agents, and 3103
may without need for any other approval retain or contract for 3104
the services of underwriters, investment bankers, financial 3105
advisers, accounting experts, marketing, remarketing, indexing, 3106
and administrative agents, other consultants, and independent 3107
contractors, including printing services, as are necessary in 3108
the judgment of the issuing authority to carry out the issuing 3109
authority's functions under this chapter. When the issuing 3110
authority is the Ohio public facilities commission, the issuing 3111
authority also may without need for any other approval retain or 3112
contract for the services of attorneys and other professionals 3113
for that purpose. Financing costs are payable, as may be 3114
provided in the bond proceedings, from the proceeds of the 3115
obligations, from special funds, or from other moneys available 3116
for the purpose. 3117

(E) The bond proceedings may contain additional provisions 3118
customary or appropriate to the financing or to the obligations 3119
or to particular obligations including, but not limited to, 3120
provisions for: 3121

(1) The redemption of obligations prior to maturity at the 3122
option of the state or of the holder or upon the occurrence of 3123
certain conditions, and at particular price or prices and under 3124
particular terms and conditions; 3125

(2) The form of and other terms of the obligations; 3126

(3) The establishment, deposit, investment, and 3127
application of special funds, and the safeguarding of moneys on 3128
hand or on deposit, in lieu of the applicability of provisions 3129
of Chapter 131. or 135. of the Revised Code, but subject to any 3130
special provisions of sections 151.01 to 151.11 or 151.40 of the 3131

Revised Code with respect to the application of particular funds 3132
or moneys. Any financial institution that acts as a depository 3133
of any moneys in special funds or other funds under the bond 3134
proceedings may furnish indemnifying bonds or pledge securities 3135
as required by the issuing authority. 3136

(4) Any or every provision of the bond proceedings being 3137
binding upon the issuing authority and upon such governmental 3138
agency or entity, officer, board, commission, authority, agency, 3139
department, institution, district, or other person or body as 3140
may from time to time be authorized to take actions as may be 3141
necessary to perform all or any part of the duty required by the 3142
provision; 3143

(5) The maintenance of each pledge or instrument 3144
comprising part of the bond proceedings until the state has 3145
fully paid or provided for the payment of the debt service on 3146
the obligations or met other stated conditions; 3147

(6) In the event of default in any payments required to be 3148
made by the bond proceedings, or by any other agreement of the 3149
issuing authority made as part of a contract under which the 3150
obligations were issued or secured, including a credit 3151
enhancement facility, the enforcement of those payments by 3152
mandamus, a suit in equity, an action at law, or any combination 3153
of those remedial actions; 3154

(7) The rights and remedies of the holders or owners of 3155
obligations or of book-entry interests in them, and of third 3156
parties under any credit enhancement facility, and provisions 3157
for protecting and enforcing those rights and remedies, 3158
including limitations on rights of individual holders or owners; 3159

(8) The replacement of mutilated, destroyed, lost, or 3160

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| stolen obligations; | 3161 |
| (9) The funding, refunding, or advance refunding, or other provision for payment, of obligations that will then no longer be outstanding for purposes of this section or of the applicable bond proceedings; | 3162 3163 3164 3165 |
| (10) Amendment of the bond proceedings; | 3166 |
| (11) Any other or additional agreements with the owners of obligations, and such other provisions as the issuing authority determines, including limitations, conditions, or qualifications, relating to any of the foregoing. | 3167 3168 3169 3170 |
| (F) The great seal of the state or a facsimile of it may be affixed to or printed on the obligations. The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings. Any obligations may be signed by the individual who on the date of execution is the authorized signer although on the date of these obligations that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery. | 3171 3172 3173 3174 3175 3176 3177 3178 3179 3180 3181 3182 |
| (G) Obligations are investment securities under Chapter 1308. of the Revised Code. Obligations may be issued in bearer or in registered form, registrable as to principal alone or as to both principal and interest, or both, or in certificated or uncertificated form, as the issuing authority determines. Provision may be made for the exchange, conversion, or transfer of obligations and for reasonable charges for registration, | 3183 3184 3185 3186 3187 3188 3189 |

exchange, conversion, and transfer. Pending preparation of final 3190
obligations, the issuing authority may provide for the issuance 3191
of interim instruments to be exchanged for the final 3192
obligations. 3193

(H) Obligations may be sold at public sale or at private 3194
sale, in such manner, and at such price at, above or below par, 3195
all as determined by and provided by the issuing authority in 3196
the bond proceedings. 3197

(I) Except to the extent that rights are restricted by the 3198
bond proceedings, any owner of obligations or provider of a 3199
credit enhancement facility may by any suitable form of legal 3200
proceedings protect and enforce any rights relating to 3201
obligations or that facility under the laws of this state or 3202
granted by the bond proceedings. Those rights include the right 3203
to compel the performance of all applicable duties of the 3204
issuing authority and the state. Each duty of the issuing 3205
authority and that authority's officers, staff, and employees, 3206
and of each state entity or agency, or using district or using 3207
institution, and its officers, members, staff, or employees, 3208
undertaken pursuant to the bond proceedings, is hereby 3209
established as a duty of the entity or individual having 3210
authority to perform that duty, specifically enjoined by law and 3211
resulting from an office, trust, or station within the meaning 3212
of section 2731.01 of the Revised Code. The individuals who are 3213
from time to time the issuing authority, members or officers of 3214
the issuing authority, or those members' designees acting 3215
pursuant to section 151.02 of the Revised Code, or the issuing 3216
authority's officers, staff, or employees, are not liable in 3217
their personal capacities on any obligations or otherwise under 3218
the bond proceedings. 3219

(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 3251
be used solely to pay the principal of those notes or of the 3252
bonds anticipated. 3253

(b) Obligations for the refunding, including funding and 3254
retirement, and advance refunding with or without payment or 3255
redemption prior to maturity, of any obligations previously 3256
issued. Refunding obligations may be issued in amounts 3257
sufficient to pay or to provide for repayment of the principal 3258
amount, including principal amounts maturing prior to the 3259
redemption of the remaining prior obligations, any redemption 3260
premium, and interest accrued or to accrue to the maturity or 3261
redemption date or dates, payable on the prior obligations, and 3262
related financing costs and any expenses incurred or to be 3263
incurred in connection with that issuance and refunding. Subject 3264
to the applicable bond proceedings, the portion of the proceeds 3265
of the sale of refunding obligations issued under division (J) 3266
(1) (b) of this section to be applied to debt service on the 3267
prior obligations shall be credited to an appropriate separate 3268
account in the bond service fund and held in trust for the 3269
purpose by the issuing authority or by a corporate trustee. 3270
Obligations authorized under this division shall be considered 3271
to be issued for those purposes for which the prior obligations 3272
were issued. 3273

(2) Except as otherwise provided in sections 151.01 to 3274
151.11 or 151.40 of the Revised Code, bonds or notes authorized 3275
pursuant to division (J) of this section are subject to the 3276
provisions of those sections pertaining to obligations 3277
generally. 3278

(3) The principal amount of refunding or renewal 3279
obligations issued pursuant to division (J) of this section 3280

shall be in addition to the amount authorized by the general 3281
assembly as referred to in division (B) of the following 3282
sections: section 151.03, 151.04, 151.05, 151.06, 151.07, 3283
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 3284

(K) Obligations are lawful investments for banks, savings 3285
and loan associations, credit union share guaranty corporations, 3286
trust companies, trustees, fiduciaries, insurance companies, 3287
including domestic for life and domestic not for life, trustees 3288
or other officers having charge of sinking and bond retirement 3289
or other special funds of the state and political subdivisions 3290
and taxing districts of this state, the sinking fund, the 3291
administrator of ~~workers' compensation~~ worker safety and 3292
rehabilitation subject to the approval of the ~~workers'~~ 3293
~~compensation~~ office of worker safety and rehabilitation board of 3294
directors, the state teachers retirement system, the public 3295
employees retirement system, the school employees retirement 3296
system, and the Ohio police and fire pension fund, 3297
notwithstanding any other provisions of the Revised Code or 3298
rules adopted pursuant to those provisions by any state agency 3299
with respect to investments by them, and are also acceptable as 3300
security for the repayment of the deposit of public moneys. The 3301
exemptions from taxation in Ohio as provided for in particular 3302
sections of the Ohio Constitution and section 5709.76 of the 3303
Revised Code apply to the obligations. 3304

(L) (1) Unless otherwise provided or provided for in any 3305
applicable bond proceedings, moneys to the credit of or in a 3306
special fund shall be disbursed on the order of the issuing 3307
authority. No such order is required for the payment, from the 3308
bond service fund or other special fund, when due of debt 3309
service or required payments under credit enhancement 3310
facilities. 3311

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

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

to the purposes otherwise provided for by law, to provide for 3343
the payment of debt service and financing costs in accordance 3344
with sections 151.01 to 151.11 of the Revised Code and the bond 3345
proceedings. 3346

(N) The general assembly may from time to time repeal or 3347
reduce any excise, tax, or other source of revenue pledged to 3348
the payment of the debt service pursuant to Section 2k, 2l, 2m, 3349
2n, 2o, 2p, 2q, 2s, or 15 of Article VIII, Ohio Constitution, 3350
and sections 151.01 to 151.11 or 151.40 of the Revised Code, and 3351
may levy, collect and apply any new or increased excise, tax, or 3352
revenue to meet the pledge, to the payment of debt service on 3353
outstanding obligations, of the state's full faith and credit, 3354
revenue and taxing power, or of designated revenues and 3355
receipts, except fees, excises or taxes referred to in Section 3356
5a of Article XII, Ohio Constitution, for other than obligations 3357
referred to in section 151.06 of the Revised Code and except net 3358
state lottery proceeds for other than obligations referred to in 3359
section 151.03 of the Revised Code. Nothing in division (N) of 3360
this section authorizes any impairment of the obligation of this 3361
state to levy and collect sufficient excises, taxes, and 3362
revenues to pay debt service on obligations outstanding in 3363
accordance with their terms. 3364

(O) Each bond service fund is a trust fund and is hereby 3365
pledged to the payment of debt service on the applicable 3366
obligations. Payment of that debt service shall be made or 3367
provided for by the issuing authority in accordance with the 3368
bond proceedings without necessity for any act of appropriation. 3369
The bond proceedings may provide for the establishment of 3370
separate accounts in the bond service fund and for the 3371
application of those accounts only to debt service on specific 3372
obligations, and for other accounts in the bond service fund 3373

within the general purposes of that fund. 3374

(P) Subject to the bond proceedings pertaining to any 3375
obligations then outstanding in accordance with their terms, the 3376
issuing authority may in the bond proceedings pledge all, or 3377
such portion as the issuing authority determines, of the moneys 3378
in the bond service fund to the payment of debt service on 3379
particular obligations, and for the establishment and 3380
maintenance of any reserves for payment of particular debt 3381
service. 3382

(Q) The issuing authority shall by the fifteenth day of 3383
July of each fiscal year, certify or cause to be certified to 3384
the office of budget and management the total amount of moneys 3385
required during the current fiscal year to meet in full all debt 3386
service on the respective obligations and any related financing 3387
costs payable from the applicable bond service fund and not from 3388
the proceeds of refunding or renewal obligations. The issuing 3389
authority shall make or cause to be made supplemental 3390
certifications to the office of budget and management for each 3391
debt service payment date and at such other times during each 3392
fiscal year as may be provided in the bond proceedings or 3393
requested by that office. Debt service, costs of credit 3394
enhancement facilities, and other financing costs shall be set 3395
forth separately in each certification. If and so long as the 3396
moneys to the credit of the bond service fund, together with any 3397
other moneys available for the purpose, are insufficient to meet 3398
in full all payments when due of the amount required as stated 3399
in the certificate or otherwise, the office of budget and 3400
management shall at the times as provided in the bond 3401
proceedings, and consistent with any particular provisions in 3402
sections 151.03 to 151.11 and 151.40 of the Revised Code, 3403
transfer a sufficient amount to the bond service fund from the 3404

pledged revenues in the case of obligations issued pursuant to 3405
section 151.40 of the Revised Code, and in the case of other 3406
obligations from the revenues derived from excises, taxes, and 3407
other revenues, including net state lottery proceeds in the case 3408
of obligations referred to in section 151.03 of the Revised 3409
Code. 3410

(R) Unless otherwise provided in any applicable bond 3411
proceedings, moneys to the credit of special funds may be 3412
invested by or on behalf of the state only in one or more of the 3413
following: 3414

(1) Notes, bonds, or other direct obligations of the 3415
United States or of any agency or instrumentality of the United 3416
States, or in no-front-end-load money market mutual funds 3417
consisting exclusively of those obligations, or in repurchase 3418
agreements, including those issued by any fiduciary, secured by 3419
those obligations, or in collective investment funds consisting 3420
exclusively of those obligations; 3421

(2) Obligations of this state or any political subdivision 3422
of this state; 3423

(3) Certificates of deposit of any national bank located 3424
in this state and any bank, as defined in section 1101.01 of the 3425
Revised Code, subject to inspection by the superintendent of 3426
financial institutions; 3427

(4) The treasurer of state's pooled investment program 3428
under section 135.45 of the Revised Code. 3429

The income from investments referred to in division (R) of 3430
this section shall, unless otherwise provided in sections 151.01 3431
to 151.11 or 151.40 of the Revised Code, be credited to special 3432
funds or otherwise as the issuing authority determines in the 3433

bond proceedings. Those investments may be sold or exchanged at 3434
times as the issuing authority determines, provides for, or 3435
authorizes. 3436

(S) The treasurer of state shall have responsibility for 3437
keeping records, making reports, and making payments, relating 3438
to any arbitrage rebate requirements under the applicable bond 3439
proceedings. 3440

Sec. 152.091. If the authority determines to sell 3441
obligations having an aggregate principal amount of more than 3442
five million dollars at a private sale, other than a private 3443
sale to the ~~bureau of workers' compensation~~ office of worker 3444
safety and rehabilitation pursuant to section 152.27 of the 3445
Revised Code, the authority, unless it determines that an urgent 3446
necessity exists, shall proceed as follows: 3447

(A) The authority shall, by the affirmative vote of a 3448
majority of its members in a roll call vote, determine that a 3449
private sale is in the best interests of the state. 3450

(B) The authority shall distribute a request for proposal 3451
to any person who has filed with the authority a statement of 3452
interest in participating in the sale of obligations of the 3453
authority within the year prior to the date of the request for 3454
proposal. The request for proposal shall invite interested 3455
parties to submit proposals for the purchase of the obligations 3456
by such parties, shall include a general description of the 3457
obligations to be issued, and shall contain a date by which 3458
proposals are to be submitted, which date shall be not less than 3459
seven days after the date on which the request for proposal is 3460
dated and available for general distribution. The authority 3461
shall encourage persons to submit annual statements of interest 3462
in participating in the sale of obligations of the authority. 3463

(C) The authority shall evaluate the proposals submitted 3464
and may hold discussions with any person who submitted a 3465
proposal to explore further the proposal and the qualifications 3466
of such person. These qualifications shall include, but are not 3467
limited to, the following: 3468

(1) Capability of the person to perform the required 3469
services, as indicated by the training, education, and 3470
experience of the individuals to be assigned to the transaction; 3471

(2) Performance of the person relative to cost 3472
containment, quality of work, and meeting of time requirements; 3473

(3) Ability to effectively market obligations of similar 3474
structure and credit as those described in the request for 3475
proposal, including, but not limited to, the ability to 3476
distribute such obligations on a statewide and national basis; 3477

(4) Financial capacity to underwrite the purchase of the 3478
obligations described in the request for proposal. 3479

(D) The authority shall select and rank no fewer than 3480
three proposals, submitted by persons the authority considers 3481
qualified to complete the sale in the best interests of the 3482
state, which the authority considers to have the most merit. If, 3483
however, fewer than three proposals are submitted, the authority 3484
shall rank each proposal submitted. The authority shall attempt 3485
to negotiate a contract with the persons whose proposals the 3486
authority has ranked. The authority shall begin the attempt to 3487
negotiate with the person whose proposal the authority has 3488
ranked first and proceed, in descending order of ranking, to 3489
each person whose proposal the authority has ranked. The 3490
authority shall end the attempts with the successful negotiation 3491
of a contract with such a person. Upon failure to successfully 3492

negotiate a contract with any of the persons whose proposals the authority has ranked, the authority may sell such obligations in any manner and for such prices as it determines.

Obligations which are sold at public sale shall be sold either, as determined in the bond proceedings, to the highest bidder or bidders therefor based on the lowest interest cost to absolute maturity, or to the bidder or combination of bidders bidding the lowest interest rate or combination of rates. Notice of sale of obligations to be sold at public sale shall be published once, at least ten full days before the date of sale, in one or more newspapers published in and of general circulation in Franklin county and in one or more financial newspapers or journals. Each of such published notices shall state: the day, hour, and place of the sale; the total principal amount, the permitted discount, if any, and date of the obligations to be sold; the dates of payment of principal and interest; whether or not the obligations are callable; and information relative to the denominations, and amounts of principal maturities. The notices may also state such other information as the authority may determine or authorize, including without limitation thereto, the method, including that of discounting present value, of determining the lowest interest cost or lowest combination of interest rates, limitations on interest rates, and any other conditions and terms of the sale.

The authority may reject all bids and readvertise and reoffer obligations for sale.

Not more than thirty days after the closing of any private sale of its obligations, the authority shall deliver a report of the sale to the governor, the president of the senate, and the speaker of the house of representatives describing the sale and

any benefits to the state from the use of the private sale. 3523

Sec. 152.16. (A) All rentals and other charges by the Ohio 3524
building authority shall be so fixed that the revenues of the 3525
authority are sufficient to meet the authority's requirements, 3526
including the bond service charges and all other payments 3527
required to be made by the trust agreement or indenture securing 3528
its obligations, or rentals under leases with the administrator 3529
of ~~the bureau of workers' compensation~~ worker safety and 3530
rehabilitation pursuant to section 152.26 of the Revised Code, 3531
and to pay all the authority's expenses, including the operating 3532
costs of the authority and operation and maintenance of its 3533
capital facilities and all charges and expenses in connection 3534
with the preparation, issuance, and servicing of its 3535
obligations. 3536

(B) Rentals and other charges received by the authority 3537
shall be expended or set aside as may be provided in the 3538
resolution, agreement, indenture, or lease with the 3539
administrator of ~~the bureau of workers' compensation~~ worker 3540
safety and rehabilitation pursuant to section 152.26 of the 3541
Revised Code, in such funds and in such manner as may be 3542
provided in the resolution, agreement, indenture, or lease and 3543
pledged to and charged with the payment of operating expenses 3544
and bond service charges and all other payments required to be 3545
made by the trust agreement or indenture securing its 3546
obligations as they become due or by the lease with the 3547
administrator of ~~the bureau of workers' compensation~~ worker 3548
safety and rehabilitation pursuant to section 152.26 of the 3549
Revised Code. 3550

Sec. 152.17. Obligations issued under Chapter 152. of the 3551
Revised Code are lawful investments for banks, insurance 3552

companies, including domestic for life and domestic not for 3553
life, savings and loan associations, deposit guaranty companies, 3554
trust companies, fiduciaries, trustees, sinking funds or bond 3555
retirement funds of municipal corporations, school districts, 3556
and counties, the treasurer of state, the administrator of 3557
~~workers' compensation~~ worker safety and rehabilitation, the 3558
state teachers retirement system, the public employees 3559
retirement system, the school employees retirement system, and 3560
also are acceptable as security for the deposit of public 3561
moneys. 3562

Sec. 152.242. Notwithstanding section 152.24 of the 3563
Revised Code, the Ohio building authority may, with the approval 3564
of the office of budget and management, lease capital facilities 3565
to the ~~bureau of workers' compensation~~ office of worker safety 3566
and rehabilitation. 3567

Upon the repayment of obligations of the authority, 3568
including refunding obligations, issued for the acquisition of 3569
any capital facility of the ~~bureau~~ office, the authority shall 3570
transfer ownership of the capital facility to the ~~bureau~~ office. 3571

Sec. 152.26. In the exercise of its powers under section 3572
152.19, 152.21, or 152.31 of the Revised Code, the Ohio building 3573
authority shall cause bids to be let and awarded for the 3574
construction, reconstruction, rehabilitation, remodeling, 3575
renovation, enlargement, improvement, alteration, furnishing, 3576
equipping, repair, painting, and decorating of the buildings and 3577
facilities and pay the costs and supervise the accomplishment 3578
thereof, or the authority may enter into a contract with the 3579
administrator of ~~workers' compensation~~ worker safety and 3580
rehabilitation for the construction of one or more buildings on 3581
one or more sites in the state. If such a building is 3582

constructed by the administrator, it shall be leased to the 3583
authority for leasing, operation, and maintenance by the 3584
authority or subsequent leasing by the authority to the 3585
department of administrative services. Rentals shall be fixed by 3586
the authority in such case so that the costs of construction are 3587
repaid to the state insurance fund with the same average rate of 3588
interest as though state insurance fund moneys were invested in 3589
obligations of the authority. 3590

In the process of inviting bids and awarding contracts, 3591
the authority shall be guided by the procedures set forth in 3592
sections 153.01 to 153.20 of the Revised Code. 3593

The department of administrative services and all agencies 3594
of the state government shall cooperate with the authority in 3595
supplying any services or information and in relocating offices 3596
to carry out this chapter. 3597

Sec. 152.27. Unless otherwise determined by the Ohio 3598
building authority, obligations issued pursuant to section 3599
152.23 of the Revised Code shall be sold to the state insurance 3600
fund of the ~~bureau of workers' compensation~~ office of worker 3601
safety and rehabilitation. If so determined by the authority, 3602
the administrator of ~~workers' compensation~~ worker safety and 3603
rehabilitation shall purchase those obligations by investing the 3604
amount necessary from the surplus or reserve in that state 3605
insurance fund. Notwithstanding other provisions of this 3606
chapter, obligations sold to the state insurance fund shall be 3607
sold at par. Bonds or notes with maturities not greater than two 3608
years shall bear interest at a rate equal to the greater of five 3609
and one-half per cent per annum or a rate equal to two 3610
percentage points above the yield on United States treasury 3611
obligations of the same term issued during the month immediately 3612

preceding the month in which such obligations are dated. 3613
Obligations with maturities greater than two years shall bear 3614
interest at a variable rate or rates, changing from time to 3615
time, but for periods not in excess of two years. Interest shall 3616
be calculated as provided in the formula set forth in this 3617
section. 3618

Sec. 153.02. (A) The executive director of the Ohio 3619
facilities construction commission, may debar a contractor from 3620
contract awards for public improvements as referred to in 3621
section 153.01 of the Revised Code or for projects as defined in 3622
section 3318.01 of the Revised Code, upon proof that the 3623
contractor has done any of the following: 3624

(1) Defaulted on a contract requiring the execution of a 3625
takeover agreement as set forth in division (B) of section 3626
153.17 of the Revised Code; 3627

(2) Knowingly failed during the course of a contract to 3628
maintain the coverage required by the ~~bureau of workers'~~ 3629
~~compensation~~ office of worker safety and rehabilitation; 3630

(3) Knowingly failed during the course of a contract to 3631
maintain the contractor's drug-free workplace program as 3632
required by the contract; 3633

(4) Knowingly failed during the course of a contract to 3634
maintain insurance required by the contract or otherwise by law, 3635
resulting in a substantial loss to the owner, as owner is 3636
referred to in section 153.01 of the Revised Code, or to the 3637
commission and school district board, as provided in division 3638
(F) of section 3318.08 of the Revised Code; 3639

(5) Misrepresented the firm's qualifications in the 3640
selection process set forth in sections 153.65 to 153.71 or 3641

section 3318.10 of the Revised Code; 3642

(6) Been convicted of a criminal offense related to the 3643
application for or performance of any public or private 3644
contract, including, but not limited to, embezzlement, theft, 3645
forgery, bribery, falsification or destruction of records, 3646
receiving stolen property, and any other offense that directly 3647
reflects on the contractor's business integrity; 3648

(7) Been convicted of a criminal offense under state or 3649
federal antitrust laws; 3650

(8) Deliberately or willfully submitted false or 3651
misleading information in connection with the application for or 3652
performance of a public contract; 3653

(9) Been debarred from bidding on or participating in a 3654
contract with any state or federal agency. 3655

(B) When the executive director reasonably believes that 3656
grounds for debarment exist, the executive director shall send 3657
the contractor a notice of proposed debarment indicating the 3658
grounds for the proposed debarment and the procedure for 3659
requesting a hearing on the proposed debarment. The hearing 3660
shall be conducted in accordance with Chapter 119. of the 3661
Revised Code. If the contractor does not respond with a request 3662
for a hearing in the manner specified in Chapter 119. of the 3663
Revised Code, the executive director shall issue the debarment 3664
decision without a hearing and shall notify the contractor of 3665
the decision by certified mail, return receipt requested. 3666

(C) The executive director shall determine the length of 3667
the debarment period and may rescind the debarment at any time 3668
upon notification to the contractor. During the period of 3669
debarment, the contractor is not eligible to bid for or 3670

participate in any contract for a public improvement as referred 3671
to in section 153.01 of the Revised Code or for a project as 3672
defined in section 3318.01 of the Revised Code. After the 3673
debarment period expires, the contractor shall be eligible to 3674
bid for and participate in such contracts. 3675

(D) The executive director shall maintain a list of all 3676
contractors currently debarred under this section. Any 3677
governmental entity awarding a contract for construction of a 3678
public improvement or project may use a contractor's presence on 3679
the debarment list to determine whether a contractor is 3680
responsible or best under section 9.312 or any other section of 3681
the Revised Code in the award of a contract. 3682

Sec. 153.03. (A) As used in this section: 3683

(1) "Contracting authority" means any state agency or 3684
other state instrumentality that is authorized to award a public 3685
improvement contract. 3686

(2) "Bidder" means a person who submits a bid to a 3687
contracting authority to perform work under a public improvement 3688
contract. 3689

(3) "Contractor" means any person with whom a contracting 3690
authority has entered into a public improvement contract to 3691
provide labor for a public improvement and includes a 3692
construction manager at risk and a design-build firm. 3693

(4) "Subcontractor" means any person who undertakes to 3694
provide any part of the labor on the site of a public 3695
improvement under a contract with any person other than the 3696
contracting authority, including all such persons in any tier. 3697

(5) "Construction manager" has the same meaning as in 3698
section 9.33 of the Revised Code. 3699

- (6) "Construction manager at risk" has the same meaning as
in section 9.33 of the Revised Code. 3700
3701
- (7) "Design-build firm" has the same meaning as in section 3702
153.65 of the Revised Code. 3703
- (8) "Labor" means any activity performed by a person that 3704
contributes to the direct installation of a product, component, 3705
or system, or that contributes to the direct removal of a 3706
product, component, or system. 3707
- (9) "Public improvement contract" means any contract that 3708
is financed in whole or in part with money appropriated by the 3709
general assembly, or that is financed in any manner by a 3710
contracting authority, and that is awarded by a contracting 3711
authority for the construction, alteration, or repair of any 3712
public building, public highway, or other public improvement. 3713
- (10) "State agency" means every organized body, office, or 3714
agency established by the laws of this state for the exercise of 3715
any function of state government. 3716
- (B) A contracting authority shall not award a public 3717
improvement contract to a bidder, and a construction manager at 3718
risk or design-build firm shall not award a subcontract, unless 3719
the contract or subcontract contains both of the following: 3720
- (1) The statements described in division (E) of this 3721
section; 3722
- (2) Terms that require the contractor or subcontractor to 3723
be enrolled in and be in good standing in the drug-free 3724
workplace program of the ~~bureau of workers' compensation office~~ 3725
of worker safety and rehabilitation or a comparable program 3726
approved by the ~~bureau office~~ that requires an employer to do 3727
all of the following: 3728

(a) Develop, implement, and provide to all employees a 3729
written substance use policy that conveys full and fair 3730
disclosure of the employer's expectations that no employee be at 3731
work with alcohol or drugs in the employee's system, and 3732
specifies the consequences for violating the policy. 3733

(b) Conduct drug and alcohol tests on employees in 3734
accordance with division (B) (2) (c) of this section and under the 3735
following conditions: 3736

(i) Prior to an individual's employment or during an 3737
employee's probationary period for employment, which shall not 3738
exceed one hundred twenty days after the probationary period 3739
begins; 3740

(ii) At random intervals while an employee provides labor 3741
or on-site supervision of labor for a public improvement 3742
contract. The employer shall use the neutral selection 3743
procedures required by the United States department of 3744
transportation to determine which employees to test and when to 3745
test those employees. 3746

(iii) After an accident at the site where labor is being 3747
performed pursuant to a public improvement contract. For 3748
purposes of this division, "accident" has the meaning 3749
established in rules the administrator of ~~workers' compensation~~ 3750
worker safety and rehabilitation adopts pursuant to Chapters 3751
4121. and 4123. of the Revised Code for the ~~bureau's office's~~ 3752
drug-free workplace program, as those rules exist on March 30, 3753
2007. 3754

(iv) When the employer, construction manager, construction 3755
manager at risk, or design-build firm has reasonable suspicion 3756
that prior to an accident an employee may be in violation of the 3757

employer's written substance use policy. For purposes of this 3758
division, "reasonable suspicion" has the meaning established in 3759
rules the administrator adopts pursuant to Chapters 4121. and 3760
4123. of the Revised Code for the ~~bureau's~~ office's drug-free 3761
workplace program, as those rules exist on March 30, 2007. 3762

(v) Prior to an employee returning to a work site to 3763
provide labor for a public improvement contract after the 3764
employee tested positive for drugs or alcohol, and again after 3765
the employee returns to that site to provide labor under that 3766
contract, as required by either the employer, construction 3767
manager, construction manager at risk, design-build firm, or 3768
conditions in the contract. 3769

(c) Use the following types of tests when conducting a 3770
test on an employee under the conditions described in division 3771
(B) (2) (b) of this section: 3772

(i) Drug and alcohol testing that uses the federal testing 3773
model that the administrator has incorporated into the ~~bureau's~~ 3774
office's drug-free workplace program; 3775

(ii) Testing to determine whether the concentration of 3776
alcohol on an employee's breath is equal to or in excess of the 3777
level specified in division (A) (1) (d) or (h) of section 4511.19 3778
of the Revised Code, which is obtained through an evidentiary 3779
breath test conducted by a breath alcohol technician using 3780
breath testing equipment that meets standards established by the 3781
United States department of transportation, or, if such 3782
technician and equipment are unavailable, a blood test may be 3783
used to determine whether the concentration of alcohol in an 3784
employee's blood is equal to or in excess of the level specified 3785
in division (A) (1) (b) or (f) of section 4511.19 of the Revised 3786
Code. 3787

(d) Require all employees to receive at least one hour of 3788
training that increases awareness of and attempts to deter 3789
substance abuse and supplies information about employee 3790
assistance to deal with substance abuse problems, and require 3791
all supervisors to receive one additional hour of training in 3792
skill building to teach a supervisor how to observe and document 3793
employee behavior and intervene when reasonable suspicion exists 3794
of substance use; 3795

(e) Require all supervisors and employees to receive the 3796
training described in division (B) (2) (d) of this section before 3797
work for a public improvement contract commences or during the 3798
term of a public improvement contract; 3799

(f) Require that the training described in division (B) (2) 3800
(d) of this section be provided using material prepared by an 3801
individual who has credentials or experience in substance abuse 3802
training; 3803

(g) Assist employees by providing, at a minimum, a list of 3804
community resources from which an employee may obtain help with 3805
substance abuse problems, except that this requirement does not 3806
preclude an employer from having a policy that allows an 3807
employer to terminate an employee's employment the first time 3808
the employee tests positive for drugs or alcohol or if an 3809
employee refuses to be tested for drugs, alcohol, or both. 3810

(C) Any time the United States department of health and 3811
human services changes the federal testing model that the 3812
administrator has incorporated into the ~~bureau's~~ office's drug- 3813
free workplace program in a manner that allows additional or new 3814
products, protocols, procedures, and standards in the model, the 3815
administrator may adopt rules establishing standards to allow 3816
employers to use those additional or new products, protocols, 3817

procedures, or standards to satisfy the requirements of division 3818
(B) (2) (c) of this section, and the ~~bureau-office~~ may approve an 3819
employer's drug-free workplace program that meets the 3820
administrator's standards and the other requirements specified 3821
in division (B) (2) of this section. 3822

(D) A contracting authority shall ensure that money 3823
appropriated by the general assembly for the contracting 3824
authority's public improvement contract or, in the case of a 3825
state institution of higher education, the institution's 3826
financing for the public improvement contract, is not expended 3827
unless the contractor for that contract is enrolled in and in 3828
good standing in a drug-free workplace program described in 3829
division (B) of this section. Prior to awarding a contract to a 3830
bidder, a contracting authority shall verify that the bidder is 3831
enrolled in and in good standing in such a program. 3832

(E) A contracting authority shall include all of the 3833
following statements in the public improvement contract entered 3834
into between the contracting authority and a contractor for the 3835
public improvement: 3836

(1) "Each contractor shall require all subcontractors with 3837
whom the contractor is in contract for the public improvement to 3838
be enrolled in and be in good standing in the ~~Bureau of Workers'-~~ 3839
~~Compensation's~~ Office of Worker Safety and Rehabilitation's 3840
Drug-Free Workplace Program or a comparable program approved by 3841
the ~~Bureau Office~~ that meets the requirements specified in 3842
section 153.03 of the Revised Code prior to a subcontractor 3843
providing labor at the project site of the public improvement." 3844

(2) "Each subcontractor shall require all lower-tier 3845
subcontractors with whom the subcontractor is in contract for 3846
the public improvement to be enrolled in and be in good standing 3847

in the ~~Bureau of Workers' Compensation's~~ Office of Worker Safety
and Rehabilitation's Drug-Free Workplace Program or a comparable 3848
program approved by the ~~Bureau Office~~ that meets the 3849
requirements specified in section 153.03 of the Revised Code 3850
prior to a lower-tier subcontractor providing labor at the 3851
project site of the public improvement." 3852
3853

(3) "Failure of a contractor to require a subcontractor to 3854
be enrolled in and be in good standing in the ~~Bureau of Workers'~~ 3855
~~Compensation's~~ Office of Worker Safety and Rehabilitation's 3856
Drug-Free Workplace Program or a comparable program approved by 3857
the ~~Bureau Office~~ that meets the requirements specified in 3858
section 153.03 of the Revised Code prior to the time that the 3859
subcontractor provides labor at the project site will result in 3860
the contractor being found in breach of the contract and that 3861
breach shall be used in the responsibility analysis of that 3862
contractor or the subcontractor who was not enrolled in a 3863
program for future contracts with the state for five years after 3864
the date of the breach." 3865

(4) "Failure of a subcontractor to require a lower-tier 3866
subcontractor to be enrolled in and be in good standing in the 3867
~~Bureau of Workers' Compensation's~~ Office of Worker Safety and 3868
Rehabilitation's Drug-Free Workplace Program or a comparable 3869
program approved by the ~~Bureau Office~~ that meets the 3870
requirements specified in section 153.03 of the Revised Code 3871
prior to the time that the lower-tier subcontractor provides 3872
labor at the project site will result in the subcontractor being 3873
found in breach of the contract and that breach shall be used in 3874
the responsibility analysis of that subcontractor or the lower- 3875
tier subcontractor who was not enrolled in a program for future 3876
contracts with the state for five years after the date of the 3877
breach." 3878

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

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

Sec. 164.09. (A) The issuer is authorized to issue and sell, as provided in this section and in amounts from time to

time authorized by the general assembly, general obligations of 3910
this state for the purpose of financing or assisting in the 3911
financing of the costs of public infrastructure capital 3912
improvements for local subdivisions. The full faith and credit, 3913
revenues, and taxing power of the state are and shall be pledged 3914
to the timely payment of bond service charges on outstanding 3915
obligations, all in accordance with Section 2k or 2m of Article 3916
VIII, Ohio Constitution and sections 164.09 to 164.12 of the 3917
Revised Code, excluding from that pledge fees, excises, or taxes 3918
relating to the registration, operation, or use of vehicles on 3919
the public highways, or to fuels used for propelling those 3920
vehicles, and so long as such obligations are outstanding there 3921
shall be levied and collected excises and taxes, excluding those 3922
excepted above, in amounts sufficient to pay the bond service 3923
charges on such obligations and costs relating to credit 3924
facilities. 3925

(B) (1) The total principal amount of obligations issued 3926
pursuant to Section 2k of Article VIII, Ohio Constitution shall 3927
not exceed one billion two hundred million dollars, and not more 3928
than one hundred twenty million dollars in principal amount of 3929
obligations may be issued in any calendar year, all determined 3930
as provided in sections 164.09 to 164.12 of the Revised Code. 3931

(2) The total principal amount of obligations issued for 3932
the purposes of this section pursuant to Section 2m of Article 3933
VIII, Ohio Constitution, shall not exceed one billion two 3934
hundred million dollars. Not more than one hundred twenty 3935
million dollars in principal amount of such obligations, plus 3936
the principal amount of such obligations that in any prior 3937
fiscal years could have been but were not issued within the one- 3938
hundred-twenty-million-dollar fiscal year limit, may be issued 3939
in any fiscal year. No obligations shall be issued for the 3940

purposes of this section pursuant to Section 2m of Article VIII, 3941
Ohio Constitution, until at least one billion one hundred 3942
ninety-nine million five hundred thousand dollars aggregate 3943
principal amount of obligations have been issued pursuant to 3944
Section 2k of Article VIII, Ohio Constitution. The amounts 3945
specified under division (B) (2) of this section shall be 3946
determined as provided in sections 164.09 to 164.12 of the 3947
Revised Code. 3948

(C) Each issue of obligations shall be authorized by order 3949
of the issuer. The bond proceedings shall provide for the 3950
principal amount or maximum principal amount of obligations of 3951
an issue, and shall provide for or authorize the manner or 3952
agency for determining the principal maturity or maturities, not 3953
exceeding the earlier of thirty years from the date of issuance 3954
of the particular obligations or thirty years from the date the 3955
debt represented by the particular obligations was originally 3956
contracted, the interest rate or rates, the date of and the 3957
dates of payment of interest on the obligations, their 3958
denominations, and the establishment within or without the state 3959
of a place or places of payment of bond service charges. 3960
Sections 9.96 and 9.98 to 9.983 of the Revised Code are 3961
applicable to the obligations. The purpose of the obligations 3962
may be stated in the bond proceedings as "financing or assisting 3963
in the financing of local subdivisions capital improvement 3964
projects." 3965

(D) The proceeds of the obligations, except for any 3966
portion to be deposited in special funds, or in escrow funds for 3967
the purpose of refunding outstanding obligations, all as may be 3968
provided in the bond proceedings, shall be deposited to the 3969
state capital improvements fund established by section 164.08 of 3970
the Revised Code. 3971

(E) The issuer may appoint paying agents, bond registrars, 3972
securities depositories, and transfer agents, and may retain the 3973
services of financial advisers and accounting experts, and 3974
retain or contract for the services of marketing, remarketing, 3975
indexing, and administrative agents, other consultants, and 3976
independent contractors, including printing services, as are 3977
necessary in the issuer's judgment to carry out sections 164.01 3978
to 164.12 of the Revised Code. Financing costs are payable, as 3979
provided in the bond proceedings, from the proceeds of the 3980
obligations, from special funds, or from other moneys available 3981
for the purpose. 3982

(F) The bond proceedings, including any trust agreement, 3983
may contain additional provisions customary or appropriate to 3984
the financing or to the obligations or to particular 3985
obligations, including but not limited to: 3986

(1) The redemption of obligations prior to maturity at the 3987
option of the state or of the holder or upon the occurrence of 3988
certain conditions at such price or prices and under such terms 3989
and conditions as are provided in the bond proceedings; 3990

(2) The form of and other terms of the obligations; 3991

(3) The establishment, deposit, investment, and 3992
application of special funds, and the safeguarding of moneys on 3993
hand or on deposit, without regard to Chapter 131. or 135. of 3994
the Revised Code, but subject to any special provisions of this 3995
section with respect to particular funds or moneys, and provided 3996
that any bank or trust company that acts as a depository of any 3997
moneys in special funds may furnish such indemnifying bonds or 3998
may pledge such securities as required by the issuer; 3999

(4) Any or every provision of the bond proceedings binding 4000

upon the issuer and such state agency or local subdivision, 4001
officer, board, commission, authority, agency, department, or 4002
other person or body as may from time to time have the authority 4003
under law to take such actions as may be necessary to perform 4004
all or any part of the duty required by such provision; 4005

(5) The maintenance of each pledge, any trust agreement, 4006
or other instrument comprising part of the bond proceedings 4007
until the state has fully paid or provided for the payment of 4008
the bond service charges on the obligations or met other stated 4009
conditions; 4010

(6) In the event of default in any payments required to be 4011
made by the bond proceedings, or any other agreement of the 4012
issuer made as a part of a contract under which the obligations 4013
were issued or secured, the enforcement of such payments or 4014
agreements by mandamus, suit in equity, action at law, or any 4015
combination of the foregoing; 4016

(7) The rights and remedies of the holders of obligations 4017
and of the trustee under any trust agreement, and provisions for 4018
protecting and enforcing them, including limitations on rights 4019
of individual holders of obligations; 4020

(8) The replacement of any obligations that become 4021
mutilated or are destroyed, lost, or stolen; 4022

(9) Provision for the funding, refunding, or advance 4023
refunding or other provision for payment of obligations which 4024
will then no longer be outstanding for purposes of this section 4025
or of the bond proceedings; 4026

(10) Any provision that may be made in bond proceedings or 4027
a trust agreement, including provision for amendment of the bond 4028
proceedings; 4029

(11) Such other provisions as the issuer determines, 4030
including limitations, conditions, or qualifications relating to 4031
any of the foregoing; 4032

(12) Any other or additional agreements with the holders 4033
of the obligations relating to the obligations or the security 4034
for the obligations. 4035

(G) The great seal of the state or a facsimile of that 4036
seal may be affixed to or printed on the obligations. The 4037
obligations requiring signature by the issuer shall be signed by 4038
or bear the facsimile signature of the issuer as provided in the 4039
bond proceedings. Any obligations may be signed by the person 4040
who, on the date of execution, is the authorized signer although 4041
on the date of such obligations such person was not the issuer. 4042
In case the person whose signature or a facsimile of whose 4043
signature appears on any obligation ceases to be the issuer 4044
before delivery of the obligation, such signature or facsimile 4045
is nevertheless valid and sufficient for all purposes as if the 4046
person had remained the member until such delivery, and in case 4047
the seal to be affixed to or printed on obligations has been 4048
changed after the seal has been affixed to or a facsimile of the 4049
seal has been printed on the obligations, that seal or facsimile 4050
seal shall continue to be sufficient as to those obligations and 4051
obligations issued in substitution or exchange therefor. 4052

(H) The obligations are negotiable instruments and 4053
securities under Chapter 1308. of the Revised Code, subject to 4054
the provisions of the bond proceedings as to registration. 4055
Obligations may be issued in coupon or in fully registered form, 4056
or both, as the issuer determines. Provision may be made for the 4057
registration of any obligations with coupons attached as to 4058
principal alone or as to both principal and interest, their 4059

exchange for obligations so registered, and for the conversion 4060
or reconversion into obligations with coupons attached of any 4061
obligations registered as to both principal and interest, and 4062
for reasonable charges for such registration, exchange, 4063
conversion, and reconversion. Pending preparation of definitive 4064
obligations, the issuer may issue interim receipts or 4065
certificates which shall be exchanged for such definitive 4066
obligations. 4067

(I) Obligations may be sold at public sale or at private 4068
sale, and at such price at, above, or below par, as determined 4069
by the issuer in the bond proceedings. 4070

(J) In the discretion of the issuer, obligations may be 4071
secured additionally by a trust agreement between the state and 4072
a corporate trustee which may be any trust company or bank 4073
having a place of business within the state. Any trust agreement 4074
may contain the order authorizing the issuance of the 4075
obligations, any provisions that may be contained in the bond 4076
proceedings, and other provisions that are customary or 4077
appropriate in an agreement of the type. 4078

(K) Except to the extent that their rights are restricted 4079
by the bond proceedings, any holder of obligations, or a trustee 4080
under the bond proceedings, may by any suitable form of legal 4081
proceedings protect and enforce any rights under the laws of 4082
this state or granted by the bond proceedings. Such rights 4083
include the right to compel the performance of all duties of the 4084
issuer and the state. Each duty of the issuer and the issuer's 4085
employees, and of each state agency and local public entity and 4086
its officers, members, or employees, undertaken pursuant to the 4087
bond proceedings, is hereby established as a duty of the issuer, 4088
and of each such agency, local subdivision, officer, member, or 4089

employee having authority to perform such duty, specifically 4090
enjoined by the law and resulting from an office, trust, or 4091
station within the meaning of section 2731.01 of the Revised 4092
Code. The persons who are at the time the issuer, or the 4093
issuer's employees, are not liable in their personal capacities 4094
on any obligations or any agreements of or with the issuer 4095
relating to obligations or under the bond proceedings. 4096

(L) Obligations are lawful investments for banks, 4097
societies for savings, savings and loan associations, deposit 4098
guarantee associations, trust companies, trustees, fiduciaries, 4099
insurance companies, including domestic for life and domestic 4100
not for life, trustees or other officers having charge of 4101
sinking and bond retirement or other special funds of political 4102
subdivisions and taxing districts of this state, the 4103
commissioners of the sinking fund, the administrator of ~~workers'~~ 4104
~~compensation~~ worker safety and rehabilitation, the state 4105
teachers retirement system, the public employees retirement 4106
system, the school employees retirement system, and the Ohio 4107
police and fire pension fund, notwithstanding any other 4108
provisions of the Revised Code or rules adopted pursuant thereto 4109
by any state agency with respect to investments by them, and are 4110
also acceptable as security for the deposit of public moneys. 4111

(M) Unless otherwise provided in any applicable bond 4112
proceedings, moneys to the credit of or in the special funds 4113
established by or pursuant to this section may be invested by or 4114
on behalf of the issuer only in notes, bonds, or other direct 4115
obligations of the United States or of any agency or 4116
instrumentality of the United States, in obligations of this 4117
state or any political subdivision of this state, in 4118
certificates of deposit of any national bank located in this 4119
state and any bank, as defined in section 1101.01 of the Revised 4120

Code, subject to inspection by the superintendent of financial 4121
institutions, in the Ohio subdivision's fund established 4122
pursuant to section 135.45 of the Revised Code, in no-front-end- 4123
load money market mutual funds consisting exclusively of direct 4124
obligations of the United States or of an agency or 4125
instrumentality of the United States, and in repurchase 4126
agreements, including those issued by any fiduciary, secured by 4127
direct obligations of the United States or an agency or 4128
instrumentality of the United States, and in collective 4129
investment funds established in accordance with section 1111.14 4130
of the Revised Code and consisting exclusively of direct 4131
obligations of the United States or of an agency or 4132
instrumentality of the United States, notwithstanding division 4133
(A)(1)(c) of that section. The income from investments shall be 4134
credited to such special funds or otherwise as the issuer 4135
determines in the bond proceedings, and the investments may be 4136
sold or exchanged at such times as the issuer determines or 4137
authorizes. 4138

(N) Unless otherwise provided in any applicable bond 4139
proceedings, moneys to the credit of or in a special fund shall 4140
be disbursed on the order of the issuer, provided that no such 4141
order is required for the payment from the bond service fund or 4142
other special fund when due of bond service charges or required 4143
payments under credit facilities. 4144

(O) The issuer may covenant in the bond proceedings, and 4145
any such covenants shall be controlling notwithstanding any 4146
other provision of law, that the state and the applicable 4147
officers and agencies of the state, including the general 4148
assembly, so long as any obligations are outstanding in 4149
accordance with their terms, shall maintain statutory authority 4150
for and cause to be charged and collected taxes, excises, and 4151

other receipts of the state so that the receipts to the bond 4152
service fund shall be sufficient in amounts to meet bond service 4153
charges and for the establishment and maintenance of any 4154
reserves and other requirements, including payment of financing 4155
costs, provided for in the bond proceedings. 4156

(P) The obligations, and the transfer of, and the interest 4157
and other income from, including any profit made on the sale, 4158
transfer, or other disposition of, the obligations shall at all 4159
times be free from taxation, direct or indirect, within the 4160
state. 4161

(Q) Unless a judicial action or proceeding challenging the 4162
validity of obligations is commenced by personal service on the 4163
treasurer of state prior to the initial delivery of an issue of 4164
the obligations, the obligations of that issue and the bond 4165
proceedings pertaining to that issue are incontestable and those 4166
obligations shall be conclusively considered to be and to have 4167
been issued, secured, payable, sold, executed, and delivered, 4168
and the bond proceedings relating to them taken, in conformity 4169
with law if all of the following apply to the obligations: 4170

(1) They state that they are issued under the provisions 4171
of this section and comply on their face with those provisions; 4172

(2) They are issued within the limitations prescribed by 4173
this section; 4174

(3) Their purchase price has been paid in full; 4175

(4) They state that all the bond proceedings were held in 4176
compliance with law, which statement creates a conclusive 4177
presumption that the bond proceedings were held in compliance 4178
with all laws, including section 121.22 of the Revised Code, 4179
where applicable, and rules. 4180

(R) This section applies only with respect to obligations 4181
issued and delivered before September 30, 2000. 4182

Sec. 165.08. Bonds issued under this chapter are lawful 4183
investments of banks, societies for savings, savings and loan 4184
associations, deposit guarantee associations, trust companies, 4185
trustees, fiduciaries, insurance companies, including domestic 4186
for life and domestic not for life, trustees or other officers 4187
having charge of sinking and bond retirement or other special 4188
funds of political subdivisions and taxing districts of this 4189
state, the commissioners of the sinking fund of the state, the 4190
administrator of ~~workers' compensation~~ worker safety and 4191
rehabilitation, the state teachers retirement system, the public 4192
employees retirement system, the school employees retirement 4193
system, and the Ohio police and fire pension fund are also 4194
acceptable as security for the deposit of public moneys. 4195

Sec. 166.08. (A) As used in this chapter: 4196

(1) "Bond proceedings" means the resolution, order, trust 4197
agreement, indenture, lease, and other agreements, amendments 4198
and supplements to the foregoing, or any one or more or 4199
combination thereof, authorizing or providing for the terms and 4200
conditions applicable to, or providing for the security or 4201
liquidity of, obligations issued pursuant to this section, and 4202
the provisions contained in such obligations. 4203

(2) "Bond service charges" means principal, including 4204
mandatory sinking fund requirements for retirement of 4205
obligations, and interest, and redemption premium, if any, 4206
required to be paid by the state on obligations. 4207

(3) "Bond service fund" means the applicable fund and 4208
accounts therein created for and pledged to the payment of bond 4209

service charges, which may be, or may be part of, the economic 4210
development bond service fund created by division (S) of this 4211
section including all moneys and investments, and earnings from 4212
investments, credited and to be credited thereto. 4213

(4) "Issuing authority" means the treasurer of state, or 4214
the officer who by law performs the functions of such officer. 4215

(5) "Obligations" means bonds, notes, or other evidence of 4216
obligation including interest coupons pertaining thereto, issued 4217
pursuant to this section. 4218

(6) "Pledged receipts" means all receipts of the state 4219
representing the gross profit on the sale of spirituous liquor, 4220
as referred to in division (B) (4) of section 4301.10 of the 4221
Revised Code, after paying all costs and expenses of the 4222
division of liquor control and providing an adequate working 4223
capital reserve for the division of liquor control as provided 4224
in that division, but excluding the sum required by the second 4225
paragraph of section 4301.12 of the Revised Code, as in effect 4226
on May 2, 1980, to be paid into the state treasury; moneys 4227
accruing to the state from the lease, sale, or other 4228
disposition, or use, of project facilities, and from the 4229
repayment, including interest, of loans made from proceeds 4230
received from the sale of obligations; accrued interest received 4231
from the sale of obligations; income from the investment of the 4232
special funds; and any gifts, grants, donations, and pledges, 4233
and receipts therefrom, available for the payment of bond 4234
service charges. 4235

(7) "Special funds" or "funds" means, except where the 4236
context does not permit, the bond service fund, and any other 4237
funds, including reserve funds, created under the bond 4238
proceedings, and the economic development bond service fund 4239

created by division (S) of this section to the extent provided 4240
in the bond proceedings, including all moneys and investments, 4241
and earnings from investment, credited and to be credited 4242
thereto. 4243

(B) Subject to the limitations provided in section 166.11 4244
of the Revised Code, the issuing authority, upon the 4245
certification by the director of development or, with respect to 4246
eligible advanced energy projects, the Ohio air quality 4247
development authority to the issuing authority of the amount of 4248
moneys or additional moneys needed in the facilities 4249
establishment fund, the loan guarantee fund, the innovation Ohio 4250
loan fund, the innovation Ohio loan guarantee fund, the research 4251
and development loan fund, the logistics and distribution 4252
infrastructure fund, the advanced energy research and 4253
development fund, or the advanced energy research and 4254
development taxable fund, as applicable, for the purpose of 4255
paying, or making loans for, allowable costs from the facilities 4256
establishment fund, allowable innovation costs from the 4257
innovation Ohio loan fund, allowable costs from the research and 4258
development loan fund, allowable costs from the logistics and 4259
distribution infrastructure fund, allowable costs from the 4260
advanced energy research and development fund, or allowable 4261
costs from the advanced energy research and development taxable 4262
fund, as applicable, or needed for capitalized interest, for 4263
funding reserves, and for paying costs and expenses incurred in 4264
connection with the issuance, carrying, securing, paying, 4265
redeeming, or retirement of the obligations or any obligations 4266
refunded thereby, including payment of costs and expenses 4267
relating to letters of credit, lines of credit, insurance, put 4268
agreements, standby purchase agreements, indexing, marketing, 4269
remarketing and administrative arrangements, interest swap or 4270

hedging agreements, and any other credit enhancement, liquidity, 4271
remarketing, renewal, or refunding arrangements, all of which 4272
are authorized by this section, or providing moneys for the loan 4273
guarantee fund or the innovation Ohio loan guarantee fund, as 4274
provided in this chapter or needed for the purposes of funds 4275
established in accordance with or pursuant to sections 122.35, 4276
122.42, 122.54, 122.55, 122.56, 122.561, 122.57, and 122.80 of 4277
the Revised Code which are within the authorization of Section 4278
13 of Article VIII, Ohio Constitution, or, with respect to 4279
certain eligible advanced energy projects, Section 2p of Article 4280
VIII, Ohio Constitution, shall issue obligations of the state 4281
under this section in the required amount; provided that such 4282
obligations may be issued to satisfy the covenants in contracts 4283
of guarantee made under section 166.06 or 166.15 of the Revised 4284
Code, notwithstanding limitations otherwise applicable to the 4285
issuance of obligations under this section. The proceeds of such 4286
obligations, except for the portion to be deposited in special 4287
funds, including reserve funds, as may be provided in the bond 4288
proceedings, shall as provided in the bond proceedings be 4289
deposited by the director of development to the facilities 4290
establishment fund, the loan guarantee fund, the innovation Ohio 4291
loan guarantee fund, the innovation Ohio loan fund, the research 4292
and development loan fund, or the logistics and distribution 4293
infrastructure fund, or be deposited by the Ohio air quality 4294
development authority to the advanced energy research and 4295
development fund or the advanced energy research and development 4296
taxable fund. Bond proceedings for project financing obligations 4297
may provide that the proceeds derived from the issuance of such 4298
obligations shall be deposited into such fund or funds provided 4299
for in the bond proceedings and, to the extent provided for in 4300
the bond proceedings, such proceeds shall be deemed to have been 4301
deposited into the facilities establishment fund and transferred 4302

to such fund or funds. The issuing authority may appoint 4303
trustees, paying agents, and transfer agents and may retain the 4304
services of financial advisors, accounting experts, and 4305
attorneys, and retain or contract for the services of marketing, 4306
remarketing, indexing, and administrative agents, other 4307
consultants, and independent contractors, including printing 4308
services, as are necessary in the issuing authority's judgment 4309
to carry out this section. The costs of such services are 4310
allowable costs payable from the facilities establishment fund 4311
or the research and development loan fund, allowable innovation 4312
costs payable from the innovation Ohio loan fund, or allowable 4313
costs payable from the logistics and distribution infrastructure 4314
fund, the advanced energy research and development fund, or the 4315
advanced energy research and development taxable fund, as 4316
applicable. 4317

(C) The holders or owners of such obligations shall have 4318
no right to have moneys raised by taxation obligated or pledged, 4319
and moneys raised by taxation shall not be obligated or pledged, 4320
for the payment of bond service charges. Such holders or owners 4321
shall have no rights to payment of bond service charges from any 4322
moneys accruing to the state from the lease, sale, or other 4323
disposition, or use, of project facilities, or from payment of 4324
the principal of or interest on loans made, or fees charged for 4325
guarantees made, or from any money or property received by the 4326
director, treasurer of state, or the state under Chapter 122. of 4327
the Revised Code, or from any other use of the proceeds of the 4328
sale of the obligations, and no such moneys may be used for the 4329
payment of bond service charges, except for accrued interest, 4330
capitalized interest, and reserves funded from proceeds received 4331
upon the sale of the obligations and except as otherwise 4332
expressly provided in the applicable bond proceedings pursuant 4333

to written directions by the director. The right of such holders 4334
and owners to payment of bond service charges is limited to all 4335
or that portion of the pledged receipts and those special funds 4336
pledged thereto pursuant to the bond proceedings in accordance 4337
with this section, and each such obligation shall bear on its 4338
face a statement to that effect. 4339

(D) Obligations shall be authorized by resolution or order 4340
of the issuing authority and the bond proceedings shall provide 4341
for the purpose thereof and the principal amount or amounts, and 4342
shall provide for or authorize the manner or agency for 4343
determining the principal maturity or maturities, not exceeding 4344
twenty-five years from the date of issuance, the interest rate 4345
or rates or the maximum interest rate, the date of the 4346
obligations and the dates of payment of interest thereon, their 4347
denomination, and the establishment within or without the state 4348
of a place or places of payment of bond service charges. 4349
Sections 9.98 to 9.983 of the Revised Code are applicable to 4350
obligations issued under this section, subject to any applicable 4351
limitation under section 166.11 of the Revised Code. The purpose 4352
of such obligations may be stated in the bond proceedings in 4353
terms describing the general purpose or purposes to be served. 4354
The bond proceedings also shall provide, subject to the 4355
provisions of any other applicable bond proceedings, for the 4356
pledge of all, or such part as the issuing authority may 4357
determine, of the pledged receipts and the applicable special 4358
fund or funds to the payment of bond service charges, which 4359
pledges may be made either prior or subordinate to other 4360
expenses, claims, or payments, and may be made to secure the 4361
obligations on a parity with obligations theretofore or 4362
thereafter issued, if and to the extent provided in the bond 4363
proceedings. The pledged receipts and special funds so pledged 4364

and thereafter received by the state are immediately subject to 4365
the lien of such pledge without any physical delivery thereof or 4366
further act, and the lien of any such pledges is valid and 4367
binding against all parties having claims of any kind against 4368
the state or any governmental agency of the state, irrespective 4369
of whether such parties have notice thereof, and shall create a 4370
perfected security interest for all purposes of Chapter 1309. of 4371
the Revised Code, without the necessity for separation or 4372
delivery of funds or for the filing or recording of the bond 4373
proceedings by which such pledge is created or any certificate, 4374
statement or other document with respect thereto; and the pledge 4375
of such pledged receipts and special funds is effective and the 4376
money therefrom and thereof may be applied to the purposes for 4377
which pledged without necessity for any act of appropriation. 4378
Every pledge, and every covenant and agreement made with respect 4379
thereto, made in the bond proceedings may therein be extended to 4380
the benefit of the owners and holders of obligations authorized 4381
by this section, and to any trustee therefor, for the further 4382
security of the payment of the bond service charges. 4383

(E) The bond proceedings may contain additional provisions 4384
as to: 4385

(1) The redemption of obligations prior to maturity at the 4386
option of the issuing authority at such price or prices and 4387
under such terms and conditions as are provided in the bond 4388
proceedings; 4389

(2) Other terms of the obligations; 4390

(3) Limitations on the issuance of additional obligations; 4391

(4) The terms of any trust agreement or indenture securing 4392
the obligations or under which the same may be issued; 4393

(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 chapter, 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;

(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;

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

(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 obtained or to be obtained for loans under section 122.43, 166.07, or 166.16 of the Revised Code.

(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 the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. If the issuing authority whose signature or a

facsimile of whose signature appears on any such obligation or 4424
coupon ceases to be the issuing authority before delivery 4425
thereof, such signature or facsimile is nevertheless valid and 4426
sufficient for all purposes as if the former issuing authority 4427
had remained the issuing authority until such delivery; and if 4428
the seal to be affixed to obligations has been changed after a 4429
facsimile of the seal has been imprinted on such obligations, 4430
such facsimile seal shall continue to be sufficient as to such 4431
obligations and obligations issued in substitution or exchange 4432
therefor. 4433

(G) All obligations are negotiable instruments and 4434
securities under Chapter 1308. of the Revised Code, subject to 4435
the provisions of the bond proceedings as to registration. The 4436
obligations may be issued in coupon or in registered form, or 4437
both, as the issuing authority determines. Provision may be made 4438
for the registration of any obligations with coupons attached 4439
thereto as to principal alone or as to both principal and 4440
interest, their exchange for obligations so registered, and for 4441
the conversion or reconversion into obligations with coupons 4442
attached thereto of any obligations registered as to both 4443
principal and interest, and for reasonable charges for such 4444
registration, exchange, conversion, and reconversion. 4445

(H) Obligations may be sold at public sale or at private 4446
sale, as determined in the bond proceedings. 4447

Obligations issued to provide moneys for the loan 4448
guarantee fund or the innovation Ohio loan guarantee fund may, 4449
as determined by the issuing authority, be sold at private sale, 4450
and without publication of a notice of sale. 4451

(I) Pending preparation of definitive obligations, the 4452
issuing authority may issue interim receipts or certificates 4453

which shall be exchanged for such definitive obligations. 4454

(J) In the discretion of the issuing authority, 4455
obligations may be secured additionally by a trust agreement or 4456
indenture between the issuing authority and a corporate trustee 4457
which may be any trust company or bank having a place of 4458
business within the state. Any such agreement or indenture may 4459
contain the resolution or order authorizing the issuance of the 4460
obligations, any provisions that may be contained in any bond 4461
proceedings, and other provisions which are customary or 4462
appropriate in an agreement or indenture of such type, 4463
including, but not limited to: 4464

(1) Maintenance of each pledge, trust agreement, 4465
indenture, or other instrument comprising part of the bond 4466
proceedings until the state has fully paid the bond service 4467
charges on the obligations secured thereby, or provision 4468
therefor has been made; 4469

(2) In the event of default in any payments required to be 4470
made by the bond proceedings, or any other agreement of the 4471
issuing authority made as a part of the contract under which the 4472
obligations were issued, enforcement of such payments or 4473
agreement by mandamus, the appointment of a receiver, suit in 4474
equity, action at law, or any combination of the foregoing; 4475

(3) The rights and remedies of the holders of obligations 4476
and of the trustee, and provisions for protecting and enforcing 4477
them, including limitations on rights of individual holders of 4478
obligations; 4479

(4) The replacement of any obligations that become 4480
mutilated or are destroyed, lost, or stolen; 4481

(5) Such other provisions as the trustee and the issuing 4482

authority agree upon, including limitations, conditions, or 4483
qualifications relating to any of the foregoing. 4484

(K) Any holders of obligations or trustees under the bond 4485
proceedings, except to the extent that their rights are 4486
restricted by the bond proceedings, may by any suitable form of 4487
legal proceedings, protect and enforce any rights under the laws 4488
of this state or granted by such bond proceedings. Such rights 4489
include the right to compel the performance of all duties of the 4490
issuing authority, the director of development, the Ohio air 4491
quality development authority, or the division of liquor control 4492
required by this chapter or the bond proceedings; to enjoin 4493
unlawful activities; and in the event of default with respect to 4494
the payment of any bond service charges on any obligations or in 4495
the performance of any covenant or agreement on the part of the 4496
issuing authority, the director of development, the Ohio air 4497
quality development authority, or the division of liquor control 4498
in the bond proceedings, to apply to a court having jurisdiction 4499
of the cause to appoint a receiver to receive and administer the 4500
pledged receipts and special funds, other than those in the 4501
custody of the treasurer of state, which are pledged to the 4502
payment of the bond service charges on such obligations or which 4503
are the subject of the covenant or agreement, with full power to 4504
pay, and to provide for payment of bond service charges on, such 4505
obligations, and with such powers, subject to the direction of 4506
the court, as are accorded receivers in general equity cases, 4507
excluding any power to pledge additional revenues or receipts or 4508
other income or moneys of the issuing authority or the state or 4509
governmental agencies of the state to the payment of such 4510
principal and interest and excluding the power to take 4511
possession of, mortgage, or cause the sale or otherwise dispose 4512
of any project facilities. 4513

Each duty of the issuing authority and the issuing 4514
authority's officers and employees, and of each governmental 4515
agency and its officers, members, or employees, undertaken 4516
pursuant to the bond proceedings or any agreement or lease, 4517
lease-purchase agreement, or loan made under authority of this 4518
chapter, and in every agreement by or with the issuing 4519
authority, is hereby established as a duty of the issuing 4520
authority, and of each such officer, member, or employee having 4521
authority to perform such duty, specifically enjoined by the law 4522
resulting from an office, trust, or station within the meaning 4523
of section 2731.01 of the Revised Code. 4524

The person who is at the time the issuing authority, or 4525
the issuing authority's officers or employees, are not liable in 4526
their personal capacities on any obligations issued by the 4527
issuing authority or any agreements of or with the issuing 4528
authority. 4529

(L) The issuing authority may authorize and issue 4530
obligations for the refunding, including funding and retirement, 4531
and advance refunding with or without payment or redemption 4532
prior to maturity, of any obligations previously issued by the 4533
issuing authority. Such obligations may be issued in amounts 4534
sufficient for payment of the principal amount of the prior 4535
obligations, any redemption premiums thereon, principal 4536
maturities of any such obligations maturing prior to the 4537
redemption of the remaining obligations on a parity therewith, 4538
interest accrued or to accrue to the maturity dates or dates of 4539
redemption of such obligations, and any allowable costs 4540
including expenses incurred or to be incurred in connection with 4541
such issuance and such refunding, funding, and retirement. 4542
Subject to the bond proceedings therefor, the portion of 4543
proceeds of the sale of obligations issued under this division 4544

to be applied to bond service charges on the prior obligations 4545
shall be credited to an appropriate account held by the trustee 4546
for such prior or new obligations or to the appropriate account 4547
in the bond service fund for such obligations. Obligations 4548
authorized under this division shall be deemed to be issued for 4549
those purposes for which such prior obligations were issued and 4550
are subject to the provisions of this section pertaining to 4551
other obligations, except as otherwise provided in this section; 4552
provided that, unless otherwise authorized by the general 4553
assembly, any limitations imposed by the general assembly 4554
pursuant to this section with respect to bond service charges 4555
applicable to the prior obligations shall be applicable to the 4556
obligations issued under this division to refund, fund, advance 4557
refund or retire such prior obligations. 4558

(M) The authority to issue obligations under this section 4559
includes authority to issue obligations in the form of bond 4560
anticipation notes and to renew the same from time to time by 4561
the issuance of new notes. The holders of such notes or interest 4562
coupons pertaining thereto shall have a right to be paid solely 4563
from the pledged receipts and special funds that may be pledged 4564
to the payment of the bonds anticipated, or from the proceeds of 4565
such bonds or renewal notes, or both, as the issuing authority 4566
provides in the resolution or order authorizing such notes. Such 4567
notes may be additionally secured by covenants of the issuing 4568
authority to the effect that the issuing authority and the state 4569
will do such or all things necessary for the issuance of such 4570
bonds or renewal notes in appropriate amount, and apply the 4571
proceeds thereof to the extent necessary, to make full payment 4572
of the principal of and interest on such notes at the time or 4573
times contemplated, as provided in such resolution or order. For 4574
such purpose, the issuing authority may issue bonds or renewal 4575

notes in such principal amount and upon such terms as may be 4576
necessary to provide funds to pay when required the principal of 4577
and interest on such notes, notwithstanding any limitations 4578
prescribed by or for purposes of this section. Subject to this 4579
division, all provisions for and references to obligations in 4580
this section are applicable to notes authorized under this 4581
division. 4582

The issuing authority in the bond proceedings authorizing 4583
the issuance of bond anticipation notes shall set forth for such 4584
bonds an estimated interest rate and a schedule of principal 4585
payments for such bonds and the annual maturity dates thereof, 4586
and for purposes of any limitation on bond service charges 4587
prescribed under division (A) of section 166.11 of the Revised 4588
Code, the amount of bond service charges on such bond 4589
anticipation notes is deemed to be the bond service charges for 4590
the bonds anticipated thereby as set forth in the bond 4591
proceedings applicable to such notes, but this provision does 4592
not modify any authority in this section to pledge receipts and 4593
special funds to, and covenant to issue bonds to fund, the 4594
payment of principal of and interest and any premium on such 4595
notes. 4596

(N) Obligations issued under this section are lawful 4597
investments for banks, societies for savings, savings and loan 4598
associations, deposit guarantee associations, trust companies, 4599
trustees, fiduciaries, insurance companies, including domestic 4600
for life and domestic not for life, trustees or other officers 4601
having charge of sinking and bond retirement or other special 4602
funds of political subdivisions and taxing districts of this 4603
state, the commissioners of the sinking fund of the state, the 4604
administrator of ~~workers' compensation~~ worker safety and 4605
rehabilitation, the state teachers retirement system, the public 4606

employees retirement system, the school employees retirement 4607
system, and the Ohio police and fire pension fund, 4608
notwithstanding any other provisions of the Revised Code or 4609
rules adopted pursuant thereto by any governmental agency of the 4610
state with respect to investments by them, and are also 4611
acceptable as security for the deposit of public moneys. 4612

(O) Unless otherwise provided in any applicable bond 4613
proceedings, moneys to the credit of or in the special funds 4614
established by or pursuant to this section may be invested by or 4615
on behalf of the issuing authority only in notes, bonds, or 4616
other obligations of the United States, or of any agency or 4617
instrumentality of the United States, obligations guaranteed as 4618
to principal and interest by the United States, obligations of 4619
this state or any political subdivision of this state, and 4620
certificates of deposit of any national bank located in this 4621
state and any bank, as defined in section 1101.01 of the Revised 4622
Code, subject to inspection by the superintendent of banks. If 4623
the law or the instrument creating a trust pursuant to division 4624
(J) of this section expressly permits investment in direct 4625
obligations of the United States or an agency of the United 4626
States, unless expressly prohibited by the instrument, such 4627
moneys also may be invested in no-front-end-load money market 4628
mutual funds consisting exclusively of obligations of the United 4629
States or an agency of the United States and in repurchase 4630
agreements, including those issued by the fiduciary itself, 4631
secured by obligations of the United States or an agency of the 4632
United States; and in common trust funds established in 4633
accordance with section 1111.20 of the Revised Code and 4634
consisting exclusively of any such securities, notwithstanding 4635
division (A) (4) of that section. The income from such 4636
investments shall be credited to such funds as the issuing 4637

authority determines, and such investments may be sold at such 4638
times as the issuing authority determines or authorizes. 4639

(P) Provision may be made in the applicable bond 4640
proceedings for the establishment of separate accounts in the 4641
bond service fund and for the application of such accounts only 4642
to the specified bond service charges on obligations pertinent 4643
to such accounts and bond service fund and for other accounts 4644
therein within the general purposes of such fund. Unless 4645
otherwise provided in any applicable bond proceedings, moneys to 4646
the credit of or in the several special funds established 4647
pursuant to this section shall be disbursed on the order of the 4648
treasurer of state, provided that no such order is required for 4649
the payment from the bond service fund when due of bond service 4650
charges on obligations. 4651

(Q) The issuing authority may pledge all, or such portion 4652
as the issuing authority determines, of the pledged receipts to 4653
the payment of bond service charges on obligations issued under 4654
this section, and for the establishment and maintenance of any 4655
reserves, as provided in the bond proceedings, and make other 4656
provisions therein with respect to pledged receipts as 4657
authorized by this chapter, which provisions are controlling 4658
notwithstanding any other provisions of law pertaining thereto. 4659

(R) The issuing authority may covenant in the bond 4660
proceedings, and any such covenants are controlling 4661
notwithstanding any other provision of law, that the state and 4662
applicable officers and governmental agencies of the state, 4663
including the general assembly, so long as any obligations are 4664
outstanding, shall: 4665

(1) Maintain statutory authority for and cause to be 4666
charged and collected wholesale and retail prices for spirituous 4667

liquor sold by the state or its agents so that the pledged 4668
receipts are sufficient in amount to meet bond service charges, 4669
and the establishment and maintenance of any reserves and other 4670
requirements provided for in the bond proceedings, and, as 4671
necessary, to meet covenants contained in contracts of guarantee 4672
made under section 166.06 of the Revised Code; 4673

(2) Take or permit no action, by statute or otherwise, 4674
that would impair the exemption from federal income taxation of 4675
the interest on the obligations. 4676

(S) There is hereby created the economic development bond 4677
service fund, which shall be in the custody of the treasurer of 4678
state but shall be separate and apart from and not a part of the 4679
state treasury. All moneys received by or on account of the 4680
issuing authority or state agencies and required by the 4681
applicable bond proceedings, consistent with this section, to be 4682
deposited, transferred, or credited to a bond service fund or 4683
the economic development bond service fund, and all other moneys 4684
transferred or allocated to or received for the purposes of the 4685
fund, shall be deposited and credited to such fund and to any 4686
separate accounts therein, subject to applicable provisions of 4687
the bond proceedings, but without necessity for any act of 4688
appropriation. During the period beginning with the date of the 4689
first issuance of obligations and continuing during such time as 4690
any such obligations are outstanding, and so long as moneys in 4691
the pertinent bond service funds are insufficient to pay all 4692
bond services charges on such obligations becoming due in each 4693
year, a sufficient amount of the gross profit on the sale of 4694
spirituous liquor included in pledged receipts are committed and 4695
shall be paid to the bond service fund or economic development 4696
bond service fund in each year for the purpose of paying the 4697
bond service charges becoming due in that year without necessity 4698

for further act of appropriation for such purpose and 4699
notwithstanding anything to the contrary in Chapter 4301. of the 4700
Revised Code. The economic development bond service fund is a 4701
trust fund and is hereby pledged to the payment of bond service 4702
charges to the extent provided in the applicable bond 4703
proceedings, and payment thereof from such fund shall be made or 4704
provided for by the treasurer of state in accordance with such 4705
bond proceedings without necessity for any act of appropriation. 4706

(T) The obligations, the transfer thereof, and the income 4707
therefrom, including any profit made on the sale thereof, shall 4708
at all times be free from taxation within the state. 4709

Sec. 175.10. (A) All bonds issued under this chapter are 4710
lawful investments of banks, societies for savings, savings and 4711
loan associations, deposit guarantee associations, trust 4712
companies, trustees, fiduciaries, insurance companies, including 4713
domestic for life and domestic not for life, trustees or other 4714
officers having charge of sinking and bond retirement or other 4715
special funds of political subdivisions and taxing districts of 4716
this state, the treasurer of state, the administrator of 4717
~~workers' compensation~~ worker safety and rehabilitation, the 4718
state teachers retirement system, the public employees 4719
retirement system, the school employees retirement system, and 4720
the Ohio police and fire pension fund, notwithstanding any other 4721
provision of the Revised Code or rules adopted by any 4722
governmental agency of this state with respect to investments, 4723
and are acceptable as security for the deposit of public moneys. 4724

(B) The exercise of the powers this chapter grants is in 4725
all respects for the benefit of the people of the state, for the 4726
improvement of their health, safety, convenience, and economic 4727
welfare, and for the enhancement of the opportunities for safe 4728

and sanitary housing and is a public purpose. 4729

(C) The programs undertaken by the Ohio housing finance 4730
agency constitute the performance of essential public functions, 4731
and the bonds issued under this chapter, their transfer, and 4732
income from those bonds, including any profit made on their 4733
sale, is at all times free from taxation within this state. 4734

Sec. 191.02. The executive director of the office of 4735
health transformation, in consultation with all of the following 4736
individuals, shall identify each government program administered 4737
by a state agency that is to be considered a government program 4738
providing public benefits for purposes of sections 191.04 and 4739
191.08 of the Revised Code: 4740

(A) The director of administrative services; 4741

(B) The director of aging; 4742

(C) The director of development services; 4743

(D) The director of developmental disabilities; 4744

(E) The director of health; 4745

(F) The director of job and family services; 4746

(G) The medicaid director; 4747

(H) The director of mental health and addiction services; 4748

(I) The director of rehabilitation and correction; 4749

(J) The director of veterans services; 4750

(K) The director of youth services; 4751

(L) The executive director of the opportunities for 4752
Ohioans with disabilities agency; 4753

(M) The administrator of ~~workers' compensation~~ worker 4754
safety and rehabilitation; 4755

(N) The superintendent of insurance; 4756

(O) The superintendent of public instruction; 4757

(P) The tax commissioner. 4758

Sec. 306.09. (A) The board of county commissioners, on its 4759
own initiative if it operates a county transit system or at the 4760
request of the county transit board if one is appointed, may 4761
issue bonds of the county pursuant to Chapter 133. of the 4762
Revised Code, for the purpose of purchasing, acquiring, 4763
constructing, enlarging, and improving the county transit 4764
system. 4765

(B) The board of county commissioners operating a transit 4766
system or a county transit board, with the approval of the 4767
county commissioners, may issue revenue bonds of the county for 4768
the purpose of purchasing, acquiring, constructing, enlarging, 4769
and improving the county transit system. The issuing board shall 4770
provide by resolution for the issuance of such bonds. The 4771
principal, interest, and all other payments required to be made 4772
by any trust agreement or indenture securing such bonds shall be 4773
payable, as provided in such resolution, solely from the 4774
revenues or other income of the county transit system. Bonds may 4775
be issued at one time or from time to time and each issue shall 4776
be dated, bear interest, mature at such time or times not 4777
exceeding forty years from the date of issue, and be redeemable 4778
before maturity at the option of the board at such price or 4779
prices and under such terms and conditions as may be provided by 4780
the board in its resolution. The board shall determine the form 4781
of the bonds and any coupons pertaining thereto, fix their 4782

denominations, and establish within or without this state the 4783
place or places of payment of principal and interest. The 4784
resolution shall determine the method of execution of such 4785
bonds, provide for sale of the bonds at public or private sale 4786
as the board determines most advantageous and for such prices, 4787
above or below the par value thereof, as the board determines or 4788
within such limit or limits as it may fix. 4789

Where a transit board is appointed, if any member of the 4790
county transit board or officer of the county transit system who 4791
has signed bonds or coupons pertaining thereto or caused the 4792
member's or officer's facsimile signature to be affixed thereto 4793
ceases to be a member or officer before such bonds or coupons 4794
have been delivered, such bonds or coupons may be issued and 4795
delivered as though the person who had signed the bonds or 4796
coupons or caused the person's facsimile signature to be affixed 4797
thereto had not ceased to be a member or officer. Bonds or 4798
coupons may be executed on behalf of the county by a member of 4799
the county transit board or officer of the county transit system 4800
who is a member or officer on the date of execution, although 4801
such person was not a member or officer on the date of such 4802
bonds or coupons. 4803

All bonds issued under authority of this section have all 4804
qualities and incidents of negotiable instruments, subject to 4805
provisions for registration, and may be issued in coupon or 4806
fully registered form, or both, as the board provides. Provision 4807
may be made for the registration of any coupon bonds as to 4808
principal alone or as to both principal and interest and for the 4809
conversion into fully registered bonds of coupon bonds, and into 4810
coupon bonds of any fully registered bond or bonds registered as 4811
to both principal and interest. 4812

| | |
|------------------------------------------------------------------|------|
| (C) The proceedings authorizing issuance of revenue bonds | 4813 |
| pursuant to division (B) of this section may contain provisions | 4814 |
| that shall be a part of the contract with the bondholders as to: | 4815 |
| (1) Pledging the rates, revenues, and other income, | 4816 |
| charges, and moneys therein designated for the payment of the | 4817 |
| principal of and interest on the bonds and all other payments | 4818 |
| required to be made by the bond proceedings; | 4819 |
| (2) Provisions regarding the purposes to which the | 4820 |
| proceeds of the bonds may be applied; | 4821 |
| (3) Terms of the bonds; | 4822 |
| (4) Maintenance, collection, use, and disposition of | 4823 |
| rates, revenues, and other income, charges, and moneys received | 4824 |
| from the operation or disposition of the county transit system; | 4825 |
| (5) Terms and conditions under which additional bonds may | 4826 |
| be issued secured by a pledge of rates, revenues, and other | 4827 |
| income, charges, and moneys received from the operation or | 4828 |
| disposition of the county transit system; | 4829 |
| (6) Terms of any trust agreement or indenture of mortgage | 4830 |
| securing the bonds, including authorization for the county | 4831 |
| transit board to enter into such agreement or indenture on | 4832 |
| behalf of the county and with a corporate trustee which may be | 4833 |
| any trust company or bank having the powers of a trust company | 4834 |
| within or without this state; | 4835 |
| (7) The deposit, application, safeguarding, and investment | 4836 |
| of funds of the county transit board or board of county | 4837 |
| commissioners received or held under such trust agreement or | 4838 |
| indenture to which the provisions of Chapters 131. and 135. of | 4839 |
| the Revised Code are not applicable; | 4840 |

(8) Any other appropriate agreements with the bondholders 4841
with respect to the rates, revenues, and other income, charges, 4842
and moneys received from the operation or disposition of the 4843
county transit system; 4844

(9) Other provisions that are customary or appropriate in 4845
an agreement or indenture of such type, including but not 4846
limited to: 4847

(a) Mortgage or any real estate or interest therein 4848
acquired from the proceeds of such bonds; 4849

(b) Covenant to maintain each pledge, trust agreement, and 4850
indenture of mortgage made for the security of any bonds until 4851
the principal of and interest on the bonds has been fully paid, 4852
or provision therefor has been made, for the security of which 4853
the pledge has been made and the trust agreement or the 4854
indenture of mortgage has been given; 4855

(c) In the event of default in any payments required to be 4856
made or any other agreement made as a part of the contract under 4857
which the bonds are issued, enforcement of such payments or 4858
agreement by mandamus, the appointment of a receiver in equity, 4859
or, if a mortgage has been given, the foreclosure of such 4860
mortgage, or any combination of the foregoing; 4861

(d) The rights and remedies of the bondholders and of the 4862
trustee and provisions for protecting and enforcing them, 4863
including limitations on rights of individual bondholders; 4864

(e) Such other provisions as the trustee, the original 4865
purchaser of the bonds, and the board of county commissioners or 4866
county transit board agree upon. 4867

(D) Any holder of bonds issued pursuant to division (B) of 4868
this section or a trustee under a trust agreement or indenture 4869

of mortgage entered into pursuant to division (C)(6) of this 4870
section, except to the extent that their rights are restricted 4871
by the bond proceedings or the terms of the bonds, may by any 4872
suitable form of legal proceedings, protect and enforce any 4873
rights under the laws of this state or granted by the bond 4874
proceedings. Such rights include the right: 4875

(1) To compel the performance of all duties of the county 4876
transit board or board of county commissioners required by 4877
sections 306.01 to 306.13 of the Revised Code, or the bond 4878
proceedings; 4879

(2) To enjoin unlawful activities; 4880

(3) In the event of default in the payment of any 4881
principal or interest on any bond or in the performance of any 4882
covenant or agreement on the part of the county transit board or 4883
board of county commissioners in the resolution, trust 4884
agreement, or indenture, to apply to a court to appoint a 4885
receiver to administer and operate the county transit system, 4886
the rates, revenues, and other income, charges, and moneys of 4887
which are pledged to the payment of and interest on such bonds, 4888
or which are the subject of the covenant or agreement, with full 4889
power to pay and to provide for payment of principal and 4890
interest on such bonds, and with such powers subject to the 4891
direction of the court as are accorded receivers in general 4892
equity cases, excluding any power to pledge additional rates, 4893
revenues, or other income, charges, or moneys of the county, 4894
including those derived from taxation, to the payment of such 4895
principal and interest; 4896

(4) To foreclose the mortgage on any real estate or 4897
interest therein which has been mortgaged, in the same manner as 4898
real estate of private corporations. 4899

(E) Bonds issued pursuant to division (B) of section 4900
306.09 and to section 306.10 of the Revised Code are lawful 4901
investments of banks, societies for savings, savings and loan 4902
associations, deposit guaranty associations, trust companies, 4903
trustees, fiduciaries, insurance companies, including domestic 4904
for life and domestic not for life, trustees or other officers 4905
having charge of sinking and bond retirement or other special 4906
funds of political subdivisions and taxing districts of this 4907
state, the commissioners of the sinking fund of the state, the 4908
administrator of ~~workers' compensation~~ worker safety and 4909
rehabilitation, the state teachers retirement system, the public 4910
employees retirement system, the school employees retirement 4911
system, and the Ohio police and fire pension fund, and are 4912
acceptable as security for the deposit of public moneys. 4913

Sec. 306.85. Bonds of a regional transit commission are 4914
lawful investments of banks, savings banks, mutual savings 4915
banks, trust companies, savings and loan associations, deposit 4916
guaranty associations, bond retirement funds or sinking funds of 4917
municipal corporations, boards of education, regional transit 4918
commissions, counties, the administrator of ~~workers'~~ 4919
~~compensation~~ worker safety and rehabilitation, state teachers 4920
retirement system, school employees retirement system, public 4921
employees retirement system, Ohio police and fire pension fund, 4922
and domestic insurance companies for life and other than life, 4923
and are acceptable as security for the deposit of public moneys. 4924

Sec. 307.02. The board of county commissioners of any 4925
county, in addition to its other powers, may purchase, for cash 4926
or by installment payments, enter into lease-purchase 4927
agreements, lease with option to purchase, lease, appropriate, 4928
construct, enlarge, improve, rebuild, equip, and furnish a 4929
courthouse, county offices, jail, county home, juvenile court 4930

building, detention facility, public market houses, retail store 4931
rooms and offices, if located in a building acquired to house 4932
county offices, for which store rooms or offices the board of 4933
county commissioners may establish and collect rents or enter 4934
into leases as provided in section 307.09 of the Revised Code, 4935
county children's home, community mental health facility, 4936
community developmental disabilities facility, facilities for 4937
senior citizens, alcohol treatment and control center, other 4938
necessary buildings, public stadiums, public auditorium, 4939
exhibition hall, zoological park, public library buildings, golf 4940
courses, and off-street parking facilities determined by the 4941
board of county commissioners to be so situated as to be useful 4942
for any of such purposes or any combination of such purposes, 4943
for the use of which parking facilities the board of county 4944
commissioners may establish and collect rates, charges, or 4945
rents, and sites therefor, such real estate adjoining an 4946
existing site as is necessary for any of such purposes, 4947
including real estate necessary to afford light, air, protection 4948
from fire, suitable surroundings, ingress, and egress; such 4949
copies of any public records of such county, made or reproduced 4950
by miniature photography or microfilm, as are necessary for the 4951
protection and preservation of public records of such county. 4952

The board of county commissioners of any county may lease 4953
for a period not to exceed forty years, pursuant to a contract 4954
providing for the construction thereof under a lease-purchase 4955
plan, those buildings, structures, and other improvements 4956
enumerated in the first paragraph of this section, and in 4957
conjunction therewith, may grant leases, easements, or licenses 4958
for lands under the control of the county for a period not to 4959
exceed forty years. Such lease-purchase plan shall provide that 4960
at the end of the lease period such buildings, structures, and 4961

related improvements, together with the land on which they are 4962
situated, shall become the property of the county without cost. 4963

Whenever any building, structure or other improvement is 4964
to be so leased by a county, the board of county commissioners 4965
shall file in the office of the board, if the board has a full- 4966
time clerk, or in the office of the county auditor such basic 4967
plans, specifications, bills of materials, and estimates of cost 4968
with sufficient detail to afford bidders all needed information, 4969
or alternatively, shall file the following plans, details, bills 4970
of materials, and specifications: 4971

(A) Full and accurate plans, suitable for the use of 4972
mechanics and other builders in such construction, improvement, 4973
addition, alteration, or installation; 4974

(B) Details to scale and full sized, so drawn and 4975
represented as to be easily understood; 4976

(C) Accurate bills showing the exact quantity of different 4977
kinds of material necessary to the construction; 4978

(D) Definite and complete specifications of the work to be 4979
performed, together with such directions as will enable a 4980
competent mechanic or other builder to carry them out and afford 4981
bidders all needed information; 4982

(E) A full and accurate estimate of each item of expense 4983
and of the aggregate cost thereof. 4984

The board of county commissioners shall invite bids in the 4985
manner prescribed in sections 307.86 to 307.92 of the Revised 4986
Code. Such bids shall contain the terms upon which the builder 4987
would propose to lease the building, structure, or other 4988
improvement to the county. The form of the bid approved by the 4989
board of county commissioners shall be used and a bid shall be 4990

invalid and not considered unless such form is used without 4991
change, alteration, or addition. 4992

Before submitting bids pursuant to this section, any 4993
builder shall have complied with sections 153.50 to 153.52 of 4994
the Revised Code. 4995

On the day and at the place named for receiving bids for 4996
entering into lease agreements with the county, the board of 4997
county commissioners shall open the bids, and shall publicly 4998
proceed immediately to tabulate the bids. No such lease 4999
agreement shall be entered into until the ~~bureau of workers'~~ 5000
~~compensation~~ office of worker safety and rehabilitation has 5001
certified that the corporation, partnership, or person to be 5002
awarded the lease agreement has complied with Chapter 4123. of 5003
the Revised Code, and until, if the builder submitting the 5004
lowest and best bid is a foreign corporation, the secretary of 5005
state has certified that such corporation is authorized to do 5006
business in this state, and until, if the builder submitting the 5007
lowest and best bid is a person or partnership nonresident of 5008
this state, such person or partnership has filed with the 5009
secretary of state a power of attorney designating the secretary 5010
of state as its agent for the purpose of accepting service of 5011
summons in any action brought under Chapter 4123. of the Revised 5012
Code, and until the agreement is submitted to the county 5013
prosecutor and the county prosecutor's approval certified 5014
thereon. Within thirty days after the day on which the bids are 5015
received, the board of county commissioners shall investigate 5016
the bids received and shall determine that the ~~bureau~~ office and 5017
the secretary of state have made the certifications required by 5018
this section of the builder who has submitted the lowest and 5019
best bid. Within ten days of the completion of the investigation 5020
of the bids the board of county commissioners may award the 5021

lease agreement to the builder who has submitted the lowest and 5022
best bid and who has been certified by the ~~bureau office~~ and 5023
secretary of state as required by this section. If bidding for 5024
the lease agreement has been conducted upon the basis of basic 5025
plans, specifications, bills of materials, and estimates of 5026
costs, upon the award to the builder, the board of county 5027
commissioners, or the builder with the approval of the board of 5028
county commissioners, shall appoint an architect or engineer 5029
licensed in Ohio to prepare such further detailed plans, 5030
specifications, and bills of materials as are required to 5031
construct the buildings, structures, and other improvements 5032
enumerated in the first paragraph of this section. The board of 5033
county commissioners may reject any bid. Where there is reason 5034
to believe there is collusion or combination among the bidders, 5035
the bids of those concerned therein shall be rejected. 5036

Sec. 351.11. Convention facilities authority bonds and 5037
notes issued under this chapter are lawful investments of banks, 5038
societies for savings, trust companies, savings and loan 5039
associations, trustees, fiduciaries, trustees or other officers 5040
having charge of the bond retirement funds or sinking funds of 5041
municipal corporations, boards of education, port authorities, 5042
and counties and political subdivisions and taxing districts of 5043
this state, the commissioners of the sinking fund of this state, 5044
the administrator of ~~workers' compensation, worker safety and~~ 5045
rehabilitation, the retirement boards of the state teachers 5046
retirement system, the school employees retirement system, the 5047
public employees retirement system, and the Ohio police and fire 5048
pension fund, and of insurance companies, including domestic 5049
life insurance companies and domestic insurance companies other 5050
than life, and are acceptable as security for the deposit of 5051
public moneys. 5052

Sec. 353.16. Bonds of a lake facilities authority and lake 5053
facilities authority revenue bonds are lawful investments of 5054
banks, societies for savings, trust companies, savings and loan 5055
associations, deposit guaranty associations, trustees, 5056
fiduciaries, trustees or other officers having charge of the 5057
bond retirement funds or sinking funds of port authorities and 5058
political subdivisions, and taxing districts of this state, the 5059
commissioners of the sinking fund of this state, the 5060
administrator of ~~workers' compensation~~ worker safety and 5061
rehabilitation, the state teachers retirement system, the school 5062
employees retirement system, the public employees retirement 5063
system, the Ohio police and fire pension fund, and insurance 5064
companies, including domestic life insurance companies and 5065
domestic insurance companies other than life, and are acceptable 5066
as security for the deposit of public moneys. 5067

Sec. 715.011. Each municipal corporation may lease for a 5068
period not to exceed forty years, pursuant to a contract 5069
providing for the construction thereof under a lease-purchase 5070
plan, buildings, structures, and other improvements for any 5071
authorized municipal purpose, and in conjunction therewith, may 5072
grant leases, easements, or licenses for lands under the control 5073
of the municipal corporation for a period not to exceed forty 5074
years. The lease shall provide that at the end of the lease 5075
period the buildings, structures, and related improvements 5076
together with the land on which they are situate shall become 5077
the property of the municipal corporation without cost. 5078

Whenever any building, structure, or other improvement is 5079
to be so leased by a municipal corporation, the appropriate 5080
contracting officer of the municipal corporation shall file with 5081
the clerk of the council such basic plans, specifications, bills 5082
of materials, and estimates of cost with sufficient detail to 5083

afford bidders all needed information, or alternatively, shall 5084
file the following plans, details, bills of materials, and 5085
specifications: 5086

(A) Full and accurate plans, suitable for the use of 5087
mechanics and other builders in such construction, improvement, 5088
addition, alteration, or installation; 5089

(B) Details to scale and full sized, so drawn and 5090
represented as to be easily understood; 5091

(C) Accurate bills showing the exact quantity of different 5092
kinds of material necessary to the construction; 5093

(D) Definite and complete specifications of the work to be 5094
performed, together with such directions as will enable a 5095
competent mechanic or other builder to carry them out and afford 5096
bidders all needed information; 5097

(E) A full and accurate estimate of each item of expense 5098
and of the aggregate cost thereof. 5099

The council of the municipal corporation shall give public 5100
notice in a newspaper of general circulation in the municipal 5101
corporation, and in the form and with the phraseology as the 5102
council orders, published once each week for four consecutive 5103
weeks or as provided in section 7.16 of the Revised Code, of the 5104
time and place, when and where bids will be received for 5105
entering into an agreement to lease to the municipal corporation 5106
a building, structure, or other improvement, the last 5107
publication to be at least eight days preceding the day for 5108
opening the bids. The bids shall contain the terms upon which 5109
the builder would propose to lease the building, structure, or 5110
other improvement to the municipal corporation. The form of the 5111
bid approved by the council of the municipal corporation shall 5112

be used and a bid shall be invalid and not considered unless 5113
such form is used without change, alteration, or addition. 5114
Before submitting bids pursuant to this section, any builder 5115
shall have complied with sections 153.50 to 153.52 of the 5116
Revised Code. 5117

On the day and at the place named for receiving bids for 5118
entering into lease agreements with the municipal corporation, 5119
the appropriate contracting officer of the municipal corporation 5120
shall open the bids, and shall publicly proceed immediately to 5121
tabulate the bids upon triplicate sheets, one of each of which 5122
sheets shall be filed with the clerk of the council. No lease 5123
agreement shall be entered into until the ~~bureau of workers'~~ 5124
~~compensation~~ office of worker safety and rehabilitation has 5125
certified that the corporation, partnership, or person to be 5126
awarded the lease agreement has complied with Chapter 4123. of 5127
the Revised Code, and until, if the builder submitting the 5128
lowest and best bid is a foreign corporation, the secretary of 5129
state has certified that the corporation is authorized to do 5130
business in this state, and until, if the builder submitting the 5131
lowest and best bid is a person or partnership nonresident of 5132
this state, the person or partnership has filed with the 5133
secretary of state a power of attorney designating the secretary 5134
of state as its agent for the purpose of accepting service of 5135
summons in any action brought under Chapter 4123. of the Revised 5136
Code, and until the agreement is submitted to the village 5137
solicitor or city director of law of the municipal corporation 5138
and the solicitor's or director's approval is certified thereon. 5139
Within thirty days after the day on which the bids are received, 5140
the council shall investigate the bids received and shall 5141
determine that the ~~bureau~~ office and the secretary of state have 5142
made the certifications required by this section of the builder 5143

who has submitted the lowest and best bid. Within ten days of 5144
the completion of the investigation of the bids the council may 5145
award the lease agreement to the builder who has submitted the 5146
lowest and best bid and who has been certified by the ~~bureau-~~ 5147
office and secretary of state as required by this section. If 5148
bidding for the lease agreement has been conducted upon the 5149
basis of basic plans, specifications, bills of materials, and 5150
estimates of costs, upon the award to the builder, the council, 5151
or the builder with the approval of the council, shall appoint 5152
an architect or engineer licensed in this state to prepare such 5153
further detailed plans, specifications, and bills of materials 5154
as are required to construct the building, structure, or 5155
improvement. 5156

The council may reject any bid. Where there is reason to 5157
believe there is collusion or combination among bidders, the 5158
bids of those concerned therein shall be rejected. 5159

Sec. 742.38. (A) (1) The board of trustees of the Ohio 5160
police and fire pension fund shall adopt rules establishing 5161
minimum medical testing and diagnostic standards or procedures 5162
to be incorporated into physical examinations administered by 5163
physicians to prospective members of the fund. The standards or 5164
procedures shall include diagnosis and evaluation of the 5165
existence of any heart disease, cardiovascular disease, or 5166
respiratory disease. The rules shall specify the form of the 5167
physician's report and the information to be included in it. 5168

The board shall notify all employers of the establishment 5169
of the minimum standards or procedures and shall include with 5170
the notice a copy of the standards or procedures. The board 5171
shall notify all employers of any changes made to the standards 5172
or procedures. Once the standards or procedures take effect, 5173

employers shall cause each prospective member of the fund to 5174
submit to a physical examination that incorporates the standards 5175
or procedures. 5176

(2) Division (A)(2) of this section applies to an employee 5177
who becomes a member of the fund on or after the date the 5178
minimum standards or procedures described in division (A)(1) of 5179
this section take effect. For each employee described in 5180
division (A)(2) of this section, the employer shall forward to 5181
the board a copy of the physician's report of a physical 5182
examination that incorporates the standards or procedures 5183
described in division (A)(1) of this section. If an employer 5184
fails to forward the report in the form required by the board on 5185
or before the date that is sixty days after the employee becomes 5186
a member of the fund, the board shall assess against the 5187
employer a penalty determined under section 742.353 of the 5188
Revised Code. 5189

(B) Application for a disability benefit may be made by a 5190
member of the fund or, if the member is incapacitated as defined 5191
in rules adopted by the board, by a person acting on the 5192
member's behalf. Not later than fourteen days after receiving an 5193
application for a disability benefit from a member or a person 5194
acting on behalf of a member, the board shall notify the 5195
member's employer that an application has been filed. The notice 5196
shall state the member's position or rank. Not later than 5197
twenty-eight days after receiving the notice or filing an 5198
application on behalf of a member, the employer shall forward to 5199
the board a statement certifying the member's job description 5200
and any other information required by the board to process the 5201
application. 5202

If the member applying for a disability benefit becomes a 5203

member of the fund prior to the date the minimum standards or 5204
procedures described in division (A) (1) of this section take 5205
effect, the board may request from the member's employer a copy 5206
of the physician's report of the member's physical examination 5207
taken on entry into the police or fire department or, if the 5208
employer does not have a copy of the report, a written statement 5209
certifying that the employer does not have a copy of the report. 5210
If an employer fails to forward the report or statement in the 5211
form required by the board on or before the date that is twenty- 5212
eight days after the date of the request, the board shall assess 5213
against the employer a penalty determined under section 742.353 5214
of the Revised Code. The board shall maintain the information 5215
submitted under this division and division (A) (2) of this 5216
section in the member's file. 5217

(C) For purposes of determining under division (D) of this 5218
section whether a member of the fund is disabled, the board 5219
shall adopt rules establishing objective criteria under which 5220
the board shall make the determination. The rules shall include 5221
standards that provide for all of the following: 5222

(1) Evaluating a member's illness or injury on which an 5223
application for disability benefits is based; 5224

(2) Defining the occupational duties of a police officer 5225
or firefighter; 5226

(3) Providing for the board to assign competent and 5227
disinterested physicians and vocational evaluators to conduct 5228
examinations of a member; 5229

(4) Requiring a written report for each disability 5230
application that includes a summary of findings, medical 5231
opinions, including an opinion on whether the illness or injury 5232

upon which the member's application for disability benefits is based was caused or induced by the actual performance of the member's official duties, and any recommendations or comments based on the medical opinions;

(5) Providing for the board to consider the member's potential for retraining or reemployment.

(D) This division does not apply to members of the fund who have elected to receive benefits and pensions in accordance with division (A) or (B) of section 742.37 of the Revised Code or from a police relief and pension fund or a firemen's relief and pension fund in accordance with the rules of that fund in force on April 1, 1947.

As used in this division:

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

"Permanently disabled" means a condition of disability from which there is no present indication of recovery.

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

(1) A member of the fund who is permanently and totally disabled as the result of the performance of the member's official duties as a member of a police or fire department shall be paid annual disability benefits in accordance with division (A) of section 742.39 of the Revised Code. In determining whether a member of the fund is permanently and totally disabled, the board shall consider standards adopted under

division (C) of this section applicable to the determination. 5262

(2) A member of the fund who is permanently and partially 5263
disabled as the result of the performance of the member's 5264
official duties as a member of a police or fire department 5265
shall, if the disability prevents the member from performing 5266
those duties and impairs the member's earning capacity, receive 5267
annual disability benefits in accordance with division (B) of 5268
section 742.39 of the Revised Code. In determining whether a 5269
member of the fund is permanently and partially disabled, the 5270
board shall consider standards adopted under division (C) of 5271
this section applicable to the determination. 5272

(3) (a) A member of the fund who is permanently disabled as 5273
a result of heart disease or any cardiovascular or respiratory 5274
disease of a chronic nature, which disease or any evidence of 5275
which disease was not revealed by the physical examination 5276
passed by the member on entry into the department or another 5277
examination specified in rules the board adopts under section 5278
742.10 of the Revised Code, is presumed to have incurred the 5279
disease while performing the member's official duties, unless 5280
the contrary is shown by competent evidence. The board may waive 5281
the requirement that the absence of disease be evidenced by a 5282
physical examination if competent medical evidence of a type 5283
specified in rules adopted under section 742.10 of the Revised 5284
Code is submitted documenting that the disease was not evident 5285
prior to or at the time of entry into the department. 5286

(b) A member of the fund who is a member of a fire 5287
department, has been assigned to at least six years of hazardous 5288
duty as a member of a fire department, and is disabled as a 5289
result of cancer, is presumed to have incurred the cancer while 5290
performing the member's official duties if the member was 5291

exposed to an agent classified by the international agency for 5292
research on cancer or its successor agency as a group 1 or 2A 5293
carcinogen. 5294

(c) The presumption described in division (D) (3) (b) of 5295
this section is rebuttable in any of the following situations: 5296

(i) There is evidence that the member incurred the type of 5297
cancer being alleged before becoming a member of the department. 5298

(ii) There is evidence that the member's exposure, outside 5299
the scope of the member's official duties, to cigarettes, 5300
tobacco products, or other conditions presenting an extremely 5301
high risk for the development of the cancer alleged, was 5302
probably a significant factor in the cause or progression of the 5303
cancer. 5304

(iii) There is evidence that the member was not exposed to 5305
an agent classified by the international agency for research on 5306
cancer or its successor agency as a group 1 or 2A carcinogen. 5307

(iv) The member is seventy years of age or older. 5308

(d) The presumption described in division (D) (3) (b) of 5309
this section does not apply if it has been more than twenty 5310
years since the member was last assigned to hazardous duty as a 5311
member of a fire department. 5312

(4) A member of the fund who has five or more years of 5313
service credit and has incurred a permanent disability not 5314
caused or induced by the actual performance of the member's 5315
official duties as a member of the department, or by the 5316
member's own negligence, shall if the disability prevents the 5317
member from performing those duties and impairs the member's 5318
earning capacity, receive annual disability benefits in 5319
accordance with division (C) of section 742.39 of the Revised 5320

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 section or division (C) (3) or (5) of former section 742.37 of the Revised Code on or after July 24, 1986, or persons who may make application for benefits as provided in section 742.26 of the Revised Code, no person receiving a pension or benefit under this section or division (C) of former section 742.37 of the Revised Code may apply for any new, changed, or different benefit.

(E) Notwithstanding the requirement of section 742.41 of 5351
the Revised Code that all medical reports and recommendations 5352
required are privileged, the board shall submit to the 5353
administrator of ~~workers' compensation~~ worker safety and 5354
rehabilitation any data necessary for the report required under 5355
section 4123.86 of the Revised Code. 5356

Sec. 902.10. All bonds issued under this chapter are 5357
lawful investments of banks, societies for savings, savings and 5358
loan associations, deposit guarantee associations, trust 5359
companies, trustees, fiduciaries, insurance companies, including 5360
domestic for life and domestic not for life, trustees or other 5361
officers having charge of sinking and bond retirement or other 5362
special funds of political subdivisions and taxing districts of 5363
this state, the commissioners of the sinking fund of the state, 5364
the administrator of ~~workers' compensation~~ worker safety and 5365
rehabilitation, the state teachers retirement system, the public 5366
employees retirement system, the school employees retirement 5367
system, and the Ohio police and fire pension fund, 5368
notwithstanding any other provision of the Revised Code or rules 5369
adopted pursuant thereto by any governmental agency of the state 5370
with respect to investments by them, and are acceptable as 5371
security for the deposit of public moneys. 5372

Sec. 1545.27. Park district revenue bonds are lawful 5373
investments of banks, trust companies, trustees, the boards of 5374
trustees of the sinking funds of municipal corporations, school 5375
districts, and counties, the administrator of ~~workers'~~ 5376
~~compensation~~ worker safety and rehabilitation, the state 5377
teachers retirement system, the public employees retirement 5378
system, and the school employees retirement system, and also are 5379
acceptable as security for the deposit of public moneys. 5380

Sec. 1555.08. (A) Subject to the limitations provided in 5381
Section 15 of Article VIII, Ohio Constitution, the commissioners 5382
of the sinking fund, upon certification by the director of the 5383
Ohio coal development office of the amount of moneys or 5384
additional moneys needed in the coal research and development 5385
fund for the purpose of making grants or loans for allowable 5386
costs, or needed for capitalized interest, for funding reserves, 5387
and for paying costs and expenses incurred in connection with 5388
the issuance, carrying, securing, paying, redeeming, or 5389
retirement of the obligations or any obligations refunded 5390
thereby, including payment of costs and expenses relating to 5391
letters of credit, lines of credit, insurance, put agreements, 5392
standby purchase agreements, indexing, marketing, remarketing 5393
and administrative arrangements, interest swap or hedging 5394
agreements, and any other credit enhancement, liquidity, 5395
remarketing, renewal, or refunding arrangements, all of which 5396
are authorized by this section, or providing moneys for loan 5397
guarantees, shall issue obligations of the state under this 5398
section in amounts authorized by the general assembly; provided 5399
that such obligations may be issued to the extent necessary to 5400
satisfy the covenants in contracts of guarantee made under 5401
section 1555.05 of the Revised Code to issue obligations to meet 5402
such guarantees, notwithstanding limitations otherwise 5403
applicable to the issuance of obligations under this section 5404
except the one-hundred-million-dollar limitation provided in 5405
Section 15 of Article VIII, Ohio Constitution. The proceeds of 5406
such obligations, except for the portion to be deposited in the 5407
coal research and development bond service fund as may be 5408
provided in the bond proceedings, shall as provided in the bond 5409
proceedings be deposited in the coal research and development 5410
fund. The commissioners of the sinking fund may appoint 5411
trustees, paying agents, and transfer agents and may retain the 5412

services of financial advisors, accounting experts, and 5413
attorneys, and retain or contract for the services of marketing, 5414
remarketing, indexing, and administrative agents, other 5415
consultants, and independent contractors, including printing 5416
services, as are necessary in their judgment to carry out this 5417
section. 5418

(B) The full faith and credit of the state of Ohio is 5419
hereby pledged to obligations issued under this section. The 5420
right of the holders and owners to payment of bond service 5421
charges is limited to all or that portion of the moneys pledged 5422
thereto pursuant to the bond proceedings in accordance with this 5423
section, and each such obligation shall bear on its face a 5424
statement to that effect. 5425

(C) Obligations shall be authorized by resolution of the 5426
commissioners of the sinking fund on request of the director of 5427
the Ohio coal development office as provided in section 1555.02 5428
of the Revised Code and the bond proceedings shall provide for 5429
the purpose thereof and the principal amount or amounts, and 5430
shall provide for or authorize the manner or agency for 5431
determining the principal maturity or maturities, not exceeding 5432
forty years from the date of issuance, the interest rate or 5433
rates or the maximum interest rate, the date of the obligations 5434
and the dates of payment of interest thereon, their 5435
denomination, and the establishment within or without the state 5436
of a place or places of payment of bond service charges. 5437
Sections 9.98 to 9.983 of the Revised Code apply to obligations 5438
issued under this section. The purpose of such obligations may 5439
be stated in the bond proceedings in terms describing the 5440
general purpose or purposes to be served. The bond proceedings 5441
shall also provide, subject to the provisions of any other 5442
applicable bond proceedings, for the pledge of all, or such part 5443

as the commissioners of the sinking fund may determine, of the 5444
moneys credited to the coal research and development bond 5445
service fund to the payment of bond service charges, which 5446
pledges may be made either prior or subordinate to other 5447
expenses, claims, or payments and may be made to secure the 5448
obligations on a parity with obligations theretofore or 5449
thereafter issued, if and to the extent provided in the bond 5450
proceedings. The moneys so pledged and thereafter received by 5451
the state are immediately subject to the lien of such pledge 5452
without any physical delivery thereof or further act, and the 5453
lien of any such pledges is valid and binding against all 5454
parties having claims of any kind against the state or any 5455
governmental agency of the state, irrespective of whether such 5456
parties have notice thereof, and shall create a perfected 5457
security interest for all purposes of Chapter 1309. of the 5458
Revised Code, without the necessity for separation or delivery 5459
of funds or for the filing or recording of the bond proceedings 5460
by which such pledge is created or any certificate, statement, 5461
or other document with respect thereto; and the pledge of such 5462
moneys is effective and the money therefrom and thereof may be 5463
applied to the purposes for which pledged without necessity for 5464
any act of appropriation. Every pledge, and every covenant and 5465
agreement made with respect thereto, made in the bond 5466
proceedings may therein be extended to the benefit of the owners 5467
and holders of obligations authorized by this section, and to 5468
any trustee therefor, for the further security of the payment of 5469
the bond service charges. 5470

(D) The bond proceedings may contain additional provisions 5471
as to: 5472

(1) The redemption of obligations prior to maturity at the 5473
option of the commissioners of the sinking fund at such price or 5474

| | |
|------------------------------------------------------------------|------|
| prices and under such terms and conditions as are provided in | 5475 |
| the bond proceedings; | 5476 |
| (2) Other terms of the obligations; | 5477 |
| (3) Limitations on the issuance of additional obligations; | 5478 |
| (4) The terms of any trust agreement or indenture securing | 5479 |
| the obligations or under which the obligations may be issued; | 5480 |
| (5) The deposit, investment, and application of the coal | 5481 |
| research and development bond service fund, and the safeguarding | 5482 |
| of moneys on hand or on deposit, without regard to Chapter 131. | 5483 |
| or 135. of the Revised Code, but subject to any special | 5484 |
| provisions of this chapter, with respect to particular moneys; | 5485 |
| provided, that any bank or trust company which acts as | 5486 |
| depository of any moneys in the fund may furnish such | 5487 |
| indemnifying bonds or may pledge such securities as required by | 5488 |
| the commissioners of the sinking fund; | 5489 |
| (6) Any other provision of the bond proceedings being | 5490 |
| binding upon the commissioners of the sinking fund, or such | 5491 |
| other body or person as may from time to time have the authority | 5492 |
| under law to take such actions as may be necessary to perform | 5493 |
| all or any part of the duty required by such provision; | 5494 |
| (7) Any provision which may be made in a trust agreement | 5495 |
| or indenture; | 5496 |
| (8) Any other or additional agreements with the holders of | 5497 |
| the obligations, or the trustee therefor, relating to the | 5498 |
| obligations or the security therefor, including the assignment | 5499 |
| of mortgages or other security obtained or to be obtained for | 5500 |
| loans under this chapter. | 5501 |
| (E) The obligations may have the great seal of the state | 5502 |

or a facsimile thereof affixed thereto or printed thereon. The 5503
obligations shall be signed by such members of the commissioners 5504
of the sinking fund as are designated in the resolution 5505
authorizing the obligations or bear the facsimile signatures of 5506
such members. Any coupons attached to the obligations shall bear 5507
the facsimile signature of the treasurer of state. Any 5508
obligations may be executed by the persons who, on the date of 5509
execution, are the commissioners although on the date of such 5510
bonds the persons were not the commissioners. Any coupons may be 5511
executed by the person who, on the date of execution, is the 5512
treasurer of state although on the date of such coupons the 5513
person was not the treasurer of state. In case any officer or 5514
commissioner whose signature or a facsimile of whose signature 5515
appears on any such obligations or any coupons ceases to be such 5516
officer or commissioner before delivery thereof, such signature 5517
or facsimile is nevertheless valid and sufficient for all 5518
purposes as if the individual had remained such officer or 5519
commissioner until such delivery; and in case the seal to be 5520
affixed to obligations has been changed after a facsimile of the 5521
seal has been imprinted on such obligations, such facsimile seal 5522
shall continue to be sufficient as to such obligations and 5523
obligations issued in substitution or exchange therefor. 5524

(F) All obligations except loan guarantees are negotiable 5525
instruments and securities under Chapter 1308. of the Revised 5526
Code, subject to the provisions of the bond proceedings as to 5527
registration. The obligations may be issued in coupon or in 5528
registered form, or both, as the commissioners of the sinking 5529
fund determine. Provision may be made for the registration of 5530
any obligations with coupons attached thereto as to principal 5531
alone or as to both principal and interest, their exchange for 5532
obligations so registered, and for the conversion or 5533

reconversion into obligations with coupons attached thereto of 5534
any obligations registered as to both principal and interest, 5535
and for reasonable charges for such registration, exchange, 5536
conversion, and reconversion. 5537

(G) Obligations may be sold at public sale or at private 5538
sale, as determined in the bond proceedings. 5539

(H) Pending preparation of definitive obligations, the 5540
commissioners of the sinking fund may issue interim receipts or 5541
certificates which shall be exchanged for such definitive 5542
obligations. 5543

(I) In the discretion of the commissioners of the sinking 5544
fund, obligations may be secured additionally by a trust 5545
agreement or indenture between the commissioners and a corporate 5546
trustee, which may be any trust company or bank having a place 5547
of business within the state. Any such agreement or indenture 5548
may contain the resolution authorizing the issuance of the 5549
obligations, any provisions that may be contained in any bond 5550
proceedings, and other provisions that are customary or 5551
appropriate in an agreement or indenture of such type, 5552
including, but not limited to: 5553

(1) Maintenance of each pledge, trust agreement, 5554
indenture, or other instrument comprising part of the bond 5555
proceedings until the state has fully paid the bond service 5556
charges on the obligations secured thereby, or provision 5557
therefor has been made; 5558

(2) In the event of default in any payments required to be 5559
made by the bond proceedings, or any other agreement of the 5560
commissioners of the sinking fund made as a part of the contract 5561
under which the obligations were issued, enforcement of such 5562

payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

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

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

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

(J) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder'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 such bond proceedings. Such rights include the right to compel the performance of all duties of the commissioners of the sinking fund, the department of development, or the Ohio coal development office required by this chapter and Chapter 1551. of the Revised Code 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 obligations or in the performance of any covenant or agreement on the part of the commissioners, the department, or the office in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the moneys pledged, other than those in the custody of the treasurer of state, that are pledged to the payment of

the bond service charges on such obligations or that are the 5593
subject of the covenant or agreement, with full power to pay, 5594
and to provide for payment of bond service charges on, such 5595
obligations, and with such powers, subject to the direction of 5596
the court, as are accorded receivers in general equity cases, 5597
excluding any power to pledge additional revenues or receipts or 5598
other income or moneys of the commissioners of the sinking fund 5599
or the state or governmental agencies of the state to the 5600
payment of such principal and interest and excluding the power 5601
to take possession of, mortgage, or cause the sale or otherwise 5602
dispose of any project. 5603

Each duty of the commissioners of the sinking fund and 5604
their employees, and of each governmental agency and its 5605
officers, members, or employees, undertaken pursuant to the bond 5606
proceedings or any grant, loan, or loan guarantee agreement made 5607
under authority of this chapter, and in every agreement by or 5608
with the commissioners, is hereby established as a duty of the 5609
commissioners, and of each such officer, member, or employee 5610
having authority to perform such duty, specifically enjoined by 5611
the law resulting from an office, trust, or station within the 5612
meaning of section 2731.01 of the Revised Code. 5613

The persons who are at the time the commissioners of the 5614
sinking fund, or their employees, are not liable in their 5615
personal capacities on any obligations issued by the 5616
commissioners or any agreements of or with the commissioners. 5617

(K) Obligations issued under this section are lawful 5618
investments for banks, societies for savings, savings and loan 5619
associations, deposit guarantee associations, trust companies, 5620
trustees, fiduciaries, insurance companies, including domestic 5621
for life and domestic not for life, trustees or other officers 5622

having charge of sinking and bond retirement or other special 5623
funds of political subdivisions and taxing districts of this 5624
state, the commissioners of the sinking fund of the state, the 5625
administrator of ~~workers' compensation~~ worker safety and 5626
rehabilitation, the state teachers retirement system, the public 5627
employees retirement system, the school employees retirement 5628
system, and the Ohio police and fire pension fund, 5629
notwithstanding any other provisions of the Revised Code or 5630
rules adopted pursuant thereto by any governmental agency of the 5631
state with respect to investments by them, and are also 5632
acceptable as security for the deposit of public moneys. 5633

(L) If the law or the instrument creating a trust pursuant 5634
to division (I) of this section expressly permits investment in 5635
direct obligations of the United States or an agency of the 5636
United States, unless expressly prohibited by the instrument, 5637
such moneys also may be invested in no-front-end-load money 5638
market mutual funds consisting exclusively of obligations of the 5639
United States or an agency of the United States and in 5640
repurchase agreements, including those issued by the fiduciary 5641
itself, secured by obligations of the United States or an agency 5642
of the United States; and in collective investment funds 5643
established in accordance with section 1111.14 of the Revised 5644
Code and consisting exclusively of any such securities, 5645
notwithstanding division (A) (1) (c) of that section. The income 5646
from such investments shall be credited to such funds as the 5647
commissioners of the sinking fund determine, and such 5648
investments may be sold at such times as the commissioners 5649
determine or authorize. 5650

(M) Provision may be made in the applicable bond 5651
proceedings for the establishment of separate accounts in the 5652
bond service fund and for the application of such accounts only 5653

to the specified bond service charges on obligations pertinent 5654
to such accounts and bond service fund and for other accounts 5655
therein within the general purposes of such fund. Moneys to the 5656
credit of the bond service fund shall be disbursed on the order 5657
of the treasurer of state; provided, that no such order is 5658
required for the payment from the bond service fund when due of 5659
bond service charges on obligations. 5660

(N) The commissioners of the sinking fund may pledge all, 5661
or such portion as they determine, of the receipts of the bond 5662
service fund to the payment of bond service charges on 5663
obligations issued under this section, and for the establishment 5664
and maintenance of any reserves, as provided in the bond 5665
proceedings, and make other provisions therein with respect to 5666
pledged receipts as authorized by this chapter, which provisions 5667
control notwithstanding any other provisions of law pertaining 5668
thereto. 5669

(O) The commissioners of the sinking fund may covenant in 5670
the bond proceedings, and any such covenants control 5671
notwithstanding any other provision of law, that the state and 5672
applicable officers and governmental agencies of the state, 5673
including the general assembly, so long as any obligations are 5674
outstanding, shall: 5675

(1) Maintain statutory authority for and cause to be 5676
levied and collected taxes so that the pledged receipts are 5677
sufficient in amount to meet bond service charges, and the 5678
establishment and maintenance of any reserves and other 5679
requirements provided for in the bond proceedings, and, as 5680
necessary, to meet covenants contained in any loan guarantees 5681
made under this chapter; 5682

(2) Take or permit no action, by statute or otherwise, 5683

that would impair the exemption from federal income taxation of 5684
the interest on the obligations. 5685

(P) All moneys received by or on account of the state and 5686
required by the applicable bond proceedings, consistent with 5687
this section, to be deposited, transferred, or credited to the 5688
coal research and development bond service fund, and all other 5689
moneys transferred or allocated to or received for the purposes 5690
of the fund, shall be credited to such fund and to any separate 5691
accounts therein, subject to applicable provisions of the bond 5692
proceedings, but without necessity for any act of appropriation. 5693
During the period beginning with the date of the first issuance 5694
of obligations and continuing during such time as any such 5695
obligations are outstanding, and so long as moneys in the bond 5696
service fund are insufficient to pay all bond service charges on 5697
such obligations becoming due in each year, a sufficient amount 5698
of moneys of the state are committed and shall be paid to the 5699
bond service fund in each year for the purpose of paying the 5700
bond service charges becoming due in that year without necessity 5701
for further act of appropriation for such purpose. The bond 5702
service fund is a trust fund and is hereby pledged to the 5703
payment of bond service charges to the extent provided in the 5704
applicable bond proceedings, and payment thereof from such fund 5705
shall be made or provided for by the treasurer of state in 5706
accordance with such bond proceedings without necessity for any 5707
act of appropriation. All investment earnings of the fund shall 5708
be credited to the fund. 5709

(Q) For purposes of establishing the limitations contained 5710
in Section 15 of Article VIII, Ohio Constitution, the "principal 5711
amount" refers to the aggregate of the offering price of the 5712
bonds or notes. "Principal amount" does not refer to the 5713
aggregate value at maturity or redemption of the bonds or notes. 5714

(R) This section applies only with respect to obligations 5715
issued and delivered prior to September 30, 2000. 5716

Sec. 1557.03. (A) (1) The commissioners of the sinking fund 5717
are authorized to issue and sell, as provided in this section 5718
and in amounts from time to time authorized by the general 5719
assembly, general obligations of this state for the purpose of 5720
financing or assisting in the financing of the costs of 5721
projects. The full faith and credit, revenues, and taxing power 5722
of the state are and shall be pledged to the timely payment of 5723
debt charges on outstanding obligations, all in accordance with 5724
Section 21 of Article VIII, Ohio Constitution, and Chapter 1557. 5725
of the Revised Code, excluding from that pledge fees, excises, 5726
or taxes relating to the registration, operation, or use of 5727
vehicles on the public highways, or to fuels used for propelling 5728
those vehicles, and so long as such obligations are outstanding 5729
there shall be levied and collected excises and taxes, excluding 5730
those excepted above, in amount sufficient to pay the debt 5731
charges on such obligations and financing costs relating to 5732
credit enhancement facilities. 5733

(2) For meetings of the commissioners of the sinking fund 5734
pertaining to the obligations under this chapter, each of the 5735
commissioners may designate an employee or officer of that 5736
commissioner's office to attend meetings when that commissioner 5737
is absent for any reason, and such designee, when present, shall 5738
be counted in determining whether a quorum is present at any 5739
meeting and may vote and participate in all proceedings and 5740
actions of the commissioners at that meeting pertaining to the 5741
obligations, provided, that such designee shall not execute or 5742
cause a facsimile of the designee's signature to be placed on 5743
any obligation, or execute any trust agreement or indenture of 5744
the commissioners. Such designation shall be in writing, 5745

executed by the designating member, and shall be filed with the 5746
secretary of the commissioners and such designation may be 5747
changed from time to time by a similar written designation. 5748

(B) The total principal amount of obligations outstanding 5749
at any one time shall not exceed two hundred million dollars, 5750
and not more than fifty million dollars in principal amount of 5751
obligations to pay costs of projects may be issued in any fiscal 5752
year, all determined as provided in Chapter 1557. of the Revised 5753
Code. 5754

(C) The state may participate by grants or contributions 5755
in financing projects under this section made by local 5756
government entities. Of the proceeds of the first two hundred 5757
million dollars principal amount in obligations issued under 5758
this section to pay costs of projects, at least twenty per cent 5759
shall be allocated in accordance with section 1557.06 of the 5760
Revised Code to grants or contributions to local government 5761
entities. The director of budget and management shall establish 5762
and maintain records in such manner as to show that the proceeds 5763
credited to the Ohio parks and natural resources fund have been 5764
expended for the purposes and in accordance with the limitations 5765
set forth herein. 5766

(D) Each issue of obligations shall be authorized by 5767
resolution of the commissioners of the sinking fund. The bond 5768
proceedings shall provide for the principal amount or maximum 5769
principal amount of obligations of an issue, and shall provide 5770
for or authorize the manner or agency for determining the 5771
principal maturity or maturities, not exceeding the earlier of 5772
twenty-five years from the date the debt represented by the 5773
particular obligations was originally contracted, the interest 5774
rate or rates, the date of and the dates of payment of interest 5775

on the obligations, their denominations, and the establishment 5776
within or without the state of a place or places of payment of 5777
debt charges. Sections 9.96 and 9.98 to 9.983 of the Revised 5778
Code are applicable to the obligations. The purpose of the 5779
obligations may be stated in the bond proceedings as "financing 5780
or assisting in the financing of projects as provided in Section 5781
21 of Article VIII, Ohio Constitution." 5782

(E) The proceeds of the obligations, except for any 5783
portion to be deposited in special funds, or in escrow funds for 5784
the purpose of refunding outstanding obligations, all as may be 5785
provided in the bond proceedings, shall be deposited in the Ohio 5786
parks and natural resources fund established by section 1557.02 5787
of the Revised Code. 5788

(F) The commissioners of the sinking fund may appoint 5789
paying agents, bond registrars, securities depositories, and 5790
transfer agents, and may retain the services of financial 5791
advisers and accounting experts, and retain or contract for the 5792
services of marketing, remarketing, indexing, and administrative 5793
agents, other consultants, and independent contractors, 5794
including printing services, as are necessary in the judgment of 5795
the commissioners to carry out this chapter of the Revised Code. 5796
Financing costs are payable, as provided in the bond 5797
proceedings, from the proceeds of the obligations, from special 5798
funds, or from other moneys available for the purpose. 5799

(G) The bond proceedings, including any trust agreement, 5800
may contain additional provisions customary or appropriate to 5801
the financing or to the obligations or to particular 5802
obligations, including, but not limited to: 5803

(1) The redemption of obligations prior to maturity at the 5804
option of the state or of the holder or upon the occurrence of 5805

certain conditions at such price or prices and under such terms 5806
and conditions as are provided in the bond proceedings; 5807

(2) The form of and other terms of the obligations; 5808

(3) The establishment, deposit, investment, and 5809
application of special funds, and the safeguarding of moneys on 5810
hand or on deposit, without regard to Chapter 131. or 135. of 5811
the Revised Code, provided that any bank or trust company that 5812
acts as a depository of any moneys in special funds may furnish 5813
such indemnifying bonds or may pledge such securities as 5814
required by the commissioners of the sinking fund; 5815

(4) Any or every provision of the bond proceedings binding 5816
upon the commissioners of the sinking fund and such state agency 5817
or local government entities, officer, board, commission, 5818
authority, agency, department, or other person or body as may 5819
from time to time have the authority under law to take such 5820
actions as may be necessary to perform all or any part of the 5821
duty required by such provision; 5822

(5) The maintenance of each pledge, any trust agreement, 5823
or other instrument composing part of the bond proceedings until 5824
the state has fully paid or provided for the payment of the debt 5825
charges on the obligations or met other stated conditions; 5826

(6) In the event of default in any payments required to be 5827
made by the bond proceedings, or any other agreement of the 5828
commissioners of the sinking fund made as part of a contract 5829
under which the obligations were issued or secured, the 5830
enforcement of such payments or agreements by mandamus, suit in 5831
equity, action at law, or any combination of the foregoing; 5832

(7) The rights and remedies of the holders of obligations 5833
and of the trustee under any trust agreement, and provisions for 5834

protecting and enforcing them, including limitations on rights 5835
of individual holders of obligations; 5836

(8) The replacement of any obligations that become 5837
mutilated or are destroyed, lost, or stolen; 5838

(9) Provision for the funding, refunding, or advance 5839
refunding or other provision for payment of obligations which 5840
will then no longer be or be deemed to be outstanding for 5841
purposes of this section or of the bond proceedings; 5842

(10) Any provision that may be made in bond proceedings or 5843
a trust agreement, including provision for amendment of the bond 5844
proceedings; 5845

(11) Such other provisions as the commissioners of the 5846
sinking fund determine, including limitations, conditions, or 5847
qualifications relating to any of the foregoing; 5848

(12) Any other or additional agreements with the holders 5849
of the obligations relating to the obligations or the security 5850
for the obligations. 5851

(H) The great seal of the state or a facsimile of that 5852
seal may be affixed to or printed on the obligations. The 5853
obligations shall be signed by or bear the facsimile signatures 5854
of two or more of the commissioners of the sinking fund as 5855
provided in the bond proceedings. Any obligations may be signed 5856
by the person who, on the date of execution, is the authorized 5857
signer although on the date of such obligations such person was 5858
not a commissioner. In case the individual whose signature or a 5859
facsimile of whose signature appears on any obligation ceases to 5860
be a commissioner before delivery of the obligation, such 5861
signature or facsimile is nevertheless valid and sufficient for 5862
all purposes as if the individual had remained the member until 5863

such delivery, and in case the seal to be affixed to or printed 5864
on obligations has been changed after the seal has been affixed 5865
to or a facsimile of the seal has been printed on the 5866
obligations, that seal or facsimile seal shall continue to be 5867
sufficient as to those obligations and obligations issued in 5868
substitution or exchange therefor. 5869

(I) Obligations may be issued in coupon or in fully 5870
registered form, or both, as the commissioners of the sinking 5871
fund determine. Provision may be made for the registration of 5872
any obligations with coupons attached as to principal alone or 5873
as to both principal and interest, their exchange for 5874
obligations so registered, and for the conversion or 5875
reconversion into obligations with coupons attached of any 5876
obligations registered as to both principal and interest, and 5877
for reasonable charges for such registration, exchange, 5878
conversion, and reconversion. Pending preparation of definitive 5879
obligations, the commissioners of the sinking fund may issue 5880
interim receipts or certificates which shall be exchanged for 5881
such definitive obligations. 5882

(J) Obligations may be sold at public sale or at private 5883
sale, and at such price at, above, or below par, as determined 5884
by the commissioners of the sinking fund in the bond 5885
proceedings. 5886

(K) In the discretion of the commissioners of the sinking 5887
fund, obligations may be secured additionally by a trust 5888
agreement between the state and a corporate trustee which may be 5889
any trust company or bank having a place of business within the 5890
state. Any trust agreement may contain the resolution 5891
authorizing the issuance of the obligations, any provisions that 5892
may be contained in the bond proceedings, and other provisions 5893

that are customary or appropriate in an agreement of the type. 5894

(L) Except to the extent that their rights are restricted 5895
by the bond proceedings, any holder of obligations, or a trustee 5896
under the bond proceedings, may by any suitable form of legal 5897
proceedings protect and enforce any rights under the laws of 5898
this state or granted by the bond proceedings. Such rights 5899
include the right to compel the performance of all duties of the 5900
commissioners and the state. Each duty of the commissioners and 5901
employees of the commissioners, and of each state agency and 5902
local public entity and its officers, members, or employees, 5903
undertaken pursuant to the bond proceedings, is hereby 5904
established as a duty of the commissioners, and of each such 5905
agency, local government entity, officer, member, or employee 5906
having authority to perform such duty, specifically enjoined by 5907
the law and resulting from an office, trust, or station within 5908
the meaning of section 2731.01 of the Revised Code. The persons 5909
who are at the time the commissioners, or employees of the 5910
commissioners, are not liable in their personal capacities on 5911
any obligations or any agreements of or with the commissioners 5912
relating to obligations or under the bond proceedings. 5913

(M) Obligations are lawful investments for banks, 5914
societies for savings, savings and loan associations, deposit 5915
guarantee associations, trust companies, trustees, fiduciaries, 5916
insurance companies, including domestic for life and domestic 5917
not for life, trustees or other officers having charge of 5918
sinking and bond retirement or other special funds of political 5919
subdivisions and taxing districts of this state, the 5920
commissioners of the sinking fund, the administrator of ~~workers'~~ 5921
compensation worker safety and rehabilitation, the state 5922
teachers retirement system, the public employees retirement 5923
system, the school employees retirement system, and the Ohio 5924

police and fire pension fund, notwithstanding any other 5925
provisions of the Revised Code or rules adopted pursuant thereto 5926
by any state agency with respect to investments by them, and are 5927
also acceptable as security for the deposit of public moneys. 5928

(N) Unless otherwise provided in any applicable bond 5929
proceedings, moneys to the credit of or in the special funds 5930
established by or pursuant to this section may be invested by or 5931
on behalf of the commissioners of the sinking fund only in 5932
notes, bonds, or other direct obligations of the United States 5933
or of any agency or instrumentality of the United States, in 5934
obligations of this state or any political subdivision of this 5935
state, in certificates of deposit of any national bank located 5936
in this state and any bank, as defined in section 1101.01 of the 5937
Revised Code, subject to inspection by the superintendent of 5938
financial institutions, in the Ohio subdivision's fund 5939
established pursuant to section 135.45 of the Revised Code, in 5940
no-front-end-load money market mutual funds consisting 5941
exclusively of direct obligations of the United States or of an 5942
agency or instrumentality of the United States, and in 5943
repurchase agreements, including those issued by any fiduciary, 5944
secured by direct obligations of the United States or an agency 5945
or instrumentality of the United States, and in collective 5946
investment funds established in accordance with section 1111.14 5947
of the Revised Code and consisting exclusively of direct 5948
obligations of the United States or of an agency or 5949
instrumentality of the United States, notwithstanding division 5950
(A) (1) (c) of that section. The income from investments shall be 5951
credited to such special funds or otherwise as the commissioners 5952
of the sinking fund determine in the bond proceedings, and the 5953
investments may be sold or exchanged at such times as the 5954
commissioners determine or authorize. 5955

(O) Unless otherwise provided in any applicable bond 5956
proceedings, moneys to the credit of or in a special fund shall 5957
be disbursed on the order of the commissioners of the sinking 5958
fund, provided that no such order is required for the payment 5959
from the bond service fund or other special fund when due of 5960
debt charges or required payments under credit enhancement 5961
facilities. 5962

(P) The commissioners of the sinking fund may covenant in 5963
the bond proceedings, and any such covenants shall be 5964
controlling notwithstanding any other provision of law, that the 5965
state and the applicable officers and agencies of the state, 5966
including the general assembly, so long as any obligations are 5967
outstanding in accordance with their terms, shall maintain 5968
statutory authority for and cause to be charged and collected 5969
taxes, excises, and other receipts of the state so that the 5970
receipts to the bond service fund shall be sufficient in amounts 5971
to meet debt charges and for the establishment and maintenance 5972
of any reserves and other requirements, including payment of the 5973
costs of credit enhancement facilities, provided for in the bond 5974
proceedings. 5975

(Q) The obligations, the transfer thereof, and the 5976
interest, other accreted amounts, and other income therefrom, 5977
including any profit made on the sale thereof, at all times 5978
shall be free from taxation, direct or indirect, within the 5979
state. 5980

(R) This section applies only with respect to obligations 5981
issued and delivered before September 30, 2000. 5982

Sec. 1561.04. The director of natural resources or the 5983
director's designee shall annually make a report to the 5984
governor, which shall include: 5985

(A) A summary of the activities and of the reports of the 5986
deputy mine inspectors; 5987

(B) A statement of the condition and the operation of the 5988
mines of the state; 5989

(C) A statement of the number of accidents in and about 5990
the mines, the manner in which they occurred, and any other data 5991
and facts bearing upon the prevention of accidents and the 5992
preservation of life, health, and property, and any suggestions 5993
relative to the better preservation of the life, health, and 5994
property of those engaged in the mining industry. 5995

The records of the ~~bureau of workers' compensation office~~ 5996
of worker safety and rehabilitation shall be available to the 5997
director or the director's designee for information concerning 5998
such a report. The director or the director's designee shall 5999
send by mail to each coal operator in the state, to a duly 6000
designated representative of the miners at each mine, and to 6001
such other persons as the director or the director's designee 6002
deems proper, a copy of such report. The director or the 6003
director's designee may have as many copies of such report 6004
printed as are needed to make the distribution thereof as 6005
provided in this section. 6006

The director or the director's designee shall also prepare 6007
and publish for public distribution quarterly reports, including 6008
therein information relative to the items enumerated in this 6009
section that is pertinent or available at such times. 6010

Sec. 1561.24. For purposes of this chapter, Chapters 6011
1563., 1565., and 1567., and sections 1514.40 to 1514.50 of the 6012
Revised Code, there is hereby created in the state treasury the 6013
mine safety fund. The fund shall consist of money transferred to 6014

it by the administrator of ~~workers' compensation~~ worker safety 6015
and rehabilitation from the coal-workers pneumoconiosis fund 6016
established in section 4131.03 of the Revised Code. All 6017
investment earnings of the mine safety fund shall be credited to 6018
the fund. The chief of the division of mineral resources 6019
management shall use money in the fund for all of the following 6020
purposes: 6021

(A) Mine safety and health inspections and audits; 6022

(B) The purchase and maintenance of mine rescue and 6023
inspection equipment; 6024

(C) The purchase or lease of facilities for use as mine 6025
rescue stations and for mine rescue and safety training; 6026

(D) Mine rescue and safety and health training of miners; 6027

(E) Certification and recertification of mine officials. 6028

Sec. 1701.86. (A) A corporation may be dissolved 6029
voluntarily in the manner provided in this section, provided the 6030
provisions of Chapter 1704. of the Revised Code do not prevent 6031
the dissolution from being effected. 6032

(B) A resolution of dissolution for a corporation shall 6033
set forth that the corporation elects to be dissolved. The 6034
resolution also may include any of the following: 6035

(1) The date on which the certificate of dissolution is to 6036
be filed or the conditions or events that will result in the 6037
filing of the certificate; 6038

(2) Authorization for the officers or directors to abandon 6039
the proposed dissolution before the filing of the certificate of 6040
dissolution; 6041

(3) Any additional provision considered necessary with 6042
respect to the proposed dissolution and winding up. 6043

(C) If an initial stated capital is not set forth in the 6044
articles then before the corporation begins business, or if an 6045
initial stated capital is set forth in the articles then before 6046
subscriptions to shares shall have been received in the amount 6047
of that initial stated capital, the incorporators or a majority 6048
of them may adopt, by a writing signed by each of them, a 6049
resolution of dissolution. 6050

(D) The directors may adopt a resolution of dissolution in 6051
any of the following cases: 6052

(1) When the corporation has been adjudged bankrupt or has 6053
made a general assignment for the benefit of creditors; 6054

(2) By leave of the court, when a receiver has been 6055
appointed in a general creditors' suit or in any suit in which 6056
the affairs of the corporation are to be wound up; 6057

(3) When substantially all of the assets have been sold at 6058
judicial sale or otherwise; 6059

(4) When the articles have been canceled for failure to 6060
file annual franchise or excise tax returns or for failure to 6061
pay franchise or excise taxes and the corporation has not been 6062
reinstated or does not desire to be reinstated; 6063

(5) When the period of existence of the corporation 6064
specified in its articles has expired. 6065

(E) The shareholders at a meeting held for such purpose 6066
may adopt a resolution of dissolution by the affirmative vote of 6067
the holders of shares entitling them to exercise two-thirds of 6068
the voting power of the corporation on such proposal or, if the 6069

articles provide or permit, by the affirmative vote of a greater 6070
or lesser proportion, though not less than a majority, of such 6071
voting power, and by such affirmative vote of the holders of 6072
shares of any particular class as is required by the articles. 6073
Notice of the meeting of the shareholders shall be given to all 6074
the shareholders whether or not entitled to vote at it. 6075

(F) Upon the adoption of a resolution of dissolution, a 6076
certificate shall be prepared, on a form prescribed by the 6077
secretary of state, setting forth all of the following: 6078

(1) The name of the corporation; 6079

(2) A statement that a resolution of dissolution has been 6080
adopted; 6081

(3) A statement of the manner of adoption of such 6082
resolution, and, in the case of its adoption by the 6083
incorporators or directors, a statement of the basis for such 6084
adoption; 6085

(4) The place in this state where its principal office is 6086
or is to be located; 6087

(5) The internet address of each domain name held or 6088
maintained by or on behalf of the corporation; 6089

(6) The name and address of its statutory agent; 6090

(7) The date of dissolution, if other than the filing 6091
date. The date of dissolution shall not be more than ninety days 6092
after the filing of the certificate of dissolution. 6093

(G) When the resolution of dissolution is adopted by the 6094
incorporators, the certificate shall be signed by not less than 6095
a majority of them. In all other cases, the certificate shall be 6096
signed by any authorized officer, unless the officer fails to 6097

execute and file such certificate within thirty days after the 6098
date upon which such certificate is to be filed. In that latter 6099
event, the certificate of dissolution may be signed by any three 6100
shareholders or, if there are less than three shareholders, all 6101
of the shareholders and shall set forth a statement that the 6102
persons signing the certificate are shareholders and are filing 6103
the certificate because of the failure of the officers to do so. 6104

(H) Except as otherwise provided in division (I) of this 6105
section, a certificate of dissolution, filed with the secretary 6106
of state, shall be accompanied by all of the following: 6107

(1) An affidavit of one or more of the persons executing 6108
the certificate of dissolution or of an officer of the 6109
corporation containing a statement of the counties, if any, in 6110
this state in which the corporation has personal property or a 6111
statement that the corporation is of a type required to pay 6112
personal property taxes to state authorities only; 6113

(2) A certificate or other evidence from the department of 6114
taxation showing that the corporation has paid all taxes 6115
administered by and required to be paid to the tax commissioner 6116
that are or will be due from the corporation on the date of the 6117
dissolution, or that the department has received an adequate 6118
guarantee for the payment of all such taxes; 6119

(3) A certificate or other evidence showing the payment of 6120
all personal property taxes accruing up to the date of 6121
dissolution or showing that such payment has been adequately 6122
guaranteed, or an affidavit of one or more of the persons 6123
executing the certificate of dissolution or of an officer of the 6124
corporation containing a statement that the corporation is not 6125
required to pay or the department of taxation has not assessed 6126
any tax for which such a certificate or other evidence is not 6127

provided; 6128

(4) A receipt, certificate, or other evidence from the 6129
director of job and family services showing that all 6130
contributions due from the corporation as an employer have been 6131
paid, or that such payment has been adequately guaranteed, or 6132
that the corporation is not subject to such contributions; 6133

(5) A receipt, certificate, or other evidence from the 6134
~~bureau of workers' compensation~~ office of worker safety and 6135
rehabilitation showing that all premiums due from the 6136
corporation as an employer have been paid, or that such payment 6137
has been adequately guaranteed, or that the corporation is not 6138
subject to such premium payments. 6139

(I) In lieu of the receipt, certificate, or other evidence 6140
described in division (H) (3), (4), or (5) of this section, an 6141
affidavit of one or more persons executing the certificate of 6142
dissolution or of an officer of the corporation containing a 6143
statement of the date upon which the particular department, 6144
agency, or authority was advised in writing of the scheduled 6145
effective date of the dissolution and was advised in writing of 6146
the acknowledgment by the corporation of the applicability of 6147
the provisions of section 1701.95 of the Revised Code. 6148

(J) Upon the filing of a certificate of dissolution and 6149
such accompanying documents or on a later date specified in the 6150
certificate that is not more than ninety days after the filing, 6151
the corporation shall be dissolved. 6152

Sec. 1707.01. As used in this chapter: 6153

(A) Whenever the context requires it, "division" or 6154
"division of securities" may be read as "director of commerce" 6155
or as "commissioner of securities." 6156

(B) "Security" means any certificate or instrument, or any oral, written, or electronic agreement, understanding, or opportunity, that represents title to or interest in, or is secured by any lien or charge upon, the capital, assets, profits, property, or credit of any person or of any public or governmental body, subdivision, or agency. It includes shares of stock, certificates for shares of stock, an uncertificated security, membership interests in limited liability companies, voting-trust certificates, warrants and options to purchase securities, subscription rights, interim receipts, interim certificates, promissory notes, all forms of commercial paper, evidences of indebtedness, bonds, debentures, land trust certificates, fee certificates, leasehold certificates, syndicate certificates, endowment certificates, interests in or under profit-sharing or participation agreements, interests in or under oil, gas, or mining leases, preorganization or reorganization subscriptions, preorganization certificates, reorganization certificates, interests in any trust or pretended trust, any investment contract, any life settlement interest, any instrument evidencing a promise or an agreement to pay money, warehouse receipts for intoxicating liquor, and the currency of any government other than those of the United States and Canada, but sections 1707.01 to 1707.45 of the Revised Code do not apply to the sale of real estate.

(C) (1) "Sale" has the full meaning of "sale" as applied by or accepted in courts of law or equity, and includes every disposition, or attempt to dispose, of a security or of an interest in a security. "Sale" also includes a contract to sell, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a solicitation of an offer to buy, a subscription, or an offer to sell, directly or indirectly, by

agent, circular, pamphlet, advertisement, or otherwise. 6188

(2) "Sell" means any act by which a sale is made. 6189

(3) The use of advertisements, circulars, or pamphlets in 6190
connection with the sale of securities in this state exclusively 6191
to the purchasers specified in division (D) of section 1707.03 6192
of the Revised Code is not a sale when the advertisements, 6193
circulars, and pamphlets describing and offering those 6194
securities bear a readily legible legend in substance as 6195
follows: "This offer is made on behalf of dealers licensed under 6196
sections 1707.01 to 1707.45 of the Revised Code, and is confined 6197
in this state exclusively to institutional investors and 6198
licensed dealers." 6199

(4) The offering of securities by any person in 6200
conjunction with a licensed dealer by use of advertisement, 6201
circular, or pamphlet is not a sale if that person does not 6202
otherwise attempt to sell securities in this state. 6203

(5) Any security given with, or as a bonus on account of, 6204
any purchase of securities is conclusively presumed to 6205
constitute a part of the subject of that purchase and has been 6206
"sold." 6207

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 6208
person acting in a representative capacity, includes sale on 6209
behalf of such party by an agent, including a licensed dealer or 6210
salesperson. 6211

(D) "Person," except as otherwise provided in this 6212
chapter, means a natural person, firm, partnership, limited 6213
partnership, partnership association, syndicate, joint-stock 6214
company, unincorporated association, trust or trustee except 6215
where the trust was created or the trustee designated by law or 6216

judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E) (1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the business of the purchase or sale of securities for the account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(a) Any issuer, including any officer, director, employee, or trustee of, or member or manager of, or partner in, or any general partner of, any issuer, that sells, offers for sale, or does any act in furtherance of the sale of a security that represents an economic interest in that issuer, provided no commission, fee, or other similar remuneration is paid to or received by the issuer for the sale;

(b) Any licensed attorney, public accountant, or firm of such attorneys or accountants, whose activities are incidental to the practice of the attorney's, accountant's, or firm's profession;

(c) Any person that, for the account of others, engages in the purchase or sale of securities that are issued and outstanding before such purchase and sale, if a majority or more of the equity interest of an issuer is sold in that transaction, and if, in the case of a corporation, the securities sold in

that transaction represent a majority or more of the voting 6247
power of the corporation in the election of directors; 6248

(d) Any person that brings an issuer together with a 6249
potential investor and whose compensation is not directly or 6250
indirectly based on the sale of any securities by the issuer to 6251
the investor; 6252

(e) Any bank; 6253

(f) Any person that the division of securities by rule 6254
exempts from the definition of "dealer" under division (E) (1) of 6255
this section. 6256

(2) "Licensed dealer" means a dealer licensed under this 6257
chapter. 6258

(F) (1) "Salesman" or "salesperson" means every natural 6259
person, other than a dealer, who is employed, authorized, or 6260
appointed by a dealer to sell securities within this state. 6261

(2) The general partners of a partnership, and the 6262
executive officers of a corporation or unincorporated 6263
association, licensed as a dealer are not salespersons within 6264
the meaning of this definition, nor are clerical or other 6265
employees of an issuer or dealer that are employed for work to 6266
which the sale of securities is secondary and incidental; but 6267
the division of securities may require a license from any such 6268
partner, executive officer, or employee if it determines that 6269
protection of the public necessitates the licensing. 6270

(3) "Licensed salesperson" means a salesperson licensed 6271
under this chapter. 6272

(G) "Issuer" means every person who has issued, proposes 6273
to issue, or issues any security. 6274

(H) "Director" means each director or trustee of a 6275
corporation, each trustee of a trust, each general partner of a 6276
partnership, except a partnership association, each manager of a 6277
partnership association, and any person vested with managerial 6278
or directory power over an issuer not having a board of 6279
directors or trustees. 6280

(I) "Incorporator" means any incorporator of a corporation 6281
and any organizer of, or any person participating, other than in 6282
a representative or professional capacity, in the organization 6283
of an unincorporated issuer. 6284

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 6285
practices," or "fraudulent transactions" means anything 6286
recognized on or after July 22, 1929, as such in courts of law 6287
or equity; any device, scheme, or artifice to defraud or to 6288
obtain money or property by means of any false pretense, 6289
representation, or promise; any fictitious or pretended purchase 6290
or sale of securities; and any act, practice, transaction, or 6291
course of business relating to the purchase or sale of 6292
securities that is fraudulent or that has operated or would 6293
operate as a fraud upon the seller or purchaser. 6294

(K) Except as otherwise specifically provided, whenever 6295
any classification or computation is based upon "par value," as 6296
applied to securities without par value, the average of the 6297
aggregate consideration received or to be received by the issuer 6298
for each class of those securities shall be used as the basis 6299
for that classification or computation. 6300

(L) (1) "Intangible property" means patents, copyrights, 6301
secret processes, formulas, services, good will, promotion and 6302
organization fees and expenses, trademarks, trade brands, trade 6303
names, licenses, franchises, any other assets treated as 6304

intangible according to generally accepted accounting 6305
principles, and securities, accounts receivable, or contract 6306
rights having no readily determinable value. 6307

(2) "Tangible property" means all property other than 6308
intangible property and includes securities, accounts 6309
receivable, and contract rights, when the securities, accounts 6310
receivable, or contract rights have a readily determinable 6311
value. 6312

(M) "Public utilities" means those utilities defined in 6313
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 6314
Code; in the case of a foreign corporation, it means those 6315
utilities defined as public utilities by the laws of its 6316
domicile; and in the case of any other foreign issuer, it means 6317
those utilities defined as public utilities by the laws of the 6318
situs of its principal place of business. The term always 6319
includes railroads whether or not they are so defined as public 6320
utilities. 6321

(N) "State" means any state of the United States, any 6322
territory or possession of the United States, the District of 6323
Columbia, and any province of Canada. 6324

(O) "Bank" means any bank, trust company, savings and loan 6325
association, savings bank, or credit union that is incorporated 6326
or organized under the laws of the United States, any state of 6327
the United States, Canada, or any province of Canada and that is 6328
subject to regulation or supervision by that country, state, or 6329
province. 6330

(P) "Include," when used in a definition, does not exclude 6331
other things or persons otherwise within the meaning of the term 6332
defined. 6333

(Q) (1) "Registration by description" means that the requirements of section 1707.08 of the Revised Code have been complied with.

(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with.

(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. Reference in this chapter to registration by qualification also includes registration by coordination unless the context otherwise indicates.

(R) "Intoxicating liquor" includes all liquids and compounds that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes.

(S) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:

(1) A bank or international banking institution;

(2) An insurance company;

(3) A separate account of an insurance company;

(4) An investment company as defined in the "Investment Company Act of 1940," 15 U.S.C. 80a-3;

(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;

(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as

defined in the "Employee Retirement Income Security Act of 6361
1974," 29 U.S.C. 1001, that is one of the following: 6362

(a) A broker-dealer registered under the "Securities 6363
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 6364

(b) An investment adviser registered or exempt from 6365
registration under the "Investment Advisers Act of 1940," 15 6366
U.S.C. 80b-3; 6367

(c) An investment adviser registered under this chapter, a 6368
bank, or an insurance company. 6369

(7) A plan established and maintained by a state, a 6370
political subdivision of a state, or an agency or 6371
instrumentality of a state or a political subdivision of a state 6372
for the benefit of its employees, if the plan has total assets 6373
in excess of ten million dollars or its investment decisions are 6374
made by a duly designated public official or by a named 6375
fiduciary, as defined in the "Employee Retirement Income 6376
Security Act of 1974," 29 U.S.C. 1001, that is one of the 6377
following: 6378

(a) A broker-dealer registered under the "Securities 6379
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 6380

(b) An investment adviser registered or exempt from 6381
registration under the "Investment Advisers Act of 1940," 15 6382
U.S.C. 80b-3; 6383

(c) An investment adviser registered under this chapter, a 6384
bank, or an insurance company. 6385

(8) A trust, if it has total assets in excess of ten 6386
million dollars, its trustee is a bank, and its participants are 6387
exclusively plans of the types identified in division (S) (6) or 6388

- (7) of this section, regardless of the size of their assets, 6389
except a trust that includes as participants self-directed 6390
individual retirement accounts or similar self-directed plans; 6391
- (9) An organization described in section 501(c)(3) of the 6392
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 6393
corporation, Massachusetts trust or similar business trust, 6394
limited liability company, or partnership, not formed for the 6395
specific purpose of acquiring the securities offered, with total 6396
assets in excess of ten million dollars; 6397
- (10) A small business investment company licensed by the 6398
small business administration under section 301(c) of the "Small 6399
Business Investment Act of 1958," 15 U.S.C. 681(c), with total 6400
assets in excess of ten million dollars; 6401
- (11) A private business development company as defined in 6402
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 6403
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 6404
dollars; 6405
- (12) A federal covered investment adviser acting for its 6406
own account; 6407
- (13) A "qualified institutional buyer" as defined in 17 6408
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 6409
- (14) A "major U.S. institutional investor" as defined in 6410
17 C.F.R. 240.15a-6(b)(4)(i); 6411
- (15) Any other person, other than an individual, of 6412
institutional character with total assets in excess of ten 6413
million dollars not organized for the specific purpose of 6414
evading this chapter; 6415
- (16) Any other person specified by rule adopted or order 6416

issued under this chapter. 6417

(T) A reference to a statute of the United States or to a 6418
rule, regulation, or form promulgated by the securities and 6419
exchange commission or by another federal agency means the 6420
statute, rule, regulation, or form as it exists at the time of 6421
the act, omission, event, or transaction to which it is applied 6422
under this chapter. 6423

(U) "Securities and exchange commission" means the 6424
securities and exchange commission established by the Securities 6425
Exchange Act of 1934. 6426

(V) (1) "Control bid" means the purchase of or offer to 6427
purchase any equity security of a subject company from a 6428
resident of this state if either of the following applies: 6429

(a) After the purchase of that security, the offeror would 6430
be directly or indirectly the beneficial owner of more than ten 6431
per cent of any class of the issued and outstanding equity 6432
securities of the issuer. 6433

(b) The offeror is the subject company, there is a pending 6434
control bid by a person other than the issuer, and the number of 6435
the issued and outstanding shares of the subject company would 6436
be reduced by more than ten per cent. 6437

(2) For purposes of division (V) (1) of this section, 6438
"control bid" does not include any of the following: 6439

(a) A bid made by a dealer for the dealer's own account in 6440
the ordinary course of business of buying and selling 6441
securities; 6442

(b) An offer to acquire any equity security solely in 6443
exchange for any other security, or the acquisition of any 6444

equity security pursuant to an offer, for the sole account of 6445
the offeror, in good faith and not for the purpose of avoiding 6446
the provisions of this chapter, and not involving any public 6447
offering of the other security within the meaning of Section 4 6448
of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 6449
U.S.C.A. 77d(2), as amended; 6450

(c) Any other offer to acquire any equity security, or the 6451
acquisition of any equity security pursuant to an offer, for the 6452
sole account of the offeror, from not more than fifty persons, 6453
in good faith and not for the purpose of avoiding the provisions 6454
of this chapter. 6455

(W) "Offeror" means a person who makes, or in any way 6456
participates or aids in making, a control bid and includes 6457
persons acting jointly or in concert, or who intend to exercise 6458
jointly or in concert any voting rights attached to the 6459
securities for which the control bid is made and also includes 6460
any subject company making a control bid for its own securities. 6461

(X) (1) "Investment adviser" means any person who, for 6462
compensation, engages in the business of advising others, either 6463
directly or through publications or writings, as to the value of 6464
securities or as to the advisability of investing in, 6465
purchasing, or selling securities, or who, for compensation and 6466
as a part of regular business, issues or promulgates analyses or 6467
reports concerning securities. 6468

(2) "Investment adviser" does not mean any of the 6469
following: 6470

(a) Any attorney, accountant, engineer, or teacher, whose 6471
performance of investment advisory services described in 6472
division (X) (1) of this section is solely incidental to the 6473

practice of the attorney's, accountant's, engineer's, or 6474
teacher's profession; 6475

(b) A publisher of any bona fide newspaper, news magazine, 6476
or business or financial publication of general and regular 6477
circulation; 6478

(c) A person who acts solely as an investment adviser 6479
representative; 6480

(d) A bank holding company, as defined in the "Bank 6481
Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that 6482
is not an investment company; 6483

(e) A bank, or any receiver, conservator, or other 6484
liquidating agent of a bank; 6485

(f) Any licensed dealer or licensed salesperson whose 6486
performance of investment advisory services described in 6487
division (X)(1) of this section is solely incidental to the 6488
conduct of the dealer's or salesperson's business as a licensed 6489
dealer or licensed salesperson and who receives no special 6490
compensation for the services; 6491

(g) Any person, the advice, analyses, or reports of which 6492
do not relate to securities other than securities that are 6493
direct obligations of, or obligations guaranteed as to principal 6494
or interest by, the United States, or securities issued or 6495
guaranteed by corporations in which the United States has a 6496
direct or indirect interest, and that have been designated by 6497
the secretary of the treasury as exempt securities as defined in 6498
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 6499
78c; 6500

(h) Any person that is excluded from the definition of 6501
investment adviser pursuant to section 202(a)(11)(A) to (E) of 6502

the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), 6503
or that has received an order from the securities and exchange 6504
commission under section 202(a)(11)(F) of the "Investment 6505
Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that 6506
the person is not within the intent of section 202(a)(11) of the 6507
Investment Advisers Act of 1940. 6508

(i) A person who acts solely as a state retirement system 6509
investment officer or as a ~~bureau of workers' compensation~~ 6510
worker safety and rehabilitation chief investment officer; 6511

(j) Any other person that the division designates by rule, 6512
if the division finds that the designation is necessary or 6513
appropriate in the public interest or for the protection of 6514
investors or clients and consistent with the purposes fairly 6515
intended by the policy and provisions of this chapter. 6516

(Y)(1) "Subject company" means an issuer that satisfies 6517
both of the following: 6518

(a) Its principal place of business or its principal 6519
executive office is located in this state, or it owns or 6520
controls assets located within this state that have a fair 6521
market value of at least one million dollars. 6522

(b) More than ten per cent of its beneficial or record 6523
equity security holders are resident in this state, more than 6524
ten per cent of its equity securities are owned beneficially or 6525
of record by residents in this state, or more than one thousand 6526
of its beneficial or record equity security holders are resident 6527
in this state. 6528

(2) The division of securities may adopt rules to 6529
establish more specific application of the provisions set forth 6530
in division (Y)(1) of this section. Notwithstanding the 6531

provisions set forth in division (Y) (1) of this section and any 6532
rules adopted under this division, the division, by rule or in 6533
an adjudicatory proceeding, may make a determination that an 6534
issuer does not constitute a "subject company" under division 6535
(Y) (1) of this section if appropriate review of control bids 6536
involving the issuer is to be made by any regulatory authority 6537
of another jurisdiction. 6538

(Z) "Beneficial owner" includes any person who directly or 6539
indirectly through any contract, arrangement, understanding, or 6540
relationship has or shares, or otherwise has or shares, the 6541
power to vote or direct the voting of a security or the power to 6542
dispose of, or direct the disposition of, the security. 6543

"Beneficial ownership" includes the right, exercisable within 6544
sixty days, to acquire any security through the exercise of any 6545
option, warrant, or right, the conversion of any convertible 6546
security, or otherwise. Any security subject to any such option, 6547
warrant, right, or conversion privilege held by any person shall 6548
be deemed to be outstanding for the purpose of computing the 6549
percentage of outstanding securities of the class owned by that 6550
person, but shall not be deemed to be outstanding for the 6551
purpose of computing the percentage of the class owned by any 6552
other person. A person shall be deemed the beneficial owner of 6553
any security beneficially owned by any relative or spouse or 6554
relative of the spouse residing in the home of that person, any 6555
trust or estate in which that person owns ten per cent or more 6556
of the total beneficial interest or serves as trustee or 6557
executor, any corporation or entity in which that person owns 6558
ten per cent or more of the equity, and any affiliate or 6559
associate of that person. 6560

(AA) "Offeree" means the beneficial or record owner of any 6561
security that an offeror acquires or offers to acquire in 6562

connection with a control bid. 6563

(BB) "Equity security" means any share or similar 6564
security, or any security convertible into any such security, or 6565
carrying any warrant or right to subscribe to or purchase any 6566
such security, or any such warrant or right, or any other 6567
security that, for the protection of security holders, is 6568
treated as an equity security pursuant to rules of the division 6569
of securities. 6570

(CC) (1) "Investment adviser representative" means a 6571
supervised person of an investment adviser, provided that the 6572
supervised person has more than five clients who are natural 6573
persons other than excepted persons defined in division (EE) of 6574
this section, and that more than ten per cent of the supervised 6575
person's clients are natural persons other than excepted persons 6576
defined in division (EE) of this section. "Investment adviser 6577
representative" does not mean any of the following: 6578

(a) A supervised person that does not on a regular basis 6579
solicit, meet with, or otherwise communicate with clients of the 6580
investment adviser; 6581

(b) A supervised person that provides only investment 6582
advisory services described in division (X) (1) of this section 6583
by means of written materials or oral statements that do not 6584
purport to meet the objectives or needs of specific individuals 6585
or accounts; 6586

(c) Any other person that the division designates by rule, 6587
if the division finds that the designation is necessary or 6588
appropriate in the public interest or for the protection of 6589
investors or clients and is consistent with the provisions 6590
fairly intended by the policy and provisions of this chapter. 6591

(2) For the purpose of the calculation of clients in 6592
division (CC) (1) of this section, a natural person and the 6593
following persons are deemed a single client: Any minor child of 6594
the natural person; any relative, spouse, or relative of the 6595
spouse of the natural person who has the same principal 6596
residence as the natural person; all accounts of which the 6597
natural person or the persons referred to in division (CC) (2) of 6598
this section are the only primary beneficiaries; and all trusts 6599
of which the natural person or persons referred to in division 6600
(CC) (2) of this section are the only primary beneficiaries. 6601
Persons who are not residents of the United States need not be 6602
included in the calculation of clients under division (CC) (1) of 6603
this section. 6604

(3) If subsequent to March 18, 1999, amendments are 6605
enacted or adopted defining "investment adviser representative" 6606
for purposes of the Investment Advisers Act of 1940 or 6607
additional rules or regulations are promulgated by the 6608
securities and exchange commission regarding the definition of 6609
"investment adviser representative" for purposes of the 6610
Investment Advisers Act of 1940, the division of securities 6611
shall, by rule, adopt the substance of the amendments, rules, or 6612
regulations, unless the division finds that the amendments, 6613
rules, or regulations are not necessary for the protection of 6614
investors or in the public interest. 6615

(DD) "Supervised person" means a natural person who is any 6616
of the following: 6617

(1) A partner, officer, or director of an investment 6618
adviser, or other person occupying a similar status or 6619
performing similar functions with respect to an investment 6620
adviser; 6621

- (2) An employee of an investment adviser; 6622
- (3) A person who provides investment advisory services 6623
described in division (X) (1) of this section on behalf of the 6624
investment adviser and is subject to the supervision and control 6625
of the investment adviser. 6626
- (EE) "Excepted person" means a natural person to whom any 6627
of the following applies: 6628
- (1) Immediately after entering into the investment 6629
advisory contract with the investment adviser, the person has at 6630
least seven hundred fifty thousand dollars under the management 6631
of the investment adviser. 6632
- (2) The investment adviser reasonably believes either of 6633
the following at the time the investment advisory contract is 6634
entered into with the person: 6635
- (a) The person has a net worth, together with assets held 6636
jointly with a spouse, of more than one million five hundred 6637
thousand dollars. 6638
- (b) The person is a qualified purchaser as defined in 6639
division (FF) of this section. 6640
- (3) Immediately prior to entering into an investment 6641
advisory contract with the investment adviser, the person is 6642
either of the following: 6643
- (a) An executive officer, director, trustee, general 6644
partner, or person serving in a similar capacity, of the 6645
investment adviser; 6646
- (b) An employee of the investment adviser, other than an 6647
employee performing solely clerical, secretarial, or 6648
administrative functions or duties for the investment adviser, 6649

which employee, in connection with the employee's regular 6650
functions or duties, participates in the investment activities 6651
of the investment adviser, provided that, for at least twelve 6652
months, the employee has been performing such nonclerical, 6653
nonsecretarial, or nonadministrative functions or duties for or 6654
on behalf of the investment adviser or performing substantially 6655
similar functions or duties for or on behalf of another company. 6656

If subsequent to March 18, 1999, amendments are enacted or 6657
adopted defining "excepted person" for purposes of the 6658
Investment Advisers Act of 1940 or additional rules or 6659
regulations are promulgated by the securities and exchange 6660
commission regarding the definition of "excepted person" for 6661
purposes of the Investment Advisers Act of 1940, the division of 6662
securities shall, by rule, adopt the substance of the 6663
amendments, rules, or regulations, unless the division finds 6664
that the amendments, rules, or regulations are not necessary for 6665
the protection of investors or in the public interest. 6666

(FF) (1) "Qualified purchaser" means either of the 6667
following: 6668

(a) A natural person who owns not less than five million 6669
dollars in investments as defined by rule by the division of 6670
securities; 6671

(b) A natural person, acting for the person's own account 6672
or accounts of other qualified purchasers, who in the aggregate 6673
owns and invests on a discretionary basis, not less than twenty- 6674
five million dollars in investments as defined by rule by the 6675
division of securities. 6676

(2) If subsequent to March 18, 1999, amendments are 6677
enacted or adopted defining "qualified purchaser" for purposes 6678

of the Investment Advisers Act of 1940 or additional rules or 6679
regulations are promulgated by the securities and exchange 6680
commission regarding the definition of "qualified purchaser" for 6681
purposes of the Investment Advisers Act of 1940, the division of 6682
securities shall, by rule, adopt the amendments, rules, or 6683
regulations, unless the division finds that the amendments, 6684
rules, or regulations are not necessary for the protection of 6685
investors or in the public interest. 6686

(GG) (1) "Purchase" has the full meaning of "purchase" as 6687
applied by or accepted in courts of law or equity and includes 6688
every acquisition of, or attempt to acquire, a security or an 6689
interest in a security. "Purchase" also includes a contract to 6690
purchase, an exchange, an attempt to purchase, an option to 6691
purchase, a solicitation of a purchase, a solicitation of an 6692
offer to sell, a subscription, or an offer to purchase, directly 6693
or indirectly, by agent, circular, pamphlet, advertisement, or 6694
otherwise. 6695

(2) "Purchase" means any act by which a purchase is made. 6696

(3) Any security given with, or as a bonus on account of, 6697
any purchase of securities is conclusively presumed to 6698
constitute a part of the subject of that purchase. 6699

(HH) "Life settlement interest" means the entire interest 6700
or any fractional interest in an insurance policy or certificate 6701
of insurance, or in an insurance benefit under such a policy or 6702
certificate, that is the subject of a life settlement contract. 6703

For purposes of this division, "life settlement contract" 6704
means an agreement for the purchase, sale, assignment, transfer, 6705
devise, or bequest of any portion of the death benefit or 6706
ownership of any life insurance policy or contract, in return 6707

for consideration or any other thing of value that is less than 6708
the expected death benefit of the life insurance policy or 6709
contract. "Life settlement contract" includes a viatical 6710
settlement contract as defined in section 3916.01 of the Revised 6711
Code, but does not include any of the following: 6712

(1) A loan by an insurer under the terms of a life 6713
insurance policy, including, but not limited to, a loan secured 6714
by the cash value of the policy; 6715

(2) An agreement with a bank that takes an assignment of a 6716
life insurance policy as collateral for a loan; 6717

(3) The provision of accelerated benefits as defined in 6718
section 3915.21 of the Revised Code; 6719

(4) Any agreement between an insurer and a reinsurer; 6720

(5) An agreement by an individual to purchase an existing 6721
life insurance policy or contract from the original owner of the 6722
policy or contract, if the individual does not enter into more 6723
than one life settlement contract per calendar year; 6724

(6) The initial purchase of an insurance policy or 6725
certificate of insurance from its owner by a viatical settlement 6726
provider, as defined in section 3916.01 of the Revised Code, 6727
that is licensed under Chapter 3916. of the Revised Code. 6728

(II) "State retirement system" means the public employees 6729
retirement system, Ohio police and fire pension fund, state 6730
teachers retirement system, school employees retirement system, 6731
and state highway patrol retirement system. 6732

(JJ) "State retirement system investment officer" means an 6733
individual employed by a state retirement system as a chief 6734
investment officer, assistant investment officer, or the person 6735

in charge of a class of assets or in a position that is 6736
substantially equivalent to chief investment officer, assistant 6737
investment officer, or person in charge of a class of assets. 6738

(KK) "~~Bureau of workers' compensation~~ Worker safety and 6739
rehabilitation chief investment officer" means an individual 6740
employed by the administrator of ~~workers' compensation~~ worker 6741
safety and rehabilitation as a chief investment officer or in a 6742
position that is substantially equivalent to a chief investment 6743
officer. 6744

Sec. 1707.164. (A) No person shall act as a ~~bureau of~~ 6745
~~workers' compensation~~ worker safety and rehabilitation chief 6746
investment officer unless the person is licensed as a ~~bureau of~~ 6747
~~workers' compensation~~ worker safety and rehabilitation chief 6748
investment officer by the division of securities. 6749

(B) No ~~bureau of workers' compensation~~ worker safety and 6750
rehabilitation chief investment officer shall act as a dealer, 6751
salesperson, investment advisor, or investment advisor 6752
representative. 6753

Sec. 1707.165. (A) Application for a ~~bureau of workers'~~ 6754
~~compensation~~ worker safety and rehabilitation chief investment 6755
officer's license shall be made in accordance with this section 6756
by filing with the division of securities the information, 6757
materials, and forms specified in rules adopted by the division. 6758

(B) The division may investigate any applicant for a 6759
license and may require any additional information as it 6760
considers necessary to determine the applicant's business repute 6761
and qualifications to act as a chief investment officer. If the 6762
application for a ~~bureau of workers' compensation~~ worker safety 6763
and rehabilitation chief investment officer's license involves 6764

investigation outside of this state, the applicant may be 6765
required by the division to advance sufficient funds to pay any 6766
of the actual expenses of the investigation. The division shall 6767
furnish the applicant with an itemized statement of the expenses 6768
the applicant is required to pay. 6769

(C) The division shall by rule require an applicant for a 6770
~~bureau of workers' compensation worker safety and rehabilitation~~ 6771
chief investment officer's license to pass an examination 6772
designated by the division or achieve a specified professional 6773
designation unless the applicant meets both of the following 6774
requirements: 6775

(1) Acts as a ~~bureau of workers' compensation worker~~ 6776
~~safety and rehabilitation~~ chief investment officer on ~~the~~ 6777
~~effective date of this section September 29, 2005;~~ 6778

(2) Has experience or education acceptable to the 6779
division. 6780

(D) If the division finds that the applicant is of good 6781
business repute, appears to be qualified to act as a ~~bureau of~~ 6782
~~workers' compensation worker safety and rehabilitation~~ chief 6783
investment officer, and has complied with this chapter and rules 6784
adopted by the division under this chapter, the division, upon 6785
receipt of the fees prescribed by division (B) of section 6786
1707.17 of the Revised Code, shall issue to the applicant a 6787
license authorizing the applicant to act as a ~~bureau of workers'~~ 6788
~~compensation worker safety and rehabilitation~~ chief investment 6789
officer. 6790

Sec. 1707.17. (A) (1) The license of every dealer in and 6791
salesperson of securities shall expire on the thirty-first day 6792
of December of each year, and may be renewed upon the filing 6793

with the division of securities of an application for renewal, 6794
and the payment of the fee prescribed in this section. The 6795
division shall give notice, without unreasonable delay, of its 6796
action on any application for renewal of a dealer's or 6797
salesperson's license. 6798

(2) The license of every investment adviser and investment 6799
adviser representative licensed under section 1707.141 or 6800
1707.161 of the Revised Code shall expire on the thirty-first 6801
day of December of each year. The licenses may be renewed upon 6802
the filing with the division of an application for renewal, and 6803
the payment of the fee prescribed in division (B) of this 6804
section. The division shall give notice, without unreasonable 6805
delay, of its action on any application for renewal. 6806

(3) An investment adviser required to make a notice filing 6807
under division (B) of section 1707.141 of the Revised Code 6808
annually shall file with the division the notice filing and the 6809
fee prescribed in division (B) of this section, no later than 6810
the thirty-first day of December of each year. 6811

(4) The license of every state retirement system 6812
investment officer licensed under section 1707.163 of the 6813
Revised Code and the license of a ~~bureau of workers'~~ 6814
~~compensation~~ worker safety and rehabilitation chief investment 6815
officer issued under section 1707.165 of the Revised Code shall 6816
expire on the thirtieth day of June of each year. The licenses 6817
may be renewed on the filing with the division of an application 6818
for renewal, and the payment of the fee prescribed in division 6819
(B) of this section. The division shall give notice, without 6820
unreasonable delay, of its action on any application for 6821
renewal. 6822

(B) (1) The fee for each dealer's license, and for each 6823

annual renewal thereof, shall be two hundred dollars. 6824

(2) The fee for each salesperson's license, and for each 6825
annual renewal thereof, shall be sixty dollars. 6826

(3) The fee for each investment adviser's license, and for 6827
each annual renewal thereof, shall be one hundred dollars. 6828

(4) The fee for each investment adviser notice filing 6829
required by division (B) of section 1707.141 of the Revised Code 6830
shall be one hundred dollars. 6831

(5) The fee for each investment adviser representative's 6832
license, and for each annual renewal thereof, shall be thirty- 6833
five dollars. 6834

(6) The fee for each state retirement system investment 6835
officer's license, and for each annual renewal thereof, shall be 6836
fifty dollars. 6837

(7) The fee for a ~~bureau of workers' compensation worker~~ 6838
safety and rehabilitation chief investment officer's license, 6839
and for each annual renewal thereof, shall be fifty dollars. 6840

(C) A dealer's, salesperson's, investment adviser's, 6841
investment adviser representative's, ~~bureau of workers'~~ 6842
~~compensation~~ worker safety and rehabilitation chief investment 6843
officer's, or state retirement system investment officer's 6844
license may be issued at any time for the remainder of the 6845
calendar year. In that event, the annual fee shall not be 6846
reduced. 6847

(D) The division may, by rule or order, waive, in whole or 6848
in part, any of the fee requirements of this section for any 6849
person or class of persons if, in the same calendar year, the 6850
person or class of persons is required to pay an additional fee 6851

as a result of changes in federal law and regulations 6852
implemented under Title IV of the "Dodd-Frank Wall Street Reform 6853
and Consumer Protection Act of 2010," 124 Stat. 1576 (2010), 15 6854
U.S.C. 80b-3a(a), under which a person or class of persons 6855
formerly subject to regulation under the United States 6856
securities and exchange commission is subject to state 6857
regulation under Chapter 1707. of the Revised Code. 6858

Sec. 1707.19. (A) An original license, or a renewal 6859
thereof, applied for by a dealer or salesperson of securities, 6860
or by an investment adviser, investment adviser representative, 6861
~~bureau of workers' compensation~~ worker safety and rehabilitation 6862
chief investment officer, or state retirement system investment 6863
officer, may be refused, and any such license granted may be 6864
suspended and, after notice and hearing in accordance with 6865
Chapter 119. of the Revised Code, may be revoked, by the 6866
division of securities, if the division determines that the 6867
applicant or the licensed dealer, salesperson, investment 6868
adviser, investment adviser representative, ~~bureau of workers'~~ 6869
~~compensation~~ worker safety and rehabilitation chief investment 6870
officer, or state retirement system investment officer: 6871

(1) Is not of good business repute; 6872

(2) Is conducting an illegitimate or fraudulent business; 6873

(3) Is, in the case of a dealer or investment adviser, 6874
insolvent; 6875

(4) Has knowingly violated any provision of sections 6876
1707.01 to 1707.45 of the Revised Code, or any regulation or 6877
order made thereunder; 6878

(5) Has knowingly made a false statement of a material 6879
fact or an omission of a material fact in an application for a 6880

license, in a description or application that has been filed, or 6881
in any statement made to the division under such sections; 6882

(6) Has refused to comply with any lawful order or 6883
requirement of the division under section 1707.23 of the Revised 6884
Code; 6885

(7) Has been guilty of any fraudulent act in connection 6886
with the sale of any securities or in connection with acting as 6887
an investment adviser, investment adviser representative, ~~bureau~~ 6888
~~of workers' compensation~~ worker safety and rehabilitation chief 6889
investment officer, or state retirement system investment 6890
officer; 6891

(8) Conducts business in purchasing or selling securities 6892
at such variations from the existing market as in the light of 6893
all the circumstances are unconscionable; 6894

(9) Conducts business in violation of such rules and 6895
regulations as the division prescribes for the protection of 6896
investors, clients, or prospective clients; 6897

(10) (a) Has failed to furnish to the division any 6898
information with respect to the purchases or sales of securities 6899
within this state that may be reasonably requested by the 6900
division as pertinent to the protection of investors in this 6901
state. 6902

(b) Has failed to furnish to the division any information 6903
with respect to acting as an investment adviser, investment 6904
adviser representative, ~~bureau of workers' compensation~~ worker 6905
safety and rehabilitation chief investment officer, or state 6906
retirement system investment officer within this state that may 6907
be reasonably requested by the division. 6908

(B) For the protection of investors the division may 6909

prescribe reasonable rules defining fraudulent, evasive, 6910
deceptive, or grossly unfair practices or devices in the 6911
purchase or sale of securities. 6912

(C) For the protection of investors, clients, or 6913
prospective clients, the division may prescribe reasonable rules 6914
regarding the acts and practices of an investment adviser or an 6915
investment adviser representative. 6916

(D) Pending any investigation or hearing provided for in 6917
sections 1707.01 to 1707.45 of the Revised Code, the division 6918
may order the suspension of any dealer's, salesperson's, 6919
investment adviser's, investment adviser representative's, 6920
~~bureau of workers' compensation~~ worker safety and rehabilitation 6921
chief investment officer's, or state retirement system 6922
investment officer's license by notifying the party concerned of 6923
such suspension and the cause for it. If it is a salesperson 6924
whose license is suspended, the division shall also notify the 6925
dealer employing the salesperson. If it is an investment adviser 6926
representative whose license is suspended, the division also 6927
shall notify the investment adviser with whom the investment 6928
adviser representative is employed or associated. If it is a 6929
state retirement system investment officer whose license is 6930
suspended, the division shall also notify the state retirement 6931
system with whom the state retirement system investment officer 6932
is employed. If it is a ~~bureau of workers' compensation~~ chief- 6933
worker safety and rehabilitation investment officer whose 6934
license is suspended, the division shall also notify the ~~bureau-~~ 6935
~~of workers' compensation~~ office of worker safety and 6936
rehabilitation. 6937

(E) (1) The suspension or revocation of the dealer's 6938
license suspends the licenses of all the dealer's salespersons. 6939

(2) The suspension or revocation of the investment 6940
adviser's license suspends the licenses of all the investment 6941
adviser's investment adviser representatives. The suspension or 6942
revocation of an investment adviser's registration under section 6943
203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, 6944
suspends the licenses of all the investment adviser's investment 6945
adviser representatives. 6946

(F) It is sufficient cause for refusal, revocation, or 6947
suspension of the license in case of a partnership, partnership 6948
association, corporation, or unincorporated association if any 6949
general partner of the partnership, manager of the partnership 6950
association, or executive officer of the corporation or 6951
unincorporated association is not of good business repute or has 6952
been guilty of any act or omission which would be cause for 6953
refusing or revoking the license of an individual dealer, 6954
salesperson, investment adviser, or investment adviser 6955
representative. 6956

Sec. 1707.22. Whenever a dealer's, salesperson's, 6957
investment adviser's, investment adviser representative's, 6958
~~bureau of workers' compensation worker safety and rehabilitation~~ 6959
chief investment officer's, or state retirement system 6960
investment officer's license has been refused, suspended, or 6961
revoked, or a renewal thereof has been denied, by the division 6962
of securities, or whenever the division has refused to qualify 6963
securities or has suspended or revoked the registration of any 6964
particular security by description or by qualification, or the 6965
right to buy, sell, or deal in any particular security whether 6966
it is registered or qualified or exempt, or whether the 6967
transactions in it are registered or exempt, the aggrieved party 6968
may appeal in accordance with Chapter 119. of the Revised Code. 6969

An order sustaining the refusal of the division to grant 6970
or renew a dealer's, salesperson's, investment adviser's, 6971
investment adviser representative's, ~~bureau of workers'~~ 6972
~~compensation~~ worker safety and rehabilitation chief investment 6973
officer's, or state retirement system investment officer's 6974
license or to grant qualification of securities, or an order 6975
sustaining the division in suspending or revoking a dealer's, 6976
salesperson's, investment adviser's, investment adviser 6977
representative's, ~~bureau of workers' compensation~~ worker safety 6978
and rehabilitation chief investment officer's, or state 6979
retirement system investment officer's license, the registration 6980
of any particular security by description or by qualification, 6981
or the right to buy, sell, or deal in any particular security, 6982
shall not bar, after ten days from the order, a new registration 6983
by description, or a new application of the plaintiff for such a 6984
license or qualification or for a withdrawal of a revocation or 6985
suspension; nor shall an order in favor of the plaintiff prevent 6986
the division, after proper notice and hearing, from thereafter 6987
revoking or suspending such license, registration, or right to 6988
buy, sell, or deal in a particular security, for any proper 6989
cause which may, after the order, accrue or be discovered. 6990

Sec. 1707.23. Whenever it appears to the division of 6991
securities, from its files, upon complaint, or otherwise, that 6992
any person has engaged in, is engaged in, or is about to engage 6993
in any practice declared to be illegal or prohibited by this 6994
chapter or rules adopted under this chapter by the division, or 6995
defined as fraudulent in this chapter or rules adopted under 6996
this chapter by the division, or any other deceptive scheme or 6997
practice in connection with the sale of securities, or acting as 6998
a dealer, a salesperson, an investment adviser, investment 6999
adviser representative, ~~bureau of workers' compensation~~ worker 7000

safety and rehabilitation chief investment officer, or state 7001
retirement system investment officer or when the division 7002
believes it to be in the best interests of the public and 7003
necessary for the protection of investors, the division may do 7004
any of the following: 7005

(A) Require any person to file with it, on such forms as 7006
it prescribes, an original or additional statement or report in 7007
writing, under oath or otherwise, as to any facts or 7008
circumstances concerning the issuance, sale, or offer for sale 7009
of securities within this state by the person, as to the 7010
person's acts or practices as a dealer, a salesperson, an 7011
investment adviser, investment adviser representative, ~~bureau of~~ 7012
~~workers' compensation worker safety and rehabilitation~~ chief 7013
investment officer, or state retirement system investment 7014
officer within this state, and as to other information as it 7015
deems material or relevant thereto; 7016

(B) Examine any investment adviser, investment adviser 7017
representative, state retirement system investment officer, 7018
~~bureau of workers' compensation worker safety and rehabilitation~~ 7019
chief investment officer, or any seller, dealer, salesperson, or 7020
issuer of any securities, and any of their agents, employees, 7021
partners, officers, directors, members, or shareholders, 7022
wherever located, under oath; and examine and produce records, 7023
books, documents, accounts, and papers as the division deems 7024
material or relevant to the inquiry; 7025

(C) Require the attendance of witnesses, and the 7026
production of books, records, and papers, as are required either 7027
by the division or by any party to a hearing before the 7028
division, and for that purpose issue a subpoena for any witness, 7029
or a subpoena duces tecum to compel the production of any books, 7030

records, or papers. The subpoena shall be served by personal 7031
service or by certified mail, return receipt requested. If the 7032
subpoena is returned because of inability to deliver, or if no 7033
return is received within thirty days of the date of mailing, 7034
the subpoena may be served by ordinary mail. If no return of 7035
ordinary mail is received within thirty days after the date of 7036
mailing, service shall be deemed to have been made. If the 7037
subpoena is returned because of inability to deliver, the 7038
division may designate a person or persons to effect either 7039
personal or residence service upon the witness. The person 7040
designated to effect personal or residence service under this 7041
division may be the sheriff of the county in which the witness 7042
resides or may be found or any other duly designated person. The 7043
fees and mileage of the person serving the subpoena shall be the 7044
same as those allowed by the courts of common pleas in criminal 7045
cases, and shall be paid from the funds of the division. Fees 7046
and mileage for the witness shall be determined under section 7047
119.094 of the Revised Code, and shall be paid from the funds of 7048
the division upon request of the witness following the hearing. 7049

(D) Initiate criminal proceedings under section 1707.042 7050
or 1707.44 of the Revised Code or rules adopted under those 7051
sections by the division by laying before the prosecuting 7052
attorney of the proper county any evidence of criminality which 7053
comes to its knowledge; and in the event of the neglect or 7054
refusal of the prosecuting attorney to prosecute such 7055
violations, or at the request of the prosecuting attorney, the 7056
division shall submit the evidence to the attorney general, who 7057
may proceed in the prosecution with all the rights, privileges, 7058
and powers conferred by law on prosecuting attorneys, including 7059
the power to appear before grand juries and to interrogate 7060
witnesses before such grand juries. 7061

(E) Require any dealers immediately to furnish to the 7062
division copies of prospectuses, circulars, or advertisements 7063
respecting securities that they publish or generally distribute, 7064
or require any investment advisers immediately to furnish to the 7065
division copies of brochures, advertisements, publications, 7066
analyses, reports, or other writings that they publish or 7067
distribute; 7068

(F) Require any dealers to mail to the division, prior to 7069
sale, notices of intention to sell, in respect to all securities 7070
which are not exempt under section 1707.02 of the Revised Code, 7071
or which are sold in transactions not exempt under section 7072
1707.03 or 1707.04 of the Revised Code; 7073

(G) Issue and cause to be served by certified mail upon 7074
all persons affected an order requiring the person or persons to 7075
cease and desist from the acts or practices appearing to the 7076
division to constitute violations of this chapter or rules 7077
adopted under this chapter by the division. The order shall 7078
state specifically the section or sections of this chapter or 7079
the rule or rules adopted under this chapter by the division 7080
that appear to the division to have been violated and the facts 7081
constituting the violation. If after the issuance of the order 7082
it appears to the division that any person or persons affected 7083
by the order have engaged in any act or practice from which the 7084
person or persons shall have been required, by the order, to 7085
cease and desist, the director of commerce may apply to the 7086
court of common pleas of any county for, and upon proof of the 7087
validity of the order of the division, the delivery of the order 7088
to the person or persons affected, and of the illegality and the 7089
continuation of the acts or practices that are the subject of 7090
the order, the court may grant an injunction implementing the 7091
order of the division. 7092

(H) Issue and initiate contempt proceedings in this state 7093
regarding subpoenas and subpoenas duces tecum at the request of 7094
the securities administrator of another state, if it appears to 7095
the division that the activities for which the information is 7096
sought would violate this chapter if the activities had occurred 7097
in this state. 7098

(I) The remedies provided by this section are cumulative 7099
and concurrent with any other remedy provided in this chapter, 7100
and the exercise of one remedy does not preclude or require the 7101
exercise of any other remedy. 7102

Sec. 1707.25. In case any person fails to file any 7103
statement or report required by sections 1707.01 to 1707.45 of 7104
the Revised Code, to obey any subpoena the issuance of which is 7105
provided for in those sections, or to produce books, records, or 7106
papers, give testimony, or answer questions, as required by 7107
those sections, the director of commerce may apply to a court of 7108
common pleas of any county for, and upon proof of such failure 7109
the court may grant, an injunction restraining the acting as an 7110
investment adviser, investment adviser representative, ~~bureau of~~ 7111
~~workers' compensation~~ worker safety and rehabilitation chief 7112
investment officer, or state retirement system investment 7113
officer, or the issuance, sale, or offer for sale of any 7114
securities by the person or by its agents, employees, partners, 7115
officers, directors, or shareholders, until such failure has 7116
been remedied and other relief as the facts may warrant has been 7117
had. Such injunctive relief is available in addition to the 7118
other remedies provided for in sections 1707.01 to 1707.45 of 7119
the Revised Code. 7120

Where the person refusing to comply with such order of 7121
court is an issuer of securities, the court may enjoin the sale 7122

by any dealer of any securities of the issuer, and the division 7123
of securities may revoke the qualification of the securities of 7124
the issuer, or suspend or revoke the sale of any securities of 7125
the issuer which have been registered by description, and such 7126
securities shall not thereafter be sold by any dealer until the 7127
order of the court or of the division is withdrawn. 7128

Sec. 1707.261. (A) If a court of common pleas grants an 7129
injunction pursuant to section 1707.26 of the Revised Code, 7130
after consultation with the attorney general the director of 7131
commerce may request that court to order the defendant or 7132
defendants that are subject to the injunction to make 7133
restitution or rescission to any purchaser or holder of 7134
securities damaged by the defendant's or defendants' violation 7135
of any provision of sections 1707.01 to 1707.45 of the Revised 7136
Code. 7137

(B) If the court of common pleas is satisfied with the 7138
sufficiency of the director's request for restitution or 7139
rescission under division (A) of this section and with the 7140
sufficiency of the proof of a substantial violation of any 7141
provision of sections 1707.01 to 1707.45 of the Revised Code, or 7142
of the use of any act, practice, or transaction declared to be 7143
illegal or prohibited or defined as fraudulent by those sections 7144
or rules adopted under those sections by the division of 7145
securities, to the material prejudice of a purchaser or holder 7146
of securities, the court may order the defendant or defendants 7147
subject to the injunction to make restitution or rescission to 7148
any purchaser or holder of securities damaged by the defendant's 7149
or defendants' violation of sections 1707.01 to 1707.45 of the 7150
Revised Code. 7151

(C) A court order granting restitution or rescission based 7152

upon a request made pursuant to division (A) of this section 7153
shall meet the requirements of division (B) of this section and 7154
may not be based solely upon a final order issued by the 7155
division of securities pursuant to Chapter 119. of the Revised 7156
Code or upon an action to enforce a final order issued by the 7157
division pursuant to that chapter. Notwithstanding the foregoing 7158
provision, a request for restitution or rescission pursuant to 7159
division (A) of this section may concern the same acts, 7160
practices, or transactions that were, or may later be, the 7161
subject of a division of securities action for a violation of 7162
any provision of sections 1707.01 to 1707.45 of the Revised 7163
Code. If a request for restitution or rescission pursuant to 7164
division (A) of this section concerns the same acts, practices, 7165
or transactions that were the subject of a final order issued by 7166
the division of securities pursuant to Chapter 119. of the 7167
Revised Code, the court shall review the request in accordance 7168
with division (B) of this section, and the standard of review in 7169
section 119.12 of the Revised Code shall not apply to the 7170
request. 7171

(D) No purchaser or holder of securities who is entitled 7172
to restitution or rescission under this section shall recover, 7173
pursuant to this section or any other proceeding, a total amount 7174
in excess of the person's purchase price for the securities sold 7175
in violation of sections 1707.01 to 1707.45 of the Revised Code. 7176

(E) (1) If a court of common pleas grants an injunction 7177
pursuant to section 1707.26 of the Revised Code against any 7178
state retirement system investment officer, after consultation 7179
with the attorney general, the director of commerce may request 7180
that court to order the state retirement system investment 7181
officer or officers that are subject to the injunction to make 7182
restitution to the state retirement system damaged by the state 7183

retirement system investment officer's or officers' violation of 7184
any provision of sections 1707.01 to 1707.45 of the Revised 7185
Code. 7186

(2) If the court of common pleas is satisfied with the 7187
sufficiency of the director's request for restitution under 7188
division (E) (1) of this section and with the sufficiency of the 7189
proof of a substantial violation of any provision of sections 7190
1707.01 to 1707.45 of the Revised Code, or of the use of any 7191
act, practice, or transaction declared to be illegal or 7192
prohibited or defined as fraudulent by those sections or rules 7193
adopted under those sections by the division of securities, to 7194
the material prejudice of a state retirement system, the court 7195
may order the state retirement system investment officer or 7196
officers subject to the injunction to make restitution to the 7197
state retirement system damaged by the state retirement system 7198
investment officer's or officers' violation of sections 1707.01 7199
to 1707.45 of the Revised Code. A request for restitution 7200
pursuant to division (E) (1) of this section may concern the same 7201
acts, practices, or transactions that were, or may later be, the 7202
subject of a division of securities action for a violation of 7203
any provision of section 1707.01 to 1707.45 of the Revised Code. 7204

(F) (1) If a court of common pleas grants an injunction 7205
pursuant to section 1707.26 of the Revised Code against a ~~bureau~~ 7206
~~of workers' compensation~~ worker safety and rehabilitation chief 7207
investment officer, after consultation with the attorney 7208
general, the director of commerce may request that court to 7209
order the ~~bureau of workers' compensation~~ worker safety and 7210
rehabilitation chief investment officer who is subject to the 7211
injunction to make restitution to the ~~bureau of workers'~~ 7212
~~compensation~~ office of worker safety and rehabilitation damaged 7213
by the ~~bureau of workers' compensation~~ chief investment 7214

officer's violation of any provision of sections 1707.01 to 7215
1707.45 of the Revised Code. 7216

(2) If the court of common pleas is satisfied with the 7217
sufficiency of the director's request for restitution under 7218
division (F) (1) of this section and with the sufficiency of the 7219
proof of a substantial violation of any provision of sections 7220
1707.01 to 1707.45 of the Revised Code, or of the use of any 7221
act, practice, or transaction declared to be illegal or 7222
prohibited or defined as fraudulent by those sections or rules 7223
adopted under those sections by the division of securities, to 7224
the material prejudice of the ~~bureau of workers' compensation~~ 7225
office of worker safety and rehabilitation, the court may order 7226
the ~~bureau of workers' compensation~~ worker safety and 7227
rehabilitation chief investment officer subject to the 7228
injunction to make restitution to the ~~bureau of workers'~~ 7229
~~compensation~~ office of worker safety and rehabilitation damaged 7230
by the ~~bureau of workers' compensation~~ chief investment 7231
officer's violation of sections 1707.01 to 1707.45 of the 7232
Revised Code. A request for restitution pursuant to division (F) 7233
(1) of this section may concern the same acts, practices, or 7234
transactions that were, or may later be, the subject of a 7235
division of securities action for a violation of any provision 7236
of section 1707.01 to 1707.45 of the Revised Code. 7237

Sec. 1707.431. For purposes of this section, the following 7238
persons shall not be deemed to have effected, participated in, 7239
or aided the seller in any way in making, a sale or contract of 7240
sale in violation of sections 1707.01 to 1707.45 of the Revised 7241
Code: 7242

(A) Any attorney, accountant, or engineer whose 7243
performance is incidental to the practice of the person's 7244

profession; 7245

(B) Any person, other than an investment adviser, 7246
investment adviser representative, ~~bureau of workers'~~ 7247
~~compensation worker safety and rehabilitation~~ chief investment 7248
officer, or state retirement system investment officer, who 7249
brings any issuer together with any potential investor, without 7250
receiving, directly or indirectly, a commission, fee, or other 7251
remuneration based on the sale of any securities by the issuer 7252
to the investor. Remuneration received by the person solely for 7253
the purpose of offsetting the reasonable out-of-pocket costs 7254
incurred by the person shall not be deemed a commission, fee, or 7255
other remuneration. 7256

Any person claiming exemption under this division for a 7257
publicly advertised meeting shall file a notice with the 7258
division of securities indicating an intent to cause or hold 7259
such a meeting at least twenty-one days prior to the meeting. 7260
The division may, upon receipt of such notice, issue an order 7261
denying the availability of an exemption under this division not 7262
more than fourteen days after receipt of the notice based on a 7263
finding that the applicant is not entitled to the exemption. 7264
Notwithstanding the notice described in this section, a failure 7265
to file the notice does not create a presumption that a person 7266
was participating in or aiding in the making of a sale or 7267
contract of sale in violation of this chapter. 7268

(C) Any person whom the division exempts from this 7269
provision by rule. 7270

Sec. 1707.44. (A) (1) No person shall engage in any act or 7271
practice that violates division (A), (B), or (C) of section 7272
1707.14 of the Revised Code, and no salesperson shall sell 7273
securities in this state without being licensed pursuant to 7274

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| section 1707.16 of the Revised Code. | 7275 |
| (2) No person shall engage in any act or practice that violates division (A) of section 1707.141 or section 1707.161 of the Revised Code. | 7276 7277 7278 |
| (3) No person shall engage in any act or practice that violates section 1707.162 of the Revised Code. | 7279 7280 |
| (4) No person shall engage in any act or practice that violates section 1707.164 of the Revised Code. | 7281 7282 |
| (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: | 7283 7284 7285 7286 7287 |
| (1) Registering securities or transactions, or exempting securities or transactions from registration, under this chapter; | 7288 7289 7290 |
| (2) Securing the qualification of any securities under this chapter; | 7291 7292 |
| (3) Procuring the licensing of any dealer, salesperson, investment adviser, investment adviser representative, bureau of workers' compensation <u>worker safety and rehabilitation</u> chief investment officer, or state retirement system investment officer under this chapter; | 7293 7294 7295 7296 7297 |
| (4) Selling any securities in this state; | 7298 |
| (5) Advising for compensation, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities; | 7299 7300 7301 |

(6) Submitting a notice filing to the division under 7302
division (X) of section 1707.03 or section 1707.092 or 1707.141 7303
of the Revised Code. 7304

(C) No person shall knowingly sell, cause to be sold, 7305
offer for sale, or cause to be offered for sale, any security 7306
which comes under any of the following descriptions: 7307

(1) Is not exempt under section 1707.02 of the Revised 7308
Code, nor the subject matter of one of the transactions exempted 7309
in section 1707.03, 1707.04, or 1707.34 of the Revised Code, has 7310
not been registered by coordination or qualification, and is not 7311
the subject matter of a transaction that has been registered by 7312
description; 7313

(2) The prescribed fees for registering by description, by 7314
coordination, or by qualification have not been paid in respect 7315
to such security; 7316

(3) The person has been notified by the division, or has 7317
knowledge of the notice, that the right to buy, sell, or deal in 7318
such security has been suspended or revoked, or that the 7319
registration by description, by coordination, or by 7320
qualification under which it may be sold has been suspended or 7321
revoked; 7322

(4) The offer or sale is accompanied by a statement that 7323
the security offered or sold has been or is to be in any manner 7324
indorsed by the division. 7325

(D) No person who is an officer, director, or trustee of, 7326
or a dealer for, any issuer, and who knows such issuer to be 7327
insolvent in that the liabilities of the issuer exceed its 7328
assets, shall sell any securities of or for any such issuer, 7329
without disclosing the fact of the insolvency to the purchaser. 7330

(E) No person with intent to aid in the sale of any securities on behalf of the issuer, shall knowingly make any representation not authorized by such issuer or at material variance with statements and documents filed with the division by such issuer.

(F) No person, with intent to deceive, shall sell, cause to be sold, offer for sale, or cause to be offered for sale, any securities of an insolvent issuer, with knowledge that such issuer is insolvent in that the liabilities of the issuer exceed its assets, taken at their fair market value.

(G) No person in purchasing or selling securities shall knowingly engage in any act or practice that is, in this chapter, declared illegal, defined as fraudulent, or prohibited.

(H) No licensed dealer shall refuse to buy from, sell to, or trade with any person because the person appears on a blacklist issued by, or is being boycotted by, any foreign corporate or governmental entity, nor sell any securities of or for any issuer who is known in relation to the issuance or sale of the securities to have engaged in such practices.

(I) No dealer in securities, knowing that the dealer's liabilities exceed the reasonable value of the dealer's assets, shall accept money or securities, except in payment of or as security for an existing debt, from a customer who is ignorant of the dealer's insolvency, and thereby cause the customer to lose any part of the customer's securities or the value of those securities, by doing either of the following without the customer's consent:

(1) Pledging, selling, or otherwise disposing of such securities, when the dealer has no lien on or any special

property in such securities; 7360

(2) Pledging such securities for more than the amount due, 7361
or otherwise disposing of such securities for the dealer's own 7362
benefit, when the dealer has a lien or indebtedness on such 7363
securities. 7364

It is an affirmative defense to a charge under this 7365
division that, at the time the securities involved were pledged, 7366
sold, or disposed of, the dealer had in the dealer's possession 7367
or control, and available for delivery, securities of the same 7368
kinds and in amounts sufficient to satisfy all customers 7369
entitled to the securities, upon demand and tender of any amount 7370
due on the securities. 7371

(J) No person, with purpose to deceive, shall make, issue, 7372
publish, or cause to be made, issued, or published any statement 7373
or advertisement as to the value of securities, or as to alleged 7374
facts affecting the value of securities, or as to the financial 7375
condition of any issuer of securities, when the person knows 7376
that the statement or advertisement is false in any material 7377
respect. 7378

(K) No person, with purpose to deceive, shall make, 7379
record, or publish or cause to be made, recorded, or published, 7380
a report of any transaction in securities which is false in any 7381
material respect. 7382

(L) No dealer shall engage in any act that violates the 7383
provisions of section 15(c) or 15(g) of the "Securities Exchange 7384
Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any 7385
rule or regulation promulgated by the securities and exchange 7386
commission thereunder. 7387

(M) (1) No investment adviser or investment adviser 7388

representative shall do any of the following: 7389

(a) Employ any device, scheme, or artifice to defraud any 7390
person; 7391

(b) Engage in any act, practice, or course of business 7392
that operates or would operate as a fraud or deceit upon any 7393
person; 7394

(c) In acting as principal for the investment adviser's or 7395
investment adviser representative's own account, knowingly sell 7396
any security to or purchase any security from a client, or in 7397
acting as salesperson for a person other than such client, 7398
knowingly effect any sale or purchase of any security for the 7399
account of such client, without disclosing to the client in 7400
writing before the completion of the transaction the capacity in 7401
which the investment adviser or investment adviser 7402
representative is acting and obtaining the consent of the client 7403
to the transaction. Division (M) (1) (c) of this section does not 7404
apply to any investment adviser registered with the securities 7405
and exchange commission under section 203 of the "Investment 7406
Advisers Act of 1940," 15 U.S.C. 80b-3, or to any transaction 7407
with a customer of a licensed dealer or salesperson if the 7408
licensed dealer or salesperson is not acting as an investment 7409
adviser or investment adviser representative in relation to the 7410
transaction. 7411

(d) Engage in any act, practice, or course of business 7412
that is fraudulent, deceptive, or manipulative. The division of 7413
securities may adopt rules reasonably designed to prevent acts, 7414
practices, or courses of business that are fraudulent, 7415
deceptive, or manipulative. 7416

(2) No investment adviser or investment adviser 7417

representative licensed or required to be licensed under this 7418
chapter shall take or have custody of any securities or funds of 7419
any person, except as provided in rules adopted by the division. 7420

(3) In the solicitation of clients or prospective clients, 7421
no person shall make any untrue statement of a material fact or 7422
omit to state a material fact necessary in order to make the 7423
statements made not misleading in light of the circumstances 7424
under which the statements were made. 7425

(N) No person knowingly shall influence, coerce, 7426
manipulate, or mislead any person engaged in the preparation, 7427
compilation, review, or audit of financial statements to be used 7428
in the purchase or sale of securities for the purpose of 7429
rendering the financial statements materially misleading. 7430

(O) No state retirement system investment officer shall do 7431
any of the following: 7432

(1) Employ any device, scheme, or artifice to defraud any 7433
state retirement system; 7434

(2) Engage in any act, practice, or course of business 7435
that operates or would operate as a fraud or deceit on any state 7436
retirement system; 7437

(3) Engage in any act, practice, or course of business 7438
that is fraudulent, deceptive, or manipulative. The division of 7439
securities may adopt rules reasonably designed to prevent such 7440
acts, practices, or courses of business as are fraudulent, 7441
deceptive, or manipulative; 7442

(4) Knowingly fail to comply with any policy adopted 7443
regarding the officer established pursuant to section 145.094, 7444
742.104, 3307.043, 3309.043, or 5505.065 of the Revised Code. 7445

(P) No ~~bureau of workers' compensation worker safety and~~ 7446
~~rehabilitation~~ chief investment officer shall do any of the 7447
following: 7448

(1) Employ any device, scheme, or artifice to defraud the 7449
workers' compensation system; 7450

(2) Engage in any act, practice, or course of business 7451
that operates or would operate as a fraud or deceit on the 7452
workers' compensation system; 7453

(3) Engage in any act, practice, or course of business 7454
that is fraudulent, deceptive, or manipulative. The division of 7455
securities may adopt rules reasonably designed to prevent such 7456
acts, practices, or courses of business as are fraudulent, 7457
deceptive, or manipulative; 7458

(4) Knowingly fail to comply with any policy adopted 7459
regarding the officer established pursuant to section 4123.441 7460
of the Revised Code. 7461

Sec. 1707.46. The principal executive officer of the 7462
division of securities shall be the commissioner of securities, 7463
who shall be appointed by the director of commerce. The 7464
commissioner of securities shall enforce all the laws and 7465
administrative rules enacted or adopted to regulate the sale of 7466
bonds, stocks, and other securities and to prevent fraud in such 7467
sales. The commissioner also shall enforce all the laws and 7468
administrative rules enacted or adopted to regulate investment 7469
advisers, investment adviser representatives, state retirement 7470
system investment officers, and the ~~bureau of workers'~~ 7471
~~compensation worker safety and rehabilitation~~ chief investment 7472
officer and to prevent fraud in their acts, practices, and 7473
transactions. 7474

The commissioner shall be paid at a rate not less than pay range 47 set out in schedule E-2 of section 124.152 of the Revised Code, to be paid as other operating expenses of the division.

Sec. 1729.55. (A) An association may be dissolved voluntarily in the manner provided in this section.

(B) A resolution of dissolution for an association shall state both of the following:

(1) That the association elects to be dissolved;

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

(C) Before subscriptions for membership and any stock or other ownership interest have been received, the incorporators or a majority of the incorporators may adopt, by a writing signed by them, a resolution of dissolution.

(D) The directors may adopt a resolution of dissolution in the following cases:

(1) When the association has been adjudged bankrupt or has made a general assignment for the benefit of creditors;

(2) By leave of the court, when a receiver has been appointed in a general creditors' suit or in any suit in which the affairs of the association are to be wound up;

(3) When substantially all of the assets have been sold at judicial sale or otherwise;

(4) When the articles of incorporation have been canceled for failure to file annual franchise or excise tax returns or for failure to pay franchise or excise taxes and the association

has not been reinstated or does not desire to be reinstated; 7502

(5) When the period of existence of the association 7503
specified in its articles has expired. 7504

(E) At a meeting held for such purpose, the members may 7505
adopt a resolution of dissolution by the affirmative vote of 7506
sixty per cent of the member votes cast on the proposal or, if 7507
the articles provide or permit, by the affirmative vote of a 7508
greater or lesser proportion though not less than a majority, of 7509
the voting power, of any particular class as is required by the 7510
articles of incorporation. Notice of the meeting of the members 7511
shall be given to all members and stockholders whether or not 7512
entitled to vote. 7513

(F) Upon the adoption of a resolution of dissolution, a 7514
certificate shall be filed with the secretary of state, on a 7515
form prescribed by the secretary of state, stating all of the 7516
following: 7517

(1) The name of the association; 7518

(2) A statement that a resolution of dissolution has been 7519
adopted, its manner of adoption, and, in the case of its 7520
adoption by the incorporators or directors, a statement of the 7521
basis for such adoption; 7522

(3) The place where the association's principal place of 7523
business is located; 7524

(4) The names and addresses of the association's directors 7525
and officers, or if the resolution of dissolution is adopted by 7526
the incorporators, the names and addresses of the incorporators; 7527

(5) The name and address of the association's statutory 7528
agent. 7529

(G) The certificate described in division (F) of this section shall be signed as follows:

(1) When the resolution of dissolution is adopted by the incorporators, the certificate shall be signed by not less than a majority of the incorporators;

(2) When the resolution is adopted by the directors or by the members, the certificate shall be signed by any authorized officer. However, if no authorized officer executes and files the certificate within thirty days after the adoption of the resolution or upon any date specified in the resolution as the date upon which the certificate is to be filed or upon the expiration of any period specified in the resolution as the period within which the certificate is to be filed, whichever is latest, the certificate of dissolution may be signed by any three members, or if there are less than three members, by all of the members, and shall set forth a statement that the persons signing the certificate are members and are filing the certificate because of the failure of an authorized officer to do so.

(H) A certificate of dissolution, filed with the secretary of state, shall be accompanied by all of the following:

(1) An affidavit of one or more of the persons executing the certificate of dissolution or of any authorized officer of the association containing a statement of the counties, if any, in this state in which the association has personal property or a statement that the association is of a type required to pay personal property taxes to state authorities only;

(2) A receipt, certificate, or other evidence showing the payment of all franchise, sales, use, and highway use taxes

accruing up to the date of the filing or that payment adequately 7559
has been guaranteed; 7560

(3) A receipt, certificate, or other evidence showing the 7561
payment of all personal property taxes accruing up to the date 7562
of the filing; 7563

(4) A receipt, certificate, or other evidence from the 7564
director of job and family services showing that all 7565
contributions due from the association as an employer have been 7566
paid, that payment adequately has been guaranteed, or that the 7567
association is not subject to such contributions; 7568

(5) A receipt, certificate, or other evidence from the 7569
~~bureau of workers' compensation~~ office of worker safety and 7570
rehabilitation showing that all premiums due from the 7571
association as an employer have been paid, that payment 7572
adequately has been guaranteed, or that the association is not 7573
subject to such premium payments; 7574

(6) In lieu of the receipt, certificate, or other evidence 7575
described in division (H) (2), (3), (4), or (5) of this section, 7576
an affidavit of one or more persons executing the certificate of 7577
dissolution or of any authorized officer of the association 7578
containing a statement of the date upon which the particular 7579
department, agency, or authority was advised in writing of the 7580
scheduled date of filing of the certificate of dissolution and 7581
was advised in writing of the acknowledgment by the association 7582
of the applicability of section 1729.25 of the Revised Code. 7583

(I) Upon the filing of a certificate of dissolution and 7584
the accompanying documents required by division (H) of this 7585
section, the association shall be dissolved. 7586

Sec. 2111.03. A person applying for appointment as a 7587

guardian, including, but not limited to, as a limited guardian, 7588
pursuant to section 2111.02 of the Revised Code, shall file with 7589
the probate court an application that contains a statement of 7590
the whole estate of the ward, its probable value, and the 7591
probable annual rents of the ward's real property, and that also 7592
contains the following: 7593

(A) A statement whether the applicant ever has been 7594
charged with or convicted of any crime involving theft, physical 7595
violence, or sexual, alcohol, or substance abuse, and, if the 7596
applicant has been so charged or convicted, the date and place 7597
of each charge and each conviction; 7598

(B) A statement whether a limited guardianship is sought 7599
and, if sought, a specification of the limited powers that are 7600
requested and a statement whether the limited guardianship is to 7601
be for a definite or indefinite period; 7602

(C) In the case of an application for the appointment of a 7603
guardian of a minor, all of the following: 7604

(1) Name, age, and residence of the minor; 7605

(2) Name and residence of each parent of the minor; 7606

(3) Name, degree of kinship, age, and address of next of 7607
kin of the minor, if no parent is living or if a parent of the 7608
minor is absent, under disability, or for other reason cannot be 7609
notified; 7610

(4) Name and residence address of the person having 7611
custody of the minor. 7612

(D) In the case of an application for the appointment of a 7613
guardian of an alleged incompetent, all of the following: 7614

(1) Name, age, and residence of the person for whom such 7615

appointment is sought; 7616

(2) Facts upon which the application is based; 7617

(3) Name, degree of kinship, age, and address of the next 7618
of kin of the alleged incompetent. 7619

The court, on its own motion, shall proceed as provided in 7620
this chapter, upon suggestion by the ~~bureau of workers'~~ 7621
~~compensation office of worker safety and rehabilitation~~ that any 7622
person who has made application for or been awarded compensation 7623
or death benefits as an employee or the dependent of a killed 7624
employee is a minor or incompetent. In that case, no application 7625
need be filed and the ~~bureau office~~ shall furnish the court with 7626
the name and residence of such person and the name, degree of 7627
kinship, age, and address of the father, mother, or next of kin 7628
of such person insofar as known by the ~~bureau office~~. 7629

Sec. 2305.24. Any information, data, reports, or records 7630
made available to a quality assurance committee or utilization 7631
committee of a hospital or long-term care facility or of any 7632
not-for-profit health care corporation that is a member of the 7633
hospital or long-term care facility or of which the hospital or 7634
long-term care facility is a member are confidential and shall 7635
be used by the committee and the committee members only in the 7636
exercise of the proper functions of the committee. Any 7637
information, data, reports, or records made available to a 7638
utilization committee of a state or local medical society 7639
composed of doctors of medicine or doctors of osteopathic 7640
medicine are confidential and shall be used by the committee and 7641
the committee members only in the exercise of the proper 7642
functions of the committee. A right of action similar to that a 7643
patient may have against an attending physician for misuse of 7644
information, data, reports, or records arising out of the 7645

physician-patient relationship shall accrue against a member of 7646
a quality assurance committee or utilization committee for 7647
misuse of any information, data, reports, or records furnished 7648
to the committee by an attending physician. No physician, 7649
institution, hospital, or long-term care facility furnishing 7650
information, data, reports, or records to a committee with 7651
respect to any patient examined or treated by the physician or 7652
confined in the institution, hospital, or long-term care 7653
facility shall, by reason of the furnishing, be deemed liable in 7654
damages to any person, or be held to answer for betrayal of a 7655
professional confidence within the meaning and intent of section 7656
4731.22 of the Revised Code. Information, data, or reports 7657
furnished to a utilization committee of a state or local medical 7658
society shall contain no name of any person involved therein. 7659

Any information, data, reports, or records made available 7660
to a quality assurance committee of the ~~bureau of workers' 7661
compensation~~ office of worker safety and rehabilitation or the 7662
industrial commission that is responsible for reviewing the 7663
professional qualifications and the performance of providers 7664
conducting medical examinations or file reviews for the ~~bureau- 7665
office~~ or the commission are confidential and shall be used by 7666
the committee and the committee members only in the exercise of 7667
the proper functions of the committee. 7668

As used in this section, "utilization committee" is the 7669
committee established to administer a utilization review plan of 7670
a hospital, of a not-for-profit health care corporation which is 7671
a member of the hospital or of which the hospital is a member, 7672
or of a skilled nursing facility as provided in the "Health 7673
Insurance for the Aged Act," 79 Stat. 313 (1965), 42 U.S.C. 7674
1395x(k). 7675

Sec. 2305.25. As used in this section and sections 7676
2305.251 to 2305.253 of the Revised Code: 7677

(A) (1) "Health care entity" means an entity, whether 7678
acting on its own behalf or on behalf of or in affiliation with 7679
other health care entities, that conducts as part of its regular 7680
business activities professional credentialing or quality review 7681
activities involving the competence of, professional conduct of, 7682
or quality of care provided by health care providers, including 7683
both individuals who provide health care and entities that 7684
provide health care. 7685

(2) "Health care entity" includes any entity described in 7686
division (A) (1) of this section, regardless of whether it is a 7687
government entity; for-profit or nonprofit corporation; limited 7688
liability company; partnership; professional corporation; state 7689
or local society composed of physicians, dentists, optometrists, 7690
psychologists, or pharmacists; accountable care organization; 7691
other health care organization; or combination of any of the 7692
foregoing entities. 7693

(B) "Health insuring corporation" means an entity that 7694
holds a certificate of authority under Chapter 1751. of the 7695
Revised Code. "Health insuring corporation" includes wholly 7696
owned subsidiaries of a health insuring corporation. 7697

(C) "Hospital" means any of the following: 7698

(1) An institution that has been registered or licensed by 7699
the department of health as a hospital; 7700

(2) An entity, other than an insurance company authorized 7701
to do business in this state, that owns, controls, or is 7702
affiliated with an institution that has been registered or 7703
licensed by the department of health as a hospital; 7704

(3) A group of hospitals that are owned, sponsored, or managed by a single entity. 7705
7706

(D) "Incident report or risk management report" means a report of an incident involving injury or potential injury to a patient as a result of patient care provided by health care providers, including both individuals who provide health care and entities that provide health care, that is prepared by or for the use of a peer review committee of a health care entity and is within the scope of the functions of that committee. 7707
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(E) (1) "Peer review committee" means a utilization review committee, quality assessment committee, performance improvement committee, tissue committee, credentialing committee, or other committee that does either of the following: 7714
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7717

(a) Conducts professional credentialing or quality review activities involving the competence of, professional conduct of, or quality of care provided by health care providers, including both individuals who provide health care and entities that provide health care; 7718
7719
7720
7721
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(b) Conducts any other attendant hearing process initiated as a result of a peer review committee's recommendations or actions. 7723
7724
7725

(2) "Peer review committee" includes all of the following: 7726

(a) A peer review committee of a hospital or long-term care facility or a peer review committee of a nonprofit health care corporation that is a member of the hospital or long-term care facility or of which the hospital or facility is a member; 7727
7728
7729
7730

(b) A peer review committee of a community mental health center; 7731
7732

(c) A board or committee of a hospital, a long-term care facility, or other health care entity when reviewing professional qualifications or activities of health care providers, including both individuals who provide health care and entities that provide health care;

(d) A peer review committee, professional standards review committee, or arbitration committee of a state or local society composed of members who are in active practice as physicians, dentists, optometrists, psychologists, or pharmacists;

(e) 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 health care providers that adversely affects or could adversely affect the health or welfare of any patient;

(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 7763
patient; 7764

(h) A peer review committee of a sickness and accident 7765
insurer that has at least a two-thirds majority of physicians in 7766
active practice and that conducts professional credentialing and 7767
quality review activities involving the competence or 7768
professional conduct of a health care facility that has 7769
contracted with the insurer to provide health care services to 7770
insureds, which conduct adversely affects, or could adversely 7771
affect, the health or welfare of any patient; 7772

(i) A peer review committee of any insurer authorized 7773
under Title XXXIX of the Revised Code to do the business of 7774
medical professional liability insurance in this state that 7775
conducts professional quality review activities involving the 7776
competence or professional conduct of health care providers that 7777
adversely affects or could affect the health or welfare of any 7778
patient; 7779

(j) A peer review committee of the ~~bureau of workers'~~ 7780
~~compensation office of worker safety and rehabilitation~~ or the 7781
industrial commission that is responsible for reviewing the 7782
professional qualifications and the performance of providers 7783
certified by the ~~bureau office~~ to participate in the health 7784
partnership program or of providers conducting medical 7785
examinations or file reviews for the ~~bureau office~~ or the 7786
commission; 7787

(k) Any other peer review committee of a health care 7788
entity. 7789

(F) "Physician" means an individual authorized to practice 7790
medicine and surgery, osteopathic medicine and surgery, or 7791

podiatric medicine and surgery. 7792

(G) "Sickness and accident insurer" means an entity 7793
authorized under Title XXXIX of the Revised Code to do the 7794
business of sickness and accident insurance in this state. 7795

(H) "Tort action" means a civil action for damages for 7796
injury, death, or loss to a patient of a health care entity. 7797
"Tort action" includes a product liability claim, as defined in 7798
section 2307.71 of the Revised Code, and an asbestos claim, as 7799
defined in section 2307.91 of the Revised Code, but does not 7800
include a civil action for a breach of contract or another 7801
agreement between persons. 7802

(I) "Accountable care organization" means such an 7803
organization as defined in 42 C.F.R. 425.20. 7804

Sec. 2305.252. (A) Proceedings and records within the 7805
scope of a peer review committee of a health care entity shall 7806
be held in confidence and shall not be subject to discovery or 7807
introduction in evidence in any civil action against a health 7808
care entity or health care provider, including both individuals 7809
who provide health care and entities that provide health care, 7810
arising out of matters that are the subject of evaluation and 7811
review by the peer review committee. No individual who attends a 7812
meeting of a peer review committee, serves as a member of a peer 7813
review committee, works for or on behalf of a peer review 7814
committee, or provides information to a peer review committee 7815
shall be permitted or required to testify in any civil action as 7816
to any evidence or other matters produced or presented during 7817
the proceedings of the peer review committee or as to any 7818
finding, recommendation, evaluation, opinion, or other action of 7819
the committee or a member thereof. 7820

Information, documents, or records otherwise available 7821
from original sources are not to be construed as being 7822
unavailable for discovery or for use in any civil action merely 7823
because they were produced or presented during proceedings of a 7824
peer review committee, but the information, documents, or 7825
records are available only from the original sources and cannot 7826
be obtained from the peer review committee's proceedings or 7827
records. 7828

The release of any information, documents, or records that 7829
were produced or presented during proceedings of a peer review 7830
committee or created to document the proceedings does not affect 7831
the confidentiality of any other information, documents, or 7832
records produced or presented during those proceedings or 7833
created to document them. Only the information, documents, or 7834
records actually released cease to be privileged under this 7835
section. 7836

Nothing in this section precludes health care entities 7837
from sharing information, documents, or records that were 7838
produced or presented during proceedings of a peer review 7839
committee or created to document them as long as the 7840
information, documents, or records are used only for peer review 7841
purposes. 7842

An individual who testifies before a peer review 7843
committee, serves as a representative of a peer review 7844
committee, serves as a member of a peer review committee, works 7845
for or on behalf of a peer review committee, or provides 7846
information to a peer review committee shall not be prevented 7847
from testifying as to matters within the individual's knowledge, 7848
but the individual cannot be asked about the individual's 7849
testimony before the peer review committee, information the 7850

individual provided to the peer review committee, or any opinion 7851
the individual formed as a result of the peer review committee's 7852
activities. 7853

An order by a court to produce for discovery or for use at 7854
trial the proceedings or records described in this section is a 7855
final order. 7856

(B) Division (A) of this section applies to a peer review 7857
committee of the ~~bureau of workers' compensation office of~~ 7858
worker safety and rehabilitation that is responsible for 7859
reviewing the professional qualifications and the performance of 7860
providers certified by the ~~bureau office~~ to participate in the 7861
health partnership program created under sections 4121.44 and 7862
4121.441 of the Revised Code, except that the proceedings and 7863
records within the scope of the peer review committee are 7864
subject to discovery or court subpoena and may be admitted into 7865
evidence in any criminal action or administrative or civil 7866
action initiated, prosecuted, or adjudicated by the ~~bureau~~ 7867
office involving an alleged violation of applicable statutes or 7868
administrative rules. The ~~bureau office~~ may share proceedings 7869
and records within the scope of the peer review committee, 7870
including claimant records and claim file information, with law 7871
enforcement agencies, licensing boards, and other governmental 7872
agencies that are prosecuting, adjudicating, or investigating 7873
alleged violations of applicable statutes or administrative 7874
rules. If the ~~bureau office~~ shares proceedings or records with a 7875
law enforcement agency, licensing board, or another governmental 7876
agency pursuant to this division, that sharing does not affect 7877
the confidentiality of the record. Recipients of claimant 7878
records and claim file information provided by the ~~bureau office~~ 7879
pursuant to this division shall take appropriate measures to 7880
maintain the confidentiality of the information. 7881

Sec. 2705.05. (A) In all contempt proceedings, the court 7882
shall conduct a hearing. At the hearing, the court shall 7883
investigate the charge and hear any answer or testimony that the 7884
accused makes or offers and shall determine whether the accused 7885
is guilty of the contempt charge. If the accused is found 7886
guilty, the court may impose any of the following penalties: 7887

(1) For a first offense, a fine of not more than two 7888
hundred fifty dollars, a definite term of imprisonment of not 7889
more than thirty days in jail, or both; 7890

(2) For a second offense, a fine of not more than five 7891
hundred dollars, a definite term of imprisonment of not more 7892
than sixty days in jail, or both; 7893

(3) For a third or subsequent offense, a fine of not more 7894
than one thousand dollars, a definite term of imprisonment of 7895
not more than ninety days in jail, or both. 7896

(B) In all contempt proceedings initiated pursuant to 7897
section 2705.031 of the Revised Code against an employer, the 7898
~~bureau of workers' compensation~~ office of worker safety and 7899
rehabilitation, an employer that is paying workers' compensation 7900
benefits, a board, board of trustees, or other governing entity 7901
of a retirement system, person paying or distributing income to 7902
an obligor under a support order, or financial institution that 7903
is ordered to withhold or deduct an amount of money from the 7904
income or other assets of a person required to pay support and 7905
that fails to withhold or deduct the amount of money as ordered 7906
by the support order, the court also may require the employer, 7907
~~the bureau of workers' compensation~~ office of worker safety and 7908
rehabilitation, an employer that is paying workers' compensation 7909
benefits, a board, board of trustees, or other governing entity 7910
of a retirement system, person paying or distributing income to 7911

an obligor under a support order, or financial institution to 7912
pay the accumulated support arrearages. 7913

Sec. 2743.521. (A) For claims for medical, psychological, 7914
dental, chiropractic, hospital, physical therapy, and nursing 7915
services, the attorney general may audit fee bill payments and 7916
adjust fee bill reimbursements in accordance with appropriate 7917
cost containment and reimbursement guidelines adopted by the 7918
administrator of ~~workers compensation~~ worker safety and 7919
rehabilitation. 7920

(B) A medical provider that accepts payment for medical 7921
care-related allowable expenses as part of an award of 7922
reparations shall not seek reimbursement for any part of those 7923
allowable expenses from the victim or the claimant who was 7924
granted the award. This division does not prohibit the medical 7925
provider from seeking reimbursement from a collateral source. 7926

Sec. 2913.48. (A) No person, with purpose to defraud or 7927
knowing that the person is facilitating a fraud, shall do any of 7928
the following: 7929

(1) Receive workers' compensation benefits to which the 7930
person is not entitled; 7931

(2) Make or present or cause to be made or presented a 7932
false or misleading statement with the purpose to secure payment 7933
for goods or services rendered under Chapter 4121., 4123., 7934
4127., or 4131. of the Revised Code or to secure workers' 7935
compensation benefits; 7936

(3) Alter, falsify, destroy, conceal, or remove any record 7937
or document that is necessary to fully establish the validity of 7938
any claim filed with, or necessary to establish the nature and 7939
validity of all goods and services for which reimbursement or 7940

payment was received or is requested from, the ~~bureau of~~ 7941
~~workers' compensation~~ office of worker safety and 7942
rehabilitation, or a self-insuring employer under Chapter 4121., 7943
4123., 4127., or 4131. of the Revised Code; 7944

(4) Enter into an agreement or conspiracy to defraud the 7945
~~bureau office~~ or a self-insuring employer by making or 7946
presenting or causing to be made or presented a false claim for 7947
workers' compensation benefits; 7948

(5) Make or present or cause to be made or presented a 7949
false statement concerning manual codes, classification of 7950
employees, payroll, paid compensation, or number of personnel, 7951
when information of that nature is necessary to determine the 7952
actual workers' compensation premium or assessment owed to the 7953
~~bureau office~~ by an employer; 7954

(6) Alter, forge, or create a workers' compensation 7955
certificate to falsely show current or correct workers' 7956
compensation coverage; 7957

(7) Fail to secure or maintain workers' compensation 7958
coverage as required by Chapter 4123. of the Revised Code with 7959
the intent to defraud the ~~bureau of workers' compensation~~ 7960
office. 7961

(B) Whoever violates this section is guilty of workers' 7962
compensation fraud. Except as otherwise provided in this 7963
division, a violation of this section is a misdemeanor of the 7964
first degree. If the value of premiums and assessments unpaid 7965
pursuant to actions described in division (A) (5), (6), or (7) of 7966
this section, or of goods, services, property, or money stolen 7967
is one thousand dollars or more and is less than seven thousand 7968
five hundred dollars, a violation of this section is a felony of 7969

the fifth degree. If the value of premiums and assessments 7970
unpaid pursuant to actions described in division (A) (5), (6), or 7971
(7) of this section, or of goods, services, property, or money 7972
stolen is seven thousand five hundred dollars or more and is 7973
less than one hundred fifty thousand dollars, a violation of 7974
this section is a felony of the fourth degree. If the value of 7975
premiums and assessments unpaid pursuant to actions described in 7976
division (A) (5), (6), or (7) of this section, or of goods, 7977
services, property, or money stolen is one hundred fifty 7978
thousand dollars or more, a violation of this section is a 7979
felony of the third degree. 7980

(C) Upon application of the governmental body that 7981
conducted the investigation and prosecution of a violation of 7982
this section, the court shall order the person who is convicted 7983
of the violation to pay the governmental body its costs of 7984
investigating and prosecuting the case. These costs are in 7985
addition to any other costs or penalty provided in the Revised 7986
Code or any other section of law. 7987

(D) The remedies and penalties provided in this section 7988
are not exclusive remedies and penalties and do not preclude the 7989
use of any other criminal or civil remedy or penalty for any act 7990
that is in violation of this section. 7991

(E) As used in this section: 7992

(1) "False" means wholly or partially untrue or deceptive. 7993

(2) "Goods" includes, but is not limited to, medical 7994
supplies, appliances, rehabilitative equipment, and any other 7995
apparatus or furnishing provided or used in the care, treatment, 7996
or rehabilitation of a claimant for workers' compensation 7997
benefits. 7998

(3) "Services" includes, but is not limited to, any 7999
service provided by any health care provider to a claimant for 8000
workers' compensation benefits and any and all services provided 8001
by the ~~bureau~~ office as part of workers' compensation insurance 8002
coverage. 8003

(4) "Claim" means any attempt to cause the ~~bureau~~ office, 8004
an independent third party with whom the administrator of worker 8005
safety and rehabilitation or an employer contracts under section 8006
4121.44 of the Revised Code, or a self-insuring employer to make 8007
payment or reimbursement for workers' compensation benefits. 8008

(5) "Employment" means participating in any trade, 8009
occupation, business, service, or profession for substantial 8010
gainful remuneration. 8011

(6) "Employer," "employee," and "self-insuring employer" 8012
have the same meanings as in section 4123.01 of the Revised 8013
Code. 8014

(7) "Remuneration" includes, but is not limited to, wages, 8015
commissions, rebates, and any other reward or consideration. 8016

(8) "Statement" includes, but is not limited to, any oral, 8017
written, electronic, electronic impulse, or magnetic 8018
communication notice, letter, memorandum, receipt for payment, 8019
invoice, account, financial statement, or bill for services; a 8020
diagnosis, prognosis, prescription, hospital, medical, or dental 8021
chart or other record; and a computer generated document. 8022

(9) "Records" means any medical, professional, financial, 8023
or business record relating to the treatment or care of any 8024
person, to goods or services provided to any person, or to rates 8025
paid for goods or services provided to any person, or any record 8026
that the administrator ~~of workers' compensation~~ requires 8027

pursuant to rule. 8028

(10) "Workers' compensation benefits" means any 8029
compensation or benefits payable under Chapter 4121., 4123., 8030
4127., or 4131. of the Revised Code. 8031

Sec. 3121.01. As used in this chapter: 8032

(A) "Court child support order," "court support order," 8033
and "personal earnings" have the same meanings as in section 8034
3119.01 of the Revised Code. 8035

(B) "Default" means any failure to pay under a support 8036
order that is an amount greater than or equal to the amount of 8037
support payable under the support order for one month. 8038

(C) "Financial institution" means a bank, savings and loan 8039
association, or credit union, or a regulated investment company 8040
or mutual fund. 8041

(D) "Income" means any form of monetary payment, including 8042
personal earnings; workers' compensation payments; unemployment 8043
compensation benefits to the extent permitted by, and in 8044
accordance with, sections 3121.07 and 4141.284 of the Revised 8045
Code, and federal law governing the department of job and family 8046
services; pensions; annuities; allowances; private or 8047
governmental retirement benefits; disability or sick pay; 8048
insurance proceeds; lottery prize awards; federal, state, or 8049
local government benefits to the extent that the benefits can be 8050
withheld or deducted under the law governing the benefits; any 8051
form of trust fund or endowment; lump sum payments, including a 8052
one-time pay supplement of one hundred fifty dollars or more 8053
paid under section 124.183 of the Revised Code; and any other 8054
payment in money. 8055

(E) "Payor" means any person or entity that pays or 8056

distributes income to an obligor, including an obligor if the 8057
obligor is self-employed; an employer; an employer paying an 8058
obligor's workers' compensation benefits; the public employees 8059
retirement board; the governing entity of a municipal retirement 8060
system; the board of trustees of the Ohio police and fire 8061
pension fund; the state teachers retirement board; the school 8062
employees retirement board; the state highway patrol retirement 8063
board; a provider, as defined in section 3305.01 of the Revised 8064
Code; ~~the bureau of workers' compensation~~ office of worker 8065
safety and rehabilitation; or any other person or entity other 8066
than the department of job and family services with respect to 8067
unemployment compensation benefits paid pursuant to Chapter 8068
4141. of the Revised Code. 8069

Sec. 3121.0311. (A) If a lump sum payment referred to in 8070
division (A)(11) of section 3121.037 of the Revised Code 8071
consists of workers' compensation benefits and the obligor is 8072
represented by an attorney with respect to the obligor's 8073
workers' compensation claim, prior to issuing the notice to the 8074
child support enforcement agency required by that division, the 8075
administrator of ~~workers' compensation~~ worker safety and 8076
rehabilitation, for claims involving state fund employers, or a 8077
self-insuring employer, for that employer's claims, shall notify 8078
the obligor and the obligor's attorney in writing that the 8079
obligor is subject to a support order and that the administrator 8080
or self-insuring employer, as appropriate, shall hold the lump 8081
sum payment for a period of thirty days after the administrator 8082
or self-insuring employer sends this written notice, pending 8083
receipt of the information referred to in division (B) of this 8084
section. 8085

(B) The administrator or self-insuring employer, as 8086
appropriate, shall instruct the obligor's attorney in writing to 8087

file a copy of the fee agreement signed by the obligor, along 8088
with an affidavit signed by the attorney setting forth the 8089
amount of the attorney's fee with respect to the lump sum 8090
payment award to the obligor and the amount of all necessary 8091
expenses, along with documentation of those expenses, incurred 8092
by the attorney with respect to obtaining the lump sum award. 8093
The obligor's attorney shall file the fee agreement and attorney 8094
affidavit with the administrator or self-insuring employer, as 8095
appropriate, within thirty days after the date the administrator 8096
or self-insuring employer sends the notice required by division 8097
(A) of this section. 8098

(C) Upon receipt of the fee agreement and attorney 8099
affidavit, the administrator or self-insuring employer, as 8100
appropriate, shall deduct from the lump sum payment the amount 8101
of the attorney's fee and necessary expenses and pay that amount 8102
directly to and solely in the name of the attorney within 8103
fourteen days after the fee agreement and attorney affidavit 8104
have been filed with the administrator or self-insuring 8105
employer. 8106

(D) After deducting any attorney's fee and necessary 8107
expenses, if the lump sum payment is one hundred fifty dollars 8108
or more, the administrator or self-insuring employer, as 8109
appropriate, shall hold the balance of the lump sum award in 8110
accordance with division (A)(11) of section 3121.037 of the 8111
Revised Code. 8112

Sec. 3121.899. (A) The new hire reports filed with the 8113
department of job and family services pursuant to section 8114
3121.891 of the Revised Code shall not be considered public 8115
records for purposes of section 149.43 of the Revised Code. The 8116
director of job and family services may adopt rules under 8117

section 3125.51 of the Revised Code governing access to, and use 8118
and disclosure of, information contained in the new hire 8119
reports. 8120

(B) The department of job and family services may disclose 8121
information in the new hire reports to all of the following: 8122

(1) Any child support enforcement agency and any agent 8123
under contract with a child support enforcement agency for the 8124
purposes listed in division (A) of section 3121.898 of the 8125
Revised Code; 8126

(2) Any county department of job and family services and 8127
any agent under contract with a county department of job and 8128
family services for the purposes listed in division (B) of 8129
section 3121.898 of the Revised Code; 8130

(3) Employees of the department of job and family services 8131
and any agent under contract with the department of job and 8132
family services for the purposes listed in divisions (B) and (C) 8133
of section 3121.898 of the Revised Code; 8134

(4) The administrator of ~~workers' compensation~~ worker 8135
safety and rehabilitation for the purpose of administering the 8136
workers' compensation system pursuant to Chapters 4121., 4123., 8137
4127., and 4131. of the Revised Code; 8138

(5) To state agencies operating employment security and 8139
workers compensation programs for the purpose of administering 8140
those programs, pursuant to division (D) of section 3121.898 of 8141
the Revised Code. 8142

Sec. 3313.643. Every student and teacher of a school, 8143
college, or other educational institution shall wear industrial 8144
quality eye protective devices at all times while participating 8145
in or observing any of the following courses: 8146

| | |
|------------------------------------------------------------------------|------|
| (A) Vocational, technical, industrial arts, fine arts, | 8147 |
| chemical, physical, or combined chemical-physical educational | 8148 |
| activities, involving exposure to: | 8149 |
| (1) Hot molten metals or other molten materials; | 8150 |
| (2) Milling, sawing, drilling, turning, shaping, cutting, | 8151 |
| grinding, buffing, or stamping of any solid materials; | 8152 |
| (3) Heat treatment, tempering, or kiln firing of any metal | 8153 |
| or other materials; | 8154 |
| (4) Gas or electric arc welding or other forms of welding | 8155 |
| processes; | 8156 |
| (5) Repair or servicing of any vehicle; | 8157 |
| (6) Caustic or explosive materials + . | 8158 |
| (B) Chemical, physical, or combined chemical-physical | 8159 |
| laboratories involving caustic or explosive materials, hot | 8160 |
| liquids or solids, injurious radiations, or other hazards. | 8161 |
| Such devices may be furnished for all students and | 8162 |
| teachers, purchased and sold at cost to students and teachers, | 8163 |
| or made available for a moderate rental fee, and shall be | 8164 |
| furnished for all visitors to such shops and laboratories. | 8165 |
| The superintendent of public instruction, or any other | 8166 |
| appropriate educational authority designated by the | 8167 |
| superintendent, shall prepare and circulate to each public and | 8168 |
| private educational institution in this state instructions and | 8169 |
| recommendations for implementing the eye safety provisions of | 8170 |
| this section. The bureau of workers' compensation office of | 8171 |
| <u>worker safety and rehabilitation</u> shall ensure compliance with | 8172 |
| this section. | 8173 |

"Industrial quality eye protective devices" as used in 8174
this section, means devices meeting the standards of the 8175
American national standard practice for occupational and 8176
educational eye and face protection, Z87.1-1968, approved by the 8177
American national standards institute, inc., and subsequent 8178
revisions thereof, provided such revisions are approved and 8179
adopted by the industrial commission. 8180

Sec. 3318.26. (A) The provisions of this section apply 8181
only to obligations issued by the issuing authority prior to 8182
December 1, 1999. 8183

(B) Subject to the limitations provided in section 3318.29 8184
of the Revised Code, the issuing authority, upon the 8185
certification by the Ohio school facilities commission to the 8186
issuing authority of the amount of moneys or additional moneys 8187
needed in the school building program assistance fund for the 8188
purposes of sections 3318.01 to 3318.20 and sections 3318.40 to 8189
3318.45 of the Revised Code, or needed for capitalized interest, 8190
for funding reserves, and for paying costs and expenses incurred 8191
in connection with the issuance, carrying, securing, paying, 8192
redeeming, or retirement of the obligations or any obligations 8193
refunded thereby, including payment of costs and expenses 8194
relating to letters of credit, lines of credit, insurance, put 8195
agreements, standby purchase agreements, indexing, marketing, 8196
remarketing and administrative arrangements, interest swap or 8197
hedging agreements, and any other credit enhancement, liquidity, 8198
remarketing, renewal, or refunding arrangements, all of which 8199
are authorized by this section, shall issue obligations of the 8200
state under this section in the required amount. The proceeds of 8201
such obligations, except for obligations issued to provide 8202
moneys for the school building program assistance fund shall be 8203
deposited by the treasurer of state in special funds, including 8204

reserve funds, as provided in the bond proceedings. The issuing 8205
authority may appoint trustees, paying agents, and transfer 8206
agents and may retain the services of financial advisors and 8207
accounting experts and retain or contract for the services of 8208
marketing, remarketing, indexing, and administrative agents, 8209
other consultants, and independent contractors, including 8210
printing services, as are necessary in the issuing authority's 8211
judgment to carry out this section. The costs of such services 8212
are payable from the school building program assistance fund or 8213
any special fund determined by the issuing authority. 8214

(C) The holders or owners of such obligations shall have 8215
no right to have moneys raised by taxation obligated or pledged, 8216
and moneys raised by taxation shall not be obligated or pledged, 8217
for the payment of bond service charges. Such holders or owners 8218
shall have no rights to payment of bond service charges from any 8219
money or property received by the commission, treasurer of 8220
state, or the state, or from any other use of the proceeds of 8221
the sale of the obligations, and no such moneys may be used for 8222
the payment of bond service charges, except for accrued 8223
interest, capitalized interest, and reserves funded from 8224
proceeds received upon the sale of the obligations and except as 8225
otherwise expressly provided in the applicable bond proceedings 8226
pursuant to written directions by the treasurer of state. The 8227
right of such holders and owners to payment of bond service 8228
charges shall be limited to all or that portion of the pledged 8229
receipts and those special funds pledged thereto pursuant to the 8230
bond proceedings in accordance with this section, and each such 8231
obligation shall bear on its face a statement to that effect. 8232

(D) Obligations shall be authorized by resolution or order 8233
of the issuing authority and the bond proceedings shall provide 8234
for the purpose thereof and the principal amount or amounts, and 8235

shall provide for or authorize the manner or agency for 8236
determining the principal maturity or maturities, not exceeding 8237
the limits specified in section 3318.29 of the Revised Code, the 8238
interest rate or rates or the maximum interest rate, the date of 8239
the obligations and the dates of payment of interest thereon, 8240
their denomination, and the establishment within or without the 8241
state of a place or places of payment of bond service charges. 8242
Sections 9.98 to 9.983 of the Revised Code are applicable to 8243
obligations issued under this section, subject to any applicable 8244
limitation under section 3318.29 of the Revised Code. The 8245
purpose of such obligations may be stated in the bond 8246
proceedings in terms describing the general purpose or purposes 8247
to be served. The bond proceedings shall also provide, subject 8248
to the provisions of any other applicable bond proceedings, for 8249
the pledge of all, or such part as the issuing authority may 8250
determine, of the pledged receipts and the applicable special 8251
fund or funds to the payment of bond service charges, which 8252
pledges may be made either prior or subordinate to other 8253
expenses, claims, or payments, and may be made to secure the 8254
obligations on a parity with obligations theretofore or 8255
thereafter issued, if and to the extent provided in the bond 8256
proceedings. The pledged receipts and special funds so pledged 8257
and thereafter received by the state are immediately subject to 8258
the lien of such pledge without any physical delivery thereof or 8259
further act, and the lien of any such pledges is valid and 8260
binding against all parties having claims of any kind against 8261
the state or any governmental agency of the state, irrespective 8262
of whether such parties have notice thereof, and shall create a 8263
perfected security interest for all purposes of Chapter 1309. of 8264
the Revised Code, without the necessity for separation or 8265
delivery of funds or for the filing or recording of the bond 8266
proceedings by which such pledge is created or any certificate, 8267

statement or other document with respect thereto; and the pledge 8268
of such pledged receipts and special funds is effective and the 8269
money therefrom and thereof may be applied to the purposes for 8270
which pledged without necessity for any act of appropriation, 8271
except as required by section 3770.06 of the Revised Code. Every 8272
pledge, and every covenant and agreement made with respect 8273
thereto, made in the bond proceedings may therein be extended to 8274
the benefit of the owners and holders of obligations authorized 8275
by this section, and to any trustee therefor, for the further 8276
security of the payment of the bond service charges. 8277

(E) The bond proceedings may contain additional provisions 8278
as to: 8279

(1) The redemption of obligations prior to maturity at the 8280
option of the issuing authority at such price or prices and 8281
under such terms and conditions as are provided in the bond 8282
proceedings; 8283

(2) Other terms of the obligations; 8284

(3) Limitations on the issuance of additional obligations; 8285

(4) The terms of any trust agreement or indenture securing 8286
the obligations or under which the same may be issued; 8287

(5) The deposit, investment and application of special 8288
funds, and the safeguarding of moneys on hand or on deposit, 8289
without regard to Chapter 131., 133., or 135. of the Revised 8290
Code, but subject to any special provisions of sections 3318.21 8291
to 3318.29 of the Revised Code, with respect to particular funds 8292
or moneys, provided that any bank or trust company that acts as 8293
depository of any moneys in the special funds may furnish such 8294
indemnifying bonds or may pledge such securities as required by 8295
the issuing authority; 8296

(6) Any or every provision of the bond proceedings being 8297
binding upon such officer, board, commission, authority, agency, 8298
department, or other person or body as may from time to time 8299
have the authority under law to take such actions as may be 8300
necessary to perform all or any part of the duty required by 8301
such provision; 8302

(7) Any provision that may be made in a trust agreement or 8303
indenture; 8304

(8) The lease or sublease of any interest of the school 8305
district or the state in one or more projects as defined in 8306
division (C) of section 3318.01 of the Revised Code, or in one 8307
or more permanent improvements, to or from the issuing 8308
authority, as provided in one or more lease or sublease 8309
agreements between the school or the state and the issuing 8310
authority; 8311

(9) Any other or additional agreements with the holders of 8312
the obligations, or the trustee therefor, relating to the 8313
obligations or the security therefor. 8314

(F) The obligations may have the great seal of the state 8315
or a facsimile thereof affixed thereto or printed thereon. The 8316
obligations and any coupons pertaining to obligations shall be 8317
signed or bear the facsimile signature of the issuing authority. 8318
Any obligations or coupons may be executed by the person who, on 8319
the date of execution, is the proper issuing authority although 8320
on the date of such bonds or coupons such person was not the 8321
issuing authority. In case the issuing authority whose signature 8322
or a facsimile of whose signature appears on any such obligation 8323
or coupon ceases to be the issuing authority before delivery 8324
thereof, such signature or facsimile is nevertheless valid and 8325
sufficient for all purposes as if the issuing authority had 8326

remained the issuing authority until such delivery; and in case 8327
the seal to be affixed to obligations has been changed after a 8328
facsimile of the seal has been imprinted on such obligations, 8329
such facsimile seal shall continue to be sufficient as to such 8330
obligations and obligations issued in substitution or exchange 8331
therefor. 8332

(G) All obligations are negotiable instruments and 8333
securities under Chapter 1308. of the Revised Code, subject to 8334
the provisions of the bond proceedings as to registration. The 8335
obligations may be issued in coupon or in registered form, or 8336
both, as the issuing authority determines. Provision may be made 8337
for the registration of any obligations with coupons attached 8338
thereto as to principal alone or as to both principal and 8339
interest, their exchange for obligations so registered, and for 8340
the conversion or reconversion into obligations with coupons 8341
attached thereto of any obligations registered as to both 8342
principal and interest, and for reasonable charges for such 8343
registration, exchange, conversion, and reconversion. 8344

(H) Obligations may be sold at public sale or at private 8345
sale, as determined in the bond proceedings. 8346

(I) Pending preparation of definitive obligations, the 8347
issuing authority may issue interim receipts or certificates 8348
which shall be exchanged for such definitive obligations. 8349

(J) In the discretion of the issuing authority, 8350
obligations may be secured additionally by a trust agreement or 8351
indenture between the issuing authority and a corporate trustee 8352
which may be any trust company or bank having a place of 8353
business within the state. Any such agreement or indenture may 8354
contain the resolution or order authorizing the issuance of the 8355
obligations, any provisions that may be contained in any bond 8356

proceedings, and other provisions that are customary or 8357
appropriate in an agreement or indenture of such type, 8358
including, but not limited to: 8359

(1) Maintenance of each pledge, trust agreement, 8360
indenture, or other instrument comprising part of the bond 8361
proceedings until the state has fully paid the bond service 8362
charges on the obligations secured thereby, or provision 8363
therefor has been made; 8364

(2) In the event of default in any payments required to be 8365
made by the bond proceedings, or any other agreement of the 8366
issuing authority made as a part of the contract under which the 8367
obligations were issued, enforcement of such payments or 8368
agreement by mandamus, the appointment of a receiver, suit in 8369
equity, action at law, or any combination of the foregoing; 8370

(3) The rights and remedies of the holders of obligations 8371
and of the trustee, and provisions for protecting and enforcing 8372
them, including limitations on rights of individual holders of 8373
obligations; 8374

(4) The replacement of any obligations that become 8375
mutilated or are destroyed, lost, or stolen; 8376

(5) Such other provisions as the trustee and the issuing 8377
authority agree upon, including limitations, conditions, or 8378
qualifications relating to any of the foregoing. 8379

(K) Any holder of obligations or a trustee under the bond 8380
proceedings, except to the extent that the holder's or trustee's 8381
rights are restricted by the bond proceedings, may by any 8382
suitable form of legal proceedings, protect and enforce any 8383
rights under the laws of this state or granted by such bond 8384
proceedings. Such rights include the right to compel the 8385

performance of all duties of the issuing authority, the 8386
commission, or the director of budget and management required by 8387
sections 3318.21 to 3318.29 of the Revised Code or the bond 8388
proceedings; to enjoin unlawful activities; and in the event of 8389
default with respect to the payment of any bond service charges 8390
on any obligations or in the performance of any covenant or 8391
agreement on the part of the issuing authority, the commission, 8392
or the director of budget and management in the bond 8393
proceedings, to apply to a court having jurisdiction of the 8394
cause to appoint a receiver to receive and administer the 8395
pledged receipts and special funds, other than those in the 8396
custody of the treasurer of state or the commission, which are 8397
pledged to the payment of the bond service charges on such 8398
obligations or which are the subject of the covenant or 8399
agreement, with full power to pay, and to provide for payment of 8400
bond service charges on, such obligations, and with such powers, 8401
subject to the direction of the court, as are accorded receivers 8402
in general equity cases, excluding any power to pledge 8403
additional revenues or receipts or other income or moneys of the 8404
issuing authority or the state or governmental agencies of the 8405
state to the payment of such principal and interest and 8406
excluding the power to take possession of, mortgage, or cause 8407
the sale or otherwise dispose of any permanent improvement. 8408

Each duty of the issuing authority and the issuing 8409
authority's officers and employees, and of each governmental 8410
agency and its officers, members, or employees, undertaken 8411
pursuant to the bond proceedings or any agreement or loan made 8412
under authority of sections 3318.21 to 3318.29 of the Revised 8413
Code, and in every agreement by or with the issuing authority, 8414
is hereby established as a duty of the issuing authority, and of 8415
each such officer, member, or employee having authority to 8416

perform such duty, specifically enjoined by the law resulting 8417
from an office, trust, or station within the meaning of section 8418
2731.01 of the Revised Code. 8419

The person who is at the time the issuing authority, or 8420
the issuing authority's officers or employees, are not liable in 8421
their personal capacities on any obligations issued by the 8422
issuing authority or any agreements of or with the issuing 8423
authority. 8424

(L) Obligations issued under this section are lawful 8425
investments for banks, societies for savings, savings and loan 8426
associations, deposit guarantee associations, trust companies, 8427
trustees, fiduciaries, insurance companies, including domestic 8428
for life and domestic not for life, trustees or other officers 8429
having charge of sinking and bond retirement or other special 8430
funds of political subdivisions and taxing districts of this 8431
state, the commissioners of the sinking fund of the state, the 8432
administrator of ~~workers' compensation~~ worker safety and 8433
rehabilitation, the state teachers retirement system, the public 8434
employees retirement system, the school employees retirement 8435
system, and the Ohio police and fire pension fund, 8436
notwithstanding any other provisions of the Revised Code or 8437
rules adopted pursuant thereto by any governmental agency of the 8438
state with respect to investments by them, and also are 8439
acceptable as security for the deposit of public moneys. 8440

(M) Unless otherwise provided in any applicable bond 8441
proceedings, moneys to the credit of or in the special funds 8442
established by or pursuant to this section may be invested by or 8443
on behalf of the issuing authority only in notes, bonds, or 8444
other obligations of the United States, or of any agency or 8445
instrumentality of the United States, obligations guaranteed as 8446

to principal and interest by the United States, obligations of 8447
this state or any political subdivision of this state, and 8448
certificates of deposit of any national bank located in this 8449
state and any bank, as defined in section 1101.01 of the Revised 8450
Code, subject to inspection by the superintendent of financial 8451
institutions. If the law or the instrument creating a trust 8452
pursuant to division (J) of this section expressly permits 8453
investment in direct obligations of the United States or an 8454
agency of the United States, unless expressly prohibited by the 8455
instrument, such moneys also may be invested in no front end 8456
load money market mutual funds consisting exclusively of 8457
obligations of the United States or an agency of the United 8458
States and in repurchase agreements, including those issued by 8459
the fiduciary itself, secured by obligations of the United 8460
States or an agency of the United States; and in collective 8461
investment funds established in accordance with section 1111.14 8462
of the Revised Code and consisting exclusively of any such 8463
securities, notwithstanding division (B)(1)(c) of that section. 8464
The income from such investments shall be credited to such funds 8465
as the issuing authority determines, and such investments may be 8466
sold at such times as the issuing authority determines or 8467
authorizes. 8468

(N) Provision may be made in the applicable bond 8469
proceedings for the establishment of separate accounts in the 8470
bond service fund and for the application of such accounts only 8471
to the specified bond service charges on obligations pertinent 8472
to such accounts and bond service fund and for other accounts 8473
therein within the general purposes of such fund. Unless 8474
otherwise provided in any applicable bond proceedings, moneys to 8475
the credit of or in the several special funds established 8476
pursuant to this section shall be disbursed on the order of the 8477

treasurer of state, provided that no such order is required for 8478
the payment from the bond service fund when due of bond service 8479
charges on obligations. 8480

(O) The issuing authority may pledge all, or such portion 8481
as the issuing authority determines, of the pledged receipts to 8482
the payment of bond service charges on obligations issued under 8483
this section, and for the establishment and maintenance of any 8484
reserves, as provided in the bond proceedings, and make other 8485
provisions therein with respect to pledged receipts as 8486
authorized by this chapter, which provisions shall be 8487
controlling notwithstanding any other provisions of law 8488
pertaining thereto. 8489

(P) The issuing authority may covenant in the bond 8490
proceedings, and any such covenants shall be controlling 8491
notwithstanding any other provision of law, that the state and 8492
applicable officers and governmental agencies of the state, 8493
including the general assembly, so long as any obligations are 8494
outstanding, shall: 8495

(1) Maintain statutory authority for and cause to be 8496
operated the state lottery, including the transfers to and from 8497
the lottery profits education fund created in section 3770.06 of 8498
the Revised Code so that the pledged receipts shall be 8499
sufficient in amount to meet bond service charges, and the 8500
establishment and maintenance of any reserves and other 8501
requirements provided for in the bond proceedings; 8502

(2) Take or permit no action, by statute or otherwise, 8503
that would impair the exclusion from gross income for federal 8504
income tax purposes of the interest on any obligations 8505
designated by the bond proceeding as tax-exempt obligations. 8506

(Q) There is hereby created the school building program 8507
bond service fund, which shall be in the custody of the 8508
treasurer of state but shall be separate and apart from and not 8509
a part of the state treasury. All moneys received by or on 8510
account of the issuing authority or state agencies and required 8511
by the applicable bond proceedings, consistent with this 8512
section, to be deposited, transferred, or credited to the school 8513
building program bond service fund, and all other moneys 8514
transferred or allocated to or received for the purposes of the 8515
fund, shall be deposited and credited to such fund and to any 8516
separate accounts therein, subject to applicable provisions of 8517
the bond proceedings, but without necessity for any act of 8518
appropriation, except as required by section 3770.06 of the 8519
Revised Code. During the period beginning with the date of the 8520
first issuance of obligations and continuing during such time as 8521
any such obligations are outstanding, and so long as moneys in 8522
the school building program bond service fund are insufficient 8523
to pay all bond service charges on such obligations becoming due 8524
in each year, a sufficient amount of the moneys from the lottery 8525
profits education fund included in pledged receipts, subject to 8526
appropriation for such purpose as provided in section 3770.06 of 8527
the Revised Code, are committed and shall be paid to the school 8528
building program bond service fund in each year for the purpose 8529
of paying the bond service charges becoming due in that year. 8530
The school building program bond service fund is a trust fund 8531
and is hereby pledged to the payment of bond service charges 8532
solely on obligations issued to provide moneys for the school 8533
building program assistance fund to the extent provided in the 8534
applicable bond proceedings, and payment thereof from such fund 8535
shall be made or provided for by the treasurer of state in 8536
accordance with such bond proceedings without necessity for any 8537
act of appropriation except as required by section 3770.06 of 8538

the Revised Code. 8539

(R) The obligations, the transfer thereof, and the income 8540
therefrom, including any profit made on the sale thereof, at all 8541
times shall be free from taxation within the state. 8542

Sec. 3335.61. There is hereby created a brain injury 8543
advisory committee, which shall advise the brain injury program 8544
with regard to unmet needs of survivors of brain injury, 8545
development of programs for survivors and their families, 8546
establishment of training programs for health care 8547
professionals, and any other matter within the province of the 8548
brain injury program. The committee shall consist of not fewer 8549
than nineteen and not more than twenty-one members as follows: 8550

(A) Not fewer than ten and not more than twelve members 8551
appointed by the dean of the college of medicine of the Ohio 8552
state university, including all of the following: a survivor of 8553
brain injury, a relative of a survivor of brain injury, a 8554
licensed physician recommended by the Ohio chapter of the 8555
American college of emergency physicians, a licensed physician 8556
recommended by the Ohio state medical association, one other 8557
health care professional, a rehabilitation professional, an 8558
individual who represents the brain injury association of Ohio, 8559
and not fewer than three nor more than five individuals who 8560
shall represent the public; 8561

(B) The directors of the departments of health, mental 8562
health and drug addiction services, developmental disabilities, 8563
aging, and public safety; the medicaid director; the 8564
administrator of ~~workers' compensation~~ worker safety and 8565
rehabilitation; the superintendent of public instruction; and 8566
the executive director of the opportunities for Ohioans with 8567
disabilities agency. Any of the officials specified in this 8568

division may designate an individual to serve in the official's 8569
place as a member of the committee. 8570

Terms of office of the appointed members shall be two 8571
years. Members may be reappointed. Vacancies shall be filled in 8572
the manner provided for original appointments. Any member 8573
appointed to fill a vacancy occurring prior to the expiration 8574
date of the term for which the member's predecessor was 8575
appointed shall hold office as a member for the remainder of 8576
that term. 8577

Members of the committee shall serve without compensation, 8578
but shall be reimbursed for actual and necessary expenses 8579
incurred in the performance of their duties. 8580

Sec. 3345.12. (A) As used in this section and sections 8581
3345.07 and 3345.11 of the Revised Code, in other sections of 8582
the Revised Code that make reference to this section unless the 8583
context does not permit, and in related bond proceedings unless 8584
otherwise expressly provided: 8585

(1) "State university or college" means each of the state 8586
universities identified in section 3345.011 of the Revised Code 8587
and the northeast Ohio medical university, and includes its 8588
board of trustees. 8589

(2) "Institution of higher education" or "institution" 8590
means a state university or college, or a community college 8591
district, technical college district, university branch 8592
district, or state community college, and includes the 8593
applicable board of trustees or, in the case of a university 8594
branch district, any other managing authority. 8595

(3) "Housing and dining facilities" means buildings, 8596
structures, and other improvements, and equipment, real estate, 8597

and interests in real estate therefor, to be used for or in 8598
connection with dormitories or other living quarters and 8599
accommodations, or related dining halls or other food service 8600
and preparation facilities, for students, members of the 8601
faculty, officers, or employees of the institution of higher 8602
education, and their spouses and families. 8603

(4) "Auxiliary facilities" means buildings, structures, 8604
and other improvements, and equipment, real estate, and 8605
interests in real estate therefor, to be used for or in 8606
connection with student activity or student service facilities, 8607
housing and dining facilities, dining halls, and other food 8608
service and preparation facilities, vehicular parking 8609
facilities, bookstores, athletic and recreational facilities, 8610
faculty centers, auditoriums, assembly and exhibition halls, 8611
hospitals, infirmaries and other medical and health facilities, 8612
research, and continuing education facilities. 8613

(5) "Education facilities" means buildings, structures, 8614
and other improvements, and equipment, real estate, and 8615
interests in real estate therefor, to be used for or in 8616
connection with, classrooms or other instructional facilities, 8617
libraries, administrative and office facilities, and other 8618
facilities, other than auxiliary facilities, to be used directly 8619
or indirectly for or in connection with the conduct of the 8620
institution of higher education. 8621

(6) "Facilities" means housing and dining facilities, 8622
auxiliary facilities, or education facilities, and includes any 8623
one, part of, or any combination of such facilities, and further 8624
includes site improvements, utilities, machinery, furnishings, 8625
and any separate or connected buildings, structures, 8626
improvements, sites, open space and green space areas, utilities 8627

or equipment to be used in, or in connection with the operation 8628
or maintenance of, or supplementing or otherwise related to the 8629
services or facilities to be provided by, such facilities. 8630

(7) "Obligations" means bonds or notes or other evidences 8631
of obligation, including interest coupons pertaining thereto, 8632
authorized to be issued under this section or section 3345.07, 8633
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 8634
Code. 8635

(8) "Bond service charges" means principal, including any 8636
mandatory sinking fund or redemption requirements for the 8637
retirement of obligations or assurances, interest, or interest 8638
equivalent and other accreted amounts, and any call premium 8639
required to be paid on obligations or assurances. 8640

(9) "Bond proceedings" means the resolutions, trust 8641
agreement, indenture, and other agreements and credit 8642
enhancement facilities, and amendments and supplements to the 8643
foregoing, or any one or more or combination thereof, 8644
authorizing, awarding, or providing for the terms and conditions 8645
applicable to, or providing for the security or liquidity of, 8646
obligations or assurances, and the provisions contained in those 8647
obligations or assurances. 8648

(10) "Costs of facilities" means the costs of acquiring, 8649
constructing, reconstructing, rehabilitating, remodeling, 8650
renovating, enlarging, improving, equipping, or furnishing 8651
facilities, and the financing thereof, including the cost of 8652
clearance and preparation of the site and of any land to be used 8653
in connection with facilities, the cost of any indemnity and 8654
surety bonds and premiums on insurance, all related direct 8655
administrative expenses and allocable portions of direct costs 8656
of the institution of higher education or state agency, cost of 8657

engineering, architectural services, design, plans, 8658
specifications and surveys, estimates of cost, legal fees, fees 8659
and expenses of trustees, depositories, bond registrars, and 8660
paying agents for the obligations, cost of issuance of the 8661
obligations and financing costs and fees and expenses of 8662
financial advisers and consultants in connection therewith, 8663
interest on the obligations from the date thereof to the time 8664
when interest is to be covered by available receipts or other 8665
sources other than proceeds of the obligations, amounts 8666
necessary to establish reserves as required by the bond 8667
proceedings, costs of audits, the reimbursements of all moneys 8668
advanced or applied by or borrowed from the institution or 8669
others, from whatever source provided, including any temporary 8670
advances from state appropriations, for the payment of any item 8671
or items of cost of facilities, and all other expenses necessary 8672
or incident to planning or determining feasibility or 8673
practicability with respect to facilities, and such other 8674
expenses as may be necessary or incident to the acquisition, 8675
construction, reconstruction, rehabilitation, remodeling, 8676
renovation, enlargement, improvement, equipment, and furnishing 8677
of facilities, the financing thereof and the placing of them in 8678
use and operation, including any one, part of, or combination of 8679
such classes of costs and expenses. 8680

(11) "Available receipts" means all moneys received by the 8681
institution of higher education, including income, revenues, and 8682
receipts from the operation, ownership, or control of facilities 8683
or entrepreneurial projects, grants, gifts, donations, and 8684
pledges and receipts therefrom, receipts from fees and charges, 8685
and the proceeds of the sale of obligations or assurances, 8686
including proceeds of obligations or assurances issued to refund 8687
obligations or assurances previously issued, but excluding any 8688

special fee, and receipts therefrom, charged pursuant to 8689
division (D) of section 154.21 of the Revised Code. 8690

(12) "Credit enhancement facilities" has the meaning given 8691
in division (H) of section 133.01 of the Revised Code. 8692

(13) "Financing costs" has the meaning given in division 8693
(K) of section 133.01 of the Revised Code. 8694

(14) "Interest" or "interest equivalent" has the meaning 8695
given in division (R) of section 133.01 of the Revised Code. 8696

(15) "Assurances" means bonds, notes, or other evidence of 8697
indebtedness, including interest coupons pertaining thereto, 8698
authorized to be issued under section 3345.36 of the Revised 8699
Code. 8700

(16) "Entrepreneurial project" has the same meaning as in 8701
section 3345.36 of the Revised Code. 8702

(17) "Costs of entrepreneurial projects" means any costs 8703
related to the establishment or development of entrepreneurial 8704
projects pursuant to a resolution adopted under section 3345.36 8705
of the Revised Code. 8706

(B) Obligations issued under section 3345.07 or 3345.11 of 8707
the Revised Code by a state university or college shall be 8708
authorized by resolution of its board of trustees. Obligations 8709
issued by any other institution of higher education shall be 8710
authorized by resolution of its board of trustees, or managing 8711
directors in the case of certain university branch districts, as 8712
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 8713
apply to obligations and assurances. Obligations and assurances 8714
may be issued to pay costs of facilities or entrepreneurial 8715
projects even if the institution anticipates the possibility of 8716
a future state appropriation to pay all or a portion of such 8717

costs. 8718

(C) Obligations and assurances shall be secured by a 8719
pledge of and lien on all or such part of the available receipts 8720
of the institution of higher education as it provides for in the 8721
bond proceedings, excluding moneys raised by taxation and state 8722
appropriations except as permitted by section 3333.59 of the 8723
Revised Code. Such pledge and lien may be made prior to all 8724
other expenses, claims, or payments, excepting any pledge of 8725
such available receipts previously made to the contrary and 8726
except as provided by any existing restrictions on the use 8727
thereof, or such pledge and lien may be made subordinate to such 8728
other expenses, claims, or payments, as provided in the bond 8729
proceedings. Obligations or assurances may be additionally 8730
secured by covenants of the institution to make, fix, adjust, 8731
collect, and apply such charges, rates, fees, rentals, and other 8732
items of available receipts as will produce pledged available 8733
receipts sufficient to meet bond service charges, reserve, and 8734
other requirements provided for in the bond proceedings. 8735
Notwithstanding this and any other sections of the Revised Code, 8736
the holders or owners of the obligations or assurances shall not 8737
be given the right and shall have no right to have excises or 8738
taxes levied by the general assembly for the payment of bond 8739
service charges thereon, and each such obligation or assurance 8740
shall bear on its face a statement to that effect and to the 8741
effect that the right to such payment is limited to the 8742
available receipts and special funds pledged to such purpose 8743
under the bond proceedings. 8744

All pledged available receipts and funds and the proceeds 8745
of obligations or assurances are trust funds and, subject to the 8746
provisions of this section and the applicable bond proceedings, 8747
shall be held, deposited, invested, reinvested, disbursed, 8748

applied, and used to such extent, in such manner, at such times, 8749
and for such purposes, as are provided in the bond proceedings. 8750

(D) The bond proceedings for obligations or assurances 8751
shall provide for the purpose thereof and the principal amount 8752
or maximum principal amount, and provide for or authorize the 8753
manner of determining the principal maturity or maturities, the 8754
sale price including any permitted discount, the interest rate 8755
or rates, which may be a variable rate or rates, or the maximum 8756
interest rate, the date of the obligations or assurances and the 8757
date or dates of payment of interest thereon, their 8758
denominations, the manner of sale thereof, and the establishment 8759
within or without the state of a place or places of payment of 8760
bond service charges. The bond proceedings also shall provide 8761
for a pledge of and lien on available receipts of the 8762
institution of higher education as provided in division (C) of 8763
this section, and a pledge of and lien on such fund or funds 8764
provided in the bond proceedings arising from available 8765
receipts, which pledges and liens may provide for parity with 8766
obligations or assurances theretofore or thereafter issued by 8767
the institution. The available receipts so pledged and 8768
thereafter received by the institution and the funds so pledged 8769
are immediately subject to the lien of such pledge without any 8770
physical delivery thereof or further act, and the lien of any 8771
such pledge is valid and binding against all parties having 8772
claims of any kind against the institution, irrespective of 8773
whether such parties have notice thereof, and shall create a 8774
perfected security interest for all purposes of Chapter 1309. of 8775
the Revised Code, without the necessity for separation or 8776
delivery of funds or for the filing or recording of the bond 8777
proceedings by which such pledge is created or any certificate, 8778
statement, or other document with respect thereto; and the 8779

pledge of such available receipts and funds shall be effective 8780
and the money therefrom and thereof may be applied to the 8781
purposes for which pledged without necessity for any act of 8782
appropriation. 8783

(E) The bond proceedings may contain additional provisions 8784
customary or appropriate to the financing or to the obligations 8785
or assurances or to particular obligations and assurances, 8786
including: 8787

(1) The acquisition, construction, reconstruction, 8788
equipment, furnishing, improvement, operation, alteration, 8789
enlargement, maintenance, insurance, and repair of facilities or 8790
entrepreneurial projects, and the duties of the institution of 8791
higher education with reference thereto; 8792

(2) The terms of the obligations or assurances, including 8793
provisions for their redemption prior to maturity at the option 8794
of the institution of higher education at such price or prices 8795
and under such terms and conditions as are provided in the bond 8796
proceedings; 8797

(3) Limitations on the purposes to which the proceeds of 8798
the obligations or assurances may be applied; 8799

(4) The rates or rentals or other charges for the use of 8800
or right to use the facilities or entrepreneurial projects 8801
financed by the obligations or assurances, or other properties 8802
the revenues or receipts from which are pledged to the 8803
obligations or assurances, and rules for assuring any applicable 8804
use and occupancy thereof, including limitations upon the right 8805
to modify such rates, rentals, other charges, or regulations; 8806

(5) The use and expenditure of the pledged available 8807
receipts in such manner and to such extent as shall be 8808

determined, which may include provision for the payment of the 8809
expenses of operation, maintenance, and repair of facilities or 8810
entrepreneurial projects so that such expenses, or part thereof, 8811
shall be paid or provided as a charge prior or subsequent to the 8812
payment of bond service charges and any other payments required 8813
to be made by the bond proceedings; 8814

(6) Limitations on the issuance of additional obligations 8815
or assurances; 8816

(7) The terms of any trust agreement or indenture securing 8817
the obligations or assurances or under which the same may be 8818
issued; 8819

(8) The deposit, investment, and application of funds, and 8820
the safeguarding of funds on hand or on deposit without regard 8821
to Chapter 131. or 135. of the Revised Code, and any bank or 8822
trust company or other financial institution that acts as 8823
depository of any moneys under the bond proceedings shall 8824
furnish such indemnifying bonds or pledge such securities as 8825
required by the bond proceedings or otherwise by the institution 8826
of higher education; 8827

(9) The binding effect of any or every provision of the 8828
bond proceedings upon such officer, board, commission, 8829
authority, agency, department, or other person or body as may 8830
from time to time have the authority under law to take such 8831
actions as may be necessary to perform all or any part of the 8832
duty required by such provision; 8833

(10) Any provision that may be made in a trust agreement 8834
or indenture; 8835

(11) Any other or additional agreements with respect to 8836
the facilities of the institution of higher education or its 8837

entrepreneurial projects, their operation, the available 8838
receipts and funds pledged, and insurance of facilities or 8839
entrepreneurial projects and of the institution, its officers 8840
and employees. 8841

(F) Such obligations or assurances may have the seal of 8842
the institution of higher education or a facsimile thereof 8843
affixed thereto or printed thereon and shall be executed by such 8844
officers as are designated in the bond proceedings, which 8845
execution may be by facsimile signatures. Any obligations or 8846
assurances may be executed by an officer who, on the date of 8847
execution, is the proper officer although on the date of such 8848
obligations or assurances such person was not the proper 8849
officer. In case any officer whose signature or a facsimile of 8850
whose signature appears on any such obligation or assurance 8851
ceases to be such officer before delivery thereof, such 8852
signature or facsimile is nevertheless valid and sufficient for 8853
all purposes as if the person had remained such officer until 8854
such delivery; and in case the seal of the institution has been 8855
changed after a facsimile of the seal has been imprinted on such 8856
obligations or assurances, such facsimile seal continues to be 8857
sufficient as to such obligations or assurances and obligations 8858
or assurances issued in substitution or exchange therefor. 8859

(G) All such obligations or assurances are negotiable 8860
instruments and securities under Chapter 1308. of the Revised 8861
Code, subject to the provisions of the bond proceedings as to 8862
registration. The obligations or assurances may be issued in 8863
coupon or in registered form, or both. Provision may be made for 8864
the registration of any obligations or assurances with coupons 8865
attached thereto as to principal alone or as to both principal 8866
and interest, their exchange for obligations or assurances so 8867
registered, and for the conversion or reconversion into 8868

obligations or assurances with coupons attached thereto of any 8869
obligations or assurances registered as to both principal and 8870
interest, and for reasonable charges for such registration, 8871
exchange, conversion, and reconversion. 8872

(H) Pending preparation of definitive obligations or 8873
assurances, the institution of higher education may issue 8874
interim receipts or certificates which shall be exchanged for 8875
such definitive obligations or assurances. 8876

(I) Such obligations or assurances may be secured 8877
additionally by a trust agreement or indenture between the 8878
institution of higher education and a corporate trustee, which 8879
may be any trust company or bank having the powers of a trust 8880
company within or without this state but authorized to exercise 8881
trust powers within this state. Any such agreement or indenture 8882
may contain the resolution authorizing the issuance of the 8883
obligations or assurances, any provisions that may be contained 8884
in the bond proceedings as authorized by this section, and other 8885
provisions which are customary or appropriate in an agreement or 8886
indenture of such type, including: 8887

(1) Maintenance of each pledge, trust agreement, and 8888
indenture, or other instrument comprising part of the bond 8889
proceedings until the institution of higher education has fully 8890
paid the bond service charges on the obligations or assurances 8891
secured thereby, or provision therefor has been made; 8892

(2) In the event of default in any payments required to be 8893
made by the bond proceedings, or any other agreement of the 8894
institution of higher education made as a part of the contract 8895
under which the obligations or assurances were issued, 8896
enforcement of such payments or agreement by mandamus, the 8897
appointment of a receiver, suit in equity, action at law, or any 8898

combination of the foregoing; 8899

(3) The rights and remedies of the holders of obligations 8900
or assurances and of the trustee, and provisions for protecting 8901
and enforcing them, including limitations on rights of 8902
individual holders of obligations or assurances; 8903

(4) The replacement of any obligations or assurances that 8904
become mutilated or are destroyed, lost, or stolen; 8905

(5) Such other provisions as the trustee and the 8906
institution of higher education agree upon, including 8907
limitations, conditions, or qualifications relating to any of 8908
the foregoing. 8909

(J) Each duty of the institution of higher education and 8910
its officers or employees, undertaken pursuant to the bond 8911
proceedings or any related agreement or lease made under 8912
authority of law, is hereby established as a duty of such 8913
institution, and of each such officer or employee having 8914
authority to perform such duty, specially enjoined by law 8915
resulting from an office, trust, or station within the meaning 8916
of section 2731.01 of the Revised Code. The persons who are at 8917
the time the members of the board of trustees or the managing 8918
directors of the institution or its officers or employees are 8919
not liable in their personal capacities on such obligations or 8920
assurances, or lease, or other agreement of the institution. 8921

(K) The authority to issue obligations or assurances 8922
includes authority to: 8923

(1) Issue obligations or assurances in the form of bond 8924
anticipation notes and to renew them from time to time by the 8925
issuance of new notes. Such notes are payable solely from the 8926
available receipts and funds that may be pledged to the payment 8927

of such bonds, or from the proceeds of such bonds or renewal 8928
notes, or both, as the institution of higher education provides 8929
in its resolution authorizing such notes. Such notes may be 8930
additionally secured by covenants of the institution to the 8931
effect that it will do such or all things necessary for the 8932
issuance of such bonds or renewal notes in appropriate amount, 8933
and either exchange such bonds or renewal notes therefor or 8934
apply the proceeds thereof to the extent necessary, to make full 8935
payment of the bond service charges on such notes at the time or 8936
times contemplated, as provided in such resolution. Subject to 8937
the provisions of this division, all references to obligations 8938
or assurances in this section apply to such anticipation notes. 8939

(2) Issue obligations or assurances to refund, including 8940
funding and retirement of, obligations or assurances previously 8941
issued to pay costs of facilities or entrepreneurial projects. 8942
Such obligations or assurances may be issued in amounts 8943
sufficient for payment of the principal amount of the 8944
obligations or assurances to be so refunded, any redemption 8945
premiums thereon, principal maturities of any obligations or 8946
assurances maturing prior to the redemption of any other 8947
obligations or assurances on a parity therewith to be so 8948
refunded, interest accrued or to accrue to the maturity date or 8949
dates of redemption of such obligations or assurances, and any 8950
expenses incurred or to be incurred in connection with such 8951
refunding or the issuance of the obligations or assurances. 8952

(L) Obligations and assurances are lawful investments for 8953
banks, societies for savings, savings and loan associations, 8954
deposit guarantee associations, trust companies, trustees, 8955
fiduciaries, insurance companies, including domestic for life 8956
and domestic not for life, trustees or other officers having 8957
charge of sinking and bond retirement or other special funds of 8958

political subdivisions and taxing districts of this state, the 8959
commissioners of the sinking fund, the administrator of ~~workers'~~ 8960
~~compensation~~ worker safety and rehabilitation in accordance with 8961
the investment policy approved by the ~~bureau of workers'~~ 8962
~~compensation~~ office of worker safety and rehabilitation board of 8963
directors pursuant to section 4121.12 of the Revised Code, the 8964
state teachers retirement system, the public employees 8965
retirement system, the school employees retirement system, and 8966
the Ohio police and fire pension fund, notwithstanding any other 8967
provisions of the Revised Code or rules adopted pursuant thereto 8968
by any state agency with respect to investments by them, and are 8969
also acceptable as security for the deposit of public moneys. 8970

(M) All facilities or entrepreneurial projects purchased, 8971
acquired, constructed, or owned by an institution of higher 8972
education, or financed in whole or in part by obligations or 8973
assurances issued by an institution, and used for the purposes 8974
of the institution or other publicly owned and controlled 8975
college or university, is public property used exclusively for a 8976
public purpose, and such property and the income therefrom is 8977
exempt from all taxation and assessment within this state, 8978
including ad valorem and excise taxes. The obligations or 8979
assurances, the transfer thereof, and the income therefrom, 8980
including any profit made on the sale thereof, are at all times 8981
free from taxation within the state. The transfer of tangible 8982
personal property by lease under authority of this section or 8983
section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, 8984
or 3358.10 of the Revised Code is not a sale as used in Chapter 8985
5739. of the Revised Code. 8986

(N) The authority granted by this section is cumulative 8987
with the authority granted to institutions of higher education 8988
under Chapter 154. of the Revised Code, and nothing in this 8989

section impairs or limits the authority granted by Chapter 154. 8990
of the Revised Code. In any lease, agreement, or commitment made 8991
by an institution of higher education under Chapter 154. of the 8992
Revised Code, it may agree to restrict or subordinate any pledge 8993
it may thereafter make under authority of this section. 8994

(O) Title to lands acquired under this section and 8995
sections 3345.07 and 3345.11 of the Revised Code by a state 8996
university or college shall be taken in the name of the state. 8997

(P) Except where costs of facilities or entrepreneurial 8998
projects are to be paid in whole or in part from funds 8999
appropriated by the general assembly, section 125.81 of the 9000
Revised Code and the requirement for certification with respect 9001
thereto under section 153.04 of the Revised Code do not apply to 9002
such facilities or entrepreneurial projects. 9003

(Q) A state university or college may sell or lease lands 9004
or interests in land owned by it or by the state for its use, or 9005
facilities authorized to be acquired or constructed by it under 9006
section 3345.07 or 3345.11 of the Revised Code, to permit the 9007
purchasers or lessees thereof to acquire, construct, equip, 9008
furnish, reconstruct, alter, enlarge, remodel, renovate, 9009
rehabilitate, improve, maintain, repair, or maintain and operate 9010
thereon and to provide by lease or otherwise to such 9011
institution, facilities authorized in section 3345.07 or 3345.11 9012
of the Revised Code or entrepreneurial projects authorized under 9013
section 3345.36 of the Revised Code. Such land or interests 9014
therein shall be sold for such appraised value, or leased, and 9015
on such terms as the board of trustees determines. All deeds or 9016
other instruments relating to such sales or leases shall be 9017
executed by such officer of the state university or college as 9018
the board of trustees designates. The state university or 9019

college shall hold, invest, or use the proceeds of such sales or 9020
leases for the same purposes for which proceeds of borrowings 9021
may be used under sections 3345.07 and 3345.11 of the Revised 9022
Code or, if the proceeds relate to the sale or lease of 9023
entrepreneurial projects, for purposes of section 3345.36 of the 9024
Revised Code. 9025

(R) An institution of higher education may pledge 9026
available receipts, to the extent permitted by division (C) of 9027
this section with respect to obligations, to secure the payments 9028
to be made by it under any lease, lease with option to purchase, 9029
or lease-purchase agreement authorized under this section or 9030
section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, 9031
or 3358.10 of the Revised Code. 9032

Sec. 3355.10. The ownership of the university branch 9033
campus, created and established pursuant to sections 3355.01 to 9034
3355.14 of the Revised Code, including all right, title, and 9035
interest in and to all property, both real and personal, 9036
pertaining thereto, shall be vested in the managing authority of 9037
the university branch district. The board may acquire by 9038
appropriation any land, rights, rights of way, franchises, 9039
easements, or other property necessary or proper for the 9040
construction or the efficient operation of any facility of the 9041
university branch district, pursuant to section 5537.06 of the 9042
Revised Code, with respect to the Ohio turnpike and 9043
infrastructure commission, and insofar as such procedure is 9044
applicable. 9045

University branch district bonds, issued pursuant to 9046
section 3355.08 of the Revised Code, are lawful investments of 9047
banks, savings banks, trust companies, trustees, boards of 9048
trustees of sinking funds of municipal corporations, school 9049

districts, counties, the administrator of ~~workers' compensation~~ 9050
worker safety and rehabilitation, the state teachers retirement 9051
system, the public employees retirement system, and the school 9052
employees retirement system, and also are acceptable as security 9053
for the deposit of public moneys. 9054

Any instrument by which real property is acquired pursuant 9055
to this section shall identify the agency of the state that has 9056
the use and benefit of the real property as specified in section 9057
5301.012 of the Revised Code. 9058

Sec. 3366.04. (A) The issuing authority may issue 9059
obligations under this section to provide money to make proceeds 9060
loans to the designated administrator for the purpose of 9061
acquiring education loans, or needed for capitalized interest, 9062
for funding reserves, and for paying costs and expenses incurred 9063
in connection with the issuance, carrying, securing, paying, 9064
redeeming, or retirement of the obligations or any obligations 9065
refunded thereby, including payment of costs and expenses 9066
relating to letters of credit, lines of credit, insurance, put 9067
agreements, standby purchase agreements, indexing, marketing, 9068
remarketing and administrative arrangements, interest swap or 9069
hedging agreements, and any other credit enhancement facility as 9070
defined in division (H) of section 133.01 of the Revised Code, 9071
liquidity, remarketing, renewal, or refunding arrangements, all 9072
of which are authorized by this section. The proceeds thereof 9073
shall, as provided in the bond proceedings, be loaned, or 9074
otherwise made available as a proceeds loan, to the designated 9075
administrator. The issuing authority may appoint trustees, 9076
paying agents, and transfer agents and may retain the services 9077
of financial advisors, accounting experts, and attorneys, and 9078
retain or contract for the services of marketing, remarketing, 9079
indexing, and administrative agents, other consultants, and 9080

independent contractors, including printing services, as are 9081
necessary to carry out the provisions of this section. The costs 9082
of such services are allowable costs payable from the proceeds 9083
of such obligations. 9084

(B) The holders or owners of obligations shall have no 9085
right to have taxes levied by the general assembly, or any 9086
moneys other than pledged receipts obligated or pledged, and any 9087
moneys other than pledged receipts shall not be obligated or 9088
pledged, for the payment of bond service charges. The 9089
obligations are not debts of the state, bond service charges are 9090
payable solely from the revenues and funds pledged as pledged 9091
receipts for their payment, and the right of such holders and 9092
owners to payment of bond service charges is limited to pledged 9093
receipts as provided in the bond proceedings, and each such 9094
obligation shall bear on its face a statement to that effect. No 9095
money, including money from the general revenue fund, shall be 9096
appropriated, obligated, or used to pay bond service charges or 9097
the costs incurred in the administration of this chapter, other 9098
than pledged receipts. 9099

(C) Obligations shall be authorized by order of the 9100
issuing authority at the request of the designated administrator 9101
and with the approval of the director of development, and the 9102
bond proceedings shall provide for the purpose thereof and the 9103
principal amount or amounts, and shall provide for or authorize 9104
the manner for determining the principal maturity or maturities, 9105
the interest rate or rates or the maximum interest rate, the 9106
date of the obligations and the dates of payment of interest 9107
thereon, their denomination, and the establishment within or 9108
outside this state of a place or places of payment of bond 9109
service charges. Sections 9.98 to 9.983 of the Revised Code 9110
apply to obligations issued under this section. The purpose of 9111

such obligations may be stated in the bond proceedings in terms 9112
describing the general purpose to be served. The bond 9113
proceedings shall also provide, subject to the provisions of any 9114
other applicable bond proceedings, for the pledge of, and the 9115
granting of a security interest in, all, or such part as the 9116
issuing authority may determine, of the pledged receipts to the 9117
payment of bond service charges, which pledge may be made and 9118
security interest granted, subject to the provisions of any 9119
applicable prior bond proceedings, either prior to or on a 9120
parity with or subordinate to other expenses, claims, or 9121
payments, and may be made or granted to secure obligations 9122
senior or subordinate to, or on a parity with, obligations 9123
theretofore or thereafter issued, if and to the extent provided 9124
in the bond proceedings. The pledged receipts so pledged or 9125
subject to a security interest and thereafter received by the 9126
issuing authority or the designated administrator on behalf of 9127
the issuing authority or otherwise received are immediately 9128
subject to such pledge and security interest without any 9129
physical delivery thereof or further act, and such pledge and 9130
security interest are valid, binding, and enforceable against 9131
all parties having claims of any kind against the state or any 9132
governmental agency, or against the designated administrator, 9133
whether or not such parties have notice thereof, and shall 9134
create a perfected security interest for all purposes of Chapter 9135
1309. of the Revised Code, without the necessity for separation 9136
or delivery or possession of the pledged receipts, or for the 9137
filing or recording of the bond proceedings by which such pledge 9138
and security interest are created or any certificate, statement, 9139
or other document with respect thereto; and the pledge of such 9140
pledged receipts and the security interest are effective and the 9141
money therefrom and thereof may be applied to the purposes for 9142
which pledged without necessity for any act of appropriation. 9143

Every pledge made and security interest granted, and every 9144
covenant and agreement made with respect thereto in the bond 9145
proceedings may therein be extended to the benefit of the owners 9146
and holders of obligations authorized by this section, and to 9147
any trustee therefor, for the further security of the payment of 9148
the bond service charges. 9149

(D) The bond proceedings may contain additional provisions 9150
as to: 9151

(1) The redemption of obligations prior to maturity at 9152
such price or prices and under such terms and conditions as are 9153
provided in the bond proceedings; 9154

(2) Other terms of the obligations; 9155

(3) Limitations on the issuance of additional obligations; 9156

(4) The terms of any trust agreement or indenture securing 9157
the obligations or under which the same may be issued; 9158

(5) The investment of the proceeds of obligations and 9159
amounts on deposit in the special funds; 9160

(6) Any or every provision of the bond proceedings being 9161
binding upon such officer, board, commission, authority, agency, 9162
department, or other person or body as may from time to time 9163
have the authority under law to take such actions as may be 9164
necessary to perform all or any part of the duty required by 9165
such provision; 9166

(7) Any provision that may be made in a trust agreement or 9167
indenture; 9168

(8) Provisions for the use of the proceeds of repayment of 9169
education loans to acquire additional education loans; 9170

(9) Any other or additional agreements with the holders of 9171
the obligations, the trustee therefor, or the designated 9172
administrator, relating to the obligations or the security 9173
therefor, including the assignment of security obtained or to be 9174
obtained for education loans. 9175

(E) The obligations and any coupons pertaining to 9176
obligations shall be in the form specified in the bond 9177
proceedings and shall be signed by or bear the facsimile 9178
signature of the issuing authority. Any obligations or coupons 9179
may be executed by the person who, on the date of execution, is 9180
the proper issuing authority although on the date of such bonds 9181
or coupons such person was not the issuing authority. In case 9182
the issuing authority whose signature or a facsimile of whose 9183
signature appears on any such obligation or coupon ceases to be 9184
the issuing authority before delivery thereof, such signature or 9185
facsimile is nevertheless valid and sufficient for all purposes 9186
as if that official had remained the issuing authority until 9187
such delivery. 9188

(F) All obligations are negotiable instruments and 9189
securities under Chapter 1308. of the Revised Code, subject to 9190
the provisions of the bond proceedings as to registration. The 9191
obligations may be issued in coupon or in registered form, or 9192
both, as the issuing authority determines. Provision may be made 9193
for the registration of any obligations with coupons attached 9194
thereto as to principal alone or as to both principal and 9195
interest, their exchange for obligations so registered, and for 9196
the conversion or reconversion into obligations with coupons 9197
attached thereto of any obligations registered as to both 9198
principal and interest, and for reasonable charges for such 9199
registration, exchange, conversion, and reconversion. 9200

(G) Obligations may be sold at public sale or at private sale, as determined by the issuing authority in the bond proceedings. 9201
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9203

(H) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations. 9204
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(I) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee and, if so provided for in the bond proceedings, any other necessary or appropriate party. Any such trustee shall be a trust company, bank, or national banking association authorized to exercise trust powers within the state. Any such agreement or indenture may contain the order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to: 9207
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(1) Maintenance of each pledge, security interest, and trust agreement, indenture, or other instrument comprising part of the bond proceedings until the bond service charges on the obligations secured thereby have been fully paid, or provision therefor has been made in accordance with the bond proceedings; 9219
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(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing; 9224
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(3) The rights and remedies of the holders of obligations 9230
and of the trustee, and provisions for protecting and enforcing 9231
them, including limitations on rights of individual holders of 9232
obligations; 9233

(4) The replacement of any obligations that become 9234
mutilated or are destroyed, lost, or stolen; 9235

(5) Such other provisions as the trustee and the issuing 9236
authority agree upon, including limitations, conditions, or 9237
qualifications relating to the education loans that may be made 9238
or acquired pursuant to the trust agreement or indenture. 9239

(J) Any holder of obligations or a trustee under the bond 9240
proceedings, except to the extent that rights are restricted by 9241
the bond proceedings, may by any suitable form of legal 9242
proceedings, protect and enforce any rights under the laws of 9243
this state or granted by such bond proceedings. Such rights 9244
include the right to compel the performance of all duties of the 9245
issuing authority or the director of development required by 9246
this chapter or the bond proceedings; to enjoin unlawful 9247
activities; and, in the event of default with respect to the 9248
payment of any bond service charges on any obligations or in the 9249
performance of any covenant or agreement on the part of the 9250
issuing authority or the director of development in the bond 9251
proceedings, to apply to a court having jurisdiction to appoint 9252
a receiver to receive and administer the pledged receipts 9253
pledged to the payment of the bond service charges on such 9254
obligations or which are the subject of the covenant or 9255
agreement, with full power to pay and to provide for payment of 9256
bond service charges on such obligations and with such powers, 9257
subject to the direction of the court, as are accorded receivers 9258
in general equity cases, excluding any power to pledge revenues 9259

or receipts or other income or moneys, other than pledged 9260
receipts, and excluding any power to take possession of, or 9261
cause the sale or otherwise dispose of, any property other than 9262
the pledged receipts. 9263

Each duty of the issuing authority, of each governmental 9264
agency including the director of development, of the designated 9265
administrator, and of any of the officers, members, or employees 9266
of any of the foregoing, undertaken pursuant to the bond 9267
proceedings or any agreement made under authority of this 9268
chapter, and each duty in every agreement by or with the issuing 9269
authority under this chapter, each governmental agency including 9270
the director of development, and the designated administrator, 9271
is hereby established as a duty of the issuing authority, the 9272
governmental agency, or the designated administrator, 9273
respectively, and of each such officer, member, or employee 9274
having authority to perform such duty, specifically enjoined by 9275
the law resulting from an office, trust, or station within the 9276
meaning of section 2731.01 of the Revised Code. 9277

The person who is at the time the issuing authority or the 9278
director of development, or the officers or employees of either 9279
of them, are not liable in their personal capacities on any 9280
obligations or any agreements of or with the issuing authority 9281
or the director of development. 9282

(K) The issuing authority may issue obligations for the 9283
refunding, including funding and retirement, and advance 9284
refunding with or without payment or redemption prior to 9285
maturity, of any obligations previously issued. Such obligations 9286
may be issued in amounts sufficient for payment of the principal 9287
amount of the prior obligations, any redemption premiums 9288
thereon, principal maturities of any such obligations maturing 9289

prior to the redemption of the remaining obligations on a parity 9290
therewith, interest accrued or to accrue to the maturity dates 9291
or dates of redemption of such obligations, and expenses 9292
incurred or to be incurred in connection with such issuance and 9293
such refunding, funding, and retirement. Subject to the bond 9294
proceedings therefor, the portion of proceeds of the sale of 9295
obligations issued under this division to be applied to bond 9296
service charges on the prior obligations shall be credited to an 9297
appropriate account held by the trustee for such prior or new 9298
obligations or to the appropriate account in the bond service 9299
fund for such obligations. Obligations authorized under this 9300
division shall be deemed to be issued for those purposes for 9301
which such prior obligations were issued and are subject to the 9302
provisions of this section pertaining to other obligations, 9303
except as otherwise provided in this section. 9304

(L) The authority to issue obligations under this section 9305
includes authority to issue obligations in the form of bond 9306
anticipation notes and to renew the same from time to time by 9307
the issuance of new notes. The holders of such notes or interest 9308
coupons pertaining thereto shall have a right to be paid solely 9309
from the pledged receipts and special funds that may be pledged 9310
to the payment of the bonds anticipated, or from the proceeds of 9311
such anticipated bonds or renewal notes, or both, as the issuing 9312
authority provides in the order authorizing such notes. Such 9313
notes may be additionally secured by covenants of the issuing 9314
authority and the director of development to the effect that the 9315
issuing authority and the director of development will do such 9316
or all things necessary for the issuance of such bonds or 9317
renewal notes in appropriate amounts, and apply the proceeds 9318
thereof to the extent necessary, to make full payment of the 9319
principal of and interest on such notes at the time or times 9320

contemplated, as provided in such order. For this purpose, the 9321
issuing authority shall issue bonds or renewal notes in such 9322
principal amount and upon such terms as may be necessary to 9323
provide funds to pay, when required, the principal of and 9324
interest and any premium on such notes. Subject to this 9325
division, all provisions for and references to obligations in 9326
this section are applicable to notes authorized under this 9327
division. 9328

The issuing authority in the bond proceedings authorizing 9329
the issuance of bond anticipation notes shall set forth for such 9330
bonds an estimated interest rate and a schedule of principal 9331
payments for such bonds and the annual maturity dates thereof, 9332
but this provision does not modify any authority in this section 9333
to pledge receipts to, to grant a security interest in those 9334
receipts for the purpose of securing, and to covenant to issue 9335
bonds to fund, the payment of principal of and interest and any 9336
premium on such notes, or to provide in the bond proceedings 9337
authorizing the issuance of the anticipated bonds interest rates 9338
and a schedule of principal payments for such bonds and the 9339
annual maturity dates thereof which differ from the estimates in 9340
the bond proceedings authorizing the issuance of such bond 9341
anticipation notes. 9342

(M) Obligations issued under this section are lawful 9343
investments for banks; savings banks; savings and loan 9344
associations; credit union share guarantee corporations; trust 9345
companies; trustees; fiduciaries; insurance companies, including 9346
domestic for life and domestic not for life; trustees or other 9347
officers having charge of sinking and bond retirement or other 9348
special funds of the state and of subdivisions and taxing 9349
districts of the state; the commissioners of the sinking fund of 9350
the state; the administrator of ~~workers' compensation~~ worker 9351

safety and rehabilitation, subject to the approval of the 9352
~~workers' compensation office of worker safety and rehabilitation~~ 9353
board of directors; the state teachers retirement system; the 9354
public employees retirement system; the school employees 9355
retirement system; and the Ohio police and fire pension fund, 9356
notwithstanding any other provisions of the Revised Code or 9357
rules adopted pursuant to those provisions by any agency of the 9358
state with respect to investments by them, and are also eligible 9359
as security for the repayment of the deposit of public moneys. 9360

(N) Provision may be made in the applicable bond 9361
proceedings for the establishment of separate accounts in the 9362
bond service fund and for the application of such accounts only 9363
to the specified bond service charges on obligations pertinent 9364
to such accounts and bond service fund and for other accounts 9365
therein within the general purposes of such fund. Unless 9366
otherwise provided in any applicable bond proceedings, moneys to 9367
the credit of or in the several special funds established 9368
pursuant to this section shall be invested and disbursed as 9369
provided in the bond proceedings. 9370

(O) The issuing authority shall pledge and grant a 9371
security interest in all, or such portion as the issuing 9372
authority determines, of the pledged receipts to the payment of 9373
bond service charges on obligations, and for the establishment 9374
and maintenance of any reserves, as provided in the bond 9375
proceedings, and make other provisions therein with respect to 9376
pledged receipts as authorized by this chapter, which provisions 9377
are controlling notwithstanding any other provisions of law 9378
pertaining thereto. 9379

(P) The obligations, the transfer thereof, and the 9380
interest, accreted amount, and other income therefrom, including 9381

any profit made on the sale thereof, shall at all times be free 9382
from taxation, direct or indirect, within this state. 9383

Sec. 3377.11. Bonds issued under this chapter are lawful 9384
investments of banks, societies for savings, savings and loan 9385
associations, deposit guarantee associations, trust companies, 9386
trustees, fiduciaries, insurance companies, including domestic 9387
for life and domestic not for life, trustees or other officers 9388
having charge of sinking and bond retirement or other special 9389
funds of political subdivisions and taxing districts of this 9390
state, the commissioners of the sinking fund of the state, the 9391
administrator of ~~workers' compensation~~ worker safety and 9392
rehabilitation, the state teachers retirement system, the public 9393
employees retirement system, the school employees retirement 9394
system, and the Ohio police and fire pension fund and also are 9395
acceptable as security for the deposit of public moneys. 9396

Sec. 3517.13. (A) (1) No campaign committee of a statewide 9397
candidate shall fail to file a complete and accurate statement 9398
required under division (A) (1) of section 3517.10 of the Revised 9399
Code. 9400

(2) No campaign committee of a statewide candidate shall 9401
fail to file a complete and accurate monthly statement, and no 9402
campaign committee of a statewide candidate or a candidate for 9403
the office of chief justice or justice of the supreme court 9404
shall fail to file a complete and accurate two-business-day 9405
statement, as required under section 3517.10 of the Revised 9406
Code. 9407

As used in this division, "statewide candidate" has the 9408
same meaning as in division (F) (2) of section 3517.10 of the 9409
Revised Code. 9410

(B) No campaign committee shall fail to file a complete 9411
and accurate statement required under division (A) (1) of section 9412
3517.10 of the Revised Code. 9413

(C) No campaign committee shall fail to file a complete 9414
and accurate statement required under division (A) (2) of section 9415
3517.10 of the Revised Code. 9416

(D) No campaign committee shall fail to file a complete 9417
and accurate statement required under division (A) (3) or (4) of 9418
section 3517.10 of the Revised Code. 9419

(E) No person other than a campaign committee shall 9420
knowingly fail to file a statement required under section 9421
3517.10 or 3517.107 of the Revised Code. 9422

(F) No person shall make cash contributions to any person 9423
totaling more than one hundred dollars in each primary, special, 9424
or general election. 9425

(G) (1) No person shall knowingly conceal or misrepresent 9426
contributions given or received, expenditures made, or any other 9427
information required to be reported by a provision in sections 9428
3517.08 to 3517.13 and 3517.17 of the Revised Code. 9429

(2) (a) No person shall make a contribution to a campaign 9430
committee, political action committee, political contributing 9431
entity, legislative campaign fund, political party, or person 9432
making disbursements to pay the direct costs of producing or 9433
airing electioneering communications in the name of another 9434
person. 9435

(b) A person does not make a contribution in the name of 9436
another when either of the following applies: 9437

(i) An individual makes a contribution from a partnership 9438

or other unincorporated business account, if the contribution is 9439
reported by listing both the name of the partnership or other 9440
unincorporated business and the name of the partner or owner 9441
making the contribution as required under division (I) of 9442
section 3517.10 of the Revised Code. 9443

(ii) A person makes a contribution in that person's 9444
spouse's name or in both of their names. 9445

(H) No person within this state, publishing a newspaper or 9446
other periodical, shall charge a campaign committee for 9447
political advertising a rate in excess of the rate such person 9448
would charge if the campaign committee were a general rate 9449
advertiser whose advertising was directed to promoting its 9450
business within the same area as that encompassed by the 9451
particular office that the candidate of the campaign committee 9452
is seeking. The rate shall take into account the amount of space 9453
used, as well as the type of advertising copy submitted by or on 9454
behalf of the campaign committee. All discount privileges 9455
otherwise offered by a newspaper or periodical to general rate 9456
advertisers shall be available upon equal terms to all campaign 9457
committees. 9458

No person within this state, operating a radio or 9459
television station or network of stations in this state, shall 9460
charge a campaign committee for political broadcasts a rate that 9461
exceeds: 9462

(1) During the forty-five days preceding the date of a 9463
primary election and during the sixty days preceding the date of 9464
a general or special election in which the candidate of the 9465
campaign committee is seeking office, the lowest unit charge of 9466
the station for the same class and amount of time for the same 9467
period; 9468

(2) At any other time, the charges made for comparable use 9469
of that station by its other users. 9470

(I) Subject to divisions (K), (L), (M), and (N) of this 9471
section, no agency or department of this state or any political 9472
subdivision shall award any contract, other than one let by 9473
competitive bidding or a contract incidental to such contract or 9474
which is by force account, for the purchase of goods costing 9475
more than five hundred dollars or services costing more than 9476
five hundred dollars to any individual, partnership, 9477
association, including, without limitation, a professional 9478
association organized under Chapter 1785. of the Revised Code, 9479
estate, or trust if the individual has made or the individual's 9480
spouse has made, or any partner, shareholder, administrator, 9481
executor, or trustee or the spouse of any of them has made, as 9482
an individual, within the two previous calendar years, one or 9483
more contributions totaling in excess of one thousand dollars to 9484
the holder of the public office having ultimate responsibility 9485
for the award of the contract or to the public officer's 9486
campaign committee. 9487

(J) Subject to divisions (K), (L), (M), and (N) of this 9488
section, no agency or department of this state or any political 9489
subdivision shall award any contract, other than one let by 9490
competitive bidding or a contract incidental to such contract or 9491
which is by force account, for the purchase of goods costing 9492
more than five hundred dollars or services costing more than 9493
five hundred dollars to a corporation or business trust, except 9494
a professional association organized under Chapter 1785. of the 9495
Revised Code, if an owner of more than twenty per cent of the 9496
corporation or business trust or the spouse of that person has 9497
made, as an individual, within the two previous calendar years, 9498
taking into consideration only owners for all of that period, 9499

one or more contributions totaling in excess of one thousand 9500
dollars to the holder of a public office having ultimate 9501
responsibility for the award of the contract or to the public 9502
officer's campaign committee. 9503

(K) For purposes of divisions (I) and (J) of this section, 9504
if a public officer who is responsible for the award of a 9505
contract is appointed by the governor, whether or not the 9506
appointment is subject to the advice and consent of the senate, 9507
excluding members of boards, commissions, committees, 9508
authorities, councils, boards of trustees, task forces, and 9509
other such entities appointed by the governor, the office of the 9510
governor is considered to have ultimate responsibility for the 9511
award of the contract. 9512

(L) For purposes of divisions (I) and (J) of this section, 9513
if a public officer who is responsible for the award of a 9514
contract is appointed by the elected chief executive officer of 9515
a municipal corporation, or appointed by the elected chief 9516
executive officer of a county operating under an alternative 9517
form of county government or county charter, excluding members 9518
of boards, commissions, committees, authorities, councils, 9519
boards of trustees, task forces, and other such entities 9520
appointed by the chief executive officer, the office of the 9521
chief executive officer is considered to have ultimate 9522
responsibility for the award of the contract. 9523

(M) (1) Divisions (I) and (J) of this section do not apply 9524
to contracts awarded by the board of commissioners of the 9525
sinking fund, municipal legislative authorities, boards of 9526
education, boards of county commissioners, boards of township 9527
trustees, or other boards, commissions, committees, authorities, 9528
councils, boards of trustees, task forces, and other such 9529

entities created by law, by the supreme court or courts of 9530
appeals, by county courts consisting of more than one judge, 9531
courts of common pleas consisting of more than one judge, or 9532
municipal courts consisting of more than one judge, or by a 9533
division of any court if the division consists of more than one 9534
judge. This division shall apply to the specified entity only if 9535
the members of the entity act collectively in the award of a 9536
contract for goods or services. 9537

(2) Divisions (I) and (J) of this section do not apply to 9538
actions of the controlling board. 9539

(N) (1) Divisions (I) and (J) of this section apply to 9540
contributions made to the holder of a public office having 9541
ultimate responsibility for the award of a contract, or to the 9542
public officer's campaign committee, during the time the person 9543
holds the office and during any time such person was a candidate 9544
for the office. Those divisions do not apply to contributions 9545
made to, or to the campaign committee of, a candidate for or 9546
holder of the office other than the holder of the office at the 9547
time of the award of the contract. 9548

(2) Divisions (I) and (J) of this section do not apply to 9549
contributions of a partner, shareholder, administrator, 9550
executor, trustee, or owner of more than twenty per cent of a 9551
corporation or business trust made before the person held any of 9552
those positions or after the person ceased to hold any of those 9553
positions in the partnership, association, estate, trust, 9554
corporation, or business trust whose eligibility to be awarded a 9555
contract is being determined, nor to contributions of the 9556
person's spouse made before the person held any of those 9557
positions, after the person ceased to hold any of those 9558
positions, before the two were married, after the granting of a 9559

decree of divorce, dissolution of marriage, or annulment, or 9560
after the granting of an order in an action brought solely for 9561
legal separation. Those divisions do not apply to contributions 9562
of the spouse of an individual whose eligibility to be awarded a 9563
contract is being determined made before the two were married, 9564
after the granting of a decree of divorce, dissolution of 9565
marriage, or annulment, or after the granting of an order in an 9566
action brought solely for legal separation. 9567

(0) No beneficiary of a campaign fund or other person 9568
shall convert for personal use, and no person shall knowingly 9569
give to a beneficiary of a campaign fund or any other person, 9570
for the beneficiary's or any other person's personal use, 9571
anything of value from the beneficiary's campaign fund, 9572
including, without limitation, payments to a beneficiary for 9573
services the beneficiary personally performs, except as 9574
reimbursement for any of the following: 9575

(1) Legitimate and verifiable prior campaign expenses 9576
incurred by the beneficiary; 9577

(2) Legitimate and verifiable ordinary and necessary prior 9578
expenses incurred by the beneficiary in connection with duties 9579
as the holder of a public office, including, without limitation, 9580
expenses incurred through participation in nonpartisan or 9581
bipartisan events if the participation of the holder of a public 9582
office would normally be expected; 9583

(3) Legitimate and verifiable ordinary and necessary prior 9584
expenses incurred by the beneficiary while doing any of the 9585
following: 9586

(a) Engaging in activities in support of or opposition to 9587
a candidate other than the beneficiary, political party, or 9588

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| ballot issue; | 9589 |
| (b) Raising funds for a political party, political action committee, political contributing entity, legislative campaign fund, campaign committee, or other candidate; | 9590 9591 9592 |
| (c) Participating in the activities of a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee; | 9593 9594 9595 |
| (d) Attending a political party convention or other political meeting. | 9596 9597 |
| For purposes of this division, an expense is incurred whenever a beneficiary has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure or by the use of goods or services received on account. | 9598 9599 9600 9601 9602 |
| (P) No beneficiary of a campaign fund shall knowingly accept, and no person shall knowingly give to the beneficiary of a campaign fund, reimbursement for an expense under division (O) of this section to the extent that the expense previously was reimbursed or paid from another source of funds. If an expense is reimbursed under division (O) of this section and is later paid or reimbursed, wholly or in part, from another source of funds, the beneficiary shall repay the reimbursement received under division (O) of this section to the extent of the payment made or reimbursement received from the other source. | 9603 9604 9605 9606 9607 9608 9609 9610 9611 9612 |
| (Q) No candidate or public official or employee shall accept for personal or business use anything of value from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or | 9613 9614 9615 9616 9617 |

employee's own campaign committee, and no person shall knowingly 9618
give to a candidate or public official or employee anything of 9619
value from a political party, political action committee, 9620
political contributing entity, legislative campaign fund, or 9621
such a campaign committee, except for the following: 9622

(1) Reimbursement for legitimate and verifiable ordinary 9623
and necessary prior expenses not otherwise prohibited by law 9624
incurred by the candidate or public official or employee while 9625
engaged in any legitimate activity of the political party, 9626
political action committee, political contributing entity, 9627
legislative campaign fund, or such campaign committee. Without 9628
limitation, reimbursable expenses under this division include 9629
those incurred while doing any of the following: 9630

(a) Engaging in activities in support of or opposition to 9631
another candidate, political party, or ballot issue; 9632

(b) Raising funds for a political party, legislative 9633
campaign fund, campaign committee, or another candidate; 9634

(c) Attending a political party convention or other 9635
political meeting. 9636

(2) Compensation not otherwise prohibited by law for 9637
actual and valuable personal services rendered under a written 9638
contract to the political party, political action committee, 9639
political contributing entity, legislative campaign fund, or 9640
such campaign committee for any legitimate activity of the 9641
political party, political action committee, political 9642
contributing entity, legislative campaign fund, or such campaign 9643
committee. 9644

Reimbursable expenses under this division do not include, 9645
and it is a violation of this division for a candidate or public 9646

official or employee to accept, or for any person to knowingly 9647
give to a candidate or public official or employee from a 9648
political party, political action committee, political 9649
contributing entity, legislative campaign fund, or campaign 9650
committee other than the candidate's or public official's or 9651
employee's own campaign committee, anything of value for 9652
activities primarily related to the candidate's or public 9653
official's or employee's own campaign for election, except for 9654
contributions to the candidate's or public official's or 9655
employee's campaign committee. 9656

For purposes of this division, an expense is incurred 9657
whenever a candidate or public official or employee has either 9658
made payment or is obligated to make payment, as by the use of a 9659
credit card or other credit procedure, or by the use of goods or 9660
services on account. 9661

(R) (1) Division (O) or (P) of this section does not 9662
prohibit a campaign committee from making direct advance or post 9663
payment from contributions to vendors for goods and services for 9664
which reimbursement is permitted under division (O) of this 9665
section, except that no campaign committee shall pay its 9666
candidate or other beneficiary for services personally performed 9667
by the candidate or other beneficiary. 9668

(2) If any expense that may be reimbursed under division 9669
(O), (P), or (Q) of this section is part of other expenses that 9670
may not be paid or reimbursed, the separation of the two types 9671
of expenses for the purpose of allocating for payment or 9672
reimbursement those expenses that may be paid or reimbursed may 9673
be by any reasonable accounting method, considering all of the 9674
surrounding circumstances. 9675

(3) For purposes of divisions (O), (P), and (Q) of this 9676

section, mileage allowance at a rate not greater than that 9677
allowed by the internal revenue service at the time the travel 9678
occurs may be paid instead of reimbursement for actual travel 9679
expenses allowable. 9680

(S) (1) As used in division (S) of this section: 9681

(a) "State elective office" has the same meaning as in 9682
section 3517.092 of the Revised Code. 9683

(b) "Federal office" means a federal office as defined in 9684
the Federal Election Campaign Act. 9685

(c) "Federal campaign committee" means a principal 9686
campaign committee or authorized committee as defined in the 9687
Federal Election Campaign Act. 9688

(2) No person who is a candidate for state elective office 9689
and who previously sought nomination or election to a federal 9690
office shall transfer any funds or assets from that person's 9691
federal campaign committee for nomination or election to the 9692
federal office to that person's campaign committee as a 9693
candidate for state elective office. 9694

(3) No campaign committee of a person who is a candidate 9695
for state elective office and who previously sought nomination 9696
or election to a federal office shall accept any funds or assets 9697
from that person's federal campaign committee for that person's 9698
nomination or election to the federal office. 9699

(T) (1) Except as otherwise provided in division (B) (6) (c) 9700
of section 3517.102 of the Revised Code, a state or county 9701
political party shall not disburse moneys from any account other 9702
than a state candidate fund to make contributions to any of the 9703
following: 9704

- (a) A state candidate fund; 9705
- (b) A legislative campaign fund; 9706
- (c) A campaign committee of a candidate for the office of 9707
governor, lieutenant governor, secretary of state, auditor of 9708
state, treasurer of state, attorney general, member of the state 9709
board of education, or member of the general assembly. 9710
- (2) No state candidate fund, legislative campaign fund, or 9711
campaign committee of a candidate for any office described in 9712
division (T) (1) (c) of this section shall knowingly accept a 9713
contribution in violation of division (T) (1) of this section. 9714
- (U) No person shall fail to file a statement required 9715
under section 3517.12 of the Revised Code. 9716
- (V) No campaign committee shall fail to file a statement 9717
required under division (K) (3) of section 3517.10 of the Revised 9718
Code. 9719
- (W) (1) No foreign national shall, directly or indirectly 9720
through any other person or entity, make a contribution, 9721
expenditure, or independent expenditure or promise, either 9722
expressly or implicitly, to make a contribution, expenditure, or 9723
independent expenditure in support of or opposition to a 9724
candidate for any elective office in this state, including an 9725
office of a political party. 9726
- (2) No candidate, campaign committee, political action 9727
committee, political contributing entity, legislative campaign 9728
fund, state candidate fund, political party, or separate 9729
segregated fund shall solicit or accept a contribution, 9730
expenditure, or independent expenditure from a foreign national. 9731
The secretary of state may direct any candidate, committee, 9732
entity, fund, or party that accepts a contribution, expenditure, 9733

or independent expenditure in violation of this division to 9734
return the contribution, expenditure, or independent expenditure 9735
or, if it is not possible to return the contribution, 9736
expenditure, or independent expenditure, then to return instead 9737
the value of it, to the contributor. 9738

(3) As used in division (W) of this section, "foreign 9739
national" has the same meaning as in section 441e(b) of the 9740
Federal Election Campaign Act. 9741

(X) (1) No state or county political party shall transfer 9742
any moneys from its restricted fund to any account of the 9743
political party into which contributions may be made or from 9744
which contributions or expenditures may be made. 9745

(2) (a) No state or county political party shall deposit a 9746
contribution or contributions that it receives into its 9747
restricted fund. 9748

(b) No state or county political party shall make a 9749
contribution or an expenditure from its restricted fund. 9750

(3) (a) No corporation or labor organization shall make a 9751
gift or gifts from the corporation's or labor organization's 9752
money or property aggregating more than ten thousand dollars to 9753
any one state or county political party for the party's 9754
restricted fund in a calendar year. 9755

(b) No state or county political party shall accept a gift 9756
or gifts for the party's restricted fund aggregating more than 9757
ten thousand dollars from any one corporation or labor 9758
organization in a calendar year. 9759

(4) No state or county political party shall transfer any 9760
moneys in the party's restricted fund to any other state or 9761
county political party. 9762

(5) No state or county political party shall knowingly 9763
fail to file a statement required under section 3517.1012 of the 9764
Revised Code. 9765

(Y) The administrator of ~~workers' compensation-worker~~ 9766
safety and rehabilitation and the employees of the ~~bureau of-~~ 9767
~~workers' compensation-office of worker safety and rehabilitation~~ 9768
shall not conduct any business with or award any contract, other 9769
than one awarded by competitive bidding, for the purchase of 9770
goods costing more than five hundred dollars or services costing 9771
more than five hundred dollars to any individual, partnership, 9772
association, including, without limitation, a professional 9773
association organized under Chapter 1785. of the Revised Code, 9774
estate, or trust, if the individual has made, or the 9775
individual's spouse has made, or any partner, shareholder, 9776
administrator, executor, or trustee, or the spouses of any of 9777
those individuals has made, as an individual, within the two 9778
previous calendar years, one or more contributions totaling in 9779
excess of one thousand dollars to the campaign committee of the 9780
governor or lieutenant governor or to the campaign committee of 9781
any candidate for the office of governor or lieutenant governor. 9782

(Z) The administrator of ~~workers' compensation-worker~~ 9783
safety and rehabilitation and the employees of the ~~bureau of-~~ 9784
~~workers' compensation-office of worker safety and rehabilitation~~ 9785
shall not conduct business with or award any contract, other 9786
than one awarded by competitive bidding, for the purchase of 9787
goods costing more than five hundred dollars or services costing 9788
more than five hundred dollars to a corporation or business 9789
trust, except a professional association organized under Chapter 9790
1785. of the Revised Code, if an owner of more than twenty per 9791
cent of the corporation or business trust, or the spouse of the 9792
owner, has made, as an individual, within the two previous 9793

calendar years, taking into consideration only owners for all of 9794
such period, one or more contributions totaling in excess of one 9795
thousand dollars to the campaign committee of the governor or 9796
lieutenant governor or to the campaign committee of any 9797
candidate for the office of governor or lieutenant governor. 9798

Sec. 3701.27. The department of health shall transmit a 9799
copy of all reports of occupational disease, required to be 9800
filed by section 3701.25 of the Revised Code, to the 9801
administrator of ~~workers' compensation~~ worker safety and 9802
rehabilitation. 9803

Sec. 3701.741. (A) Each health care provider and medical 9804
records company shall provide copies of medical records in 9805
accordance with this section. 9806

(B) Except as provided in divisions (C) and (E) of this 9807
section, a health care provider or medical records company that 9808
receives a request for a copy of a patient's medical record 9809
shall charge not more than the amounts set forth in this 9810
section. 9811

(1) If the request is made by the patient or the patient's 9812
personal representative, total costs for copies and all services 9813
related to those copies shall not exceed the sum of the 9814
following: 9815

(a) Except as provided in division (B) (1) (b) of this 9816
section, with respect to data recorded on paper or 9817
electronically, the following amounts adjusted in accordance 9818
with section 3701.742 of the Revised Code: 9819

(i) Two dollars and seventy-four cents per page for the 9820
first ten pages; 9821

(ii) Fifty-seven cents per page for pages eleven through 9822

fifty; 9823

(iii) Twenty-three cents per page for pages fifty-one and 9824
higher; 9825

(b) With respect to data resulting from an x-ray, magnetic 9826
resonance imaging (MRI), or computed axial tomography (CAT) scan 9827
and recorded on paper or film, one dollar and eighty-seven cents 9828
per page; 9829

(c) The actual cost of any related postage incurred by the 9830
health care provider or medical records company. 9831

(2) If the request is made other than by the patient or 9832
the patient's personal representative, total costs for copies 9833
and all services related to those copies shall not exceed the 9834
sum of the following: 9835

(a) An initial fee of sixteen dollars and eighty-four 9836
cents adjusted in accordance with section 3701.742 of the 9837
Revised Code, which shall compensate for the records search; 9838

(b) Except as provided in division (B) (2) (c) of this 9839
section, with respect to data recorded on paper or 9840
electronically, the following amounts adjusted in accordance 9841
with section 3701.742 of the Revised Code: 9842

(i) One dollar and eleven cents per page for the first ten 9843
pages; 9844

(ii) Fifty-seven cents per page for pages eleven through 9845
fifty; 9846

(iii) Twenty-three cents per page for pages fifty-one and 9847
higher. 9848

(c) With respect to data resulting from an x-ray, magnetic 9849

resonance imaging (MRI), or computed axial tomography (CAT) scan 9850
and recorded on paper or film, one dollar and eighty-seven cents 9851
per page; 9852

(d) The actual cost of any related postage incurred by the 9853
health care provider or medical records company. 9854

(C) (1) On request, a health care provider or medical 9855
records company shall provide one copy of the patient's medical 9856
record and one copy of any records regarding treatment performed 9857
subsequent to the original request, not including copies of 9858
records already provided, without charge to the following: 9859

(a) ~~The bureau of workers' compensation office of worker~~ 9860
safety and rehabilitation, in accordance with Chapters 4121. and 9861
4123. of the Revised Code and the rules adopted under those 9862
chapters; 9863

(b) The industrial commission, in accordance with Chapters 9864
4121. and 4123. of the Revised Code and the rules adopted under 9865
those chapters; 9866

(c) The department of medicaid or a county department of 9867
job and family services, in accordance with Chapters 5160., 9868
5161., 5162., 5163., 5164., 5165., 5166., and 5167. of the 9869
Revised Code and the rules adopted under those chapters; 9870

(d) The attorney general, in accordance with sections 9871
2743.51 to 2743.72 of the Revised Code and any rules that may be 9872
adopted under those sections; 9873

(e) A patient, patient's personal representative, or 9874
authorized person if the medical record is necessary to support 9875
a claim under Title II or Title XVI of the "Social Security 9876
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, 9877
and the request is accompanied by documentation that a claim has 9878

been filed. 9879

(2) Nothing in division (C) (1) of this section requires a 9880
health care provider or medical records company to provide a 9881
copy without charge to any person or entity not listed in 9882
division (C) (1) of this section. 9883

(D) Division (C) of this section shall not be construed to 9884
supersede any rule of the ~~bureau of workers' compensation~~ office 9885
of worker safety and rehabilitation, the industrial commission, 9886
or the department of medicaid. 9887

(E) A health care provider or medical records company may 9888
enter into a contract with either of the following for the 9889
copying of medical records at a fee other than as provided in 9890
division (B) of this section: 9891

(1) A patient, a patient's personal representative, or an 9892
authorized person; 9893

(2) An insurer authorized under Title XXXIX of the Revised 9894
Code to do the business of sickness and accident insurance in 9895
this state or health insuring corporations holding a certificate 9896
of authority under Chapter 1751. of the Revised Code. 9897

(F) This section does not apply to medical records the 9898
copying of which is covered by section 173.20 of the Revised 9899
Code or by 42 C.F.R. 483.10. 9900

Sec. 3706.14. All air quality revenue bonds issued under 9901
this chapter are lawful investments of banks, societies for 9902
savings, savings and loan associations, deposit guarantee 9903
associations, trust companies, trustees, fiduciaries, insurance 9904
companies, including domestic for life and domestic not for 9905
life, trustees or other officers having charge of sinking and 9906
bond retirement or other special funds of political subdivisions 9907

and taxing districts of this state, the commissioners of the 9908
sinking fund of the state, the administrator of ~~workers'~~ 9909
~~compensation~~ worker safety and rehabilitation, the state 9910
teachers retirement system, the public employees retirement 9911
system, the school employees retirement system, and the Ohio 9912
police and fire pension fund, and are acceptable as security for 9913
the deposit of public moneys. 9914

Sec. 3737.947. All revenue bonds issued under sections 9915
3737.90 to 3737.948 of the Revised Code are lawful investments 9916
of banks, societies for savings, savings and loan associations, 9917
trust companies, trustees, fiduciaries, insurance companies, 9918
including domestic for life and domestic not for life, trustees 9919
or other officers having charge of sinking and bond retirement 9920
or other special funds of political subdivisions and taxing 9921
districts of this state, the commissioners of the sinking fund 9922
of the state, the administrator of ~~workers' compensation~~ worker 9923
safety and rehabilitation, the state teachers retirement system, 9924
the public employees retirement system, the school employees 9925
retirement system, and the Ohio police and fire pension fund, 9926
and are acceptable as security for the deposit of public moneys. 9927

Sec. 3781.10. (A) (1) The board of building standards shall 9928
formulate and adopt rules governing the erection, construction, 9929
repair, alteration, and maintenance of all buildings or classes 9930
of buildings specified in section 3781.06 of the Revised Code, 9931
including land area incidental to those buildings, the 9932
construction of industrialized units, the installation of 9933
equipment, and the standards or requirements for materials used 9934
in connection with those buildings. The board shall incorporate 9935
those rules into separate residential and nonresidential 9936
building codes. The standards shall relate to the conservation 9937
of energy and the safety and sanitation of those buildings. 9938

(2) The rules governing nonresidential buildings are the 9939
lawful minimum requirements specified for those buildings and 9940
industrialized units, except that no rule other than as provided 9941
in division (C) of section 3781.108 of the Revised Code that 9942
specifies a higher requirement than is imposed by any section of 9943
the Revised Code is enforceable. The rules governing residential 9944
buildings are uniform requirements for residential buildings in 9945
any area with a building department certified to enforce the 9946
state residential building code. In no case shall any local code 9947
or regulation differ from the state residential building code 9948
unless that code or regulation addresses subject matter not 9949
addressed by the state residential building code or is adopted 9950
pursuant to section 3781.01 of the Revised Code. 9951

(3) The rules adopted pursuant to this section are 9952
complete, lawful alternatives to any requirements specified for 9953
buildings or industrialized units in any section of the Revised 9954
Code. Except as otherwise provided in division (I) of this 9955
section, the board shall, on its own motion or on application 9956
made under sections 3781.12 and 3781.13 of the Revised Code, 9957
formulate, propose, adopt, modify, amend, or repeal the rules to 9958
the extent necessary or desirable to effectuate the purposes of 9959
sections 3781.06 to 3781.18 of the Revised Code. 9960

(B) The board shall report to the general assembly 9961
proposals for amendments to existing statutes relating to the 9962
purposes declared in section 3781.06 of the Revised Code that 9963
public health and safety and the development of the arts require 9964
and shall recommend any additional legislation to assist in 9965
carrying out fully, in statutory form, the purposes declared in 9966
that section. The board shall prepare and submit to the general 9967
assembly a summary report of the number, nature, and disposition 9968
of the petitions filed under sections 3781.13 and 3781.14 of the 9969

Revised Code. 9970

(C) On its own motion or on application made under 9971
sections 3781.12 and 3781.13 of the Revised Code, and after 9972
thorough testing and evaluation, the board shall determine by 9973
rule that any particular fixture, device, material, process of 9974
manufacture, manufactured unit or component, method of 9975
manufacture, system, or method of construction complies with 9976
performance standards adopted pursuant to section 3781.11 of the 9977
Revised Code. The board shall make its determination with regard 9978
to adaptability for safe and sanitary erection, use, or 9979
construction, to that described in any section of the Revised 9980
Code, wherever the use of a fixture, device, material, method of 9981
manufacture, system, or method of construction described in that 9982
section of the Revised Code is permitted by law. The board shall 9983
amend or annul any rule or issue an authorization for the use of 9984
a new material or manufactured unit on any like application. No 9985
department, officer, board, or commission of the state other 9986
than the board of building standards or the board of building 9987
appeals shall permit the use of any fixture, device, material, 9988
method of manufacture, newly designed product, system, or method 9989
of construction at variance with what is described in any rule 9990
the board of building standards adopts or issues or that is 9991
authorized by any section of the Revised Code. Nothing in this 9992
section shall be construed as requiring approval, by rule, of 9993
plans for an industrialized unit that conforms with the rules 9994
the board of building standards adopts pursuant to section 9995
3781.11 of the Revised Code. 9996

(D) The board shall recommend rules, codes, and standards 9997
to help carry out the purposes of section 3781.06 of the Revised 9998
Code and to help secure uniformity of state administrative 9999
rulings and local legislation and administrative action to the 10000

~~bureau of workers' compensation office of worker safety and~~ 10001
~~rehabilitation,~~ the director of commerce, any other department, 10002
officer, board, or commission of the state, and to legislative 10003
authorities and building departments of counties, townships, and 10004
municipal corporations, and shall recommend that they audit 10005
those recommended rules, codes, and standards by any appropriate 10006
action that they are allowed pursuant to law or the 10007
constitution. 10008

(E) (1) The board shall certify municipal, township, and 10009
county building departments and the personnel of those building 10010
departments, and persons and employees of individuals, firms, or 10011
corporations as described in division (E) (7) of this section to 10012
exercise enforcement authority, to accept and approve plans and 10013
specifications, and to make inspections, pursuant to sections 10014
3781.03, 3791.04, and 4104.43 of the Revised Code. 10015

(2) The board shall certify departments, personnel, and 10016
persons to enforce the state residential building code, to 10017
enforce the nonresidential building code, or to enforce both the 10018
residential and the nonresidential building codes. Any 10019
department, personnel, or person may enforce only the type of 10020
building code for which certified. 10021

(3) The board shall not require a building department, its 10022
personnel, or any persons that it employs to be certified for 10023
residential building code enforcement if that building 10024
department does not enforce the state residential building code. 10025
The board shall specify, in rules adopted pursuant to Chapter 10026
119. of the Revised Code, the requirements for certification for 10027
residential and nonresidential building code enforcement, which 10028
shall be consistent with this division. The requirements for 10029
residential and nonresidential certification may differ. Except 10030

as otherwise provided in this division, the requirements shall 10031
include, but are not limited to, the satisfactory completion of 10032
an initial examination and, to remain certified, the completion 10033
of a specified number of hours of continuing building code 10034
education within each three-year period following the date of 10035
certification which shall be not less than thirty hours. The 10036
rules shall provide that continuing education credits and 10037
certification issued by the council of American building 10038
officials, national model code organizations, and agencies or 10039
entities the board recognizes are acceptable for purposes of 10040
this division. The rules shall specify requirements that are 10041
consistent with the provisions of section 5903.12 of the Revised 10042
Code relating to active duty military service and are 10043
compatible, to the extent possible, with requirements the 10044
council of American building officials and national model code 10045
organizations establish. 10046

(4) The board shall establish and collect a certification 10047
and renewal fee for building department personnel, and persons 10048
and employees of persons, firms, or corporations as described in 10049
this section, who are certified pursuant to this division. 10050

(5) Any individual certified pursuant to this division 10051
shall complete the number of hours of continuing building code 10052
education that the board requires or, for failure to do so, 10053
forfeit certification. 10054

(6) This division does not require or authorize the board 10055
to certify personnel of municipal, township, and county building 10056
departments, and persons and employees of persons, firms, or 10057
corporations as described in this section, whose 10058
responsibilities do not include the exercise of enforcement 10059
authority, the approval of plans and specifications, or making 10060

inspections under the state residential and nonresidential 10061
building codes. 10062

(7) Enforcement authority for approval of plans and 10063
specifications and enforcement authority for inspections may be 10064
exercised, and plans and specifications may be approved and 10065
inspections may be made on behalf of a municipal corporation, 10066
township, or county, by any of the following who the board of 10067
building standards certifies: 10068

(a) Officers or employees of the municipal corporation, 10069
township, or county; 10070

(b) Persons, or employees of persons, firms, or 10071
corporations, pursuant to a contract to furnish architectural, 10072
engineering, or other services to the municipal corporation, 10073
township, or county; 10074

(c) Officers or employees of, and persons under contract 10075
with, a municipal corporation, township, county, health 10076
district, or other political subdivision, pursuant to a contract 10077
to furnish architectural, engineering, or other services. 10078

(8) Municipal, township, and county building departments 10079
have jurisdiction within the meaning of sections 3781.03, 10080
3791.04, and 4104.43 of the Revised Code, only with respect to 10081
the types of buildings and subject matters for which they are 10082
certified under this section. 10083

(9) A certified municipal, township, or county building 10084
department may exercise enforcement authority, accept and 10085
approve plans and specifications, and make inspections pursuant 10086
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 10087
for a park district created pursuant to Chapter 1545. of the 10088
Revised Code upon the approval, by resolution, of the board of 10089

park commissioners of the park district requesting the 10090
department to exercise that authority and conduct those 10091
activities, as applicable. 10092

(10) Certification shall be granted upon application by 10093
the municipal corporation, the board of township trustees, or 10094
the board of county commissioners and approval of that 10095
application by the board of building standards. The application 10096
shall set forth: 10097

(a) Whether the certification is requested for residential 10098
or nonresidential buildings, or both; 10099

(b) The number and qualifications of the staff composing 10100
the building department; 10101

(c) The names, addresses, and qualifications of persons, 10102
firms, or corporations contracting to furnish work or services 10103
pursuant to division (E) (7) (b) of this section; 10104

(d) The names of any other municipal corporation, 10105
township, county, health district, or political subdivision 10106
under contract to furnish work or services pursuant to division 10107
(E) (7) of this section; 10108

(e) The proposed budget for the operation of the building 10109
department. 10110

(11) The board of building standards shall adopt rules 10111
governing all of the following: 10112

(a) The certification of building department personnel and 10113
persons and employees of persons, firms, or corporations 10114
exercising authority pursuant to division (E) (7) of this 10115
section. The rules shall disqualify any employee of the 10116
department or person who contracts for services with the 10117

department from performing services for the department when that 10118
employee or person would have to pass upon, inspect, or 10119
otherwise exercise authority over any labor, material, or 10120
equipment the employee or person furnishes for the construction, 10121
alteration, or maintenance of a building or the preparation of 10122
working drawings or specifications for work within the 10123
jurisdictional area of the department. The department shall 10124
provide other similarly qualified personnel to enforce the 10125
residential and nonresidential building codes as they pertain to 10126
that work. 10127

(b) The minimum services to be provided by a certified 10128
building department. 10129

(12) The board of building standards may revoke or suspend 10130
certification to enforce the residential and nonresidential 10131
building codes, on petition to the board by any person affected 10132
by that enforcement or approval of plans, or by the board on its 10133
own motion. Hearings shall be held and appeals permitted on any 10134
proceedings for certification or revocation or suspension of 10135
certification in the same manner as provided in section 3781.101 10136
of the Revised Code for other proceedings of the board of 10137
building standards. 10138

(13) Upon certification, and until that authority is 10139
revoked, any county or township building department shall 10140
enforce the residential and nonresidential building codes for 10141
which it is certified without regard to limitation upon the 10142
authority of boards of county commissioners under Chapter 307. 10143
of the Revised Code or boards of township trustees under Chapter 10144
505. of the Revised Code. 10145

(F) In addition to hearings sections 3781.06 to 3781.18 10146
and 3791.04 of the Revised Code require, the board of building 10147

standards shall make investigations and tests, and require from 10148
other state departments, officers, boards, and commissions 10149
information the board considers necessary or desirable to assist 10150
it in the discharge of any duty or the exercise of any power 10151
mentioned in this section or in sections 3781.06 to 3781.18, 10152
3791.04, and 4104.43 of the Revised Code. 10153

(G) The board shall adopt rules and establish reasonable 10154
fees for the review of all applications submitted where the 10155
applicant applies for authority to use a new material, assembly, 10156
or product of a manufacturing process. The fee shall bear some 10157
reasonable relationship to the cost of the review or testing of 10158
the materials, assembly, or products and for the notification of 10159
approval or disapproval as provided in section 3781.12 of the 10160
Revised Code. 10161

(H) The residential construction advisory committee shall 10162
provide the board with a proposal for a state residential 10163
building code that the committee recommends pursuant to division 10164
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 10165
recommendation from the committee that is acceptable to the 10166
board, the board shall adopt rules establishing that code as the 10167
state residential building code. 10168

(I) (1) The committee may provide the board with proposed 10169
rules to update or amend the state residential building code 10170
that the committee recommends pursuant to division (E) of 10171
section 4740.14 of the Revised Code. 10172

(2) If the board receives a proposed rule to update or 10173
amend the state residential building code as provided in 10174
division (I) (1) of this section, the board either may accept or 10175
reject the proposed rule for incorporation into the residential 10176
building code. If the board does not act to either accept or 10177

reject the proposed rule within ninety days after receiving the 10178
proposed rule from the committee as described in division (I) (1) 10179
of this section, the proposed rule shall become part of the 10180
residential building code. 10181

(J) The board shall cooperate with the director of job and 10182
family services when the director promulgates rules pursuant to 10183
section 5104.05 of the Revised Code regarding safety and 10184
sanitation in type A family day-care homes. 10185

(K) The board shall adopt rules to implement the 10186
requirements of section 3781.108 of the Revised Code. 10187

Sec. 3781.16. Sections 3781.06 to 3781.18 and section 10188
3791.04 of the Revised Code do not limit any of the powers of 10189
the public utilities commission, the ~~bureau of workers'~~ 10190
compensation office of worker safety and rehabilitation, or the 10191
department of commerce, or the division of fire marshal, except 10192
as specifically provided in those sections, nor exempt any 10193
officer or department from the obligation of enforcing all laws. 10194
Those sections do not limit any of the powers conferred upon 10195
municipal corporations by the constitution or the laws of this 10196
state. 10197

Sec. 3783.02. Nothing in sections 3783.01 to 3783.08 of 10198
the Revised Code shall apply to inspection of the design, 10199
construction, maintenance, or replacement of any of the 10200
following: 10201

(A) Installations in ships, watercraft, railway rolling 10202
stock, aircraft, or automotive vehicles; 10203

(B) Installations underground in mines; 10204

(C) Installations of railways for the generation, 10205
transformation, transmission, or distribution of power used 10206

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| exclusively for operation of rolling stock or installations used | 10207 |
| exclusively for signaling and communication purposes; | 10208 |
| (D) Installations of communication equipment under control | 10209 |
| of communication utilities, located outdoors or in building | 10210 |
| spaces used for such installations; | 10211 |
| (E) Installations under the control of electric utilities | 10212 |
| for the purpose of communication, metering, or for the | 10213 |
| generation, control, transformation, transmission, and | 10214 |
| distribution of electric energy located in building spaces used | 10215 |
| by utilities for such purposes or located on property owned or | 10216 |
| leased by the utility or on public highways, streets, roads, | 10217 |
| etc., or by established rights on private property; | 10218 |
| (F) Installations of elevators, dumbwaiters, and | 10219 |
| escalators as regulated by the bureau of workers' compensation | 10220 |
| <u>office of worker safety and rehabilitation.</u> | 10221 |
| Sec. 3796.28. (A) Nothing in this chapter does any of the | 10222 |
| following: | 10223 |
| (1) Requires an employer to permit or accommodate an | 10224 |
| employee's use, possession, or distribution of medical | 10225 |
| marijuana; | 10226 |
| (2) Prohibits an employer from refusing to hire, | 10227 |
| discharging, disciplining, or otherwise taking an adverse | 10228 |
| employment action against a person with respect to hire, tenure, | 10229 |
| terms, conditions, or privileges of employment because of that | 10230 |
| person's use, possession, or distribution of medical marijuana; | 10231 |
| (3) Prohibits an employer from establishing and enforcing | 10232 |
| a drug testing policy, drug-free workplace policy, or zero- | 10233 |
| tolerance drug policy; | 10234 |

(4) Interferes with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;

(5) Permits a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;

(6) Affects the authority of the administrator of ~~workers' compensation~~ worker safety and rehabilitation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123. of the Revised Code.

(B) A person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause for purposes of division (D) of section 4141.29 of the Revised Code if the person's use of medical marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana.

Sec. 3798.01. As used in this chapter:

(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.

(B) "Approved health information exchange" means a health information exchange that has been approved or reapproved by the

medicaid director pursuant to the approval or reapproval 10264
process, as applicable, the director establishes in rules 10265
adopted under division (A) of section 3798.15 of the Revised 10266
Code or that has been certified by the office of the national 10267
coordinator for health information technology in the United 10268
States department of health and human services. 10269

(C) "Covered entity," "disclosure," "health care 10270
provider," "health information," "individually identifiable 10271
health information," "protected health information," and "use" 10272
have the same meanings as in 45 C.F.R. 160.103. 10273

(D) "Designated record set" has the same meaning as in 45 10274
C.F.R. 164.501. 10275

(E) "Direct exchange" means the activity of electronic 10276
transmission of health information through a direct connection 10277
between the electronic record systems of health care providers 10278
without the use of a health information exchange. 10279

(F) "Health care component" and "hybrid entity" have the 10280
same meanings as in 45 C.F.R. 164.103. 10281

(G) "Health information exchange" means any person or 10282
governmental entity that provides in this state a technical 10283
infrastructure to connect computer systems or other electronic 10284
devices used by covered entities to facilitate the secure 10285
transmission of health information. "Health information 10286
exchange" excludes health care providers engaged in direct 10287
exchange, including direct exchange through the use of a health 10288
information service provider. 10289

(H) "HIPAA privacy rule" means the standards for privacy 10290
of individually identifiable health information in 45 C.F.R. 10291
part 160 and in 45 C.F.R. part 164, subparts A and E. 10292

(I) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

(J) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

(K) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

(L) "Office of health transformation" means the office of health transformation created by executive order 2011-02K or a successor governmental entity responsible for health system oversight in this state.

(M) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

(N) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and

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| politic responsible for governmental activities in a geographic | 10322 |
| area smaller than that of the state. | 10323 |
| (0) "State agency" means any one or more of the following: | 10324 |
| (1) The department of administrative services; | 10325 |
| (2) The department of aging; | 10326 |
| (3) The department of mental health and addiction | 10327 |
| services; | 10328 |
| (4) The department of developmental disabilities; | 10329 |
| (5) The department of education; | 10330 |
| (6) The department of health; | 10331 |
| (7) The department of insurance; | 10332 |
| (8) The department of job and family services; | 10333 |
| (9) The department of medicaid; | 10334 |
| (10) The department of rehabilitation and correction; | 10335 |
| (11) The department of youth services; | 10336 |
| (12) The bureau of workers' compensation <u>office of worker</u> | 10337 |
| <u>safety and rehabilitation;</u> | 10338 |
| (13) The opportunities for Ohioans with disabilities | 10339 |
| agency; | 10340 |
| (14) The office of the attorney general; | 10341 |
| (15) A health care licensing board created under Title | 10342 |
| XLVII of the Revised Code that possesses individually | 10343 |
| identifiable health information. | 10344 |
| Sec. 4101.15. No employer, employee, or other person shall | 10345 |

violate this chapter or Chapter 4121. of the Revised Code, do 10346
any act prohibited by such chapters, fail to perform any duty 10347
lawfully enjoined, within the time prescribed by the ~~bureau of~~ 10348
~~workers' compensation~~ office of worker safety and 10349
rehabilitation, for which violation no penalty has been 10350
specifically provided, or fail to obey any lawful order given or 10351
made by the ~~bureau~~ office, or any judgment or decree made by any 10352
court in connection with such chapters. 10353

Sec. 4101.16. Every day during which any person, or 10354
corporation, or any officer, agent, or employee thereof fails to 10355
observe and comply with any order of the ~~bureau of workers'~~ 10356
~~compensation~~ office of worker safety and rehabilitation, or to 10357
perform any duty enjoined by this chapter and Chapter 4121. of 10358
the Revised Code, constitutes a separate violation of the order 10359
or chapters. 10360

Sec. 4112.31. The new African immigrants commission shall 10361
do all of the following: 10362

(A) Gather and disseminate information and conduct 10363
hearings, conferences, investigations, and special studies on 10364
problems and programs concerning sub-Saharan African people; 10365

(B) Secure appropriate recognition of the accomplishments 10366
and contributions of sub-Saharan African people to this state; 10367

(C) Stimulate public awareness of the problems of sub- 10368
Saharan African people by conducting a program of public 10369
education; 10370

(D) Develop, coordinate, and assist other public and 10371
private organizations that serve sub-Saharan African people, 10372
including the conducting of training programs for community 10373
leadership and service project staff; 10374

- (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; 10375
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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; 10378
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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; 10385
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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; 10389
10390
10391
- (I) Prepare, review, and approve an annual report; 10392
- (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; 10393
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10395
- (K) Apply for and accept grants and gifts from governmental and private sources to be administered by the commission or subcontracted to local agencies; 10396
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- (L) Monitor and evaluate all programs subcontracted to local agencies by the commission; 10399
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- (M) Endeavor to assure that sub-Saharan African people have access to decision-making bodies in all state and local 10401
10402

governmental departments and agencies; 10403

(N) Establish advisory committees on special subjects as 10404
needed to facilitate and maximize community participation in the 10405
operation of the commission; 10406

(O) Establish with state and local governments and private 10407
business and industry relationships that promote and assure 10408
equal opportunity for sub-Saharan African people in government, 10409
education, and employment. 10410

(P) Create an interagency council consisting of the 10411
following persons or their authorized representatives: one 10412
member of the senate appointed by the president of the senate; 10413
one member of the house of representatives appointed by the 10414
speaker of the house of representatives; the directors of 10415
administrative services, agriculture, education, development 10416
services, health, highway safety, job and family services, 10417
liquor control, mental health and addiction services, and 10418
developmental disabilities, natural resources, rehabilitation 10419
and correction, youth services, transportation, environmental 10420
protection, and budget and management; the chairperson of the 10421
Ohio civil rights commission, the administrator of ~~the bureau of~~ 10422
~~workers' compensation, worker safety and rehabilitation,~~ the 10423
executive director of the opportunities for Ohioans with 10424
disabilities agency, and an additional member of the governor's 10425
cabinet appointed by the governor. The new African immigrants 10426
commission, by rule, may designate other state officers or their 10427
representatives to be members of the council. The director of 10428
the commission shall be the chairperson of the council. 10429

The interagency council shall provide and coordinate the 10430
exchange of information relative to the needs of sub-Saharan 10431
African people and promote the delivery of state services to 10432

such people. The council shall meet at the call of the 10433
chairperson. 10434

Advisory committees shall be composed of persons 10435
representing community organizations and charitable 10436
institutions, public officials, and such other persons as the 10437
commission determines. 10438

Sec. 4113.21. No employer shall require any prospective 10439
employee or applicant for employment to pay the cost of a 10440
medical examination required by the employer as a condition of 10441
employment. 10442

As used in this section: 10443

(A) "Employer" means any individual, partnership, trust, 10444
estate, joint-stock company, insurance company, common carrier, 10445
public utility, or corporation, whether domestic or foreign, or 10446
the receiver, trustee in bankruptcy, trustee, or the successor 10447
thereof, who has in employment three or more individuals at any 10448
one time within a calendar year. 10449

(B) "Employee" means any person who may be permitted, 10450
required, or directed by any employer in consideration of direct 10451
or indirect gain or profit, to engage in any employment. 10452

Any employer who violates this section shall forfeit not 10453
more than one hundred dollars for each violation. The ~~bureau of~~ 10454
~~workers' compensation~~ office of worker safety and rehabilitation 10455
and the public utilities commission shall enforce this section. 10456

Sec. 4113.23. (A) No employer or physician, other health 10457
care professional, hospital, or laboratory that contracts with 10458
the employer to provide medical information pertaining to 10459
employees shall refuse upon written request of an employee to 10460
furnish to the employee or former employee or their designated 10461

representative a copy of any medical report pertaining to the 10462
employee. The requirements of this section extend to any medical 10463
report arising out of any physical examination by a physician or 10464
other health care professional and any hospital or laboratory 10465
tests which examinations or tests are required by the employer 10466
as a condition of employment or arising out of any injury or 10467
disease related to the employee's employment. However, if a 10468
physician concludes that presentation of all or any part of an 10469
employee's medical record directly to the employee will result 10470
in serious medical harm to the employee, ~~he~~ the physician shall 10471
so indicate on the medical record, in which case a copy thereof 10472
shall be given to a physician designated in writing by the 10473
employee. 10474

(B) The employer may require the employee to pay the cost 10475
of furnishing copies of the medical reports described in 10476
division (A) of this section but in no case shall the employer 10477
charge more than twenty-five cents for each page of a report. 10478

(C) As used in this section, "employer" has the same 10479
meaning as contained in the definition of that term found in 10480
section 4123.01 of the Revised Code. 10481

(D) Any employer who refuses to furnish the reports to 10482
which an employee is entitled is guilty of a minor misdemeanor 10483
for each violation. The ~~bureau of workers' compensation office~~ 10484
of worker safety and rehabilitation shall enforce this section. 10485

Sec. 4115.32. (A) Subject to section 4115.36 of the 10486
Revised Code, there is hereby created the state committee for 10487
the purchase of products and services provided by persons with 10488
severe disabilities. The committee shall be composed ex officio 10489
of the following persons, or their designees: 10490

(1) The directors of administrative services, mental 10491
health and addiction services, developmental disabilities, 10492
transportation, natural resources, and commerce; 10493

(2) The administrator of ~~the bureau of workers'~~ 10494
~~compensation worker safety and rehabilitation~~ and the executive 10495
director of the opportunities for Ohioans with disabilities 10496
agency; 10497

(3) The secretary of state; 10498

(4) One representative of a purchasing department of a 10499
political subdivision who is designated by the governor. 10500

The governor shall appoint two representatives of a 10501
qualified nonprofit agency for persons with severe disabilities, 10502
and a person with a severe disability to the committee. 10503

(B) Within thirty days after September 29, 1995, the 10504
governor shall appoint the representatives of a qualified 10505
nonprofit agency for persons with severe disabilities to the 10506
committee for a term ending August 31, 1996. Thereafter, terms 10507
for such representatives are for three years, each term ending 10508
on the same day of the same month of the year as did the term 10509
that it succeeds. Each committee member shall serve from the 10510
date of the member's appointment until the end of the term for 10511
which the member was appointed. Vacancies shall be filled in the 10512
same manner provided for original appointments. Any member 10513
appointed to fill a vacancy occurring prior to the expiration 10514
date of the term for which the member's predecessor was 10515
appointed shall serve as a member for the remainder of that 10516
term. A member shall serve subsequent to the expiration of the 10517
member's term and shall continue to serve until the member's 10518
successor takes office. 10519

(C) Members of the committee shall serve without 10520
compensation. Except as otherwise provided in divisions (C) (1) 10521
and (2) of this section, members shall be reimbursed for actual 10522
and necessary expenses, including travel expenses, incurred 10523
while away from their homes or regular places of business and 10524
incurred while performing services for the committee. 10525

(1) The members listed in divisions (A) (1) to (3) of this 10526
section, or their designees, shall not be reimbursed for any 10527
expenses. 10528

(2) No member of the committee who is entitled to receive 10529
reimbursement for the performance of services for the committee 10530
from another agency or entity shall receive reimbursement from 10531
the committee. 10532

(D) The committee shall elect from among its members a 10533
chairperson. The committee may request from any agency of the 10534
state, political subdivision, or instrumentality of the state 10535
any information necessary to enable it to carry out the intent 10536
of sections 4115.31 to 4115.35 of the Revised Code. Upon request 10537
of the committee, the agency, subdivision, or instrumentality 10538
shall furnish the information to the chairperson of the 10539
committee. 10540

(E) The committee shall not later than one hundred eighty 10541
days following the close of each fiscal year transmit to the 10542
governor, the general assembly, and each qualified nonprofit 10543
agency for persons with severe disabilities a report that 10544
includes the names of the committee members serving during the 10545
preceding fiscal year, the dates of committee meetings in that 10546
year, and any recommendations for changes in sections 4115.31 to 10547
4115.35 of the Revised Code that the committee determines are 10548
necessary. 10549

(F) The director of administrative services shall 10550
designate a subordinate to act as executive director of the 10551
committee and shall furnish other staff and clerical assistance, 10552
office space, and supplies required by the committee. 10553

Sec. 4117.10. (A) An agreement between a public employer 10554
and an exclusive representative entered into pursuant to this 10555
chapter governs the wages, hours, and terms and conditions of 10556
public employment covered by the agreement. If the agreement 10557
provides for a final and binding arbitration of grievances, 10558
public employers, employees, and employee organizations are 10559
subject solely to that grievance procedure and the state 10560
personnel board of review or civil service commissions have no 10561
jurisdiction to receive and determine any appeals relating to 10562
matters that were the subject of a final and binding grievance 10563
procedure. Where no agreement exists or where an agreement makes 10564
no specification about a matter, the public employer and public 10565
employees are subject to all applicable state or local laws or 10566
ordinances pertaining to the wages, hours, and terms and 10567
conditions of employment for public employees. All of the 10568
following prevail over conflicting provisions of agreements 10569
between employee organizations and public employers: 10570

- (1) Laws pertaining to any of the following subjects: 10571
 - (a) Civil rights; 10572
 - (b) Affirmative action; 10573
 - (c) Unemployment compensation; 10574
 - (d) Workers' compensation; 10575
 - (e) The retirement of public employees; 10576
 - (f) Residency requirements; 10577

(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;

(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;

(i) The minimum standards promulgated by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(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;

(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;

(4) The law pertaining to excess benefits prohibited under section 3345.311 of the Revised Code with respect to an agreement between an employee organization and a public employer entered into on or after ~~the effective date of this amendment~~ September 29, 2015.

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 10607
the Revised Code and arrangements entered into thereunder, and 10608
section 4981.21 of the Revised Code as necessary to comply with 10609
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 10610
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 10611
entered into thereunder, this chapter prevails over any and all 10612
other conflicting laws, resolutions, provisions, present or 10613
future, except as otherwise specified in this chapter or as 10614
otherwise specified by the general assembly. Nothing in this 10615
section prohibits or shall be construed to invalidate the 10616
provisions of an agreement establishing supplemental workers' 10617
compensation or unemployment compensation benefits or exceeding 10618
minimum requirements contained in the Revised Code pertaining to 10619
public education or the minimum standards promulgated by the 10620
state board of education pursuant to division (D) of section 10621
3301.07 of the Revised Code. 10622

(B) The public employer shall submit a request for funds 10623
necessary to implement an agreement and for approval of any 10624
other matter requiring the approval of the appropriate 10625
legislative body to the legislative body within fourteen days of 10626
the date on which the parties finalize the agreement, unless 10627
otherwise specified, but if the appropriate legislative body is 10628
not in session at the time, then within fourteen days after it 10629
convenes. The legislative body must approve or reject the 10630
submission as a whole, and the submission is deemed approved if 10631
the legislative body fails to act within thirty days after the 10632
public employer submits the agreement. The parties may specify 10633
that those provisions of the agreement not requiring action by a 10634
legislative body are effective and operative in accordance with 10635
the terms of the agreement, provided there has been compliance 10636
with division (C) of this section. If the legislative body 10637

rejects the submission of the public employer, either party may 10638
reopen all or part of the entire agreement. 10639

As used in this section, "legislative body" includes the 10640
governing board of a municipal corporation, school district, 10641
college or university, village, township, or board of county 10642
commissioners or any other body that has authority to approve 10643
the budget of their public jurisdiction and, with regard to the 10644
state, "legislative body" means the controlling board. 10645

(C) The chief executive officer, or the chief executive 10646
officer's representative, of each municipal corporation, the 10647
designated representative of the board of education of each 10648
school district, college or university, or any other body that 10649
has authority to approve the budget of their public 10650
jurisdiction, the designated representative of the board of 10651
county commissioners and of each elected officeholder of the 10652
county whose employees are covered by the collective 10653
negotiations, and the designated representative of the village 10654
or the board of township trustees of each township is 10655
responsible for negotiations in the collective bargaining 10656
process; except that the legislative body may accept or reject a 10657
proposed collective bargaining agreement. When the matters about 10658
which there is agreement are reduced to writing and approved by 10659
the employee organization and the legislative body, the 10660
agreement is binding upon the legislative body, the employer, 10661
and the employee organization and employees covered by the 10662
agreement. 10663

(D) There is hereby established an office of collective 10664
bargaining in the department of administrative services for the 10665
purpose of negotiating with and entering into written agreements 10666
between state agencies, departments, boards, and commissions and 10667

the exclusive representative on matters of wages, hours, terms 10668
and other conditions of employment and the continuation, 10669
modification, or deletion of an existing provision of a 10670
collective bargaining agreement. Nothing in any provision of law 10671
to the contrary shall be interpreted as excluding the ~~bureau of~~ 10672
~~workers' compensation~~ office of worker safety and rehabilitation 10673
and the industrial commission from the preceding sentence. This 10674
office shall not negotiate on behalf of other statewide elected 10675
officials or boards of trustees of state institutions of higher 10676
education who shall be considered as separate public employers 10677
for the purposes of this chapter; however, the office may 10678
negotiate on behalf of these officials or trustees where 10679
authorized by the officials or trustees. The staff of the office 10680
of collective bargaining are in the unclassified service. The 10681
director of administrative services shall fix the compensation 10682
of the staff. 10683

The office of collective bargaining shall: 10684

(1) Assist the director in formulating management's 10685
philosophy for public collective bargaining as well as planning 10686
bargaining strategies; 10687

(2) Conduct negotiations with the exclusive 10688
representatives of each employee organization; 10689

(3) Coordinate the state's resources in all mediation, 10690
fact-finding, and arbitration cases as well as in all labor 10691
disputes; 10692

(4) Conduct systematic reviews of collective bargaining 10693
agreements for the purpose of contract negotiations; 10694

(5) Coordinate the systematic compilation of data by all 10695
agencies that is required for negotiating purposes; 10696

(6) Prepare and submit an annual report and other reports 10697
as requested to the governor and the general assembly on the 10698
implementation of this chapter and its impact upon state 10699
government. 10700

Sec. 4121.01. (A) As used in sections 4121.01 to 4121.29 10701
of the Revised Code: 10702

(1) "Place of employment" means every place, whether 10703
indoors or out, or underground, and the premises appurtenant 10704
thereto, where either temporarily or permanently any industry, 10705
trade, or business is carried on, or where any process or 10706
operation, directly or indirectly related to any industry, 10707
trade, or business, is carried on and where any person is 10708
directly or indirectly employed by another for direct or 10709
indirect gain or profit, but does not include any place where 10710
persons are employed in private domestic service or agricultural 10711
pursuits which do not involve the use of mechanical power. 10712

(2) "Employment" means any trade, occupation, or process 10713
of manufacture or any method of carrying on such trade, 10714
occupation, or process of manufacture in which any person may be 10715
engaged, except in such private domestic service or agricultural 10716
pursuits as do not involve the use of mechanical power. 10717

(3) "Employer" means every person, firm, corporation, 10718
agent, manager, representative, or other person having control 10719
or custody of any employment, place of employment, or employee. 10720

(4) "Employee" means every person who may be required or 10721
directed by any employer, in consideration of direct or indirect 10722
gain or profit, to engage in any employment, or to go, or work, 10723
or be at any time in any place of employment. 10724

(5) "Frequenter" means every person, other than an 10725

employee, who may go in or be in a place of employment under 10726
circumstances which render the person other than a trespasser. 10727

(6) "Deputy" means any person employed by the industrial 10728
commission or the ~~bureau of workers' compensation~~ office of 10729
worker safety and rehabilitation, designated as a deputy by the 10730
commission or the administrator of ~~workers' compensation~~ worker 10731
safety and rehabilitation, who possesses special, technical, 10732
scientific, managerial, professional, or personal abilities or 10733
qualities in matters within the jurisdiction of the commission 10734
or the ~~bureau~~ office, and who may be engaged in the performance 10735
of duties under the direction of the commission or the ~~bureau~~ 10736
office calling for the exercise of such abilities or qualities. 10737

(7) "Order" means any decision, rule, regulation, 10738
direction, requirement, or standard, or any other determination 10739
or decision that the ~~bureau~~ office is empowered to and does 10740
make. 10741

(8) "General order" means an order that applies generally 10742
throughout the state to all persons, employments, or places of 10743
employment, or all persons, employments, or places of employment 10744
of a class under the jurisdiction of the ~~bureau~~ office. All 10745
other orders shall be considered special orders. 10746

(9) "Local order" means any ordinance, order, rule, or 10747
determination of the legislative authority of any municipal 10748
corporation, or any trustees, or board or officers of any 10749
municipal corporation upon any matter over which the ~~bureau~~ 10750
office has jurisdiction. 10751

(10) "Welfare" means comfort, decency, and moral well- 10752
being. 10753

(11) "Safe" or "safety," as applied to any employment or a 10754

place of employment, means such freedom from danger to the life, 10755
health, safety, or welfare of employees or frequenters as the 10756
nature of the employment will reasonably permit, including 10757
requirements as to the hours of labor with relation to the 10758
health and welfare of employees. 10759

(12) "Employee organization" means any labor or bona fide 10760
organization in which employees participate and that exists for 10761
the purpose, in whole or in part, of dealing with employers 10762
concerning grievances, labor disputes, wages, hours, terms, and 10763
other conditions of employment. 10764

(B) As used in the Revised Code: 10765

(1) "Industrial commission" means the chairperson of the 10766
three-member industrial commission created pursuant to section 10767
4121.02 of the Revised Code when the context refers to the 10768
authority vested in the chairperson as the chief executive 10769
officer of the three-member industrial commission pursuant to 10770
divisions (A), (B), (C), and (D) of section 4121.03 of the 10771
Revised Code. 10772

(2) "Industrial commission" means the three-member 10773
industrial commission created pursuant to section 4121.02 of the 10774
Revised Code when the context refers to the authority vested in 10775
the three-member industrial commission pursuant to division (E) 10776
of section 4121.03 of the Revised Code. 10777

(3) "Industrial commission" means the industrial 10778
commission as a state agency when the context refers to the 10779
authority vested in the industrial commission as a state agency. 10780

Sec. 4121.03. (A) The governor shall appoint from among 10781
the members of the industrial commission the chairperson of the 10782
industrial commission. The chairperson shall serve as 10783

chairperson at the pleasure of the governor. The chairperson is 10784
the head of the commission and its chief executive officer. 10785

(B) The chairperson shall appoint, after consultation with 10786
other commission members and obtaining the approval of at least 10787
one other commission member, an executive director of the 10788
commission. The executive director shall serve at the pleasure 10789
of the chairperson. The executive director, under the direction 10790
of the chairperson, shall perform all of the following duties: 10791

(1) Act as chief administrative officer for the 10792
commission; 10793

(2) Ensure that all commission personnel follow the rules 10794
of the commission; 10795

(3) Ensure that all orders, awards, and determinations are 10796
properly heard and signed, prior to attesting to the documents; 10797

(4) Coordinate, to the fullest extent possible, commission 10798
activities with the ~~bureau of workers' compensation~~ office of 10799
worker safety and rehabilitation activities; 10800

(5) Do all things necessary for the efficient and 10801
effective implementation of the duties of the commission. 10802

The responsibilities assigned to the executive director of 10803
the commission do not relieve the chairperson from final 10804
responsibility for the proper performance of the acts specified 10805
in this division. 10806

(C) The chairperson shall do all of the following: 10807

(1) Except as otherwise provided in this division, employ, 10808
promote, supervise, remove, and establish the compensation of 10809
all employees as needed in connection with the performance of 10810
the commission's duties under this chapter and Chapters 4123., 10811

4127., and 4131. of the Revised Code and may assign to them 10812
their duties to the extent necessary to achieve the most 10813
efficient performance of its functions, and to that end may 10814
establish, change, or abolish positions, and assign and reassign 10815
duties and responsibilities of every employee of the commission. 10816
The civil service status of any person employed by the 10817
commission prior to November 3, 1989, is not affected by this 10818
section. Personnel employed by the ~~bureau~~office or the 10819
commission who are subject to Chapter 4117. of the Revised Code 10820
shall retain all of their rights and benefits conferred pursuant 10821
to that chapter as it presently exists or is hereafter amended 10822
and nothing in this chapter or Chapter 4123. of the Revised Code 10823
shall be construed as eliminating or interfering with Chapter 10824
4117. of the Revised Code or the rights and benefits conferred 10825
under that chapter to public employees or to any bargaining 10826
unit. 10827

(2) Hire district and staff hearing officers after 10828
consultation with other commission members and obtaining the 10829
approval of at least one other commission member; 10830

(3) Fire staff and district hearing officers when the 10831
chairperson finds appropriate after obtaining the approval of at 10832
least one other commission member; 10833

(4) Maintain the office for the commission in Columbus; 10834

(5) To the maximum extent possible, use electronic data 10835
processing equipment for the issuance of orders immediately 10836
following a hearing, scheduling of hearings and medical 10837
examinations, tracking of claims, retrieval of information, and 10838
any other matter within the commission's jurisdiction, and shall 10839
provide and input information into the electronic data 10840
processing equipment as necessary to effect the success of the 10841

claims tracking system established pursuant to division (B) (14) 10842
of section 4121.121 of the Revised Code; 10843

(6) Exercise all administrative and nonadjudicatory powers 10844
and duties conferred upon the commission by Chapters 4121., 10845
4123., 4127., and 4131. of the Revised Code; 10846

(7) Approve all contracts for special services. 10847

(D) The chairperson is responsible for all administrative 10848
matters and may secure for the commission facilities, equipment, 10849
and supplies necessary to house the commission, any employees, 10850
and files and records under the commission's control and to 10851
discharge any duty imposed upon the commission by law, the 10852
expense thereof to be audited and paid in the same manner as 10853
other state expenses. For that purpose, the chairperson, 10854
separately from the budget prepared by the administrator of 10855
~~workers' compensation~~ worker safety and rehabilitation, shall 10856
prepare and submit to the office of budget and management a 10857
budget for each biennium according to sections 101.532 and 10858
107.03 of the Revised Code. The budget submitted shall cover the 10859
costs of the commission and staff and district hearing officers 10860
in the discharge of any duty imposed upon the chairperson, the 10861
commission, and hearing officers by law. 10862

(E) A majority of the commission constitutes a quorum to 10863
transact business. No vacancy impairs the rights of the 10864
remaining members to exercise all of the powers of the 10865
commission, so long as a majority remains. Any investigation, 10866
inquiry, or hearing that the commission may hold or undertake 10867
may be held or undertaken by or before any one member of the 10868
commission, or before one of the deputies of the commission, 10869
except as otherwise provided in this chapter and Chapters 4123., 10870
4127., and 4131. of the Revised Code. Every order made by a 10871

member, or by a deputy, when approved and confirmed by a 10872
majority of the members, and so shown on its record of 10873
proceedings, is the order of the commission. The commission may 10874
hold sessions at any place within the state. The commission is 10875
responsible for all of the following: 10876

(1) Establishing the overall adjudicatory policy and 10877
management of the commission under this chapter and Chapters 10878
4123., 4127., and 4131. of the Revised Code, except for those 10879
administrative matters within the jurisdiction of the 10880
chairperson, ~~bureau of workers' compensation~~ office of worker 10881
safety and rehabilitation, and the administrator of ~~workers'~~ 10882
~~compensation~~ worker safety and rehabilitation under those 10883
chapters; 10884

(2) Hearing appeals and reconsiderations under this 10885
chapter and Chapters 4123., 4127., and 4131. of the Revised 10886
Code; 10887

(3) Engaging in rulemaking where required by this chapter 10888
or Chapter 4123., 4127., or 4131. of the Revised Code. 10889

Sec. 4121.08. The members of the industrial commission, 10890
the administrator of ~~workers' compensation~~ worker safety and 10891
rehabilitation, and employees and deputies of the commission and 10892
the ~~bureau of workers' compensation~~ office of worker safety and 10893
rehabilitation are entitled to receive from the state their 10894
necessary and actual expenses while traveling on business of the 10895
commission or the ~~bureau~~ office, either within or without the 10896
state. The expenses shall be presented in an account verified by 10897
the person who incurred the expense, approved by the ~~chairman~~ 10898
chairperson of the commission for commission personnel and the 10899
administrator for ~~bureau~~ office personnel, and shall be audited 10900
and paid as other similar expenses are audited and paid. 10901

Sec. 4121.11. Subject to any applicable sections of 10902
sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 10903
Revised Code, the ~~bureau of workers' compensation office of~~ 10904
worker safety and rehabilitation may adopt its own rules of 10905
procedure and may change the same in its discretion. 10906

Sec. 4121.12. (A) There is hereby created the ~~bureau of~~ 10907
~~workers' compensation office of worker safety and rehabilitation~~ 10908
board of directors consisting of eleven members to be appointed 10909
by the governor with the advice and consent of the senate. One 10910
member shall be an individual who, on account of the 10911
individual's previous vocation, employment, or affiliations, can 10912
be classed as a representative of employees; two members shall 10913
be individuals who, on account of their previous vocation, 10914
employment, or affiliations, can be classed as representatives 10915
of employee organizations and at least one of these two 10916
individuals shall be a member of the executive committee of the 10917
largest statewide labor federation; three members shall be 10918
individuals who, on account of their previous vocation, 10919
employment, or affiliations, can be classed as representatives 10920
of employers, one of whom represents self-insuring employers, 10921
one of whom is a state fund employer who employs one hundred or 10922
more employees, and one of whom is a state fund employer who 10923
employs less than one hundred employees; two members shall be 10924
individuals who, on account of their vocation, employment, or 10925
affiliations, can be classed as investment and securities 10926
experts who have direct experience in the management, analysis, 10927
supervision, or investment of assets and are residents of this 10928
state; one member who shall be a certified public accountant; 10929
one member who shall be an actuary who is a member in good 10930
standing with the American academy of actuaries or who is an 10931
associate or fellow with the casualty actuarial society; and one 10932

member shall represent the public and also be an individual who, 10933
on account of the individual's previous vocation, employment, or 10934
affiliations, cannot be classed as either predominantly 10935
representative of employees or of employers. The governor shall 10936
select the chairperson of the board who shall serve as 10937
chairperson at the pleasure of the governor. 10938

None of the members of the board, within one year 10939
immediately preceding the member's appointment, shall have been 10940
employed by the ~~bureau of workers' compensation office of worker~~ 10941
safety and rehabilitation or by any person, partnership, or 10942
corporation that has provided to the ~~bureau~~ office services of a 10943
financial or investment nature, including the management, 10944
analysis, supervision, or investment of assets. 10945

(B) Of the initial appointments made to the board, the 10946
governor shall appoint the member who represents employees, one 10947
member who represents employers, and the member who represents 10948
the public to a term ending one year after June 11, 2007; one 10949
member who represents employers, one member who represents 10950
employee organizations, one member who is an investment and 10951
securities expert, and the member who is a certified public 10952
accountant to a term ending two years after June 11, 2007; and 10953
one member who represents employers, one member who represents 10954
employee organizations, one member who is an investment and 10955
securities expert, and the member who is an actuary to a term 10956
ending three years after June 11, 2007. Thereafter, terms of 10957
office shall be for three years, with each term ending on the 10958
same day of the same month as did the term that it succeeds. 10959
Each member shall hold office from the date of the member's 10960
appointment until the end of the term for which the member was 10961
appointed. 10962

Members may be reappointed. Any 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. A member shall
continue in office subsequent to the expiration date of the
member's term until a successor takes office or until a period
of sixty days has elapsed, whichever occurs first.

(C) In making appointments to the board, the governor
shall select the members from the list of names submitted by the
~~workers' compensation office of worker safety and rehabilitation~~
board of directors nominating committee pursuant to this
division. The nominating committee shall submit to the governor
a list containing four separate names for each of the members on
the board. Within fourteen days after the submission of the
list, the governor shall appoint individuals from the list.

At least thirty days prior to a vacancy occurring as a
result of the expiration of a term and within thirty days after
other vacancies occurring on the board, the nominating committee
shall submit an initial list containing four names for each
vacancy. Within fourteen days after the submission of the
initial list, the governor either shall appoint individuals from
that list or request the nominating committee to submit another
list of four names for each member the governor has not
appointed from the initial list, which list the nominating
committee shall submit to the governor within fourteen days
after the governor's request. The governor then shall appoint,
within seven days after the submission of the second list, one
of the individuals from either list to fill the vacancy for
which the governor has not made an appointment from the initial
list. If the governor appoints an individual to fill a vacancy
occurring as a result of the expiration of a term, the

individual appointed shall begin serving as a member of the 10994
board when the term for which the individual's predecessor was 10995
appointed expires or immediately upon appointment by the 10996
governor, whichever occurs later. With respect to the filling of 10997
vacancies, the nominating committee shall provide the governor 10998
with a list of four individuals who are, in the judgment of the 10999
nominating committee, the most fully qualified to accede to 11000
membership on the board. 11001

In order for the name of an individual to be submitted to 11002
the governor under this division, the nominating committee shall 11003
approve the individual by an affirmative vote of a majority of 11004
its members. 11005

(D) All members of the board shall receive their 11006
reasonable and necessary expenses pursuant to section 126.31 of 11007
the Revised Code while engaged in the performance of their 11008
duties as members and also shall receive an annual salary not to 11009
exceed sixty thousand dollars in total, payable on the following 11010
basis: 11011

(1) Except as provided in division (D) (2) of this section, 11012
a member shall receive two thousand five hundred dollars during 11013
a month in which the member attends one or more meetings of the 11014
board and shall receive no payment during a month in which the 11015
member attends no meeting of the board. 11016

(2) A member may receive no more than thirty thousand 11017
dollars per year to compensate the member for attending meetings 11018
of the board, regardless of the number of meetings held by the 11019
board during a year or the number of meetings in excess of 11020
twelve within a year that the member attends. 11021

(3) Except as provided in division (D) (4) of this section, 11022

if a member serves on the ~~workers' compensation~~ audit committee 11023
of the office of worker safety and rehabilitation, workers' 11024
~~compensation~~ actuarial committee of the office of worker safety 11025
and rehabilitation, or the ~~workers' compensation~~ investment 11026
committee of the office of worker safety and rehabilitation, the 11027
member shall receive two thousand five hundred dollars during a 11028
month in which the member attends one or more meetings of the 11029
committee on which the member serves and shall receive no 11030
payment during any month in which the member attends no meeting 11031
of that committee. 11032

(4) A member may receive no more than thirty thousand 11033
dollars per year to compensate the member for attending meetings 11034
of any of the committees specified in division (D) (3) of this 11035
section, regardless of the number of meetings held by a 11036
committee during a year or the number of committees on which a 11037
member serves. 11038

The chairperson of the board shall set the meeting dates 11039
of the board as necessary to perform the duties of the board 11040
under this chapter and Chapters 4123., 4125., 4127., 4131., and 11041
4167. of the Revised Code. The board shall meet at least twelve 11042
times a year. The administrator of ~~workers' compensation~~ worker 11043
safety and rehabilitation shall provide professional and 11044
clerical assistance to the board, as the board considers 11045
appropriate. 11046

(E) Before entering upon the duties of office, each 11047
appointed member of the board shall take an oath of office as 11048
required by sections 3.22 and 3.23 of the Revised Code and file 11049
in the office of the secretary of state the bond required under 11050
section 4121.127 of the Revised Code. 11051

(F) The board shall: 11052

- (1) Establish the overall administrative policy for the ~~bureau office~~ for the purposes of this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code; 11053
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11055
- (2) Review progress of the ~~bureau office~~ in meeting its cost and quality objectives and in complying with this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code; 11056
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- (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: 11060
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11062
- (a) An evaluation of the cost and quality objectives of the ~~bureau office~~; 11063
11064
- (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; 11065
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11067
11068
- (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; 11069
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- (d) The following information for each of the six consecutive fiscal years occurring previous to the report: 11075
11076
- (i) A schedule of the net assets available for compensation and benefits; 11077
11078
- (ii) The annual cost of the payment of compensation and benefits; 11079
11080

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (iii) Annual administrative expenses incurred; | 11081 |
| (iv) Annual employer premiums allocated for the provision of compensation and benefits. | 11082 11083 |
| (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. | 11084 11085 11086 11087 11088 |
| (4) Review all independent financial audits of the bureau-office . The administrator shall provide access to records of the bureau-office to facilitate the review required under this division. | 11089 11090 11091 11092 |
| (5) Study issues as requested by the administrator or the governor; | 11093 11094 |
| (6) Contract with all of the following: | 11095 |
| (a) An independent actuarial firm to assist the board in making recommendations to the administrator regarding premium rates; | 11096 11097 11098 |
| (b) An outside investment counsel to assist the workers' compensation investment committee <u>of the office of worker safety and rehabilitation</u> in fulfilling its duties; | 11099 11100 11101 |
| (c) An independent fiduciary counsel to assist the board in the performance of its duties. | 11102 11103 |
| (7) Approve the investment policy developed by the workers' compensation investment committee <u>of the office of worker safety and rehabilitation</u> pursuant to section 4121.129 of the Revised Code if the policy satisfies the requirements specified in section 4123.442 of the Revised Code-; | 11104 11105 11106 11107 11108 |

- (8) Review and publish the investment policy no less than 11109
annually and make copies available to interested parties-; 11110
- (9) Prohibit, on a prospective basis, any specific 11111
investment it finds to be contrary to the investment policy 11112
approved by the board-; 11113
- (10) Vote to open each investment class and allow the 11114
administrator to invest in an investment class only if the 11115
board, by a majority vote, opens that class; 11116
- (11) After opening a class but prior to the administrator 11117
investing in that class, adopt rules establishing due diligence 11118
standards for employees of the ~~bureau~~-office to follow when 11119
investing in that class and establish policies and procedures to 11120
review and monitor the performance and value of each investment 11121
class; 11122
- (12) Submit a report annually on the performance and value 11123
of each investment class to the governor, the president and 11124
minority leader of the senate, and the speaker and minority 11125
leader of the house of representatives-; 11126
- (13) Advise and consent on all of the following: 11127
- (a) Administrative rules the administrator submits to it 11128
pursuant to division (B) (5) of section 4121.121 of the Revised 11129
Code for the classification of occupations or industries, for 11130
premium rates and contributions, for the amount to be credited 11131
to the surplus fund, for rules and systems of rating, rate 11132
revisions, and merit rating; 11133
- (b) The duties and authority conferred upon the 11134
administrator pursuant to section 4121.37 of the Revised Code; 11135
- (c) Rules the administrator adopts for the health 11136

partnership program and the qualified health plan system, as 11137
provided in sections 4121.44, 4121.441, and 4121.442 of the 11138
Revised Code; 11139

(d) Rules the administrator submits to it pursuant to 11140
Chapter 4167. of the Revised Code regarding the public 11141
employment risk reduction program and the protection of public 11142
health care workers from exposure incidents. 11143

As used in this division, "public health care worker" and 11144
"exposure incident" have the same meanings as in section 4167.25 11145
of the Revised Code. 11146

(14) Perform all duties required under this chapter and 11147
Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised 11148
Code; 11149

(15) Meet with the governor on an annual basis to discuss 11150
the administrator's performance of the duties specified in this 11151
chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of 11152
the Revised Code; 11153

(16) Develop and participate in ~~a bureau of workers' 11154
compensation~~ an office of worker safety and rehabilitation board 11155
of directors education program that consists of all of the 11156
following: 11157

(a) An orientation component for newly appointed members; 11158

(b) A continuing education component for board members who 11159
have served for at least one year; 11160

(c) A curriculum that includes education about each of the 11161
following topics: 11162

(i) Board member duties and responsibilities; 11163

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (ii) Compensation and benefits paid pursuant to this chapter and Chapters 4123., 4127., and 4131. of the Revised Code; | 11164 11165 11166 |
| (iii) Ethics; | 11167 |
| (iv) Governance processes and procedures; | 11168 |
| (v) Actuarial soundness; | 11169 |
| (vi) Investments; | 11170 |
| (vii) Any other subject matter the board believes is reasonably related to the duties of a board member. | 11171 11172 |
| (17) Hold all sessions, classes, and other events for the program developed pursuant to division (F)(16) of this section in this state. | 11173 11174 11175 |
| (G) The board may do both of the following: | 11176 |
| (1) Vote to close any investment class; | 11177 |
| (2) Create any committees in addition to the workers' compensation -audit committee <u>of the office of worker safety and rehabilitation</u> , the workers' compensation -actuarial committee <u>of the office of worker safety and rehabilitation</u> , and the workers' compensation -investment committee <u>of the office of worker safety and rehabilitation</u> that the board determines are necessary to assist the board in performing its duties. | 11178 11179 11180 11181 11182 11183 11184 |
| (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, 2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall be deemed vacant. The vacancy shall be filled in the same manner | 11185 11186 11187 11188 11189 11190 |

as the original appointment. A person who has pleaded guilty to 11191
or been convicted of an offense of that nature is ineligible to 11192
be a member of the board. A member who receives a bill of 11193
indictment for any of the offenses specified in this section 11194
shall be automatically suspended from the board pending 11195
resolution of the criminal matter. 11196

(I) For the purposes of division (G) (1) of section 121.22 11197
of the Revised Code, the meeting between the governor and the 11198
board to review the administrator's performance as required 11199
under division (F) (15) of this section shall be considered a 11200
meeting regarding the employment of the administrator. 11201

Sec. 4121.121. (A) There is hereby created the ~~bureau of~~ 11202
~~workers' compensation~~ office of worker safety and 11203
rehabilitation, which shall be administered by the administrator 11204
~~of workers' compensation~~ worker safety and rehabilitation. A 11205
person appointed to the position of administrator shall possess 11206
significant management experience in effectively managing an 11207
organization or organizations of substantial size and 11208
complexity. A person appointed to the position of administrator 11209
also shall possess a minimum of five years of experience in the 11210
field of workers' compensation insurance or in another insurance 11211
industry, except as otherwise provided when the conditions 11212
specified in division (C) of this section are satisfied. The 11213
governor shall appoint the administrator as provided in section 11214
121.03 of the Revised Code, and the administrator shall serve at 11215
the pleasure of the governor. The governor shall fix the 11216
administrator's salary on the basis of the administrator's 11217
experience and the administrator's responsibilities and duties 11218
under this chapter and Chapters 4123., 4125., 4127., 4131., and 11219
4167. of the Revised Code. The governor shall not appoint to the 11220
position of administrator any person who has, or whose spouse 11221

has, given a contribution to the campaign committee of the 11222
governor in an amount greater than one thousand dollars during 11223
the two-year period immediately preceding the date of the 11224
appointment of the administrator. 11225

The administrator shall hold no other public office and 11226
shall devote full time to the duties of administrator. Before 11227
entering upon the duties of the office, the administrator shall 11228
take an oath of office as required by sections 3.22 and 3.23 of 11229
the Revised Code, and shall file in the office of the secretary 11230
of state, a bond signed by the administrator and by surety 11231
approved by the governor, for the sum of fifty thousand dollars 11232
payable to the state, conditioned upon the faithful performance 11233
of the administrator's duties. 11234

(B) The administrator is responsible for the management of 11235
the ~~bureau office~~ and for the discharge of all administrative 11236
duties imposed upon the administrator in this chapter and 11237
Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised 11238
Code, and in the discharge thereof shall do all of the 11239
following: 11240

(1) Perform all acts and exercise all authorities and 11241
powers, discretionary and otherwise that are required of or 11242
vested in the ~~bureau office~~ or any of its employees in this 11243
chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of 11244
the Revised Code, except the acts and the exercise of authority 11245
and power that is required of and vested in the ~~bureau of-~~ 11246
~~workers' compensation office of worker safety and rehabilitation~~ 11247
board of directors or the industrial commission pursuant to 11248
those chapters. The treasurer of state shall honor all warrants 11249
signed by the administrator, or by one or more of the 11250
administrator's employees, authorized by the administrator in 11251

writing, or bearing the facsimile signature of the administrator 11252
or such employee under sections 4123.42 and 4123.44 of the 11253
Revised Code. 11254

(2) Employ, direct, and supervise all employees required 11255
in connection with the performance of the duties assigned to the 11256
~~bureau-office~~ by this chapter and Chapters 4123., 4125., 4127., 11257
4131., and 4167. of the Revised Code, including an actuary, and 11258
may establish job classification plans and compensation for all 11259
employees of the ~~bureau-office~~ provided that this grant of 11260
authority shall not be construed as affecting any employee for 11261
whom the state employment relations board has established an 11262
appropriate bargaining unit under section 4117.06 of the Revised 11263
Code. All positions of employment in the ~~bureau-office~~ are in 11264
the classified civil service except those employees the 11265
administrator may appoint to serve at the administrator's 11266
pleasure in the unclassified civil service pursuant to section 11267
124.11 of the Revised Code. The administrator shall fix the 11268
salaries of employees the administrator appoints to serve at the 11269
administrator's pleasure, including the chief operating officer, 11270
staff physicians, and other senior management personnel of the 11271
~~bureau-office~~ and shall establish the compensation of staff 11272
attorneys of the ~~bureau's-office's~~ legal section and their 11273
immediate supervisors, and take whatever steps are necessary to 11274
provide adequate compensation for other staff attorneys. 11275

The administrator may appoint a person who holds a 11276
certified position in the classified service within the ~~bureau-~~ 11277
~~office~~ to a position in the unclassified service within the 11278
~~bureau office~~. A person appointed pursuant to this division to a 11279
position in the unclassified service shall retain the right to 11280
resume the position and status held by the person in the 11281
classified service immediately prior to the person's appointment 11282

in the unclassified service, regardless of the number of 11283
positions the person held in the unclassified service. An 11284
employee's right to resume a position in the classified service 11285
may only be exercised when the administrator demotes the 11286
employee to a pay range lower than the employee's current pay 11287
range or revokes the employee's appointment to the unclassified 11288
service. An employee who holds a position in the classified 11289
service and who is appointed to a position in the unclassified 11290
service on or after January 1, 2016, shall have the right to 11291
resume a position in the classified service under this division 11292
only within five years after the effective date of the 11293
employee's appointment in the unclassified service. An employee 11294
forfeits the right to resume a position in the classified 11295
service when the employee is removed from the position in the 11296
unclassified service due to incompetence, inefficiency, 11297
dishonesty, drunkenness, immoral conduct, insubordination, 11298
discourteous treatment of the public, neglect of duty, violation 11299
of this chapter or Chapter 124., 4123., 4125., 4127., 4131., or 11300
4167. of the Revised Code, violation of the rules of the 11301
director of administrative services or the administrator, any 11302
other failure of good behavior, any other acts of misfeasance, 11303
malfeasance, or nonfeasance in office, or conviction of a felony 11304
while employed in the civil service. An employee also forfeits 11305
the right to resume a position in the classified service upon 11306
transfer to a different agency. 11307

Reinstatement to a position in the classified service 11308
shall be to a position substantially equal to that position in 11309
the classified service held previously, as certified by the 11310
department of administrative services. If the position the 11311
person previously held in the classified service has been placed 11312
in the unclassified service or is otherwise unavailable, the 11313

person shall be appointed to a position in the classified 11314
service within the ~~bureau office~~ that the director of 11315
administrative services certifies is comparable in compensation 11316
to the position the person previously held in the classified 11317
service. Service in the position in the unclassified service 11318
shall be counted as service in the position in the classified 11319
service held by the person immediately prior to the person's 11320
appointment in the unclassified service. When a person is 11321
reinstated to a position in the classified service as provided 11322
in this division, the person is entitled to all rights, status, 11323
and benefits accruing to the position during the person's time 11324
of service in the position in the unclassified service. 11325

(3) Reorganize the work of the ~~bureau office~~, its 11326
sections, departments, and offices to the extent necessary to 11327
achieve the most efficient performance of its functions and to 11328
that end may establish, change, or abolish positions and assign 11329
and reassign duties and responsibilities of every employee of 11330
the ~~bureau office~~. All persons employed by the commission in 11331
positions that, after November 3, 1989, are supervised and 11332
directed by the administrator under this section are transferred 11333
to the ~~bureau office~~ in their respective classifications but 11334
subject to reassignment and reclassification of position and 11335
compensation as the administrator determines to be in the 11336
interest of efficient administration. The civil service status 11337
of any person employed by the commission is not affected by this 11338
section. Personnel employed by the ~~bureau office~~ or the 11339
commission who are subject to Chapter 4117. of the Revised Code 11340
shall retain all of their rights and benefits conferred pursuant 11341
to that chapter as it presently exists or is hereafter amended 11342
and nothing in this chapter or Chapter 4123. of the Revised Code 11343
shall be construed as eliminating or interfering with Chapter 11344

4117. of the Revised Code or the rights and benefits conferred 11345
under that chapter to public employees or to any bargaining 11346
unit. 11347

(4) Provide offices, equipment, supplies, and other 11348
facilities for the ~~bureau~~ office. 11349

(5) Prepare and submit to the board information the 11350
administrator considers pertinent or the board requires, 11351
together with the administrator's recommendations, in the form 11352
of administrative rules, for the advice and consent of the 11353
board, for classifications of occupations or industries, for 11354
premium rates and contributions, for the amount to be credited 11355
to the surplus fund, for rules and systems of rating, rate 11356
revisions, and merit rating. The administrator shall obtain, 11357
prepare, and submit any other information the board requires for 11358
the prompt and efficient discharge of its duties. 11359

(6) Keep the accounts required by division (A) of section 11360
4123.34 of the Revised Code and all other accounts and records 11361
necessary to the collection, administration, and distribution of 11362
the workers' compensation funds and shall obtain the statistical 11363
and other information required by section 4123.19 of the Revised 11364
Code. 11365

(7) Exercise the investment powers vested in the 11366
administrator by section 4123.44 of the Revised Code in 11367
accordance with the investment policy approved by the board 11368
pursuant to section 4121.12 of the Revised Code and in 11369
consultation with the chief investment officer of the ~~bureau of~~ 11370
~~workers' compensation~~ office of worker safety and 11371
rehabilitation. The administrator shall not engage in any 11372
prohibited investment activity specified by the board pursuant 11373
to division (F) (9) of section 4121.12 of the Revised Code and 11374

shall not invest in any type of investment specified in 11375
divisions (B) (1) to (10) of section 4123.442 of the Revised 11376
Code. All business shall be transacted, all funds invested, all 11377
warrants for money drawn and payments made, and all cash and 11378
securities and other property held, in the name of the ~~bureau-~~ 11379
office, or in the name of its nominee, provided that nominees 11380
are authorized by the administrator solely for the purpose of 11381
facilitating the transfer of securities, and restricted to the 11382
administrator and designated employees. 11383

(8) In accordance with Chapter 125. of the Revised Code, 11384
purchase supplies, materials, equipment, and services. 11385

(9) Prepare and submit to the board an annual budget for 11386
internal operating purposes for the board's approval. The 11387
administrator also shall, separately from the budget the 11388
industrial commission submits, prepare and submit to the 11389
director of budget and management a budget for each biennium. 11390
The budgets submitted to the board and the director shall 11391
include estimates of the costs and necessary expenditures of the 11392
~~bureau-office~~ in the discharge of any duty imposed by law. 11393

(10) As promptly as possible in the course of efficient 11394
administration, decentralize and relocate such of the personnel 11395
and activities of the ~~bureau-office~~ as is appropriate to the end 11396
that the receipt, investigation, determination, and payment of 11397
claims may be undertaken at or near the place of injury or the 11398
residence of the claimant and for that purpose establish 11399
regional offices, in such places as the administrator considers 11400
proper, capable of discharging as many of the functions of the 11401
~~bureau-office~~ as is practicable so as to promote prompt and 11402
efficient administration in the processing of claims. All active 11403
and inactive lost-time claims files shall be held at the service 11404

office responsible for the claim. A claimant, at the claimant's request, shall be provided with information by telephone as to the location of the file pertaining to the claimant's claim. The administrator shall ensure that all service office employees report directly to the director for their service office.

(11) Provide a written binder on new coverage where the administrator considers it to be in the best interest of the risk. The administrator, or any other person authorized by the administrator, shall grant the binder upon submission of a request for coverage by the employer. A binder is effective for a period of thirty days from date of issuance and is nonrenewable. Payroll reports and premium charges shall coincide with the effective date of the binder.

(12) Set standards for the reasonable and maximum handling time of claims payment functions, ensure, by rules, the impartial and prompt treatment of all claims and employer risk accounts, and establish a secure, accurate method of time stamping all incoming mail and documents hand delivered to ~~bureau-office~~ employees.

(13) Ensure that all employees of the ~~bureau-office~~ follow the orders and rules of the commission as such orders and rules relate to the commission's overall adjudicatory policy-making and management duties under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code.

(14) Manage and operate a data processing system with a common data base for the use of both the ~~bureau-office~~ and the commission and, in consultation with the commission, using electronic data processing equipment, shall develop a claims tracking system that is sufficient to monitor the status of a claim at any time and that lists appeals that have been filed

and orders or determinations that have been issued pursuant to 11435
section 4123.511 or 4123.512 of the Revised Code, including the 11436
dates of such filings and issuances. 11437

(15) Establish and maintain a medical section within the 11438
~~bureau office~~. The medical section shall do all of the 11439
following: 11440

(a) Assist the administrator in establishing standard 11441
medical fees, approving medical procedures, and determining 11442
eligibility and reasonableness of the compensation payments for 11443
medical, hospital, and nursing services, and in establishing 11444
guidelines for payment policies which recognize usual, 11445
customary, and reasonable methods of payment for covered 11446
services; 11447

(b) Provide a resource to respond to questions from claims 11448
examiners for employees of the ~~bureau office~~; 11449

(c) Audit fee bill payments; 11450

(d) Implement a program to utilize, to the maximum extent 11451
possible, electronic data processing equipment for storage of 11452
information to facilitate authorizations of compensation 11453
payments for medical, hospital, drug, and nursing services; 11454

(e) Perform other duties assigned to it by the 11455
administrator. 11456

(16) Appoint, as the administrator determines necessary, 11457
panels to review and advise the administrator on disputes 11458
arising over a determination that a health care service or 11459
supply provided to a claimant is not covered under this chapter 11460
or Chapter 4123., 4127., or 4131. of the Revised Code or is 11461
medically unnecessary. If an individual health care provider is 11462
involved in the dispute, the panel shall consist of individuals 11463

licensed pursuant to the same section of the Revised Code as 11464
such health care provider. 11465

(17) Pursuant to section 4123.65 of the Revised Code, 11466
approve applications for the final settlement of claims for 11467
compensation or benefits under this chapter and Chapters 4123., 11468
4127., and 4131. of the Revised Code as the administrator 11469
determines appropriate, except in regard to the applications of 11470
self-insuring employers and their employees. 11471

(18) Comply with section 3517.13 of the Revised Code, and 11472
except in regard to contracts entered into pursuant to the 11473
authority contained in section 4121.44 of the Revised Code, 11474
comply with the competitive bidding procedures set forth in the 11475
Revised Code for all contracts into which the administrator 11476
enters provided that those contracts fall within the type of 11477
contracts and dollar amounts specified in the Revised Code for 11478
competitive bidding and further provided that those contracts 11479
are not otherwise specifically exempt from the competitive 11480
bidding procedures contained in the Revised Code. 11481

(19) Adopt, with the advice and consent of the board, 11482
rules for the operation of the ~~bureau~~ office. 11483

(20) Prepare and submit to the board information the 11484
administrator considers pertinent or the board requires, 11485
together with the administrator's recommendations, in the form 11486
of administrative rules, for the advice and consent of the 11487
board, for the health partnership program and the qualified 11488
health plan system, as provided in sections 4121.44, 4121.441, 11489
and 4121.442 of the Revised Code. 11490

(C) The administrator, with the advice and consent of the 11491
senate, shall appoint a chief operating officer who has a 11492

minimum of five years of experience in the field of workers' 11493
compensation insurance or in another similar insurance industry 11494
if the administrator does not possess such experience. The chief 11495
operating officer shall not commence the chief operating 11496
officer's duties until after the senate consents to the chief 11497
operating officer's appointment. The chief operating officer 11498
shall serve in the unclassified civil service of the state. 11499

Sec. 4121.122. (A) The administrator of ~~workers'~~ 11500
~~compensation worker safety and rehabilitation~~, for employees of 11501
the ~~bureau of workers' compensation~~ office of worker safety and 11502
rehabilitation, and the industrial commission, for employees of 11503
the commission may discipline, suspend, demote or discharge any 11504
employee for misfeasance, malfeasance, or nonfeasance. In the 11505
case of any deputy administrator, or of any employee assigned to 11506
the investigation or determination of claims, and finding of the 11507
administrator or the commission that such person is not 11508
efficient, impartial, or judicious, if supported by any evidence 11509
and not promoted by personal, political, racial, or religious 11510
discrimination shall be accepted as a fact justifying the action 11511
taken by the administrator or commission. 11512

(B) The administrator and the commission shall jointly 11513
adopt, in the form of a rule, a code of ethics for all employees 11514
of the ~~bureau office~~ and the commission and post copies of the 11515
rule in a conspicuous place in every ~~bureau and commission~~ 11516
office of the commission and of the office of worker safety and 11517
rehabilitation. 11518

(C) The administrator and the commission shall jointly 11519
adopt rules setting forth procedures designed to eliminate 11520
outside influence on ~~bureau office~~ and commission employees, 11521
produce an impartial workers' compensation claims handling 11522

process, and avoid favoritism in the claims handling process. 11523
Failure to adopt and enforce these rules constitutes grounds for 11524
removal of the administrator and the members of the commission. 11525

Sec. 4121.123. (A) There is hereby created the ~~workers'~~ 11526
~~compensation-worker safety and rehabilitation~~ board of directors 11527
nominating committee consisting of the following: 11528

(1) Three individuals who are members of affiliated 11529
employee organizations of the Ohio chapter of the American 11530
federation of labor-congress of industrial organizations, who 11531
are selected by the Ohio chapter of the American federation of 11532
labor-congress of industrial organizations and who, on account 11533
of their previous vocation, employment, or affiliations, can be 11534
classed as representative of employees who are members of an 11535
employee organization. Terms of office shall be for one year, 11536
with each term ending on the same day of the same month as did 11537
the term that it succeeds. 11538

(2) Two individuals who, on account of their previous 11539
vocation, employment, or affiliations, can be classed as 11540
representative of employees, one of whom shall be an injured 11541
worker with a valid, open, and active workers' compensation 11542
claim and at least one of these two representatives also shall 11543
represent employees who are not members of an employee 11544
organization. The president of the senate and the speaker of the 11545
house of representatives each shall appoint annually one of 11546
these members. The member who is an injured worker shall serve 11547
for a full term even if the member's workers' compensation claim 11548
is invalidated, closed, or inactivated during the member's term. 11549

(3) The chief executive officer, or the equivalent of the 11550
chief executive officer, of the Ohio chamber of commerce, the 11551
Ohio manufacturers' association, the Ohio self-insurers' 11552

association, the Ohio council of retail merchants, the national 11553
federation of independent business, and the Ohio farm bureau; 11554

(4) The director of development services; 11555

(5) The president of the Ohio township association and the 11556
president of the Ohio county commissioners association, or if 11557
any of the following circumstances apply: 11558

(a) In the event of a vacancy in either presidency, a 11559
designee appointed by the governing body authorized to appoint 11560
the president. A designee so appointed shall serve on the 11561
nominating committee only until the vacancy in the presidency is 11562
filled. 11563

(b) In the event that the president of the Ohio township 11564
association is unavailable, a designee selected by the 11565
president; 11566

(c) In the event that the president of the Ohio county 11567
commissioners association is unavailable, a designee selected by 11568
the president. 11569

(B) Each member appointed under divisions (A) (1) and (2) 11570
of this section shall hold office from the date of the member's 11571
appointment until the end of the term for which the member was 11572
appointed. Such members may be reappointed. Vacancies shall be 11573
filled in the manner provided for original appointments. Any 11574
such member appointed to fill a vacancy occurring prior to the 11575
expiration date of the term for which the member's predecessor 11576
was appointed shall hold office as a member for the remainder of 11577
that term. Such a member shall continue in office subsequent to 11578
the expiration date of the member's term until the member's 11579
successor takes office or until a period of sixty days has 11580
elapsed, whichever occurs first. 11581

(C) The nominating committee shall meet at the request of 11582
the governor or as the nominating committee determines 11583
appropriate in order to make recommendations to the governor for 11584
the appointment of members of the ~~bureau of workers'~~ 11585
~~compensation~~ office of worker safety and rehabilitation board of 11586
directors under section 4121.12 of the Revised Code. 11587

(D) The director of development services shall serve as 11588
chairperson of the nominating committee and have no voting 11589
rights on matters coming before the nominating committee, except 11590
that the director may vote in the event of a tie vote of the 11591
nominating committee. Annually, the nominating committee shall 11592
select a secretary from among its members. The nominating 11593
committee may adopt by-laws governing its proceedings. 11594

(E) Members of the nominating committee shall be paid 11595
their reasonable and necessary expenses pursuant to section 11596
126.31 of the Revised Code while engaged in the performance of 11597
their duties as members of the nominating committee. 11598

(F) The nominating committee shall: 11599

(1) Review and evaluate possible appointees for the board. 11600
In reviewing and evaluating possible appointees for the board, 11601
the nominating committee may accept comments from, cooperate 11602
with, and request information from any person. 11603

(2) Make recommendations to the governor for the 11604
appointment of members to the board as provided in division (C) 11605
of section 4121.12 of the Revised Code. 11606

(G) The nominating committee may make recommendations to 11607
the general assembly concerning changes in legislation that will 11608
assist the nominating committee in the performance of its 11609
duties. 11610

Sec. 4121.124. (A) (1) Whenever the term "bureau of workers' compensation" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "office of worker safety and rehabilitation." 11611
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(2) Whenever "administrator of workers' compensation" is used in a statute, rule, contract, or other document, the reference shall be construed to refer to the "administrator of worker safety and rehabilitation." 11615
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(3) Whenever the term "bureau of workers' compensation board of directors" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "office of worker safety and rehabilitation board of directors." 11619
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(4) Whenever "bureau of workers' compensation chief investment officer" is used in a statute, rule, contract, or other document, the reference shall be construed to refer to the "worker safety and rehabilitation chief investment officer." 11623
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(5) Whenever "deputy inspector general of the bureau of workers' compensation and industrial commission" is used in a statute, rule, contract, or other document, the reference shall be construed to refer to the "deputy inspector general for the office of worker safety and rehabilitation." 11627
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(6) Whenever "workers' compensation actuarial committee" is used in a statute, rule, contract, or other document, the reference shall be construed to refer to the "actuarial committee of the office of worker safety and rehabilitation." 11632
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(7) Whenever "workers' compensation audit committee" is used in a statute, rule, contract, or other document, the reference shall be construed to refer to the "audit committee of the office of worker safety and rehabilitation." 11636
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(8) Whenever "workers' compensation investment committee" is used in a statute, rule, contract, or other document, the reference shall be construed to refer to the "investment committee of the office of worker safety and rehabilitation." 11640
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(B) The administrator of workers' compensation shall implement the name changes described in division (A) of this section within five years after the effective date of this section. 11644
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Sec. 4121.125. ~~(A) The bureau of workers' compensation office of worker safety and rehabilitation board of directors,~~ 11648
based upon recommendations of the ~~workers' compensation~~ 11649
actuarial committee of the office of worker safety and 11650
rehabilitation, may contract with one or more outside actuarial 11651
firms and other professional persons, as the board determines 11652
necessary, to assist the board in measuring the performance of 11653
Ohio's workers' compensation system and in comparing Ohio's 11654
workers' compensation system to other state and private workers' 11655
compensation systems. The board, actuarial firm or firms, and 11656
professional persons shall make such measurements and 11657
comparisons using accepted insurance industry standards, 11658
including, but not limited to, standards promulgated by the 11659
National Council on Compensation Insurance. 11660
11661

(B) The board may contract with one or more outside firms 11662
to conduct management and financial audits of the workers' 11663
compensation system, including audits of the reserve fund 11664
belonging to the state insurance fund, and to establish 11665
objective quality management principles and methods by which to 11666
review the performance of the workers' compensation system. 11667

(C) The board shall do all of the following: 11668

(1) Contract to have prepared annually by or under the supervision of an actuary a report that meets the requirements specified under division (E) of this section and that consists of an actuarial valuation of the assets, liabilities, and funding requirements of the state insurance fund and all other funds specified in this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;

(2) Require that the actuary or person supervised by an actuary referred to in division (C) (1) of this section complete the valuation in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries;

(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 valuation 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 investigation of the experience of employers, the mortality, service, and injury rate of employees, and the payment of compensation for temporary total disability, permanent partial disability, and permanent total disability under sections 4123.56 to 4123.58 of the Revised Code to update the actuarial assumptions 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 11699
representatives and the senate with primary responsibility for 11700
workers' compensation legislation not later than the first day 11701
of November following the fifth year of the period that the 11702
report covers; 11703

(6) Have prepared by or under the supervision of an 11704
actuary an actuarial analysis of any introduced legislation 11705
expected to have a measurable financial impact on the workers' 11706
compensation system; 11707

(7) Submit the report required under division (G) of this 11708
section to the legislative service commission and the standing 11709
committees of the house of representatives and the senate with 11710
primary responsibility for workers' compensation legislation not 11711
later than sixty days after the date of introduction of the 11712
legislation. 11713

(D) The administrator of ~~workers' compensation worker~~ 11714
safety and rehabilitation and the industrial commission shall 11715
compile information and provide access to records of the ~~bureau-~~ 11716
office and the industrial commission to the board to the extent 11717
necessary for fulfillment of both of the following requirements: 11718

(1) Conduct of the measurements and comparisons described 11719
in division (A) of this section; 11720

(2) Conduct of the management and financial audits and 11721
establishment of the principles and methods described in 11722
division (B) of this section. 11723

(E) The firm or person with whom the board contracts 11724
pursuant to division (C) (1) of this section shall prepare a 11725
report of the valuation and submit the report to the board. The 11726
firm or person shall include all of the following information in 11727

the report that is required under division (C) (1) of this section: 11728
11729

(1) A summary of the compensation and benefit provisions evaluated; 11730
11731

(2) A description of the actuarial assumptions and actuarial cost method used in the valuation; 11732
11733

(3) A schedule showing the effect of any changes in the compensation and benefit provisions, actuarial assumptions, or cost methods since the previous annual actuarial valuation report was submitted to the board. 11734
11735
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(F) The actuary or person whom the board designates to conduct an actuarial investigation under division (C) (4) of this section shall prepare a report of the actuarial investigation and shall submit the report to the board. The actuary or person shall prepare the report and make any recommended changes in actuarial assumptions in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The actuary or person shall include all of the following information in the report: 11738
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(1) A summary of relevant decrement and economic assumption experience; 11747
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(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (C) (1) of this section; 11749
11750
11751

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions. 11752
11753

(G) The actuary or person whom the board designates to conduct the actuarial analysis under division (C) (6) of this 11754
11755

section shall prepare a report of the actuarial analysis and 11756
shall submit that report to the board. The actuary or person 11757
shall complete the analysis in accordance with the actuarial 11758
standards of practice promulgated by the actuarial standards 11759
board of the American academy of actuaries. The actuary or 11760
person shall include all of the following information in the 11761
report: 11762

(1) A summary of the statutory changes being evaluated; 11763

(2) A description of or reference to the actuarial 11764
assumptions and actuarial cost method used in the report; 11765

(3) A description of the participant group or groups 11766
included in the report; 11767

(4) A statement of the financial impact of the 11768
legislation, including the resulting increase, if any, in 11769
employer premiums, in actuarial accrued liabilities, and, if an 11770
increase in actuarial accrued liabilities is predicted, the per 11771
cent of premium increase that would be required to amortize the 11772
increase in those liabilities as a level per cent of employer 11773
premiums over a period not to exceed thirty years. 11774

(5) A statement of whether the employer premiums paid to 11775
the ~~bureau of workers' compensation~~ office of worker safety and 11776
rehabilitation after the proposed change is enacted are expected 11777
to be sufficient to satisfy the funding objectives established 11778
by the board. 11779

(H) The board may, at any time, request an actuary to make 11780
any studies or actuarial valuations to determine the adequacy of 11781
the premium rates established by the administrator in accordance 11782
with sections 4123.29 and 4123.34 of the Revised Code, and may 11783
adjust those rates as recommended by the actuary. 11784

(I) The board shall have an independent auditor, at least 11785
once every ten years, conduct a fiduciary performance audit of 11786
the investment program of the ~~bureau of workers' compensation~~ 11787
office of worker safety and rehabilitation. That audit shall 11788
include an audit of the investment policies approved by the 11789
board and investment procedures of the ~~bureau office~~. The board 11790
shall submit a copy of that audit to the auditor of state. 11791

(J) The administrator, with the advice and consent of the 11792
board, shall employ an internal auditor who shall report 11793
findings directly to the board, ~~workers' compensation~~ audit 11794
committee of the office of worker safety and rehabilitation, and 11795
administrator, except that the internal auditor shall not report 11796
findings directly to the administrator when those findings 11797
involve malfeasance, misfeasance, or nonfeasance on the part of 11798
the administrator. The board and the ~~workers' compensation~~ audit 11799
committee of the office of worker safety and rehabilitation may 11800
request and review internal audits conducted by the internal 11801
auditor. 11802

(K) The administrator shall pay the expenses incurred by 11803
the board to effectively fulfill its duties and exercise its 11804
powers under this section as the administrator pays other 11805
operating expenses of the ~~bureau office~~. 11806

Sec. 4121.126. Except as provided in this chapter, no 11807
member of the ~~bureau of workers' compensation~~ office of worker 11808
safety and rehabilitation board of directors or employee of the 11809
~~bureau of workers' compensation~~ office of worker safety and 11810
rehabilitation shall have any direct or indirect interest in the 11811
gains or profits of any investment made by the administrator of 11812
~~workers' compensation~~ worker safety and rehabilitation or shall 11813
receive directly or indirectly any pay or emolument for the 11814

member's or employee's services. No member or person connected 11815
with the ~~bureau~~office directly or indirectly, for self or as an 11816
agent or partner of others, shall borrow any of its funds or 11817
deposits or in any manner use the funds or deposits except to 11818
make current and necessary payments that are authorized by the 11819
administrator. No member of the board or employee of the ~~bureau~~office 11820
office shall become an indorser or surety or become in any 11821
manner an obligor for moneys loaned by or borrowed from the 11822
~~bureau~~office. 11823

The administrator shall make no investments through or 11824
purchases from, or otherwise do any business with, any 11825
individual who is, or any partnership, association, or 11826
corporation that is owned or controlled by, a person who within 11827
the preceding three years was employed by the ~~bureau~~office, a 11828
board member of, or an officer of the board, or a person who 11829
within the preceding three years was employed by or was an 11830
officer holding a fiduciary, administrative, supervisory, or 11831
trust position, or any other position in which such person would 11832
be involved, on behalf of the person's employer, in decisions or 11833
recommendations affecting the investment policy of the ~~bureau~~office 11834
office, and in which such person would benefit by any monetary 11835
gain. 11836

Sec. 4121.127. (A) Except as provided in division (B) of 11837
this section, a fiduciary shall not cause the ~~bureau of workers'~~office of worker safety and rehabilitation 11838
~~compensation~~office of worker safety and rehabilitation to 11839
engage in a transaction, if the fiduciary knows or should know 11840
that such transaction constitutes any of the following, whether 11841
directly or indirectly: 11842

(1) The sale, exchange, or leasing of any property between 11843
the ~~bureau~~office and a party in interest; 11844

- (2) Lending of money or other extension of credit between the ~~bureau office~~ and a party in interest; 11845
11846
- (3) Furnishing of goods, services, or facilities between the ~~bureau office~~ and a party in interest; 11847
11848
- (4) Transfer to, or use by or for the benefit of a party in interest, of any assets of the ~~bureau office~~; 11849
11850
- (5) Acquisition, on behalf of the ~~bureau office~~, of any employer security or employer real property. 11851
11852
- (B) Nothing in this section shall prohibit any transaction between the ~~bureau office~~ and any fiduciary or party in interest if both of the following occur: 11853
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11855
- (1) All the terms and conditions of the transaction are comparable to the terms and conditions that might reasonably be expected in a similar transaction between similar parties who are not parties in interest. 11856
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- (2) The transaction is consistent with fiduciary duties under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 11860
11861
11862
- (C) A fiduciary shall not do any of the following: 11863
- (1) Deal with the assets of the ~~bureau office~~ in the fiduciary's own interest or for the fiduciary's own account; 11864
11865
- (2) In the fiduciary's individual capacity or in any other capacity, act in any transaction involving the ~~bureau office~~ on behalf of a party, or represent a party, whose interests are adverse to the interests of the ~~bureau office~~ or to the injured employees served by the ~~bureau office~~; 11866
11867
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- (3) Receive any consideration for the fiduciary's own 11871

personal account from any party dealing with the ~~bureau-office~~ 11872
in connection with a transaction involving the assets of the 11873
~~bureau office~~. 11874

(D) In addition to any liability that a fiduciary may have 11875
under any other provision, a fiduciary, with respect to ~~bureau-~~ 11876
the office, shall be liable for a breach of fiduciary 11877
responsibility in any of the following circumstances: 11878

(1) If the fiduciary knowingly participates in or 11879
knowingly undertakes to conceal an act or omission of another 11880
fiduciary, knowing such act or omission is a breach; 11881

(2) If, by the fiduciary's failure to comply with this 11882
chapter or Chapter 4123., 4127., or 4131. of the Revised Code, 11883
the fiduciary has enabled another fiduciary to commit a breach; 11884

(3) If the fiduciary has knowledge of a breach by another 11885
fiduciary of that fiduciary's duties under this chapter and 11886
Chapters 4123., 4127., and 4131. of the Revised Code, unless the 11887
fiduciary makes reasonable efforts under the circumstances to 11888
remedy the breach. 11889

(E) Every fiduciary of the ~~bureau-office~~ shall be bonded 11890
or insured for an amount of not less than one million dollars 11891
for loss by reason of acts of fraud or dishonesty. 11892

(F) As used in this section, "fiduciary" means a person 11893
who does any of the following: 11894

(1) Exercises discretionary authority or control with 11895
respect to the management of the ~~bureau-office~~ or with respect 11896
to the management or disposition of its assets; 11897

(2) Renders investment advice for a fee, directly or 11898
indirectly, with respect to money or property of the ~~bureau-~~ 11899

office; 11900

(3) Has discretionary authority or responsibility in the 11901
administration of the ~~bureau~~ office. 11902

Sec. 4121.128. The attorney general shall be the legal 11903
adviser of the ~~bureau of workers' compensation~~ office of worker 11904
safety and rehabilitation board of directors. 11905

Sec. 4121.129. (A) There is hereby created the ~~workers'~~ 11906
~~compensation~~ audit committee of the office of worker safety and 11907
rehabilitation consisting of at least three members. One member 11908
shall be the member of the ~~bureau of workers' compensation~~ 11909
office of worker safety and rehabilitation board of directors 11910
who is a certified public accountant. The board, by majority 11911
vote, shall appoint two additional members of the board to serve 11912
on the audit committee and may appoint additional members who 11913
are not board members, as the board determines necessary. 11914
Members of the audit committee serve at the pleasure of the 11915
board, and the board, by majority vote, may remove any member 11916
except the member of the committee who is the certified public 11917
accountant member of the board. The board, by majority vote, 11918
shall determine how often the audit committee shall meet and 11919
report to the board. If the audit committee meets on the same 11920
day as the board holds a meeting, no member shall be compensated 11921
for more than one meeting held on that day. The audit committee 11922
shall do all of the following: 11923

(1) Recommend to the board an accounting firm to perform 11924
the annual audits required under division (B) of section 4123.47 11925
of the Revised Code; 11926

(2) Recommend an auditing firm for the board to use when 11927
conducting audits under section 4121.125 of the Revised Code; 11928

(3) Review the results of each annual audit and management review and, if any problems exist, assess the appropriate course of action to correct those problems and develop an action plan to correct those problems;

(4) Monitor the implementation of any action plans created pursuant to division (A) (3) of this section;

(5) Review all internal audit reports on a regular basis.

(B) There is hereby created the ~~workers' compensation~~ actuarial committee of the office of worker safety and rehabilitation consisting of at least three members. One member shall be the member of the board who is an actuary. The board, by majority vote, shall appoint two additional members of the board to serve on the actuarial committee and may appoint additional members who are not board members, as the board determines necessary. Members of the actuarial committee serve at the pleasure of the board and the board, by majority vote, may remove any member except the member of the committee who is the actuary member of the board. The board, by majority vote, shall determine how often the actuarial committee shall meet and report to the board. If the actuarial committee meets on the same day as the board holds a meeting, no member shall be compensated for more than one meeting held on that day. The actuarial committee shall do both of the following:

(1) Recommend actuarial consultants for the board to use for the funds specified in this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;

(2) Review and approve the various rate schedules prepared and presented by the actuarial division of the ~~bureau office~~ or by actuarial consultants with whom the board enters into a

contract. 11958

(C) (1) There is hereby created the ~~workers' compensation~~ 11959
investment committee of the office of worker safety and 11960
rehabilitation consisting of at least four members. Two of the 11961
members shall be the members of the board who serve as the 11962
investment and securities experts on the board. The board, by 11963
majority vote, shall appoint two additional members of the board 11964
to serve on the investment committee and may appoint additional 11965
members who are not board members. Each additional member the 11966
board appoints shall have at least one of the following 11967
qualifications: 11968

(a) Experience managing another state's pension funds or 11969
workers' compensation funds; 11970

(b) Expertise that the board determines is needed to make 11971
investment decisions. 11972

Members of the investment committee serve at the pleasure 11973
of the board and the board, by majority vote, may remove any 11974
member except the members of the committee who are the 11975
investment and securities expert members of the board. The 11976
board, by majority vote, shall determine how often the 11977
investment committee shall meet and report to the board. If the 11978
investment committee meets on the same day as the board holds a 11979
meeting, no member shall be compensated for more than one 11980
meeting held on that day. 11981

(2) The investment committee shall do all of the 11982
following: 11983

(a) Develop the investment policy for the administration 11984
of the investment program for the funds specified in this 11985
chapter and Chapters 4123., 4127., and 4131. of the Revised Code 11986

in accordance with the requirements specified in section 11987
4123.442 of the Revised Code; 11988

(b) Submit the investment policy developed pursuant to 11989
division (C) (2) (a) of this section to the board for approval; 11990

(c) Monitor implementation by the administrator of 11991
~~workers' compensation~~ worker safety and rehabilitation and the 11992
~~bureau of workers' compensation~~ office of worker safety and 11993
rehabilitation chief investment officer of the investment policy 11994
approved by the board; 11995

(d) Recommend outside investment counsel with whom the 11996
board may contract to assist the investment committee in 11997
fulfilling its duties; 11998

(e) Review the performance of the ~~bureau of workers'~~ 11999
~~compensation~~ office of worker safety and rehabilitation chief 12000
investment officer and any investment consultants retained by 12001
the administrator to assure that the investments of the assets 12002
of the funds specified in this chapter and Chapters 4123., 12003
4127., and 4131. of the Revised Code are made in accordance with 12004
the investment policy approved by the board and to assure 12005
compliance with the investment policy and effective management 12006
of the funds. 12007

Sec. 4121.13. The administrator of ~~workers' compensation~~ 12008
worker safety and rehabilitation shall: 12009

(A) Investigate, ascertain, and declare and prescribe what 12010
hours of labor, safety devices, safeguards, or other means or 12011
methods of protection are best adapted to render the employees 12012
of every employment and place of employment and frequenters of 12013
every place of employment safe, and to protect their welfare as 12014
required by law or lawful orders, and establish and maintain 12015

museums of safety and hygiene in which shall be exhibited safety 12016
devices, safeguards, and other means and methods for the 12017
protection of life, health, safety, and welfare of employees; 12018

(B) Ascertain and fix reasonable standards and prescribe, 12019
modify, and enforce reasonable orders for the adoption of safety 12020
devices, safeguards, and other means or methods of protection to 12021
be as nearly uniform as possible as may be necessary to carry 12022
out all laws and lawful orders relative to the protection of the 12023
life, health, safety, and welfare of employees in employments 12024
and places of employment or frequenters of places of employment; 12025

(C) Ascertain, fix, and order reasonable standards for the 12026
construction, repair, and maintenance of places of employment as 12027
shall render them safe; 12028

(D) Investigate, ascertain, and determine reasonable 12029
classifications of persons, employments, and places of 12030
employment as are necessary to carry out the applicable sections 12031
of sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 12032
Revised Code; 12033

(E) Adopt reasonable and proper rules relative to the 12034
exercise of ~~his~~ the administrator's powers and authorities, and 12035
proper rules to govern ~~his~~ the administrator's proceedings and 12036
to regulate the mode and manner of all investigations and 12037
hearings, which rules shall not be effective until ten days 12038
after their publication; a copy of the rules shall be delivered 12039
at cost to every citizen making application therefor; 12040

(F) Investigate all cases of fraud or other illegalities 12041
pertaining to the operation of the workers' compensation system 12042
and its several insurance funds and for that purpose, the 12043
administrator has every power of an inquisitorial nature granted 12044

to the industrial commission in this chapter and Chapter 4123. 12045
of the Revised Code; 12046

(G) Do all things convenient and necessary to accomplish 12047
the purposes directed in sections 4101.01 to 4101.16 and 4121.01 12048
to 4121.28 of the Revised Code; 12049

(H) Nothing in this section shall be construed to 12050
supersede section 4105.011 of the Revised Code in particular, or 12051
Chapter 4105. of the Revised Code in general. 12052

Sec. 4121.131. The ~~bureau of workers' compensation office~~ 12053
of worker safety and rehabilitation special investigation 12054
department is a criminal justice agency in investigating 12055
reported violations of law relating to workers' compensation, 12056
and as such may apply for access to the computerized databases 12057
administered by the national crime information center or the law 12058
enforcement automated data system in Ohio and to other 12059
computerized databases administered for the purpose of making 12060
criminal justice information accessible to state and criminal 12061
justice agencies. 12062

Sec. 4121.14. For the purpose of making any investigation 12063
with regard to any employment or place of employment, the 12064
administrator of ~~workers' compensation~~ worker safety and 12065
rehabilitation may appoint, by an order in writing, any employee 12066
of the ~~bureau of workers' compensation office of worker safety~~ 12067
and rehabilitation, any deputy, who is a citizen of the state, 12068
or any other competent person who is a resident of the state, as 12069
an agent whose duty shall be prescribed in the order. 12070

In the discharge of ~~his~~ official duties the agent shall 12071
have every power whatsoever of an inquisitorial nature granted 12072
in sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 12073

Revised Code to the ~~bureau office~~, and the same powers as a 12074
master commissioner appointed by a court of common pleas with 12075
regard to taking testimony. 12076

The ~~bureau office~~ may conduct any number of investigations 12077
contemporaneously through different agents, and may delegate to 12078
agents the taking of all testimony bearing upon any 12079
investigation or hearing. 12080

The decision of the ~~bureau office~~ shall be based upon its 12081
examination of all testimony and records. The recommendations 12082
made by agents shall be advisory only and shall not preclude the 12083
taking of further testimony if the ~~bureau office~~ orders, nor 12084
further investigation. 12085

Sec. 4121.15. The administrator of ~~workers' compensation~~ 12086
~~worker safety and rehabilitation and his~~ the administrator's 12087
designees, for the purposes mentioned in sections 4121.01 to 12088
4121.29 of the Revised Code may administer oaths, certify to 12089
official acts, issue subpoenas, and compel attendance of 12090
witnesses and the production of papers, books, accounts, 12091
documents, and testimony. In case of the failure of any person 12092
to comply with any order of the ~~bureau of workers' compensation~~ 12093
office of worker safety and rehabilitation or any subpoena 12094
lawfully issued, or upon the refusal of any witness to testify 12095
to any matter regarding which ~~he~~ the witness may be lawfully 12096
interrogated, the judge of the court of common pleas of any 12097
county in this state, on the application of the ~~bureau office~~, 12098
shall compel obedience by attachment proceedings for contempt as 12099
in the case of disobedience of the requirements of a subpoena 12100
issued from the court or a refusal to testify therein. 12101

Sec. 4121.16. Each witness who appears before the ~~bureau~~ 12102
~~of workers' compensation office of worker safety and~~ 12103

rehabilitation by its order shall receive for the witness's 12104
attendance the fees and mileage provided for under section 12105
119.094 of the Revised Code, which shall be paid from the state 12106
insurance fund on the approval of the administrator of ~~workers'~~ 12107
~~compensation~~ worker safety and rehabilitation. No witnesses 12108
subpoenaed at the instance of the parties other than the ~~bureau-~~ 12109
~~is office are~~ entitled to compensation from the state for 12110
attendance or travel unless the ~~bureau-~~office certifies that the 12111
witness's testimony was material to the matter investigated. 12112

Sec. 4121.17. (A) Upon petition by any person that any 12113
employment or place of employment is not safe or is injurious to 12114
the welfare of any employee or frequenter, the ~~bureau of-~~ 12115
~~workers' compensation-~~office of worker safety and rehabilitation 12116
shall proceed with or without notice to make an investigation as 12117
is necessary to determine the matter complained of. 12118

(B) After such hearing as is necessary, the ~~bureau-~~office 12119
may enter any necessary order relative thereto to render the 12120
employment or place of employment safe and not injurious to the 12121
welfare of the employees therein or frequenters thereof. 12122

(C) Whenever the ~~bureau-~~office learns that any employment 12123
or place of employment is not safe or is injurious to the 12124
welfare of any employee or frequenter, it may of its own motion 12125
summarily investigate the same, with or without notice, and 12126
issue such order as is necessary thereto. 12127

Sec. 4121.19. A full and complete record shall be kept of 12128
all proceedings had before the ~~bureau of workers' compensation-~~ 12129
~~office of worker safety and rehabilitation~~ on any investigation, 12130
and all testimony shall be taken down by a stenographer 12131
appointed by the ~~bureau~~ office. 12132

Sec. 4121.20. The ~~bureau of workers' compensation office~~ of worker safety and rehabilitation or any party may in any investigation cause depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions.

Sec. 4121.21. (A) All general orders of the ~~bureau of workers' compensation office~~ of worker safety and rehabilitation shall take effect within thirty days after their publication. Special orders shall take effect as therein directed.

(B) The ~~bureau office~~ shall, upon application of any employer, grant such time as is reasonably necessary for compliance with any order.

(C) Any person may petition the ~~bureau office~~ for an extension of time, which the ~~bureau office~~ shall grant if it finds the extension of time necessary.

Sec. 4121.22. Sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the Revised Code do not deprive the legislative authority of any municipal corporation or any board of trustees or officer of any municipal corporation of any power or jurisdiction over or relative to any place of employment, provided that whenever the ~~bureau of workers' compensation office~~ of worker safety and rehabilitation, by an order, fixes a standard of safety or any hygienic condition for employments or places of employment, the order shall, upon the filing by the ~~bureau office~~ of a copy thereof with the clerk of the municipal corporation to which it applies, be held to amend or modify any similar conflicting local order in any particular matters governed by the order. Thereafter, no local officer shall make or enforce any order to the contrary.

Any person affected by any local order in conflict with an order of the ~~bureau-office~~ may petition the ~~bureau-office~~ for a hearing on the ground that the local order is unreasonable and in conflict with the order of the ~~bureau office~~. The petition for hearing shall conform to the requirements set forth for a petition in section 4121.23 of the Revised Code.

Upon receipt of the petition, the ~~bureau-office~~ shall order a hearing to consider and determine the issues raised by the appeal, which hearing shall be held in the municipal corporation where the local order appealed from was made. Notice of the time and place of the hearing shall be given to the petitioner and such other persons as the ~~bureau-office~~ finds directly interested in the decision, including the clerk of the village or the mayor of the municipal corporation from which the appeal came.

If upon investigation the ~~bureau-office~~ finds that the local order appealed from is unreasonable and in conflict with the order of the ~~bureau office~~, the ~~bureau-office~~ may modify its order and shall substitute for the local order appealed from such order as is reasonable and legal in the premises, and thereafter the local order, in such particulars, is void.

Sec. 4121.23. Any employer or other person interested either because of ownership in or occupation of any property affected by any order of the ~~bureau of workers' compensation-office of worker safety and rehabilitation~~, or otherwise, may petition for a hearing on the reasonableness and lawfulness of any ~~bureau-office~~ order.

The petition for hearing shall be by verified petition, filed with the ~~bureau office~~, setting out specifically and in full detail the order upon which a hearing is desired and every

reason why the order is unreasonable or unlawful, and every 12192
issue to be considered by the ~~bureau-office~~ on the hearing. The 12193
petitioner shall be deemed to have finally waived all objection 12194
to any irregularities and illegalities in the order upon which a 12195
hearing is sought other than those set forth in the petition. 12196
All hearings of the ~~bureau-office~~ shall be open to the public. 12197

Upon receipt of the petition, if the issues raised in the 12198
petition have theretofore been adequately considered, the ~~bureau-~~ 12199
office shall determine the same by confirming, without hearing, 12200
its previous determination, or if a hearing is necessary to 12201
determine the issues raised, the ~~bureau-office~~ shall order a 12202
hearing thereon and consider and determine the matters in 12203
question at the time prescribed. 12204

Notice of the time and place of the hearing shall be given 12205
to the petitioner and to such other persons as the ~~bureau-office~~ 12206
finds directly interested in the decision. 12207

Upon an investigation, if it is found that the order 12208
complained of is unlawful or unreasonable, the ~~bureau-office~~ 12209
shall substitute a lawful and reasonable order therefor. 12210

Whenever at the time of final determination upon hearing 12211
it is found that further time is reasonably necessary for 12212
compliance with the order of the ~~bureau-office~~, the ~~bureau-~~ 12213
office shall grant such time as is reasonably necessary for 12214
compliance. 12215

Sec. 4121.24. No action, proceeding, or suit to set aside, 12216
vacate, or amend any order of the ~~bureau of workers'~~ 12217
~~compensation~~ office of worker safety and rehabilitation, or to 12218
enjoin the enforcement thereof, shall be brought unless the 12219
plaintiff has applied to the ~~bureau-office~~ for a hearing thereon 12220

at the time and as provided in section 4121.23 of the Revised 12221
Code and in the petition therefor has raised every issue raised 12222
in the action. 12223

Every order of the ~~bureau-office~~ is, in every prosecution 12224
for a violation thereof, conclusively presumed to be just, 12225
reasonable, and lawful, unless prior to the institution of the 12226
prosecution for the violation an action has been brought to 12227
vacate and set aside the order as provided in section 4121.28 of 12228
the Revised Code. 12229

Sec. 4121.25. Any employer or other person in interest who 12230
is dissatisfied with any order of the ~~bureau of workers'~~ 12231
~~compensation office of worker safety and rehabilitation~~ may 12232
commence an action in the supreme court, against the ~~bureau-~~ 12233
~~office~~ as defendant, to set aside, vacate, or amend any order on 12234
the ground that the order is unreasonable or unlawful and the 12235
supreme court has exclusive jurisdiction to hear and determine 12236
the action. The ~~bureau-office~~ shall be served with summons as in 12237
other civil cases. 12238

The answer of the ~~bureau-office~~ shall be filed within ten 12239
days after service of summons upon it and with its answer it 12240
shall file a certified transcript of its record in the matter. 12241
Upon the filing of the answer the action shall be at issue and 12242
shall be advanced and assigned for trial by the court, upon the 12243
application of either party, at the earliest possible date. 12244

Sec. 4121.26. If upon the trial of an action under section 12245
4121.25 of the Revised Code it appears that all issues arising 12246
in the action have not theretofore been presented to the ~~bureau-~~ 12247
~~of workers' compensation office of worker safety and~~ 12248
~~rehabilitation~~ in the petition filed as provided in section 12249
4121.23 of the Revised Code, or that the ~~bureau-office~~ has not 12250

theretofore had ample opportunity to hear and determine any of 12251
the issues raised in the action, or has for any reason not in 12252
fact heard and determined the issues raised, the court shall, 12253
before proceeding to render judgment, unless the parties to the 12254
action stipulate to the contrary, transmit to the ~~bureau-office~~ 12255
a full statement of the issues not adequately considered and 12256
shall stay further proceedings in the action for fifteen days 12257
from the date of transmission and may thereafter grant such 12258
further stay as is necessary. 12259

Upon the receipt of the statement the ~~bureau-office~~ shall 12260
consider the issues not theretofore considered, and may alter, 12261
modify, amend, or rescind its order complained of in the action, 12262
and shall report its order thereon to the court within ten days 12263
from the receipt of the statement from the court for further 12264
hearing and consideration. 12265

The court shall thereupon order such amendment or other 12266
proceeding as is necessary to raise the issues as changed by the 12267
modification of order as has been made by the ~~bureau-office~~ upon 12268
the hearing, if any modification has in fact been made, and 12269
shall thereupon proceed with the action in the manner provided 12270
by law for other civil actions. 12271

Sec. 4121.27. No court of this state, except the supreme 12272
court to the extent specified by sections 4101.01 to 4101.16 and 12273
4121.01 to 4121.29 of the Revised Code has jurisdiction to 12274
review, vacate, set aside, reverse, revise, correct, amend, or 12275
annul any order of the ~~bureau of workers' compensation~~ office of 12276
worker safety and rehabilitation, or to suspend or delay the 12277
execution or operation thereof or to enjoin, restrain, or 12278
interfere with the ~~bureau-office~~ in the performance of its 12279
official duties. The writ of mandamus shall lie from the supreme 12280

court to the ~~bureau-office~~ in all proper cases. 12281

Sec. 4121.28. The pendency of an action to set aside, 12282
vacate, or amend an order of the ~~bureau of workers' compensation-~~ 12283
office of worker safety and rehabilitation shall not of itself 12284
stay or suspend the operation of an order of the ~~bureau-office,~~ 12285
but during the pendency of the action the supreme court may stay 12286
or suspend, in whole or in part, the operation of the ~~bureau's-~~ 12287
office's order. No order so staying or suspending an order of 12288
the ~~bureau-office~~ shall be made by the supreme court otherwise 12289
than upon three days' notice and after hearing. 12290

In case the order is stayed or suspended the order of the 12291
supreme court shall not become effective until a suspending bond 12292
has first been executed and filed with and approved by the 12293
~~bureau-office,~~ or by the supreme court or the clerk thereof, 12294
payable to the state and sufficient in amount and security to 12295
insure the prompt payment by the party petitioning to set aside, 12296
vacate, or amend the order of all damages caused by the delay in 12297
the enforcement of the order of the ~~bureau-office~~. 12298

Sec. 4121.29. All actions and proceedings under sections 12299
4101.01 to 4101.16 and 4121.01 to 4121.29 of the Revised Code 12300
and all actions or proceedings to which the ~~bureau of workers'-~~ 12301
compensation-office of worker safety and rehabilitation or the 12302
state is a party, and in which any question arises under such 12303
sections, or under or concerning any order of the ~~bureau-office,~~ 12304
shall be preferred over all other civil cases, except election 12305
causes and causes involving or affecting the public utilities 12306
commission, irrespective of position on the calendar. The same 12307
preference shall be granted upon application of the attorney of 12308
the ~~bureau-office~~ in any action or proceeding in which ~~he the~~ 12309
attorney of the office may be allowed to intervene. 12310

Sec. 4121.30. (A) All rules governing the operating 12311
procedure of the ~~bureau of workers' compensation office of~~ 12312
worker safety and rehabilitation and the industrial commission 12313
shall be adopted in accordance with Chapter 119. of the Revised 12314
Code, except that determinations of the ~~bureau office~~, district 12315
hearing officers, staff hearing officers, and the commission, 12316
with respect to an individual employee's claim to participate in 12317
the state insurance fund are governed only by Chapter 4123. of 12318
the Revised Code. 12319

The administrator of ~~workers' compensation~~ worker safety 12320
and rehabilitation and commission shall proceed jointly, in 12321
accordance with Chapter 119. of the Revised Code, including a 12322
joint hearing, to adopt joint rules governing the operating 12323
procedures of the ~~bureau office~~ and commission. 12324

(B) Upon submission to the ~~bureau office~~ or the commission 12325
of a petition containing not less than fifteen hundred 12326
signatures of adult residents of the state, any individual may 12327
propose a rule for adoption, amendment, or rescission by the 12328
~~bureau office~~ or the commission. If, upon investigation, the 12329
~~bureau office~~ or commission is satisfied that the signatures 12330
upon the petition are valid, it shall proceed, in accordance 12331
with Chapter 119. of the Revised Code, to consider adoption, 12332
amendment, or rescission of the rule. 12333

(C) The administrator shall make available electronically 12334
all rules adopted by the ~~bureau office~~ and the commission and 12335
shall make available in a timely manner all rules adopted by the 12336
~~bureau office~~ and the commission that are currently in force. 12337

(D) The rule-making authority granted to the administrator 12338
under this section does not limit the commission's rule-making 12339
authority relative to its overall adjudicatory policy-making and 12340

management duties under this chapter and Chapters 4123., 4127., 12341
and 4131. of the Revised Code. The administrator shall not 12342
disregard any rule adopted by the commission, provided that the 12343
rule is within the commission's rule-making authority. 12344

Sec. 4121.31. (A) The administrator of ~~workers'~~ 12345
~~compensation-worker safety and rehabilitation~~ and the industrial 12346
commission jointly shall adopt rules covering the following 12347
general topics with respect to this chapter and Chapter 4123. of 12348
the Revised Code: 12349

(1) Rules that set forth any general policy and the 12350
principal operating procedures of the ~~bureau of workers'~~ 12351
~~compensation-office of worker safety and rehabilitation or~~ 12352
commission, including but not limited to: 12353

(a) Assignment to various operational units of any duties 12354
placed upon the administrator or the commission by statute; 12355

(b) Procedures for decision-making; 12356

(c) Procedures governing the appearances of a claimant, 12357
employer, or their representatives before the agency in a 12358
hearing; 12359

(d) Procedures that inform claimants, on request, of the 12360
status of a claim and any actions necessary to maintain the 12361
claim; 12362

(e) Time goals for activities of the ~~bureau-office or~~ 12363
commission; 12364

(f) Designation of the person or persons authorized to 12365
issue directives with directives numbered and distributed from a 12366
central distribution point to persons on a list maintained for 12367
that purpose. 12368

(2) A rule barring any employee of the ~~bureau~~office or commission from having a workers' compensation claims file in the employee's possession unless the file is necessary to the performance of the employee's duties. 12369
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(3) All claims, whether of a state fund or self-insuring employer, be processed in an orderly, uniform, and timely fashion. 12373
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(4) Rules governing the submission and sending of applications, notices, evidence, and other documents by electronic means. The rules shall provide that where this chapter or Chapter 4123., 4127., or 4131. of the Revised Code requires that a document be in writing or requires a signature, the administrator and the commission, to the extent of their respective jurisdictions, may approve of and provide for the electronic submission and sending of those documents, and the use of an electronic signature on those documents. 12376
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(B) As used in this section: 12385

(1) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, facsimile, or any other form of technology that entails capabilities similar to these technologies. 12386
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(2) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. 12390
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(3) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record. 12394
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Sec. 4121.32. (A) The rules covering operating procedure 12397

and criteria for decision-making that the administrator of 12398
~~workers' compensation~~ worker safety and rehabilitation and the 12399
industrial commission are required to adopt pursuant to section 12400
4121.31 of the Revised Code shall be supplemented with operating 12401
manuals setting forth the procedural steps in detail for 12402
performing each of the assigned tasks of each section of the 12403
~~bureau of workers' compensation~~ office of worker safety and 12404
rehabilitation and commission. The administrator and commission 12405
jointly shall adopt such manuals. No employee may deviate from 12406
manual procedures without authorization of the section chief. 12407

(B) Manuals shall set forth the procedure for the 12408
assignment and transfer of claims within sections and be 12409
designed to provide performance objectives and may require 12410
employees to record sufficient data to reasonably measure the 12411
efficiency of functions in all sections. The ~~bureau~~ office shall 12412
perform periodic cost-effectiveness analyses that shall be made 12413
available to the general assembly, the governor, and to the 12414
public during normal working hours. 12415

(C) The ~~bureau~~ office and commission jointly shall 12416
develop, adopt, and use a policy manual setting forth the 12417
guidelines and bases for decision-making for any decision which 12418
is the responsibility of the ~~bureau~~ office, district hearing 12419
officers, staff hearing officers, or the commission. Guidelines 12420
shall be set forth in the policy manual by the ~~bureau~~ office and 12421
commission to the extent of their respective jurisdictions for 12422
deciding at least the following specific matters: 12423

- (1) Reasonable ambulance services; 12424
- (2) Relationship of drugs to injury; 12425
- (3) Awarding lump-sum advances for creditors; 12426

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| (4) Awarding lump-sum advances for attorney's fees; | 12427 |
| (5) Placing a claimant into rehabilitation; | 12428 |
| (6) Transferring costs of a claim from employer costs to the statutory surplus fund pursuant to section 4123.343 of the Revised Code; | 12429 12430 12431 |
| (7) Utilization of physician specialist reports; | 12432 |
| (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. | 12433 12434 12435 12436 12437 |
| (D) The bureau-office 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. | 12438 12439 12440 12441 12442 12443 12444 12445 12446 12447 |
| 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. | 12448 12449 12450 12451 |
| (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 | 12452 12453 12454 12455 |

clearly indicate this fact in the physician's report. 12456

(F) The administrator shall publish the manuals and make 12457
copies of all manuals available to interested parties at cost. 12458

Sec. 4121.34. (A) District hearing officers shall hear the 12459
matters listed in division (B) of this section. District hearing 12460
officers are in the classified civil service of the state, are 12461
full-time employees of the industrial commission, and shall be 12462
persons admitted to the practice of law in this state. District 12463
hearing officers shall not engage in any other activity that 12464
interferes with their full-time employment by the commission 12465
during normal working hours. 12466

(B) District hearing officers shall have original 12467
jurisdiction on all of the following matters: 12468

(1) Determinations under section 4123.57 of the Revised 12469
Code; 12470

(2) All appeals from a decision of the administrator of 12471
~~workers' compensation~~ worker safety and rehabilitation under 12472
division (B) of section 4123.511 of the Revised Code; 12473

(3) All other contested claims matters under this chapter 12474
and Chapters 4123., 4127., and 4131. of the Revised Code, except 12475
those matters over which staff hearing officers have original 12476
jurisdiction. 12477

(C) The administrator ~~of workers' compensation~~ shall make 12478
available to each district hearing officer the facilities and 12479
assistance of ~~bureau~~ employees of the office of worker safety 12480
and rehabilitation and furnish all information necessary to the 12481
performance of the district hearing officer's duties. 12482

Sec. 4121.35. (A) Staff hearing officers shall consider 12483

and decide all matters specified in division (B) of this 12484
section. All staff hearing officers are full-time employees of 12485
the industrial commission and shall be admitted to the practice 12486
of law in this state. Staff hearing officers shall not engage in 12487
any other activity that interferes with their full-time 12488
employment by the commission during normal working hours. 12489

(B) Except as provided in division (D) of this section, 12490
staff hearing officers have original jurisdiction to hear and 12491
decide the following matters: 12492

(1) Applications for permanent, total disability awards 12493
pursuant to section 4123.58 of the Revised Code; 12494

(2) Appeals from an order of a district hearing officer 12495
issued under division (C) of section 4123.511 of the Revised 12496
Code; 12497

(3) Applications for additional awards for violation of a 12498
specific safety rule of the administrator of ~~workers'~~ 12499
~~compensation-worker safety and rehabilitation~~ pursuant to 12500
Section 35 of Article II of the Ohio Constitution; 12501

(4) Applications for reconsideration pursuant to division 12502
(A) of section 4123.57 of the Revised Code. Decisions of the 12503
staff hearing officers on reconsideration pursuant to division 12504
(A) of section 4123.57 of the Revised Code are final. 12505

(5) Reviews of settlement agreements pursuant to section 12506
4123.65 of the Revised Code. Decisions of the staff hearing 12507
officer under that section are final and not appealable to the 12508
commission or to court under section 4123.511 or 4123.512 of the 12509
Revised Code. 12510

(C) The decision of a staff hearing officer under division 12511
(D) of section 4123.511 of the Revised Code is the decision of 12512

the commission for the purposes of section 4123.512 of the Revised Code unless the commission hears an appeal under division (E) of section 4123.511 of the Revised Code.

(D) Staff hearing officers shall hold hearings on all matters referred to them for hearing. Hearing procedures shall conform to the rules the commission adopts pursuant to section 4121.36 of the Revised Code.

Sec. 4121.36. (A) The industrial commission shall adopt rules as to the conduct of all hearings before the commission and its staff and district hearing officers and the rendering of a decision and shall focus such rules on managing, directing, and otherwise ensuring a fair, equitable, and uniform hearing process. These rules shall provide for at least the following steps and procedures:

(1) Adequate notice to all parties and their representatives to ensure that no hearing is conducted unless all parties have the opportunity to be present and to present evidence and arguments in support of their positions or in rebuttal to the evidence or arguments of other parties;

(2) A public hearing;

(3) Written decisions;

(4) Impartial assignment of staff and district hearing officers and assignment of appeals from a decision of the administrator of ~~workers' compensation~~ worker safety and rehabilitation to a district hearing officer located at the commission service office that is the closest in geographic proximity to the claimant's residence;

(5) Publication of a docket;

(6) The securing of the attendance or testimony of witnesses; 12541
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(7) Prehearing rules, including rules relative to discovery, the taking of depositions, and exchange of information relevant to a claim prior to the conduct of a hearing; 12543
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(8) The issuance of orders by the district or staff hearing officer who renders the decision. 12547
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(B) Every decision by a staff or district hearing officer or the commission shall be in writing and contain all of the following elements: 12549
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(1) A concise statement of the order or award; 12552

(2) A notation as to notice provided and as to appearance of parties; 12553
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(3) Signatures of each commissioner or appropriate hearing officer on the original copy of the decision only, verifying the commissioner's or hearing officer's vote; 12555
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(4) Description of the part of the body and nature of the disability recognized in the claim. 12558
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(C) The commission shall adopt rules that require the regular rotation of district hearing officers with respect to the types of matters under consideration and that ensure that no district or staff hearing officer or the commission hears a claim unless all interested and affected parties have the opportunity to be present and to present evidence and arguments in support of their positions or in rebuttal to the evidence or arguments of other parties. 12560
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(D) All matters which, at the request of one of the 12568

parties or on the initiative of the administrator and any 12569
commissioner, are to be expedited, shall require at least forty- 12570
eight hours' notice, a public hearing, and a statement in any 12571
order of the circumstances that justified such expeditious 12572
hearings. 12573

(E) All meetings of the commission and district and staff 12574
hearing officers shall be public with adequate notice, including 12575
if necessary, to the claimant, the employer, their 12576
representatives, and the administrator. Confidentiality of 12577
medical evidence presented at a hearing does not constitute a 12578
sufficient ground to relieve the requirement of a public 12579
hearing, but the presentation of privileged or confidential 12580
evidence shall not create any greater right of public inspection 12581
of evidence than presently exists. 12582

(F) The commission shall compile all of its original 12583
memorandums, orders, and decisions in a journal and make the 12584
journal available to the public with sufficient indexing to 12585
allow orderly review of documents. The journal shall indicate 12586
the vote of each commissioner. 12587

(G) (1) All original orders, rules, and memoranda, and 12588
decisions of the commission shall contain the signatures of two 12589
of the three commissioners and state whether adopted at a 12590
meeting of the commission or by circulation to individual 12591
commissioners. Any facsimile or secretarial signature, initials 12592
of commissioners, and delegated employees, and any printed 12593
record of the "yes" and "no" vote of a commission member or of a 12594
hearing officer on such original is invalid. 12595

(2) Written copies of final decisions of district or staff 12596
hearing officers or the commission that are mailed to the 12597
administrator, employee, employer, and their respective 12598

representatives need not contain the signatures of the hearing officer or commission members if the hearing officer or commission members have complied with divisions (B) (3) and (G) (1) of this section.

(H) The commission shall do both of the following:

(1) Appoint an individual as a hearing officer trainer who is in the unclassified civil service of the state and who serves at the pleasure of the commission. The trainer shall be an attorney registered to practice law in this state and have experience in training or education, and the ability to furnish the necessary training for district and staff hearing officers.

The hearing officer trainer shall develop and periodically update a training manual and such other training materials and courses as will adequately prepare district and staff hearing officers for their duties under this chapter and Chapter 4123. of the Revised Code. All district and staff hearing officers shall undergo the training courses developed by the hearing officer trainer, the cost of which the commission shall pay. The commission shall make the hearing officer manual and all revisions thereto available to the public at cost.

The commission shall have the final right of approval over all training manuals, courses, and other materials the hearing officer trainer develops and updates.

(2) Appoint a hearing administrator, who shall be in the classified civil service of the state, for each ~~bureau~~-service office of the office of worker safety and rehabilitation, and sufficient support personnel for each hearing administrator, which support personnel shall be under the direct supervision of the hearing administrator. The hearing administrator shall do

all of the following: 12628

(a) Assist the commission in ensuring that district 12629
hearing officers comply with the time limitations for the 12630
holding of hearings and issuance of orders under section 12631
4123.511 of the Revised Code. For that purpose, each hearing 12632
administrator shall prepare a monthly report identifying the 12633
status of all claims in its office and identifying specifically 12634
the claims which have not been decided within the time limits 12635
set forth in section 4123.511 of the Revised Code. The 12636
commission shall submit an annual report of all such reports to 12637
the standing committees of the house of representatives and of 12638
the state to which matters concerning workers' compensation are 12639
normally referred. 12640

(b) Provide information to requesting parties or their 12641
representatives on the status of their claim; 12642

(c) Issue compliance letters, upon a finding of good cause 12643
and without a formal hearing in all of the following areas: 12644

(i) Divisions (B) and (C) of section 4123.651 of the 12645
Revised Code; 12646

(ii) Requests for the taking of depositions of ~~bureau-~~ 12647
office and commission physicians; 12648

(iii) The issuance of subpoenas; 12649

(iv) The granting or denying of requests for continuances; 12650

(v) Matters involving section 4123.522 of the Revised 12651
Code; 12652

(vi) Requests for conducting telephone pre-hearing 12653
conferences; 12654

(vii) Any other matter that will cause a free exchange of information prior to the formal hearing. 12655
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(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; 12657
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(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; 12660
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(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. 12664
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(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. 12667
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(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. 12674
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(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~~ worker safety and rehabilitation having, by virtue of Section 35

of Article II, Ohio Constitution, the expenditure of the fund 12712
therein created for the investigation and prevention of 12713
industrial accidents and diseases, shall, with the advice and 12714
consent of the ~~bureau of workers' compensation~~ office of worker 12715
safety and rehabilitation board of directors, in the exercise of 12716
the administrator's authority and in the performance of the 12717
administrator's duty, employ a superintendent and the necessary 12718
experts, engineers, occupational safety and health 12719
professionals, and support staff for the efficient operation of 12720
a division of safety and hygiene of the ~~bureau of workers'~~ 12721
~~compensation~~ office of worker safety and rehabilitation, which 12722
is hereby created. 12723

The administrator, with the advice and consent of the 12724
board, shall pay into the safety and hygiene fund, which is 12725
hereby created in the state treasury, the portion of the 12726
contributions paid by employers, calculated as though all 12727
employers paid premiums based upon payroll, not to exceed one 12728
per cent thereof in any year, as is necessary for the payment of 12729
the salary of the superintendent of the division of safety and 12730
hygiene and the compensation of the other employees of the 12731
division of safety and hygiene and for the expenses of 12732
investigations and researches for the prevention of industrial 12733
accidents and diseases. All investment earnings of the fund 12734
shall be credited to the fund. The administrator has the same 12735
powers to invest any of the funds belonging to the fund as are 12736
delegated to the administrator under section 4123.44 of the 12737
Revised Code with respect to the state insurance fund. The 12738
superintendent, under the direction of the administrator, with 12739
the advice and consent of the board, shall conduct 12740
investigations and researches for the prevention of industrial 12741
accidents and diseases, conduct loss prevention programs and 12742

courses for employers, establish and administrate cooperative 12743
programs with employers for the purchase of individual safety 12744
equipment for employees, and print and distribute information as 12745
may be of benefit to employers and employees. The administrator 12746
shall pay from the safety and hygiene fund the salary of the 12747
superintendent of the division of safety and hygiene, the 12748
compensation of the other employees of the division of safety 12749
and hygiene, the expenses necessary or incidental to 12750
investigations and researches for the prevention of industrial 12751
accidents and diseases, and the cost of printing and 12752
distributing such information. 12753

The superintendent, under the direction of the 12754
administrator, shall prepare an annual report, addressed to the 12755
governor, on the amount of the expenditures and the purposes for 12756
which they have been made, and the results of the investigations 12757
and researches. The administrator shall include the 12758
administrative costs, salaries, and other expenses of the 12759
division of safety and hygiene as a part of the budget of the 12760
~~bureau of workers' compensation office~~ that is submitted to the 12761
director of budget and management and shall identify those 12762
expenditures separately from other ~~bureau office~~ expenditures. 12763

The superintendent shall be a competent person with at 12764
least five years' experience in industrial accident or disease 12765
prevention work. The superintendent shall be in the unclassified 12766
civil service of the state. 12767

The administrator may designate positions in the division 12768
that are in the unclassified civil service of the state as long 12769
as the administrator determines the positions are primarily and 12770
distinctively administrative, managerial, or professional in 12771
character. All other full-time employees of the division of 12772

safety and hygiene are in the classified civil service of the 12773
state. 12774

Sec. 4121.39. The administrator of ~~workers' compensation~~ 12775
worker safety and rehabilitation shall do all of the following: 12776

(A) Except as provided in section 4123.402 of the Revised 12777
Code, review and process all applications for claims; 12778

(B) Award compensation and make payment on all 12779
noncontested claims; 12780

(C) Make payment on orders of the industrial commission 12781
and district and staff hearing officers as provided in section 12782
4123.511 of the Revised Code; 12783

(D) Serve as representative of the state insurance fund; 12784

(E) Establish a legal section within the ~~bureau~~ office of 12785
worker safety and rehabilitation to provide legal advice and 12786
assistance to the administrator and the administrator's staff as 12787
to claims procedure and policy; appeals to be lodged on behalf 12788
of the state insurance fund; and other legal issues. The ~~bureau~~ 12789
office legal section shall act as attorney for the state fund in 12790
administrative appeals. 12791

(F) Establish a program for quality control, systems 12792
design, and internal auditing. In the operation of the program, 12793
the administrator shall ensure that audits are performed at 12794
least annually to determine whether or not the ~~bureau~~ office 12795
meets the performance goals the administrator establishes. 12796

(G) Ensure that there exists the coordination between the 12797
central office and the service offices necessary to facilitate 12798
open lines of communication and the standardized procedures in 12799
conformity with the requirements set forth in the operating 12800

manuals of the ~~bureau office~~. The administrator shall establish 12801
a line of authority from the central office to the service 12802
offices of the ~~bureau office~~ sufficient to avoid ambiguity in 12803
the performance of any management or policy function. 12804

Sec. 4121.40. (A) The administrator of ~~workers'~~ 12805
~~compensation worker safety and rehabilitation~~ shall appoint a 12806
service director for each service office who shall have all of 12807
the following duties: 12808

(1) Provide each claimant and employer fair, impartial, 12809
and equal treatment; 12810

(2) Recommend any needed improvements for changes in staff 12811
size and accessibility to service offices; 12812

(3) Recommend to the administrator appropriate action 12813
concerning any allegations of misconduct, abuse of authority, or 12814
fraud committed in ~~his~~ the service director's office; 12815

(4) Ensure that all current ~~bureau office of worker safety~~ 12816
~~and rehabilitation~~ rules and operating procedures are carried 12817
out by all employees under ~~his~~ the service director's direction; 12818

(5) Assist claimants and employers who contact the service 12819
office for information or assistance with respect to claims 12820
processing and coverage. 12821

(B) The administrator shall assign to each service office 12822
an adequate number of investigators and field auditors. 12823

Service directors shall make investigators available to 12824
district hearing officers as needed. 12825

In addition to other duties the administrator may assign 12826
to investigators, they shall, at the service directors' 12827
direction, investigate alleged instances of persons receiving 12828

compensation pursuant to section 4123.58 of the Revised Code and 12829
engaging in remunerative employment that is incompatible with 12830
the terms of that section. 12831

Sec. 4121.41. (A) The administrator of ~~workers'~~ 12832
~~compensation-worker safety and rehabilitation~~ shall operate a 12833
program designed to inform employees and employers of their 12834
rights and responsibilities under Chapter 4123. of the Revised 12835
Code and as part of that program prepare and distribute 12836
pamphlets, which clearly and simply explain at least all of the 12837
following: 12838

(1) The rights and responsibilities of claimants and 12839
employers; 12840

(2) The procedures for processing claims; 12841

(3) The procedure for fulfilling employer responsibility; 12842

(4) All applicable statutes of limitation; 12843

(5) The availability of services and benefits; 12844

(6) The claimant's right to representation in the 12845
processing of a claim or to elect no representation. 12846

The administrator shall ensure that the provisions of this 12847
section are faithfully and speedily implemented. 12848

(B) The ~~bureau of workers' compensation~~ office of worker 12849
safety and rehabilitation shall maintain an ongoing program to 12850
identify employers subject to Chapter 4123. of the Revised Code 12851
and to audit employers to ensure an optimum level of premium 12852
payment. The ~~bureau~~ office shall coordinate such efforts with 12853
other governmental agencies which have information as to 12854
employers who are subject to Chapter 4123. of the Revised Code. 12855

(C) The administrator shall handle complaints through the service offices, the claims section, and the ombudsperson program. The administrator shall provide toll free telephone lines for employers and claimants in order to expedite the handling of complaints. The ~~bureau-office~~ shall monitor complaint traffic to ensure an adequacy of telephone service to ~~bureau-its~~ offices and shall compile statistics on complaint subjects. Based upon those compilations, the ~~bureau-office~~ shall revise procedures and rules to correct major problem areas and submit data and recommendations annually to the appropriate committees of the general assembly.

Sec. 4121.42. (A) The administrator of ~~workers' compensation-worker safety and rehabilitation~~ and the industrial commission shall cooperatively implement with adequate staff a comprehensive in-service training program for their respective personnel that provides training with respect to the workers' compensation system in at least all of the following areas:

- (1) General policies;
- (2) Organization;
- (3) Regulations;
- (4) Management training, including supervision, system design, and budget drafting.

(B) The in-service training programs may be conducted by the permanent staff of the commission and the ~~bureau-office of worker safety and rehabilitation~~ or by any public or private person the commission or ~~bureau-office~~ designates.

(C) Personnel of each administrative section of the ~~bureau-office~~ and the commission shall receive training programs adequate to ensure all of the following:

- (1) Familiarity with section duties and policy; 12885
- (2) Familiarity with duties and policy of sections which 12886
directly relate to their section; 12887
- (3) Continuous updating of policy and techniques for 12888
accomplishing section duties. 12889
- Sec. 4121.43.** The administrator of ~~workers' compensation~~ 12890
worker safety and rehabilitation shall: 12891
- (A) Adopt rules to ensure that all compensation payments 12892
are accompanied by information which clearly indicates the 12893
source of payment, type of payment, method of computation, 12894
inclusive days of payment, reason for changes in payment, and 12895
telephone number or address for inquiries; 12896
- (B) Adopt rules to govern the method of issuing and 12897
delivering checks, including time limits for issuance of checks; 12898
- (C) Set standards and inform claimant of procedure for 12899
attorney or other representative pick-up of compensation payment 12900
check, and ensure that claimant has recently executed a proper 12901
authorization to pick up the check; 12902
- (D) Prohibit any power of attorney allowing an attorney or 12903
employee to cash or endorse a check on behalf of claimant; 12904
- (E) Implement a written procedure for effectively 12905
obtaining notices of death of claimant and terminating 12906
compensation payments; 12907
- (F) Adopt rules to require that a claimant of whom medical 12908
examinations have been requested by ~~his~~ the claimant's employer 12909
shall submit to such examinations and shall be reimbursed by ~~his~~ 12910
the employer for reasonable expenses incurred in submitting to 12911
the examination and provide that the claimant shall be 12912

reimbursed by ~~his~~ the employer in an amount equal to the wages 12913
lost during the time required to attend any such examination, in 12914
the event said claimant sustains lost wages as a result of any 12915
such examination. 12916

Sec. 4121.44. (A) The administrator of ~~workers'~~ 12917
~~compensation~~ worker safety and rehabilitation shall oversee the 12918
implementation of the Ohio workers' compensation qualified 12919
health plan system as established under section 4121.442 of the 12920
Revised Code. 12921

(B) The administrator shall direct the implementation of 12922
the health partnership program administered by the ~~bureau office~~ 12923
of worker safety and rehabilitation as set forth in section 12924
4121.441 of the Revised Code. To implement the health 12925
partnership program and to ensure the efficiency and 12926
effectiveness of the public services provided through the 12927
program, the ~~bureau office~~: 12928

(1) Shall certify one or more external vendors, which 12929
shall be known as "managed care organizations," to provide 12930
medical management and cost containment services in the health 12931
partnership program for a period of two years beginning on the 12932
date of certification, consistent with the standards established 12933
under this section; 12934

(2) May recertify managed care organizations for 12935
additional periods of two years; and 12936

(3) May integrate the certified managed care organizations 12937
with ~~bureau office~~ staff and existing ~~bureau office~~ services for 12938
purposes of operation and training to allow the ~~bureau office~~ to 12939
assume operation of the health partnership program at the 12940
conclusion of the certification periods set forth in division 12941

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| (B) (1) or (2) of this section; | 12942 |
| (4) May enter into a contract with any managed care organization that is certified by the bureau office , pursuant to division (B) (1) or (2) of this section, to provide medical management and cost containment services in the health partnership program. | 12943 12944 12945 12946 12947 |
| (C) A contract entered into pursuant to division (B) (4) of this section shall include both of the following: | 12948 12949 |
| (1) Incentives that may be awarded by the administrator, at the administrator's discretion, based on compliance and performance of the managed care organization; | 12950 12951 12952 |
| (2) Penalties that may be imposed by the administrator, at the administrator's discretion, based on the failure of the managed care organization to reasonably comply with or perform terms of the contract, which may include termination of the contract. | 12953 12954 12955 12956 12957 |
| (D) Notwithstanding section 119.061 of the Revised Code, a contract entered into pursuant to division (B) (4) of this section may include provisions limiting, restricting, or regulating any marketing or advertising by the managed care organization, or by any individual or entity that is affiliated with or acting on behalf of the managed care organization, under the health partnership program. | 12958 12959 12960 12961 12962 12963 12964 |
| (E) No managed care organization shall receive compensation under the health partnership program unless the managed care organization has entered into a contract with the bureau office pursuant to division (B) (4) of this section. | 12965 12966 12967 12968 |
| (F) Any managed care organization selected shall demonstrate all of the following: | 12969 12970 |

- (1) Arrangements and reimbursement agreements with a substantial number of the medical, professional and pharmacy providers currently being utilized by claimants. 12971
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- (2) Ability to accept a common format of medical bill data in an electronic fashion from any provider who wishes to submit medical bill data in that form. 12974
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- (3) A computer system able to handle the volume of medical bills and willingness to customize that system to the ~~bureau's~~ office's needs and to be operated by the managed care organization's staff, ~~bureau-office~~ staff, or some combination of both staffs. 12977
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- (4) A prescription drug system where pharmacies on a statewide basis have access to the eligibility and pricing, at a discounted rate, of all prescription drugs. 12982
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- (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
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- (6) Data processing capacity to absorb all of the ~~bureau's~~ office's medical bill processing or at least that part of the processing which the ~~bureau-office~~ arranges to delegate. 12988
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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-office~~ 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, 13000
authorizations for treatment, medical necessity, utilization 13001
review, concurrent review, post-utilization review, and have the 13002
attendant computer system which supports such activity and 13003
measures the outcomes and the savings. 13004

(10) Management experience and flexibility to be able to 13005
react quickly to the needs of the ~~bureau-office~~ in the case of 13006
required change in federal or state requirements. 13007

(G) (1) The administrator may decertify a managed care 13008
organization if the managed care organization does any of the 13009
following: 13010

(a) Fails to maintain any of the requirements set forth in 13011
division (F) of this section; 13012

(b) Fails to reasonably comply with or to perform in 13013
accordance with the terms of a contract entered into under 13014
division (B) (4) of this section; 13015

(c) Violates a rule adopted under section 4121.441 of the 13016
Revised Code. 13017

(2) The administrator shall provide each managed care 13018
organization that is being decertified pursuant to division (G) 13019
(1) of this section with written notice of the pending 13020
decertification and an opportunity for a hearing pursuant to 13021
rules adopted by the administrator. 13022

(H) (1) Information contained in a managed care 13023
organization's application for certification in the health 13024
partnership program, and other information furnished to the 13025
~~bureau-office~~ by a managed care organization for purposes of 13026
obtaining certification or to comply with performance and 13027
financial auditing requirements established by the 13028

administrator, is for the exclusive use and information of the ~~bureau-office~~ 13029
~~bureau-office~~ in the discharge of its official duties, and shall 13030
not be open to the public or be used in any court in any 13031
proceeding pending therein, unless the ~~bureau-office~~ is a party 13032
to the action or proceeding, but the information may be 13033
tabulated and published by the ~~bureau-office~~ in statistical form 13034
for the use and information of other state departments and the 13035
public. No employee of the ~~bureau-office~~, except as otherwise 13036
authorized by the administrator, shall divulge any information 13037
secured by the employee while in the employ of the ~~bureau-office~~ 13038
in respect to a managed care organization's application for 13039
certification or in respect to the business or other trade 13040
processes of any managed care organization to any person other 13041
than the administrator or to the employee's superior. 13042

(2) Notwithstanding the restrictions imposed by division 13043
(H) (1) of this section, the governor, members of select or 13044
standing committees of the senate or house of representatives, 13045
the auditor of state, the attorney general, or their designees, 13046
pursuant to the authority granted in this chapter and Chapter 13047
4123. of the Revised Code, may examine any managed care 13048
organization application or other information furnished to the 13049
~~bureau-office~~ by the managed care organization. None of those 13050
individuals shall divulge any information secured in the 13051
exercise of that authority in respect to a managed care 13052
organization's application for certification or in respect to 13053
the business or other trade processes of any managed care 13054
organization to any person. 13055

(I) On and after January 1, 2001, a managed care 13056
organization shall not be an insurance company holding a 13057
certificate of authority issued pursuant to Title XXXIX of the 13058
Revised Code or a health insuring corporation holding a 13059

certificate of authority under Chapter 1751. of the Revised 13060
Code. 13061

(J) The administrator may limit freedom of choice of 13062
health care provider or supplier by requiring, beginning with 13063
the period set forth in division (B)(1) or (2) of this section, 13064
that claimants shall pay an appropriate out-of-plan copayment 13065
for selecting a medical provider not within the health 13066
partnership program as provided for in this section. 13067

(K) The administrator, six months prior to the expiration 13068
of the ~~bureau's office's~~ certification or recertification of the 13069
managed care organizations as set forth in division (B)(1) or 13070
(2) of this section, may certify and provide evidence to the 13071
governor, the speaker of the house of representatives, and the 13072
president of the senate that the existing ~~bureau office~~ staff is 13073
able to match or exceed the performance and outcomes of the 13074
managed care organizations and that the ~~bureau office~~ should be 13075
permitted to internally administer the health partnership 13076
program upon the expiration of the certification or 13077
recertification as set forth in division (B)(1) or (2) of this 13078
section. 13079

(L) The administrator shall establish and operate ~~a bureau~~ 13080
~~of workers' compensation~~ an office of worker safety and 13081
rehabilitation health care data program. The administrator shall 13082
develop reporting requirements from all employees, employers, 13083
medical providers, managed care organizations, and plans that 13084
participate in the workers' compensation system. The 13085
administrator shall do all of the following: 13086

(1) Utilize the collected data to measure and perform 13087
comparison analyses of costs, quality, appropriateness of 13088
medical care, and effectiveness of medical care delivered by all 13089

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| components of the workers' compensation system. | 13090 |
| (2) Compile data to support activities of the selected managed care organizations and to measure the outcomes and savings of the health partnership program. | 13091 13092 13093 |
| (3) Publish and report compiled data on the measures of outcomes and savings of the health partnership program and submit the report to the president of the senate, the speaker of the house of representatives, and the governor with the annual report prepared under division (F) (3) of section 4121.12 of the Revised Code. The administrator shall protect the confidentiality of all proprietary pricing data. | 13094 13095 13096 13097 13098 13099 13100 |
| (M) Any rehabilitation facility the bureau-office operates is eligible for inclusion in the Ohio workers' compensation qualified health plan system or the health partnership program under the same terms as other providers within health care plans or the program. | 13101 13102 13103 13104 13105 |
| (N) In areas outside the state or within the state where no qualified health plan or an inadequate number of providers within the health partnership program exist, the administrator shall permit employees to use a nonplan or nonprogram health care provider and shall pay the provider for the services or supplies provided to or on behalf of an employee for an injury or occupational disease that is compensable under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code on a fee schedule the administrator adopts. | 13106 13107 13108 13109 13110 13111 13112 13113 13114 |
| (O) No health care provider, whether certified or not, shall charge, assess, or otherwise attempt to collect from an employee, employer, a managed care organization, or the bureau-office any amount for covered services or supplies that is in | 13115 13116 13117 13118 |

excess of the allowed amount paid by a managed care 13119
organization, the ~~bureau~~ office, or a qualified health plan. 13120

(P) The administrator shall permit any employer or group 13121
of employers who agree to abide by the rules adopted under this 13122
section and sections 4121.441 and 4121.442 of the Revised Code 13123
to provide services or supplies to or on behalf of an employee 13124
for an injury or occupational disease that is compensable under 13125
this chapter or Chapter 4123., 4127., or 4131. of the Revised 13126
Code through qualified health plans of the Ohio workers' 13127
compensation qualified health plan system pursuant to section 13128
4121.442 of the Revised Code or through the health partnership 13129
program pursuant to section 4121.441 of the Revised Code. No 13130
amount paid under the qualified health plan system pursuant to 13131
section 4121.442 of the Revised Code by an employer who is a 13132
state fund employer shall be charged to the employer's 13133
experience or otherwise be used in merit-rating or determining 13134
the risk of that employer for the purpose of the payment of 13135
premiums under this chapter, and if the employer is a self- 13136
insuring employer, the employer shall not include that amount in 13137
the paid compensation the employer reports under section 4123.35 13138
of the Revised Code. 13139

Sec. 4121.441. (A) The administrator of ~~workers' 13140
compensation~~ worker safety and rehabilitation, with the advice 13141
and consent of the ~~bureau of workers' compensation~~ office of 13142
worker safety and rehabilitation board of directors, shall adopt 13143
rules under Chapter 119. of the Revised Code for the health care 13144
partnership program administered by the ~~bureau of workers' 13145
compensation~~ office of worker safety and rehabilitation to 13146
provide medical, surgical, nursing, drug, hospital, and 13147
rehabilitation services and supplies to an employee for an 13148
injury or occupational disease that is compensable under this 13149

chapter or Chapter 4123., 4127., or 4131. of the Revised Code, 13150
and to regulate contracts with managed care organizations 13151
pursuant to this chapter. 13152

(1) The rules shall include, but are not limited to, the 13153
following: 13154

(a) Procedures for the resolution of medical disputes 13155
between an employer and an employee, an employee and a provider, 13156
or an employer and a provider, prior to an appeal under section 13157
4123.511 of the Revised Code. Rules the administrator adopts 13158
pursuant to division (A)(1)(a) of this section may specify that 13159
the resolution procedures shall not be used to resolve disputes 13160
concerning medical services rendered that have been approved 13161
through standard treatment guidelines, pathways, or presumptive 13162
authorization guidelines. 13163

(b) Prohibitions against discrimination against any 13164
category of health care providers; 13165

(c) Procedures for reporting injuries to employers and the 13166
~~bureau~~office by providers; 13167

(d) Appropriate financial incentives to reduce service 13168
cost and insure proper system utilization without sacrificing 13169
the quality of service; 13170

(e) Adequate methods of peer review, utilization review, 13171
quality assurance, and dispute resolution to prevent, and 13172
provide sanctions for, inappropriate, excessive or not medically 13173
necessary treatment; 13174

(f) A timely and accurate method of collection of 13175
necessary information regarding medical and health care service 13176
and supply costs, quality, and utilization to enable the 13177
administrator to determine the effectiveness of the program; 13178

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| (g) Provisions for necessary emergency medical treatment | 13179 |
| for an injury or occupational disease provided by a health care | 13180 |
| provider who is not part of the program; | 13181 |
| (h) Discounted pricing for all in-patient and out-patient | 13182 |
| medical services, all professional services, and all | 13183 |
| pharmaceutical services; | 13184 |
| (i) Provisions for provider referrals, pre-admission and | 13185 |
| post-admission approvals, second surgical opinions, and other | 13186 |
| cost management techniques; | 13187 |
| (j) Antifraud mechanisms; | 13188 |
| (k) Standards and criteria for the bureau <u>office</u> to | 13189 |
| utilize in certifying or recertifying a health care provider or | 13190 |
| a managed care organization for participation in the health | 13191 |
| partnership program; | 13192 |
| (l) Standards for the bureau <u>office</u> to utilize in | 13193 |
| penalizing or decertifying a health care provider from | 13194 |
| participation in the health partnership program. | 13195 |
| (2) Notwithstanding section 119.061 of the Revised Code, | 13196 |
| the rules may include provisions limiting, restricting, or | 13197 |
| regulating any marketing or advertising by a managed care | 13198 |
| organization, or by any individual or entity that is affiliated | 13199 |
| with or acting on behalf of the managed care organization, under | 13200 |
| the health partnership program. | 13201 |
| (B) The administrator shall implement the health | 13202 |
| partnership program according to the rules the administrator | 13203 |
| adopts under this section for the provision and payment of | 13204 |
| medical, surgical, nursing, drug, hospital, and rehabilitation | 13205 |
| services and supplies to an employee for an injury or | 13206 |
| occupational disease that is compensable under this chapter or | 13207 |

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| Chapter 4123., 4127., or 4131. of the Revised Code." | 13208 |
| Sec. 4121.442. (A) The administrator of workers' | 13209 |
| compensation <u>worker safety and rehabilitation</u> shall develop | 13210 |
| standards for qualification of health care plans of the Ohio | 13211 |
| workers' compensation qualified health plan system to provide | 13212 |
| medical, surgical, nursing, drug, hospital, and rehabilitation | 13213 |
| services and supplies to an employee for an injury or | 13214 |
| occupational disease that is compensable under this chapter or | 13215 |
| Chapter 4123., 4127., or 4131. of the Revised Code. In adopting | 13216 |
| the standards, the administrator shall use nationally recognized | 13217 |
| accreditation standards. The standards the administrator adopts | 13218 |
| must provide that a qualified plan provides for all of the | 13219 |
| following: | 13220 |
| (1) Criteria for selective contracting of health care | 13221 |
| providers; | 13222 |
| (2) Adequate plan structure and financial stability; | 13223 |
| (3) Procedures for the resolution of medical disputes | 13224 |
| between an employee and an employer, an employee and a provider, | 13225 |
| or an employer and a provider, prior to an appeal under section | 13226 |
| 4123.511 of the Revised Code; | 13227 |
| (4) Authorize employees who are dissatisfied with the | 13228 |
| health care services of the employer's qualified plan and do not | 13229 |
| wish to obtain treatment under the provisions of this section, | 13230 |
| to request the administrator for referral to a health care | 13231 |
| provider in the bureau's <u>office's</u> health care partnership | 13232 |
| program. The administrator must refer all requesting employees | 13233 |
| into the health care partnership program. | 13234 |
| (5) Does not discriminate against any category of health | 13235 |
| care provider; | 13236 |

- (6) Provide a procedure for reporting injuries to the bureau of workers' compensation office of worker safety and rehabilitation and to employers by providers within the qualified plan; 13237
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- (7) Provide appropriate financial incentives to reduce service costs and utilization without sacrificing the quality of service; 13241
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- (8) Provide adequate methods of peer review, utilization review, quality assurance, and dispute resolution to prevent and provide sanctions for inappropriate, excessive, or not medically necessary treatment; 13244
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- (9) Provide a timely and accurate method of reporting to the administrator necessary information regarding medical and health care service and supply costs, quality, and utilization to enable the administrator to determine the effectiveness of the plan; 13248
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- (10) Authorize necessary emergency medical treatment for an injury or occupational disease provided by a health care provider who is not a part of the qualified health care plan; 13253
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- (11) Provide an employee the right to change health care providers within the qualified health care plan; 13256
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- (12) Provide for standardized data and reporting requirements; 13258
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- (13) Authorize necessary medical treatment for employees who work in Ohio but reside in another state. 13260
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- (B) Health care plans that meet the approved qualified health plan standards shall be considered qualified plans and are eligible to become part of the Ohio workers' compensation 13262
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qualified health plan system. Any employer or group of employers 13265
may provide medical, surgical, nursing, drug, hospital, and 13266
rehabilitation services and supplies to an employee for an 13267
injury or occupational disease that is compensable under this 13268
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 13269
through a qualified health plan. 13270

Sec. 4121.443. (A) The ~~bureau of workers' compensation-~~ 13271
office of worker safety and rehabilitation may summarily suspend 13272
the certification of a provider to participate in the health 13273
partnership program created under sections 4121.44 and 4121.441 13274
of the Revised Code without a prior hearing if the ~~bureau office~~ 13275
determines any of the following apply to the provider: 13276

(1) The professional license, certification, or 13277
registration held by the provider to practice the provider's 13278
profession has been revoked or suspended for an indefinite 13279
period of time or for a period of more than thirty days, 13280
subsequent to the provider's certification to participate in the 13281
health partnership program. 13282

(2) The provider has been convicted of or has pleaded 13283
guilty to a violation of section 2913.48 or sections 2923.31 to 13284
2923.36 of the Revised Code or has been convicted of or pleaded 13285
guilty to any other criminal offense related to the delivery of 13286
or billing for health care services. 13287

(3) The ~~bureau office~~ determines, by clear and convincing 13288
evidence, that the continued participation by the provider in 13289
the health partnership program presents a danger of immediate 13290
and serious harm to claimants. 13291

(B) The ~~bureau office~~ shall issue a written order of 13292
summary suspension by certified mail or in person in accordance 13293

with section 119.07 of the Revised Code. If the provider subject 13294
to the summary suspension requests an adjudicatory hearing by 13295
the ~~bureau office~~, the date set for the hearing shall be not 13296
later than fifteen days, but not earlier than seven days, after 13297
the provider requests the hearing, unless otherwise agreed to by 13298
both the ~~bureau office~~ and the provider. 13299

(C) If an order issued pursuant to this section is 13300
appealed, the court may stay execution of the order and fix the 13301
terms of the stay, if the court finds both of the following: 13302

(1) That an unusual hardship to the appellant will result 13303
from execution of the order pending appeal; 13304

(2) That the health, safety, and welfare of the public 13305
will not be threatened by staying execution of the order pending 13306
appeal. 13307

(D) A court or agency order staying the suspension of a 13308
professional license, certification, or registration shall not 13309
affect the ability of the ~~bureau office~~ to suspend the 13310
certification of a provider to participate in the health 13311
partnership program under this section. 13312

(E) The summary suspension of a certification of a 13313
provider under this section shall not affect the ability of that 13314
provider to receive payment for services rendered prior to the 13315
effective date of the suspension. 13316

(F) Any summary suspension imposed under this section 13317
shall remain in effect, unless reversed on appeal, until a final 13318
adjudication order issued by the ~~bureau office~~ pursuant to this 13319
section and Chapter 119. of the Revised Code takes effect. The 13320
~~bureau office~~ shall issue its final adjudication order within 13321
seventy-five days after completion of its hearing. A failure to 13322

issue the order within the seventy-five-day time period shall 13323
result in dissolution of the summary suspension order but shall 13324
not invalidate any subsequent, final adjudication order. 13325

(G) As used in this section, "provider" does not include a 13326
hospital. 13327

Sec. 4121.444. (A) No person, health care provider, 13328
managed care organization, or owner of a health care provider or 13329
managed care organization shall obtain or attempt to obtain 13330
payments by deception under Chapter 4121., 4123., 4127., or 13331
4131. of the Revised Code to which the person, health care 13332
provider, managed care organization, or owner is not entitled 13333
under rules of the ~~bureau of workers' compensation office of~~ 13334
worker safety and rehabilitation adopted pursuant to sections 13335
4121.441 and 4121.442 of the Revised Code. 13336

(B) Any person, health care provider, managed care 13337
organization, or owner that violates division (A) of this 13338
section is liable, in addition to any other penalties provided 13339
by law, for all of the following penalties: 13340

(1) Payment of interest on the amount of the excess 13341
payments at the maximum interest rate allowable for real estate 13342
mortgages under section 1343.01 of the Revised Code. The 13343
interest shall be calculated from the date the payment was made 13344
to the person, owner, health care provider, or managed care 13345
organization through the date upon which repayment is made to 13346
the ~~bureau office~~ or the self-insuring employer. 13347

(2) Payment of an amount equal to three times the amount 13348
of any excess payments; 13349

(3) Payment of a sum of not less than five thousand 13350
dollars and not more than ten thousand dollars for each act of 13351

deception; 13352

(4) All reasonable and necessary expenses that the court 13353
determines have been incurred by the ~~bureau~~office or the self- 13354
insuring employer in the enforcement of this section. 13355

All moneys collected by the ~~bureau~~office pursuant to this 13356
section shall be deposited into the state insurance fund created 13357
in section 4123.30 of the Revised Code. All moneys collected by 13358
a self-insuring employer pursuant to this section shall be 13359
awarded to the self-insuring employer. 13360

(C) (1) In addition to the monetary penalties provided in 13361
division (B) of this section and except as provided in division 13362
(C) (3) of this section, the administrator may terminate any 13363
agreement between the ~~bureau~~office and a person or a health 13364
care provider or managed care organization or its owner and 13365
cease reimbursement to that person, provider, organization, or 13366
owner for services rendered if any of the following apply: 13367

(a) The person, health care provider, managed care 13368
organization, or its owner, or an officer, authorized agent, 13369
associate, manager, or employee of a person, provider, or 13370
organization is convicted of or pleads guilty to a violation of 13371
sections 2913.48 or 2923.31 to 2923.36 of the Revised Code or 13372
any other criminal offense related to the delivery of or billing 13373
for health care benefits. 13374

(b) There exists an entry of judgment against the person, 13375
health care provider, managed care organization, or its owner, 13376
or an officer, authorized agent, associate, manager, or employee 13377
of a person, provider, or organization and proof of the specific 13378
intent of the person, health care provider, managed care 13379
organization, or owner to defraud, in a civil action brought 13380

pursuant to this section. 13381

(c) There exists an entry of judgment against the person, 13382
health care provider, managed care organization, or its owner, 13383
or an officer, authorized agent, associate, manager, or employee 13384
of a person, provider, or organization in a civil action brought 13385
pursuant to sections 2923.31 to 2923.36 of the Revised Code. 13386

(2) No person, health care provider, or managed care 13387
organization that has had its agreement with and reimbursement 13388
from the ~~bureau-office~~ terminated by the administrator pursuant 13389
to division (C) (1) of this section, or an owner, officer, 13390
authorized agent, associate, manager, or employee of that 13391
person, health care provider, or managed care organization shall 13392
do either of the following: 13393

(a) Directly provide services to any other ~~bureau-office~~ 13394
provider or have an ownership interest in a provider of services 13395
that furnishes services to any other ~~bureau-office~~ provider; 13396

(b) Arrange for, render, or order services for claimants 13397
during the period that the agreement of the person, health care 13398
provider, managed care organization, or its owner is terminated 13399
as described in division (C) (1) of this section; 13400

(3) The administrator shall not terminate the agreement or 13401
reimbursement if the person, health care provider, managed care 13402
organization, or owner demonstrates that the person, provider, 13403
organization, or owner did not directly or indirectly sanction 13404
the action of the authorized agent, associate, manager, or 13405
employee that resulted in the conviction, plea of guilty, or 13406
entry of judgment as described in division (C) (1) of this 13407
section. 13408

(4) Nothing in division (C) of this section prohibits an 13409

owner, officer, authorized agent, associate, manager, or 13410
employee of a person, health care provider, or managed care 13411
organization from entering into an agreement with the ~~bureau-~~ 13412
office if the provider, organization, owner, officer, authorized 13413
agent, associate, manager, or employee demonstrates absence of 13414
knowledge of the action of the person, health care provider, or 13415
managed care organization with which that individual or 13416
organization was formerly associated that resulted in a 13417
conviction, plea of guilty, or entry of judgment as described in 13418
division (C) (1) of this section. 13419

(D) The attorney general may bring an action on behalf of 13420
the state and a self-insuring employer may bring an action on 13421
its own behalf to enforce this section in any court of competent 13422
jurisdiction. The attorney general may settle or compromise any 13423
action brought under this section with the approval of the 13424
administrator. 13425

Notwithstanding any other law providing a shorter period 13426
of limitations, the attorney general or a self-insuring employer 13427
may bring an action to enforce this section at any time within 13428
six years after the conduct in violation of this section 13429
terminates. 13430

(E) The availability of remedies under this section and 13431
sections 2913.48 and 2923.31 to 2923.36 of the Revised Code for 13432
recovering benefits paid on behalf of claimants for medical 13433
assistance does not limit the authority of the ~~bureau-office~~ or 13434
a self-insuring employer to recover excess payments made to an 13435
owner, health care provider, managed care organization, or 13436
person under state and federal law. 13437

(F) As used in this section: 13438

(1) "Deception" means acting with actual knowledge in order to deceive another or cause another to be deceived by means of any of the following:

(a) A false or misleading representation;

(b) The withholding of information;

(c) The preventing of another from acquiring information;

(d) Any other conduct, act, or omission that creates, confirms, or perpetuates a false impression as to a fact, the law, the value of something, or a person's state of mind.

(2) "Owner" means any person having at least a five per cent ownership interest in a health care provider or managed care organization.

Sec. 4121.447. Each contract the administrator of ~~workers' compensation~~ worker safety and rehabilitation enters into with a managed care organization under division (B) (4) of section 4121.44 of the Revised Code shall require the managed care organization to enter into a data security agreement with the state board of pharmacy governing the managed care organization's use of the board's drug database established and maintained under section 4729.75 of the Revised Code.

This section does not apply if the board no longer maintains the drug database.

Sec. 4121.45. (A) There is hereby created a ~~workers' compensation~~ worker safety and rehabilitation ombudsperson system to assist claimants and employers in matters dealing with the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation and the industrial commission. The industrial commission nominating council shall appoint a chief

ombudsperson. The chief ombudsperson, with the advice and 13467
consent of the nominating council, may appoint such assistant 13468
ombudspersons as the nominating council deems necessary. The 13469
position of chief ombudsperson is for a term of six years. A 13470
person appointed to the position of chief ombudsperson shall 13471
serve at the pleasure of the nominating council. The chief 13472
ombudsperson may not be transferred, demoted, or suspended 13473
during the person's tenure and may be removed by the nominating 13474
council only upon a vote of not fewer than nine members of the 13475
nominating council. The chief ombudsperson shall devote the 13476
chief ombudsperson's full time and attention to the duties of 13477
the ombudsperson's office. The administrator of ~~workers'~~ 13478
~~compensation~~ worker safety and rehabilitation shall furnish the 13479
chief ombudsperson with the office space, supplies, and clerical 13480
assistance that will enable the chief ombudsperson and the 13481
ombudsperson system staff to perform their duties effectively. 13482
The ombudsperson program shall be funded out of the budget of 13483
the ~~bureau-office~~ and the chief ombudsperson and the 13484
ombudsperson system staff shall be carried on the ~~bureau-office~~ 13485
payroll. The chief ombudsperson and the ombudsperson system 13486
shall be under the direction of the nominating council. The 13487
administrator and all employees of the ~~bureau-office~~ and the 13488
commission shall give the ~~the~~ ombudsperson system staff full and 13489
prompt cooperation in all matters relating to the duties of the 13490
chief ombudsperson. 13491

(B) The ombudsperson system staff shall: 13492

(1) Answer inquiries or investigate complaints made by 13493
employers or claimants under this chapter and Chapter 4123. of 13494
the Revised Code as they relate to the processing of a claim for 13495
workers' compensation benefits; 13496

(2) Provide claimants and employers with information 13497
regarding problems which arise out of the functions of the 13498
bureau office, commission hearing officers, and the commission 13499
and the procedures employed in the processing of claims; 13500

(3) Answer inquiries or investigate complaints of an 13501
employer as they relate to reserves established and premiums 13502
charged in connection with the employer's account; 13503

(4) Comply with Chapter 102. and sections 2921.42 and 13504
2921.43 of the Revised Code and the nominating council's human 13505
resource and ethics policies; 13506

(5) Not express any opinions as to the merit of a claim or 13507
the correctness of a decision by the various officers or 13508
agencies as the decision relates to a claim for benefits or 13509
compensation. 13510

For the purpose of carrying out the chief ombudsperson's 13511
duties, the chief ombudsperson or the ombudsperson system staff, 13512
notwithstanding sections 4123.27 and 4123.88 of the Revised 13513
Code, has the right at all reasonable times to examine the 13514
contents of a claim file and discuss with parties in interest 13515
the contents of the file as long as the ombudsperson does not 13516
divulge information that would tend to prejudice the case of 13517
either party to a claim or that would tend to compromise a 13518
privileged attorney-client or doctor-patient relationship. 13519

(C) The chief ombudsperson shall: 13520

(1) Assist any service office in its duties whenever it 13521
requires assistance or information that can best be obtained 13522
from central office personnel or records; 13523

(2) Annually assemble reports from each assistant 13524
ombudsperson as to their activities for the preceding year 13525

together with their recommendations as to changes or 13526
improvements in the operations of the workers' compensation 13527
system. The chief ombudsperson shall prepare a written report 13528
summarizing the activities of the ombudsperson system together 13529
with a digest of recommendations. The chief ombudsperson shall 13530
transmit the report to the nominating council. 13531

(3) Comply with Chapter 102. and sections 2921.42 and 13532
2921.43 of the Revised Code and the nominating council's human 13533
resource and ethics policies. 13534

(D) No ombudsperson or assistant ombudsperson shall: 13535

(1) Represent a claimant or employer in claims pending 13536
before or to be filed with the administrator, a district or 13537
staff hearing officer, the commission, or the courts of the 13538
state, nor shall an ombudsperson or assistant ombudsperson 13539
undertake any such representation for a period of one year after 13540
the ombudsperson's or assistant ombudsperson's employment 13541
terminates or be eligible for employment by the ~~bureau~~office or 13542
the commission or as a district or staff hearing officer for one 13543
year; 13544

(2) Express any opinions as to the merit of a claim or the 13545
correctness of a decision by the various officers or agencies as 13546
the decision relates to a claim for benefits or compensation. 13547

(E) The chief ombudsperson and assistant ombudspersons 13548
shall receive compensation at a level established by the 13549
nominating council commensurate with the individual's 13550
background, education, and experience in workers' compensation 13551
or related fields. The chief ombudsperson and assistant 13552
ombudspersons are full-time permanent employees in the 13553
unclassified service of the state and are entitled to all 13554

benefits that accrue to such employees, including, without 13555
limitation, sick, vacation, and personal leaves. Assistant 13556
ombudspersons serve at the pleasure of the chief ombudsperson. 13557

(F) In the event of a vacancy in the position of chief 13558
ombudsperson, the nominating council may appoint a person to 13559
serve as acting chief ombudsperson until a chief ombudsperson is 13560
appointed. The acting chief ombudsperson shall be under the 13561
direction and control of the nominating council and may be 13562
removed by the nominating council with or without just cause. 13563

Sec. 4121.47. (A) No employer shall violate a specific 13564
safety rule adopted by the administrator of ~~workers'~~ 13565
~~compensation-worker safety and rehabilitation~~ pursuant to 13566
section 4121.13 of the Revised Code or an act of the general 13567
assembly to protect the lives, health, and safety of employees 13568
pursuant to Section 35 of Article II, Ohio Constitution. Chapter 13569
4167. of the Revised Code and rules and standards adopted 13570
thereunder are not the rules or enactment referred to in this 13571
division and shall not be considered as such for purposes of 13572
this section. 13573

(B) If a staff hearing officer, in the course of the staff 13574
hearing officer's determination of a claim for an additional 13575
award under Section 35 of Article II, Ohio Constitution, finds 13576
the employer guilty of violating division (A) of this section, 13577
the staff hearing officer shall, in addition to any award paid 13578
to the claimant, issue an order to the employer to correct the 13579
violation within the period of time the staff hearing officer 13580
fixes. For any violation occurring within twenty-four months of 13581
the last violation, the staff hearing officer shall assess 13582
against the employer a civil penalty in an amount the staff 13583
hearing officer determines up to a maximum of fifty thousand 13584

dollars for each violation. In fixing the exact penalty, the
staff hearing officer shall base the decision upon the size of
the employer as measured by the number of employees, assets, and
earnings of the employer.

(C) An employer dissatisfied with the imposition of a
civil penalty pursuant to division (B) of this section may
appeal the staff hearing officer's decision, if the commission
refuses to hear the appeal under division (E) of section
4123.511 of the Revised Code, or a decision of the commission,
if the commission hears the appeal under that division, to a
court of common pleas pursuant to the Rules of Civil Procedure.
An appeal operates to stay the payment of the fine pending the
appeal.

(D) The administrator shall deposit all penalties
collected pursuant to this section in the safety and hygiene
fund established pursuant to section 4121.37 of the Revised
Code.

Sec. 4121.50. Not later than July 1, 2012, the
administrator of ~~workers' compensation~~ worker safety and
rehabilitation shall adopt rules in accordance with Chapter 119.
of the Revised Code to implement a coordinated services program
for claimants under this chapter or Chapter 4123., 4127., or
4131. of the Revised Code who are found to have obtained
prescription drugs that were reimbursed pursuant to an order of
the administrator or of the industrial commission or by a self-
insuring employer but were obtained at a frequency or in an
amount that is not medically necessary. The program shall be
implemented in a manner that is substantially similar to the
coordinated services programs established for the medicaid
program under sections 5164.758 and 5167.13 of the Revised Code.

Sec. 4121.61. (A) As used in sections 4121.61 to 4121.69 13615
of the Revised Code, "self-insuring employer" has the same 13616
meaning as in section 4123.01 of the Revised Code. 13617

(B) The administrator of ~~workers' compensation~~ worker 13618
safety and rehabilitation, with the advice and consent of the 13619
~~bureau of workers' compensation~~ office of worker safety and 13620
rehabilitation board of directors, shall adopt rules, take 13621
measures, and make expenditures as it deems necessary to aid 13622
claimants who have sustained compensable injuries or incurred 13623
compensable occupational diseases pursuant to Chapter 4123., 13624
4127., or 4131. of the Revised Code to return to work or to 13625
assist in lessening or removing any resulting handicap. 13626

Sec. 4121.63. Claimants who the administrator of ~~workers'~~ 13627
~~compensation~~ worker safety and rehabilitation determines could 13628
probably be rehabilitated to achieve the goals established by 13629
section 4121.61 of the Revised Code and who agree to undergo 13630
rehabilitation shall be paid living maintenance payments for a 13631
period or periods which do not exceed six months in the 13632
aggregate, unless review by the administrator or the 13633
administrator's designee reveals that the claimant will be 13634
benefited by an extension of such payments. 13635

Living maintenance payments shall be paid in weekly 13636
amounts, not to exceed the amount the claimant would receive if 13637
the claimant were being compensated for temporary total 13638
disability, but not less than fifty per cent of the current 13639
state average weekly wage. Living maintenance payments shall 13640
commence at the time the claimant begins to participate in an 13641
approved rehabilitation program. 13642

A claimant receiving living maintenance payments shall be 13643
deemed to be temporarily totally disabled and shall receive no 13644

payment of any type of compensation except as provided by 13645
division (B) of section 4123.57 of the Revised Code for the 13646
periods during which the claimant is receiving living 13647
maintenance payments. 13648

Sec. 4121.65. Self-insuring employers may furnish 13649
rehabilitation services as long as the quality and content of 13650
the services are equal to or greater than that provided by the 13651
~~bureau of workers' compensation office of worker safety and~~ 13652
rehabilitation. 13653

Sec. 4121.66. (A) Except as provided in division (D) of 13654
this section, the administrator of ~~workers' compensation-worker~~ 13655
safety and rehabilitation shall pay the expense of providing 13656
rehabilitation services, counseling, training, and living 13657
maintenance payments from the surplus fund established by 13658
section 4123.34 of the Revised Code. 13659

(B) Living maintenance payments are not subject to 13660
garnishment, levy, or attachment. 13661

(C) Sections 4123.343, 4123.63, and 4123.64 of the Revised 13662
Code do not apply to living maintenance payments. 13663

(D) A self-insuring employer shall pay directly to a 13664
claimant or to the provider of the rehabilitation services, 13665
counseling, or training the expenses listed in division (A) of 13666
this section. 13667

Sec. 4121.67. (A) The administrator of ~~workers'~~ 13668
~~compensation-worker safety and rehabilitation,~~ with the advice 13669
and consent of the ~~bureau of workers' compensation office of~~ 13670
worker safety and rehabilitation board of directors, shall adopt 13671
rules: 13672

(1) For the encouragement of reemployment of claimants who 13673

have successfully completed prescribed rehabilitation programs 13674
by payment from the surplus fund established by section 4123.34 13675
of the Revised Code to employers who employ or re-employ the 13676
claimants. The period or periods of payments shall not exceed 13677
six months in the aggregate, unless the administrator or the 13678
administrator's designee determines that the claimant will be 13679
benefited by an extension of payments. 13680

(2) Requiring payment, in the same manner as living 13681
maintenance payments are made pursuant to section 4121.63 of the 13682
Revised Code, to the claimant who completes a rehabilitation 13683
training program and returns to employment, but who suffers a 13684
wage loss compared to the wage the claimant was receiving at the 13685
time of injury. Payments per week shall be sixty-six and two- 13686
thirds per cent of the difference, if any, between the 13687
claimant's weekly wage at the time of injury and the weekly wage 13688
received while employed, up to a maximum payment per week equal 13689
to the statewide average weekly wage. The payments may continue 13690
for up to a maximum of two hundred weeks but shall be reduced by 13691
the corresponding number of weeks in which the claimant receives 13692
payments pursuant to division (B) of section 4123.56 of the 13693
Revised Code. 13694

(B) A self-insuring employer shall make the payments 13695
described in division (A) of this section directly as part of a 13696
claim. 13697

Sec. 4121.69. (A) The administrator of ~~workers'~~ 13698
~~compensation-worker safety and rehabilitation~~ may establish 13699
compensation plans, including schedules of hourly rates, for the 13700
compensation of professional, administrative, and managerial 13701
employees who are employed to fulfill the duties placed upon the 13702
~~bureau of workers' compensation-office of worker safety and~~ 13703

rehabilitation pursuant to sections 4121.61 to 4121.69 of the 13704
Revised Code. The administrator may establish rules or policies 13705
for the administration of the respective compensation plans. 13706

This division does not apply to employees for whom the 13707
state employment relations board establishes appropriate 13708
bargaining units pursuant to section 4117.06 of the Revised 13709
Code. 13710

(B) The administrator may employ the services and 13711
resources of any public entity or private person, business, or 13712
association in fulfilling the duties placed upon the ~~bureau of~~ 13713
~~workers' compensation office~~ office of worker safety and rehabilitation 13714
by sections 4121.61 to 4121.69 of the Revised Code. The 13715
opportunities for Ohioans with disabilities agency, the director 13716
of job and family services, and any other public officer, 13717
employee, or agency shall give to the ~~bureau of workers'~~ 13718
~~compensation office~~ full cooperation and, at the request of the 13719
administrator, enter into a written agreement stating the 13720
procedures and criteria for referring, accepting, and providing 13721
services to claimants in the job placement and rehabilitation 13722
efforts of the ~~bureau of workers' compensation office~~ on behalf 13723
of a claimant when referred by the ~~bureau of workers'~~ 13724
~~compensation office~~. 13725

(C) In appropriate cases, the ~~bureau office~~ may refer a 13726
candidate to the opportunities for Ohioans with disabilities 13727
agency for participation in a program of the agency. For that 13728
purpose, the ~~bureau of workers' compensation office~~ shall 13729
compensate the agency for the nonfederal portion of its 13730
services. 13731

Sec. 4123.01. As used in this chapter: 13732

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| (A) (1) "Employee" means: | 13733 |
| (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. | 13734 13735 13736 13737 13738 13739 13740 13741 13742 13743 13744 |
| 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: | 13745 13746 13747 13748 13749 13750 13751 13752 13753 |
| (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. | 13754 13755 13756 |
| (ii) Off-duty firefighters, whether paid or volunteer, of a lawfully constituted fire department. | 13757 13758 |
| (iii) Off-duty first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, or emergency medical technicians-paramedic, whether paid or | 13759 13760 13761 |

volunteer, of an ambulance service organization or emergency 13762
medical service organization pursuant to Chapter 4765. of the 13763
Revised Code. 13764

(b) Every person in the service of any person, firm, or 13765
private corporation, including any public service corporation, 13766
that (i) employs one or more persons regularly in the same 13767
business or in or about the same establishment under any 13768
contract of hire, express or implied, oral or written, including 13769
aliens and minors, household workers who earn one hundred sixty 13770
dollars or more in cash in any calendar quarter from a single 13771
household and casual workers who earn one hundred sixty dollars 13772
or more in cash in any calendar quarter from a single employer, 13773
or (ii) is bound by any such contract of hire or by any other 13774
written contract, to pay into the state insurance fund the 13775
premiums provided by this chapter. 13776

(c) Every person who performs labor or provides services 13777
pursuant to a construction contract, as defined in section 13778
4123.79 of the Revised Code, if at least ten of the following 13779
criteria apply: 13780

(i) The person is required to comply with instructions 13781
from the other contracting party regarding the manner or method 13782
of performing services; 13783

(ii) The person is required by the other contracting party 13784
to have particular training; 13785

(iii) The person's services are integrated into the 13786
regular functioning of the other contracting party; 13787

(iv) The person is required to perform the work 13788
personally; 13789

(v) The person is hired, supervised, or paid by the other 13790

| | |
|-----------------------------------------------------------------|-------|
| contracting party; | 13791 |
| (vi) A continuing relationship exists between the person | 13792 |
| and the other contracting party that contemplates continuing or | 13793 |
| recurring work even if the work is not full time; | 13794 |
| (vii) The person's hours of work are established by the | 13795 |
| other contracting party; | 13796 |
| (viii) The person is required to devote full time to the | 13797 |
| business of the other contracting party; | 13798 |
| (ix) The person is required to perform the work on the | 13799 |
| premises of the other contracting party; | 13800 |
| (x) The person is required to follow the order of work set | 13801 |
| by the other contracting party; | 13802 |
| (xi) The person is required to make oral or written | 13803 |
| reports of progress to the other contracting party; | 13804 |
| (xii) The person is paid for services on a regular basis | 13805 |
| such as hourly, weekly, or monthly; | 13806 |
| (xiii) The person's expenses are paid for by the other | 13807 |
| contracting party; | 13808 |
| (xiv) The person's tools and materials are furnished by | 13809 |
| the other contracting party; | 13810 |
| (xv) The person is provided with the facilities used to | 13811 |
| perform services; | 13812 |
| (xvi) The person does not realize a profit or suffer a | 13813 |
| loss as a result of the services provided; | 13814 |
| (xvii) The person is not performing services for a number | 13815 |
| of employers at the same time; | 13816 |

- (xviii) The person does not make the same services available to the general public; 13817
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- (xix) The other contracting party has a right to discharge the person; 13819
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- (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. 13821
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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~~ worker safety and rehabilitation for the person's employment or occupation or if a self-insuring employer 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. 13824
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- (2) "Employee" does not mean any of the following: 13838
- (a) A duly ordained, commissioned, or licensed minister or assistant or associate minister of a church in the exercise of ministry; 13839
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- (b) Any officer of a family farm corporation; 13842
- (c) An individual incorporated as a corporation; 13843
- (d) An officer of a nonprofit corporation, as defined in 13844

section 1702.01 of the Revised Code, who volunteers the person's services as a an officer; 13845
13846

(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 has granted a waiver and exception to the individual's employer under section 4123.15 of the Revised Code. 13847
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Any employer may elect to include as an "employee" within this chapter, any person excluded from the definition of "employee" pursuant to division (A)(2)(a), (b), (c), or (e) of this section in accordance with rules adopted by the administrator, with the advice and consent of the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation board of directors. If an employer is a partnership, sole proprietorship, individual incorporated as a corporation, or family farm corporation, such employer may elect to include as an "employee" within this chapter, any member of such partnership, the owner of the sole proprietorship, the individual incorporated as a corporation, or the officers of the family farm corporation. Nothing in this section shall prohibit a partner, sole proprietor, or any person excluded from the definition of "employee" pursuant to division (A)(2)(a), (b), (c), or (e) of this section from electing to be included as an "employee" under this chapter in accordance with rules adopted by the administrator, with the advice and consent of the board. 13852
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In the event of an election, the employer or person electing coverage shall serve upon the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation written notice naming the person to be covered and include the person's remuneration for premium purposes in all future payroll reports. 13870
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No partner, sole proprietor, or person excluded from the 13875
definition of "employee" pursuant to division (A)(2)(a), (b), 13876
(c), or (e) of this section, shall receive benefits or 13877
compensation under this chapter until the ~~bureau~~office receives 13878
written notice of the election permitted by this section. 13879

For informational purposes only, the ~~bureau~~office shall 13880
prescribe such language as it considers appropriate, on such of 13881
its forms as it considers appropriate, to advise employers of 13882
their right to elect to include as an "employee" within this 13883
chapter a sole proprietor, any member of a partnership, or a 13884
person excluded from the definition of "employee" under division 13885
(A)(2)(a), (b), (c), or (e) of this section, that they should 13886
check any health and disability insurance policy, or other form 13887
of health and disability plan or contract, presently covering 13888
them, or the purchase of which they may be considering, to 13889
determine whether such policy, plan, or contract excludes 13890
benefits for illness or injury that they might have elected to 13891
have covered by workers' compensation. 13892

(B) "Employer" means: 13893

(1) The state, including state hospitals, each county, 13894
municipal corporation, township, school district, and hospital 13895
owned by a political subdivision or subdivisions other than the 13896
state; 13897

(2) Every person, firm, professional employer 13898
organization, and private corporation, including any public 13899
service corporation, that (a) has in service one or more 13900
employees or shared employees regularly in the same business or 13901
in or about the same establishment under any contract of hire, 13902
express or implied, oral or written, or (b) is bound by any such 13903
contract of hire or by any other written contract, to pay into 13904

the insurance fund the premiums provided by this chapter. 13905

All such employers are subject to this chapter. Any member 13906
of a firm or association, who regularly performs manual labor in 13907
or about a mine, factory, or other establishment, including a 13908
household establishment, shall be considered an employee in 13909
determining whether such person, firm, or private corporation, 13910
or public service corporation, has in its service, one or more 13911
employees and the employer shall report the income derived from 13912
such labor to the ~~bureau~~office as part of the payroll of such 13913
employer, and such member shall thereupon be entitled to all the 13914
benefits of an employee. 13915

(C) "Injury" includes any injury, whether caused by 13916
external accidental means or accidental in character and result, 13917
received in the course of, and arising out of, the injured 13918
employee's employment. "Injury" does not include: 13919

(1) Psychiatric conditions except where the claimant's 13920
psychiatric conditions have arisen from an injury or 13921
occupational disease sustained by that claimant or where the 13922
claimant's psychiatric conditions have arisen from sexual 13923
conduct in which the claimant was forced by threat of physical 13924
harm to engage or participate; 13925

(2) Injury or disability caused primarily by the natural 13926
deterioration of tissue, an organ, or part of the body; 13927

(3) Injury or disability incurred in voluntary 13928
participation in an employer-sponsored recreation or fitness 13929
activity if the employee signs a waiver of the employee's right 13930
to compensation or benefits under this chapter prior to engaging 13931
in the recreation or fitness activity; 13932

(4) A condition that pre-existed an injury unless that 13933

pre-existing condition is substantially aggravated by the 13934
injury. Such a substantial aggravation must be documented by 13935
objective diagnostic findings, objective clinical findings, or 13936
objective test results. Subjective complaints may be evidence of 13937
such a substantial aggravation. However, subjective complaints 13938
without objective diagnostic findings, objective clinical 13939
findings, or objective test results are insufficient to 13940
substantiate a substantial aggravation. 13941

(D) "Child" includes a posthumous child and a child 13942
legally adopted prior to the injury. 13943

(E) "Family farm corporation" means a corporation founded 13944
for the purpose of farming agricultural land in which the 13945
majority of the voting stock is held by and the majority of the 13946
stockholders are persons or the spouse of persons related to 13947
each other within the fourth degree of kinship, according to the 13948
rules of the civil law, and at least one of the related persons 13949
is residing on or actively operating the farm, and none of whose 13950
stockholders are a corporation. A family farm corporation does 13951
not cease to qualify under this division where, by reason of any 13952
devise, bequest, or the operation of the laws of descent or 13953
distribution, the ownership of shares of voting stock is 13954
transferred to another person, as long as that person is within 13955
the degree of kinship stipulated in this division. 13956

(F) "Occupational disease" means a disease contracted in 13957
the course of employment, which by its causes and the 13958
characteristics of its manifestation or the condition of the 13959
employment results in a hazard which distinguishes the 13960
employment in character from employment generally, and the 13961
employment creates a risk of contracting the disease in greater 13962
degree and in a different manner from the public in general. 13963

(G) "Self-insuring employer" means an employer who is 13964
granted the privilege of paying compensation and benefits 13965
directly under section 4123.35 of the Revised Code, including a 13966
board of county commissioners for the sole purpose of 13967
constructing a sports facility as defined in section 307.696 of 13968
the Revised Code, provided that the electors of the county in 13969
which the sports facility is to be built have approved 13970
construction of a sports facility by ballot election no later 13971
than November 6, 1997. 13972

(H) "Private employer" means an employer as defined in 13973
division (B) (2) of this section. 13974

(I) "Professional employer organization" has the same 13975
meaning as in section 4125.01 of the Revised Code. 13976

(J) "Public employer" means an employer as defined in 13977
division (B) (1) of this section. 13978

(K) "Sexual conduct" means vaginal intercourse between a 13979
male and female; anal intercourse, fellatio, and cunnilingus 13980
between persons regardless of gender; and, without privilege to 13981
do so, the insertion, however slight, of any part of the body or 13982
any instrument, apparatus, or other object into the vaginal or 13983
anal cavity of another. Penetration, however slight, is 13984
sufficient to complete vaginal or anal intercourse. 13985

(L) "Other-states' insurer" means an insurance company 13986
that is authorized to provide workers' compensation insurance 13987
coverage in any of the states that permit employers to obtain 13988
insurance for workers' compensation claims through insurance 13989
companies. 13990

(M) "Other-states' coverage" means both of the following: 13991

(1) Insurance coverage secured by an eligible employer for 13992

workers' compensation claims of employees who are in employment 13993
relationships localized in a state other than this state or 13994
those employees' dependents; 13995

(2) Insurance coverage secured by an eligible employer for 13996
workers' compensation claims that arise in a state other than 13997
this state where an employer elects to obtain coverage through 13998
either the administrator or an other-states' insurer. 13999

(N) "Limited other-states coverage" means insurance 14000
coverage provided by the administrator to an eligible employer 14001
for workers' compensation claims of employees who are in an 14002
employment relationship localized in this state but are 14003
temporarily working in a state other than this state, or those 14004
employees' dependents. 14005

Sec. 4123.024. Sections 4123.021 to 4123.024 and 4123.031 14006
to 4123.037 of the Revised Code shall be administered by the 14007
~~bureau of workers' compensation~~ office of worker safety and 14008
rehabilitation. Administrative and other costs, including awards 14009
of benefits and compensation, whether lump sum or recurring 14010
payments, shall be disbursed from the state insurance fund. 14011

At the end of each six months of each fiscal year, the 14012
administrator of ~~workers' compensation~~ worker safety and 14013
rehabilitation shall certify to the adjutant general the amounts 14014
paid for compensation and benefits for accidental injuries and 14015
death compensable pursuant to sections 4123.021 to 4123.024 and 14016
4123.031 to 4123.037 of the Revised Code and for costs of 14017
administration. 14018

Sec. 4123.026. (A) The administrator of ~~workers'~~ 14019
~~compensation~~ worker safety and rehabilitation, or a self- 14020
insuring public employer for the peace officers, firefighters, 14021

and emergency medical workers employed by or volunteering for 14022
that self-insuring public employer, shall pay the costs of 14023
conducting post-exposure medical diagnostic services, consistent 14024
with the standards of medical care existing at the time of the 14025
exposure, to investigate whether an injury or occupational 14026
disease was sustained by a peace officer, firefighter, or 14027
emergency medical worker when coming into contact with the blood 14028
or other body fluid of another person in the course of and 14029
arising out of the peace officer's, firefighter's, or emergency 14030
medical worker's employment, or when responding to an inherently 14031
dangerous situation in the manner described in, and in 14032
accordance with the conditions specified under, division (A)(1) 14033
(a) of section 4123.01 of the Revised Code, through any of the 14034
following means: 14035

(1) Splash or spatter in the eye or mouth, including when 14036
received in the course of conducting mouth-to-mouth 14037
resuscitation; 14038

(2) A puncture in the skin; 14039

(3) A cut in the skin or another opening in the skin such 14040
as an open sore, wound, lesion, abrasion, or ulcer. 14041

(B) As used in this section: 14042

(1) "Peace officer" has the same meaning as in section 14043
2935.01 of the Revised Code. 14044

(2) "Firefighter" means a firefighter, whether paid or 14045
volunteer, of a lawfully constituted fire department. 14046

(3) "Emergency medical worker" means a first responder, 14047
emergency medical technician-basic, emergency medical 14048
technician-intermediate, or emergency medical technician- 14049
paramedic, certified under Chapter 4765. of the Revised Code, 14050

whether paid or volunteer. 14051

Sec. 4123.03. If the state or any political subdivision 14052
thereof, including any county, township, municipal corporation, 14053
school district, and any institution or agency of the state, 14054
employs, enlists, recruits, solicits, or otherwise secures the 14055
services of any organization, association, or group of persons 14056
and the members thereof, including volunteer ~~firemen~~ 14057
firefighters, and auxiliary ~~policemen~~ police officers and 14058
~~patrolmen~~ patrol troopers, the individual members of which are 14059
not, by reason of such service, employees as defined in division 14060
(A) (1) of section 4123.01 of the Revised Code, or if the state 14061
or any political subdivision thereof desires to secure workers' 14062
compensation coverage in respect of any volunteer ~~fireman~~ 14063
firefighter, ~~policeman~~ police officer, deputy sheriff, marshal 14064
or deputy marshal, constable, or other person in its service in 14065
the event of the injury, disease, or death of such person while 14066
engaged in activities called for by ~~his~~ the person's position 14067
but not such as would entitle the person to compensation as an 14068
employee as so defined, subject to the limitations contained in 14069
section 4123.02 of the Revised Code, the state or the political 14070
subdivision may contract with the ~~bureau of workers'~~ 14071
~~compensation~~ office of worker safety and rehabilitation for 14072
coverage of such persons under this chapter, while in the 14073
performance of such service. The contract shall contain 14074
provisions for the determination of premiums, average weekly 14075
wages or their equivalent, the identity of the persons covered, 14076
and such other provisions as are necessary in each case to 14077
establish or define the risk and determine claims arising 14078
thereunder. Payment of premiums by the state or a political 14079
subdivision shall be made in the same manner as is provided with 14080
respect to workers' compensation premiums payable by the state 14081

or a political subdivision and at the times as provided by the 14082
contract. Upon execution of a contract, the persons covered 14083
thereby are entitled to the same benefits, payable from the 14084
public insurance fund, which are accorded to employees as 14085
defined in division (A) of section 4123.01 of the Revised Code. 14086

For the purpose of statistical and like information, the 14087
~~bureau-office~~ shall keep a separate record of the experience of 14088
the individual risks and groups of similar risks under such 14089
contracts. 14090

Sec. 4123.039. For the purposes of sections 4123.038 and 14091
4123.039 of the Revised Code, every apprentice with respect to 14092
~~his~~ the apprentice's related and supplemental instructions, and 14093
every pre-apprentice, entry-level trainee, or ~~journeyman~~ 14094
journeyperson trainee shall be in the employment of whichever of 14095
the following desires to secure workers' compensation in respect 14096
to the apprentice: 14097

(A) A joint apprenticeship committee; 14098

(B) Any sponsoring organization offering, conducting, 14099
supervising, or giving training to apprentices. 14100

If any joint apprenticeship committee, or any other 14101
sponsoring organization offering, conducting, supervising, or 14102
giving training to apprentices, pre-apprentices, entry-level 14103
trainees, or ~~journeyman~~ journeyperson trainees desires to secure 14104
workers' compensation coverage for those persons in the event of 14105
their injury, disease, or death while engaged in related 14106
training activities, but not such as would entitle them to 14107
compensation as an employee as defined in division (A) of 14108
section 4123.01 of the Revised Code, any joint apprenticeship 14109
committee, or other sponsoring organization may contract with 14110

the ~~bureau of workers' compensation office of worker safety and~~ 14111
~~rehabilitation~~ for coverage of those persons under this chapter, 14112
while in the performance of the related training activities. The 14113
contract shall contain provisions for the determination of 14114
premiums, average weekly wages or their equivalent, the identity 14115
of the persons covered, and other provisions as are necessary in 14116
each case to establish or define the risk and determine claims 14117
arising thereunder. Upon execution of a contract, the persons 14118
covered thereby are entitled to the same benefits, payable from 14119
the state insurance fund, which are accorded to employees as 14120
defined in division (A) of section 4123.01 of the Revised Code. 14121

Sec. 4123.04. This chapter applies to employers and their 14122
employees engaged in intrastate commerce and also in interstate 14123
and foreign commerce, for whom a rule of liability or method of 14124
compensation has been or may be established by congress, only to 14125
the extent that their mutual connection with intrastate work may 14126
be and is clearly separable and distinguishable from interstate 14127
or foreign commerce, and then only when such employer and any of 14128
~~his~~ the employer's employees working only in this state, with 14129
the approval of the ~~bureau of workers' compensation office of~~ 14130
~~worker safety and rehabilitation~~, and so far as not forbidden by 14131
any act of congress, voluntarily accept the provisions of this 14132
chapter by filing written acceptances, which, when filed with 14133
and approved by the ~~bureau~~ office, subject the acceptors 14134
irrevocably to this chapter to all intents and purposes as if 14135
they had been originally included in its terms, during the 14136
periods for which the premiums provided in this chapter have 14137
been paid. Payment of premium shall be on the basis of the 14138
payroll of the employees who accept. 14139

Sec. 4123.05. The ~~bureau of workers' compensation office~~ 14140
~~of worker safety and rehabilitation~~ shall adopt rules to 14141

regulate and provide for the kind and character of notices, and 14142
the services thereof, in cases of injury, occupational disease, 14143
or death resulting from either, to employees, the nature and 14144
extent of the proofs and evidence, and the method of taking and 14145
furnishing the same, and to establish the right to benefits or 14146
compensation from the state insurance fund, the forms of 14147
application of those claiming to be entitled to benefits or 14148
compensation, and the method of making investigations, physical 14149
examinations, and inspections. Nothing in this section shall be 14150
interpreted as affecting or limiting the rule-making authority 14151
of the industrial commission under this chapter or Chapter 4121. 14152
of the Revised Code. 14153

Sec. 4123.06. The industrial commission shall adopt rules 14154
concerning the payment of attorney's fees and shall protect 14155
parties against unfair fees. The commission shall fix the amount 14156
of fees in the event of a controversy in respect thereto. The 14157
commission and the ~~bureau of workers' compensation office of~~ 14158
worker safety and rehabilitation shall prominently display in 14159
all areas of an office which claimants frequent a notice to the 14160
effect that the commission has statutory authority to resolve 14161
fee disputes. The commission shall adopt rules designed to 14162
prevent the solicitation of employment in the prosecution or 14163
defense of claims and make and adopt reasonable rules designed 14164
to promote the orderly and expeditious submission, hearing, and 14165
determination of claims and may inquire into the amounts of fees 14166
charged employers or claimants by attorneys, agents, or 14167
representatives for services in matters before the commission. 14168

The commission shall set reasonable standards for those 14169
attorneys, agents, or representatives who practice before the 14170
~~bureau office~~, district or staff hearing officers, or the 14171
commission. 14172

With respect to payment of fees to attorneys for services 14173
in securing an award under section 4123.64 of the Revised Code, 14174
the commission shall: 14175

(A) Approve, disapprove, or modify applications for lump 14176
sum payment for attorney's fees; 14177

(B) Allow payment of a reasonable fee after review of the 14178
application; 14179

(C) Require the attorney to disclose all fees received in 14180
obtaining the award under which the fee is requested and certify 14181
that the client is liable for no further fee with respect to 14182
continuing compensation, except if a later dispute arises in the 14183
claim requiring additional services; 14184

(D) Require such supporting evidence as the commission 14185
deems necessary to justify any such application. 14186

The commission shall suspend from practice before the 14187
bureau office, district or staff hearing officers, or the 14188
commission for such period of time as the commission determines, 14189
or reprimand, as the nature of the offense warrants, 14190
representatives of claimants or employers who violate any 14191
reasonable rule the commission adopts under authority of law. If 14192
the commission suspends or reprimands any person admitted to 14193
practice law, the commission shall notify the Ohio state bar 14194
association and the bar association of the community in which 14195
the person resides of the action taken by the commission. 14196

Before a representative is suspended or reprimanded, the 14197
commission or a person directly interested in the results of the 14198
services of a representative shall file written charges against 14199
him the representative stating distinctly the grounds of 14200
complaint, and a copy thereof certified by the secretary of the 14201

commission, shall be served upon the representative. After 14202
service, the representative shall be allowed a reasonable time 14203
to appear and make a defense, introduce evidence, and be heard 14204
either in person or by counsel, or both. 14205

If the commission makes an order to suspend or reprimand a 14206
representative, the order may be reviewed on appeal on questions 14207
of law in the supreme court, which may affirm or modify the 14208
order of the commission or dismiss the complaint. Appeal 14209
proceedings shall be filed in the supreme court within forty 14210
days after the order of the commission. 14211

The commission may readmit any person suspended upon its 14212
own motion or upon the written application of the person 14213
suspended. 14214

The head of the legal department of the commission shall 14215
make the investigations contemplated by this section and enforce 14216
this section and the rules adopted by the commission pursuant to 14217
this section. The commission shall assign to the head of the 14218
legal department one of its employees to assist in the 14219
administration and supervision of this section and of the rules 14220
adopted under this section. 14221

Sec. 4123.07. The administrator of ~~the bureau of workers'~~ 14222
~~compensation worker safety and rehabilitation~~ shall prepare and 14223
furnish blank forms of application for benefits or compensation 14224
from the state insurance fund, reports of injury, disability or 14225
occupational disease, notices to employers and employees, proofs 14226
of injury, disease, disability or death, proofs of medical 14227
attendance and hospital and nursing care, and proofs of 14228
employment and wage earnings, and other necessary blanks, and 14229
shall provide in ~~his~~ the administrator's rules for their 14230
preparation and distribution so that they may be readily 14231

available and so prepared that the furnishing of information 14232
required of any person with respect to any aspect of a claim 14233
shall not be delayed by a requirement that information with 14234
respect to another aspect of such claim shall be furnished on 14235
the form by the same or another person. Insured employers shall 14236
keep on hand a sufficient supply of such blanks. 14237

Sec. 4123.08. Each member of the industrial commission, 14238
and its deputies, supervisors, directors, and secretaries, 14239
appointed by the commission, and employees of the ~~bureau of~~ 14240
~~workers' compensation office~~ of worker safety and rehabilitation 14241
designated by the administrator of ~~workers' compensation~~ worker 14242
safety and rehabilitation, may for the purposes contemplated by 14243
this chapter, administer oaths, certify to official acts, take 14244
testimony or depositions, conduct hearings, inquiries, and 14245
investigations, issue subpoenas, and compel the attendance of 14246
witnesses and the production of books, accounts, papers, 14247
records, documents, evidence, and testimony. 14248

Sec. 4123.09. In claims filed before the industrial 14249
commission or the ~~bureau of workers' compensation office~~ of 14250
worker safety and rehabilitation by injured employees and the 14251
dependents of killed employees on account of injury or death 14252
sustained by such employees in the course of their employment, 14253
the commission and ~~bureau office~~ may cause depositions of 14254
witnesses residing within or without the state to be taken in 14255
the manner prescribed by law for the taking of depositions in 14256
civil actions in the court of common pleas. 14257

Sec. 4123.12. In case any person fails to comply with an 14258
order of the industrial commission or subpoena issued by the 14259
commission or its secretary or the ~~bureau of workers'~~ 14260
~~compensation~~ office of worker safety and rehabilitation, or any 14261

of their inspectors, or examiners, or on the refusal of a 14262
witness to testify to any matter regarding which ~~he~~ the witness 14263
may be lawfully interrogated, or if any person refuses to permit 14264
an inspection, the probate judge of the county in which the 14265
person resides, on application of any member of the commission 14266
or its secretary or the ~~bureau~~ office, or any inspector, or 14267
examiner appointed by the ~~bureau~~ office, shall compel obedience 14268
by attachment proceedings as for contempt, as in the case of 14269
disobedience of the requirements of subpoena issued from such 14270
court on a refusal to testify therein. 14271

Sec. 4123.13. Each officer who serves a subpoena issued 14272
under section 4123.08 of the Revised Code shall receive the same 14273
fees as a sheriff, and each witness who appears, in obedience to 14274
a subpoena, before the industrial commission or its secretary or 14275
district or staff hearing officers, the administrator of 14276
~~workers' compensation~~ worker safety and rehabilitation, or any 14277
inspector or examiner of the commission or administrator, shall 14278
receive the fees and mileage provided for under section 119.094 14279
of the Revised Code, which shall be paid from the state 14280
insurance fund on the approval of any two members of the 14281
commission, if the witness is subpoenaed by the commission or 14282
its secretary, district or staff hearing officer, inspector, or 14283
examiner, or on the approval of the administrator, if the 14284
witness is subpoenaed by the administrator or the 14285
administrator's inspector or examiner. No witness subpoenaed at 14286
the instance of a party other than the persons listed in this 14287
section is entitled to compensation under this section unless 14288
the administrator or commission certifies that the witness's 14289
testimony was material to the matter investigated. 14290

Sec. 4123.15. (A) An employer who is a member of a 14291
recognized religious sect or division of a recognized religious 14292

sect and who is an adherent of established tenets or teachings 14293
of that sect or division by reason of which the employer is 14294
conscientiously opposed to benefits to employers and employees 14295
from any public or private insurance that makes payment in the 14296
event of death, disability, impairment, old age, or retirement 14297
or makes payments toward the cost of, or provides services in 14298
connection with the payment for, medical services, including the 14299
benefits from any insurance system established by the "Social 14300
Security Act," 42 U.S.C.A. 301, et seq., may apply to the 14301
administrator of ~~workers' compensation~~ worker safety and 14302
rehabilitation to be excepted from payment of premiums and other 14303
charges assessed under this chapter and Chapter 4121. of the 14304
Revised Code with respect to, or if the employer is a self- 14305
insuring employer, from payment of direct compensation and 14306
benefits to and assessments required by this chapter and Chapter 14307
4121. of the Revised Code on account of, an individual employee 14308
who meets the requirements of this section. The employer shall 14309
make an application on forms provided by the ~~bureau of workers'~~ 14310
~~compensation~~ office of worker safety and rehabilitation which 14311
forms may be those used by or similar to those used by the 14312
United States internal revenue service for the purpose of 14313
granting an exemption from payment of social security taxes 14314
under 26 U.S.C.A. 1402(g) of the Internal Revenue Code, and 14315
shall include a written waiver signed by the individual employee 14316
to be excepted from all the benefits and compensation provided 14317
in this chapter and Chapter 4121. of the Revised Code. 14318

The application also shall include affidavits signed by 14319
the employer and the individual employee that the employer and 14320
the individual employee are members of a recognized religious 14321
sect or division of a recognized religious sect and are 14322
adherents of established tenets or teaching of that sect or 14323

division by reason of which the employer and the individual 14324
employee are conscientiously opposed to benefits to employers 14325
and employees received from any public or private insurance that 14326
makes payments in the event of death, disability, impairment, 14327
old age, or retirement or makes payments toward the cost of, or 14328
provides services in connection with the payment for, medical 14329
services, including the benefits from any insurance system 14330
established by the "Social Security Act," 42 U.S.C.A. 301, et 14331
seq. If the individual is a minor, the guardian of the minor 14332
shall complete the waiver and affidavit required by this 14333
division. 14334

(B) The administrator shall grant the waiver and exception 14335
to the employer for a particular individual employee if the 14336
administrator finds that the employer and the individual 14337
employee are members of a sect or division having the 14338
established tenets or teachings described in division (A) of 14339
this section, that it is the practice, and has been for a 14340
substantial number of years, for members of the sect or division 14341
of the sect to make provision for their dependent members which, 14342
in the administrator's judgment, is reasonable in view of their 14343
general level of hiring, and that the sect or division of the 14344
sect has been in existence at all times since December 31, 1950. 14345

(C) A waiver and exception under division (B) of this 14346
section is effective on the date the administrator grants the 14347
waiver and exception. An employer who complies with this chapter 14348
and the employer's other employees, with respect to an 14349
individual employee for whom the administrator grants the waiver 14350
and exception, are entitled, as to that individual employee and 14351
as to all injuries and occupational diseases of the individual 14352
employee that occurred prior to the effective date of the waiver 14353
and exception, to the protections of sections 4123.74 and 14354

4123.741 of the Revised Code. On and after the effective date of 14355
the waiver and exception, the employer is not liable for the 14356
payment of any premiums or other charges assessed under this 14357
chapter or Chapter 4121. of the Revised Code, or if the 14358
individual is a self-insuring employer, the employer is not 14359
liable for the payment of any compensation or benefits directly 14360
or other charges assessed under this chapter or Chapter 4121. of 14361
the Revised Code in regard to that individual employee, and is 14362
considered a complying employer under those chapters, and the 14363
employer and the employer's other employees are entitled to the 14364
protections of sections 4123.74 and 4123.741 of the Revised 14365
Code, as to that individual employee, and as to injuries and 14366
occupational diseases of that individual employee that occur on 14367
and after the effective date of the waiver and exception. 14368

(D) A waiver and exception granted in regard to a specific 14369
employer and individual employee are valid for all future years 14370
unless the administrator determines that the employer, 14371
individual employee, or sect or division ceases to meet the 14372
requirements of this section. If the administrator makes this 14373
determination, the employer is liable for the payment of 14374
premiums and other charges assessed under this chapter and 14375
Chapter 4121. of the Revised Code, or if the employer is a self- 14376
insuring employer, the employer is liable for the payment of 14377
compensation and benefits directly and other charges assessed 14378
under those chapters, in regard to the individual employee for 14379
all injuries and occupational diseases of that individual that 14380
occur on and after the date of the administrator's 14381
determination, and the individual employee is entitled to all of 14382
the benefits and compensation provided in those chapters for an 14383
injury or occupational disease that occurs on or after the date 14384
of the administrator's determination. 14385

Sec. 4123.19. The ~~bureau of workers' compensation office~~ of worker safety and rehabilitation may make necessary expenditures to obtain statistical and other information to establish the classes provided for in section 4123.29 of the Revised Code.

The salaries and compensation of all of the actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants of the ~~bureau office~~, and all other expenses of the ~~bureau office~~, including the premium to be paid for the bond to be furnished by the treasurer of state pursuant to section 4123.42 of the Revised Code, shall be paid out of the workers' compensation fund pursuant to warrants signed by the administrator of ~~workers' compensation worker safety and rehabilitation~~.

Sec. 4123.20. The administrator of ~~workers' compensation worker safety and rehabilitation~~ shall make available electronically to the public, its classifications, rates, rules, and rules of procedure, and shall furnish the same to any person upon request.

Sec. 4123.21. No injunction shall issue suspending or restraining any order, classification, or rate adopted by the industrial commission or the ~~bureau of workers' compensation office of worker safety and rehabilitation~~, or any action of the auditor of state, treasurer of state, attorney general, or the county auditor or county treasurer of any county, required to be taken by them or any of them by this chapter. This section does not effect any right or defense in any action brought by the commission, the ~~bureau office~~, or the state in pursuance of authority contained in this chapter.

Sec. 4123.22. The administrator of ~~workers' compensation~~

worker safety and rehabilitation shall prepare and publish 14416
annually a complete report of the ~~bureau of workers'~~ 14417
~~compensation's~~ office of worker safety and rehabilitation's and 14418
the industrial commission's operations for the preceding year. 14419
The annual report shall be submitted to the governor and shall 14420
be made available to all employees, employers, and the general 14421
public upon request. As a part of its annual report the ~~bureau-~~ 14422
office shall make a report for the preceding fiscal year of the 14423
number of awards made by the commission, a general statement of 14424
the causes of accidents leading to the injuries for which awards 14425
were made, a general statement of the causes of occupational 14426
diseases for which awards were made, and a detailed statement of 14427
the condition of its respective funds. In such report, ~~he~~ the 14428
administrator may bring to the attention of the governor the 14429
diseases arising out of and due to industrial processes as ~~he~~ 14430
the administrator believes should be made compensable as 14431
occupational diseases. 14432

The ~~bureau-office~~ may collate general information as to 14433
the business transacted by the ~~bureau-office~~ and commission as 14434
in its judgment is desirable for distribution to employers and 14435
employees. 14436

Sec. 4123.23. All books, records, and payrolls of the 14437
employers of the state, showing or reflecting in any way upon 14438
the amount of wage expenditure of such employers, shall always 14439
be open for inspection by the ~~bureau of workers' compensation-~~ 14440
office of worker safety and rehabilitation, or any of its 14441
traveling auditors, inspectors, or assistants, for the purpose 14442
of ascertaining the correctness of the wage expenditure, the 14443
number of ~~men~~ persons employed, and such other information as is 14444
necessary for the uses and purposes of the ~~bureau-office~~ in its 14445
administration of the law. 14446

Refusal on the part of any employer to submit ~~his~~ the 14447
employer's books, records, and payrolls for the inspection of 14448
the ~~bureau~~ office or any traveling auditor, inspector, or 14449
assistant presenting written authority from the ~~bureau~~ office 14450
shall subject the employer to a forfeiture of one hundred 14451
dollars for each offense, to be collected by civil action in the 14452
name of the state, and paid into the state insurance fund. 14453

Sec. 4123.24. Every employer amenable to this chapter 14454
shall keep, preserve, and maintain complete records showing in 14455
detail all expenditures for payroll and the division of such 14456
expenditures into the various divisions and classifications of 14457
the employer's business. The records shall be preserved for at 14458
least five years after the respective times of the transactions 14459
upon which the records are based. 14460

All books, records, papers, and documents reflecting upon 14461
the amount and the classifications of the payroll expenditures 14462
of an employer shall be kept available for inspection at any 14463
time by the ~~bureau of workers' compensation~~ office of worker 14464
safety and rehabilitation or any of its assistants, agents, 14465
representatives, or employees. If an employer fails to keep, 14466
preserve, and maintain the records and other information 14467
reflecting upon payroll expenditures, fails to make the records 14468
and information available for inspection, or fails to furnish to 14469
the ~~bureau~~ office or any of its assistants, agents, 14470
representatives, or employees, full and complete information in 14471
reference to expenditures for payroll when the information is 14472
requested, the ~~bureau~~ office may determine the amount of premium 14473
due from the employer upon such information as is available to 14474
it, and its findings are prima-facie evidence of the amount of 14475
premium due from the employer. 14476

Sec. 4123.25. (A) No employer shall knowingly misrepresent 14477
to the ~~bureau of workers' compensation~~ office of worker safety
and rehabilitation the amount or classification of payroll upon 14478
which the premium under this chapter is based. Whoever violates 14479
this division shall be liable to the state in an amount 14480
determined by the administrator of ~~workers' compensation~~ worker
safety and rehabilitation for not more than ten times the amount 14481
of the difference between the premium paid and the amount the 14482
employer should have paid. The liability to the state under this 14483
division may be enforced in a civil action in the name of the 14484
state, and all sums collected under this division shall be paid 14485
into the state insurance fund. 14486
14487
14488

(B) No self-insuring employer shall knowingly misrepresent 14489
the amount of paid compensation paid by such employer for 14490
purposes of the assessments provided under this chapter and 14491
Chapter 4121. of the Revised Code as required by section 4123.35 14492
of the Revised Code. Whoever violates this division is liable to 14493
the state in an amount determined by the self-insuring employers 14494
evaluation board pursuant to division (C) of section 4123.352 of 14495
the Revised Code or for an amount the board determines that is 14496
not more than ten times the amount of the difference between the 14497
assessment paid and the amount of the assessment that should 14498
have been paid. The liability to the state under this division 14499
may be enforced in a civil action in the name of the state and 14500
all sums collected under this division shall be paid into the 14501
self-insurance assessment fund created pursuant to division (K) 14502
of section 4123.35 of the Revised Code. 14503

(C) The administrator ~~of workers' compensation~~, with the 14504
advice and consent of the ~~bureau of workers' compensation~~ office
of worker safety and rehabilitation board of directors, shall 14505
adopt rules establishing criteria for determining both of the 14506
14507

following: 14508

(1) The amount of the penalty assessed against an employer 14509
for a violation of division (A) of this section; 14510

(2) Acts or omissions that do not constitute a violation 14511
of division (A) or (B) of this section. 14512

Sec. 4123.26. (A) Every employer shall keep records of, 14513
and furnish to the ~~bureau of workers' compensation~~ office of 14514
worker safety and rehabilitation upon request, all information 14515
required by the administrator of ~~workers' compensation~~ worker 14516
safety and rehabilitation to carry out this chapter. 14517

(B) Except as otherwise provided in division (C) of this 14518
section, every private employer employing one or more employees 14519
regularly in the same business, or in or about the same 14520
establishment, shall submit a payroll report to the ~~bureau~~ 14521
office. Until the policy year commencing July 1, 2015, a private 14522
employer shall submit the payroll report in January of each 14523
year. For a policy year commencing on or after July 1, 2015, the 14524
employer shall submit the payroll report on or before August 14525
fifteenth of each year unless otherwise specified by the 14526
administrator in rules the administrator adopts. The employer 14527
shall include all of the following information in the payroll 14528
report, as applicable: 14529

(1) For payroll reports submitted prior to July 1, 2015, 14530
the number of employees employed during the preceding year from 14531
the first day of January through the thirty-first day of 14532
December who are localized in this state; 14533

(2) For payroll reports submitted on or after July 1, 14534
2015, the number of employees localized in this state employed 14535
during the preceding policy year from the first day of July 14536

through the thirtieth day of June; 14537

(3) The number of such employees localized in this state 14538
employed at each kind of employment and the aggregate amount of 14539
wages paid to such employees; 14540

(4) ~~(a)~~ If an employer elects to secure other-states' 14541
coverage or limited other-states' coverage pursuant to section 14542
4123.292 of the Revised Code through either the administrator, 14543
if the administrator elects to offer such coverage, or an other- 14544
states' insurer the information required under divisions (B)(1) 14545
to (3) of this section and any additional information required 14546
by the administrator in rules the administrator adopts, with the 14547
advice and consent of the ~~bureau of workers' compensation office~~ 14548
of worker safety and rehabilitation board of directors, to allow 14549
the employer to secure other-states' coverage or limited other- 14550
states' coverage. 14551

(5) (a) In accordance with the rules adopted by the 14552
administrator pursuant to division (C) of section 4123.32 of the 14553
Revised Code, if the employer employs employees who are covered 14554
under the federal "Longshore and Harbor Workers' Compensation 14555
Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and under this 14556
chapter and Chapter 4121. of the Revised Code, both of the 14557
following amounts: 14558

(i) The amount of wages the employer pays to those 14559
employees when the employees perform labor and provide services 14560
for which the employees are eligible to receive compensation and 14561
benefits under the federal "Longshore and Harbor Workers' 14562
Compensation Act"; 14563

(ii) The amount of wages the employer pays to those 14564
employees when the employees perform labor and provide services 14565

for which the employees are eligible to receive compensation and 14566
benefits under this chapter and Chapter 4121. of the Revised 14567
Code. 14568

(b) The allocation of wages identified by the employer 14569
pursuant to divisions (B) (5) (a) (i) and (ii) of this section 14570
shall not be presumed to be an indication of the law under which 14571
an employee is eligible to receive compensation and benefits. 14572

(C) Beginning August 1, 2015, each employer that is 14573
recognized by the administrator as a professional employer 14574
organization shall submit a monthly payroll report containing 14575
the number of employees employed during the preceding calendar 14576
month, the number of those employees employed at each kind of 14577
employment, and the aggregate amount of wages paid to those 14578
employees. 14579

(D) An employer described in division (B) of this section 14580
shall submit the payroll report required under this section to 14581
the ~~bureau office~~ on a form prescribed by the ~~bureau office~~. The 14582
~~bureau office~~ may require that the information required to be 14583
furnished be verified under oath. The ~~bureau office~~ or any 14584
person employed by the ~~bureau office~~ for that purpose, may 14585
examine, under oath, any employer, or the officer, agent, or 14586
employee thereof, for the purpose of ascertaining any 14587
information which the employer is required to furnish to the 14588
~~bureau office~~. 14589

(E) No private employer shall fail to furnish to the 14590
~~bureau office~~ the payroll report required by this section, nor 14591
shall any employer fail to keep records of or furnish such other 14592
information as may be required by the ~~bureau office~~ under this 14593
section. 14594

(F) The administrator may adopt rules setting forth 14595
penalties for failure to submit the payroll report required by 14596
this section, including but not limited to exclusion from 14597
alternative rating plans and discount programs. 14598

Sec. 4123.27. Information contained in the payroll report 14599
provided for in section 4123.26 of the Revised Code, and such 14600
other information as may be furnished to the ~~bureau of workers'~~ 14601
~~compensation office of worker safety and rehabilitation by~~ 14602
employers in pursuance of that section, is for the exclusive use 14603
and information of the ~~bureau office~~ in the discharge of its 14604
official duties, and shall not be open to the public nor be used 14605
in any court in any action or proceeding pending therein unless 14606
the ~~bureau office~~ is a party to the action or proceeding. The 14607
information contained in the payroll report may be tabulated and 14608
published by the ~~bureau office~~ in statistical form for the use 14609
and information of other state departments and the public. No 14610
person in the employ of the ~~bureau office~~, except those who are 14611
authorized by the administrator of ~~workers' compensation~~ worker 14612
safety and rehabilitation, shall divulge any information secured 14613
by the person while in the employ of the ~~bureau office~~ in 14614
respect to the transactions, property, claim files, records, or 14615
papers of the ~~bureau office~~ or in respect to the business or 14616
mechanical, chemical, or other industrial process of any 14617
company, firm, corporation, person, association, partnership, or 14618
public utility to any person other than the administrator or to 14619
the superior of such employee of the ~~bureau office~~. 14620

Notwithstanding the restrictions imposed by this section, 14621
the governor, select or standing committees of the general 14622
assembly, the auditor of state, the attorney general, or their 14623
designees, pursuant to the authority granted in this chapter and 14624
Chapter 4121. of the Revised Code, may examine any records, 14625

claim files, or papers in possession of the industrial 14626
commission or the ~~bureau~~ office. They also are bound by the 14627
privilege that attaches to these papers. 14628

The administrator shall report to the director of job and 14629
family services or to the county director of job and family 14630
services the name, address, and social security number or other 14631
identification number of any person receiving workers' 14632
compensation whose name or social security number or other 14633
identification number is the same as that of a person required 14634
by a court or child support enforcement agency to provide 14635
support payments to a recipient or participant of public 14636
assistance, as that term is defined in section 5101.181 of the 14637
Revised Code, and whose name is submitted to the administrator 14638
by the director under section 5101.36 of the Revised Code. The 14639
administrator also shall inform the director of the amount of 14640
workers' compensation paid to the person during such period as 14641
the director specifies. 14642

Within fourteen days after receiving from the director of 14643
job and family services a list of the names and social security 14644
numbers of recipients or participants of public assistance 14645
pursuant to section 5101.181 of the Revised Code, the 14646
administrator shall inform the auditor of state of the name, 14647
current or most recent address, and social security number of 14648
each person receiving workers' compensation pursuant to this 14649
chapter whose name and social security number are the same as 14650
that of a person whose name or social security number was 14651
submitted by the director. The administrator also shall inform 14652
the auditor of state of the amount of workers' compensation paid 14653
to the person during such period as the director specifies. 14654

The ~~bureau~~ office and its employees, except for purposes 14655

of furnishing the auditor of state with information required by 14656
this section, shall preserve the confidentiality of recipients 14657
or participants of public assistance in compliance with section 14658
5101.181 of the Revised Code. 14659

Sec. 4123.271. The administrator of ~~workers' compensation-~~ 14660
worker safety and rehabilitation may furnish to the tax 14661
commissioner, on a quarterly basis, a list in a format approved 14662
by the tax commissioner containing the name and social security 14663
number or employer identification number of any employer, and 14664
may request that the tax commissioner, on a quarterly basis, 14665
report the total amount of compensation paid that the employer 14666
reported for the period for which the annual return is made 14667
pursuant to division (F) (3) of section 5747.07 of the Revised 14668
Code, for each employer contained on the administrator's list. 14669

Upon receipt of this list and request, the tax 14670
commissioner shall provide to the administrator, in a format 14671
designed by the tax commissioner, information identifying any 14672
employer listed by the administrator who reported compensation 14673
paid to employees on the most recent return filed by the person 14674
pursuant to section 5747.07 of the Revised Code and the total 14675
amount of compensation paid that the employer reported for the 14676
period for which the annual return is made pursuant to division 14677
(F) (3) of section 5747.07 of the Revised Code. 14678

Sec. 4123.28. Every employer in this state shall keep a 14679
record of all injuries and occupational diseases, fatal or 14680
otherwise, received or contracted by ~~his~~ the employer's 14681
employees in the course of their employment and resulting in 14682
seven days or more of total disability. Within a week after 14683
acquiring knowledge of an injury or death therefrom, and in the 14684
event of occupational disease or death therefrom, within one 14685

week after acquiring knowledge of or diagnosis of or death from 14686
an occupational disease or of a report to the employer of the 14687
occupational disease or death, a report thereof shall be made in 14688
writing to the ~~bureau of workers' compensation office of worker~~ 14689
safety and rehabilitation upon blanks to be procured from the 14690
~~bureau office~~ for that purpose. The report shall state the name 14691
and nature of the business of the employer, the location of ~~his~~ 14692
the employer's establishment or place of work, the name, 14693
address, nature and duration of occupation of the injured, 14694
disabled, or deceased employee and the time, the nature, and the 14695
cause of injury, occupational disease, or death, and such other 14696
information as is required by the ~~bureau office~~. 14697

The employer shall give a copy of each report to the 14698
employee it concerns or ~~his~~ the employee's surviving dependents. 14699

No employer shall refuse or neglect to make any report 14700
required by this section. 14701

Each day that an employer fails to file a report required 14702
by this section constitutes an additional day within the time 14703
period given to a claimant by the applicable statute of 14704
limitations for the filing of a claim based on the injury or 14705
occupational disease, provided that a failure to file a report 14706
shall not extend the applicable statute of limitations for more 14707
than two additional years. 14708

Sec. 4123.29. (A) The administrator of ~~workers'~~ 14709
~~compensation worker safety and rehabilitation~~, subject to the 14710
approval of the ~~bureau of workers' compensation office of worker~~ 14711
safety and rehabilitation board of directors, shall do all of 14712
the following: 14713

(1) Classify occupations or industries with respect to 14714

their degree of hazard and determine the risks of the different 14715
classes according to the categories the national council on 14716
compensation insurance establishes that are applicable to 14717
employers in this state; 14718

(2) (a) Fix the rates of premium of the risks of the 14719
classes based upon the total payroll in each of the classes of 14720
occupation or industry sufficiently large to provide a fund for 14721
the compensation provided for in this chapter and to maintain a 14722
state insurance fund from year to year. The administrator shall 14723
set the rates at a level that assures the solvency of the fund. 14724
Where the payroll cannot be obtained or, in the opinion of the 14725
administrator, is not an adequate measure for determining the 14726
premium to be paid for the degree of hazard, the administrator 14727
may determine the rates of premium upon such other basis, 14728
consistent with insurance principles, as is equitable in view of 14729
the degree of hazard, and whenever in this chapter reference is 14730
made to payroll or expenditure of wages with reference to fixing 14731
premiums, the reference shall be construed to have been made 14732
also to such other basis for fixing the rates of premium as the 14733
administrator may determine under this section. 14734

(b) If an employer elects to obtain other-states' 14735
coverage, including limited other-states' coverage, pursuant to 14736
section 4123.292 of the Revised Code through the administrator, 14737
if the administrator elects to offer such coverage, calculate 14738
the employer's premium for the state insurance fund in the same 14739
manner as otherwise required under division (A) of this section 14740
and section 4123.34 of the Revised Code, except that the 14741
administrator may establish in rule an alternative calculation 14742
of the employer's premium to appropriately account for the 14743
expenditure of wages, payroll, or both attributable to the labor 14744
performed and services provided by that employer's employees 14745

when those employees performed labor and provided services in 14746
this state and in the other state or states for which the 14747
employer elects to secure other-states' coverage. 14748

(c) If an employer elects to obtain other-states' coverage 14749
pursuant to section 4123.292 of the Revised Code through an 14750
other-states' insurer, calculate the employer's premium for the 14751
state insurance fund in the same manner as otherwise required 14752
under division (A) of this section and section 4123.34 of the 14753
Revised Code, except that when the administrator determines the 14754
expenditure of wages, payroll, or both upon which to base the 14755
employer's premium, the administrator shall use only the 14756
expenditure of wages, payroll, or both attributable to the labor 14757
performed and services provided by that employer's employees 14758
when those employees performed labor and provided services in 14759
this state only and to which the other-states' coverage does not 14760
apply. The administrator may adopt rules setting forth the 14761
information that an employer electing to obtain other-states' 14762
coverage through an other-states' insurer shall report for 14763
purposes of determining the expenditure of wages, payroll, or 14764
both attributable to the labor performed and services provided 14765
in this state. 14766

(d) The administrator in setting or revising rates shall 14767
furnish to employers an adequate explanation of the basis for 14768
the rates set. 14769

(3) Develop and make available to employers who are paying 14770
premiums to the state insurance fund alternative premium plans. 14771
Alternative premium plans shall include retrospective rating 14772
plans. The administrator may make available plans under which an 14773
advanced deposit may be applied against a specified deductible 14774
amount per claim. 14775

(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;

(ii) The organization was formed for purposes other than that of obtaining group workers' compensation under this division;

(iii) The employers' business in the organization is substantially similar such that the risks which are grouped are substantially homogeneous;

(iv) The group of employers consists of at least one hundred members or the aggregate workers' compensation premiums of the members, as determined by the administrator, are estimated to exceed one hundred fifty thousand dollars during the coverage period;

(v) The formation and operation of the group program in the organization will substantially improve accident prevention and claims handling for the employers in the group;

(vi) Each employer seeking to enroll in a group for workers' compensation coverage has an account in good standing with the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation. The administrator shall adopt rules setting forth the criteria by which the administrator will determine whether an employer's account is in good standing.

(b) If an organization sponsors more than one employer

group to participate in group plans established under this 14805
section, that organization may submit a single application that 14806
supplies all of the information necessary for each group of 14807
employers that the organization wishes to sponsor. 14808

(c) In providing employer group plans under division (A) 14809
(4) of this section, the administrator shall consider an 14810
employer group as a single employing entity for purposes of 14811
group rating. No employer may be a member of more than one group 14812
for the purpose of obtaining workers' compensation coverage 14813
under this division. 14814

(d) At the time the administrator revises premium rates 14815
pursuant to this section and section 4123.34 of the Revised 14816
Code, if the premium rate of an employer who participates in a 14817
group plan established under this section changes from the rate 14818
established for the previous year, the administrator, in 14819
addition to sending the invoice with the rate revision to that 14820
employer, shall send a copy of that invoice to the third-party 14821
administrator that administers the group plan for that 14822
employer's group. 14823

(e) In providing employer group plans under division (A) 14824
(4) of this section, the administrator shall establish a program 14825
designed to mitigate the impact of a significant claim that 14826
would come into the experience of a private, state fund group- 14827
rated employer or a taxing district employer for the first time 14828
and be a contributing factor in that employer being excluded 14829
from a group-rated plan. The administrator shall establish 14830
eligibility criteria and requirements that such employers must 14831
satisfy in order to participate in this program. For purposes of 14832
this program, the administrator shall establish a discount on 14833
premium rates applicable to employers who qualify for the 14834

program. 14835

(f) In no event shall division (A) (4) of this section be 14836
construed as granting to an employer status as a self-insuring 14837
employer. 14838

(g) The administrator shall develop classifications of 14839
occupations or industries that are sufficiently distinct so as 14840
not to group employers in classifications that unfairly 14841
represent the risks of employment with the employer. 14842

(5) Generally promote employer participation in the state 14843
insurance fund through the regular dissemination of information 14844
to all classes of employers describing the advantages and 14845
benefits of opting to make premium payments to the fund. To that 14846
end, the administrator shall regularly make employers aware of 14847
the various workers' compensation premium packages developed and 14848
offered pursuant to this section. 14849

(6) Make available to every employer who is paying 14850
premiums to the state insurance fund a program whereby the 14851
employer or the employer's agent pays to the claimant or on 14852
behalf of the claimant the first fifteen thousand dollars of a 14853
compensable workers' compensation medical-only claim filed by 14854
that claimant that is related to the same injury or occupational 14855
disease. No formal application is required; however, an employer 14856
must elect to participate by telephoning the ~~bureau-office~~ after 14857
July 1, 1995. Once an employer has elected to participate in the 14858
program, the employer will be responsible for all bills in all 14859
medical-only claims with a date of injury the same or later than 14860
the election date, unless the employer notifies the ~~bureau-~~ 14861
office within fourteen days of receipt of the notification of a 14862
claim being filed that it does not wish to pay the bills in that 14863
claim, or the employer notifies the ~~bureau-office~~ that the 14864

fifteen thousand dollar maximum has been paid, or the employer 14865
notifies the ~~bureau-office~~ of the last day of service on which 14866
it will be responsible for the bills in a particular medical- 14867
only claim. If an employer elects to enter the program, the 14868
administrator shall not reimburse the employer for such amounts 14869
paid and shall not charge the first fifteen thousand dollars of 14870
any medical-only claim paid by an employer to the employer's 14871
experience or otherwise use it in merit rating or determining 14872
the risks of any employer for the purpose of payment of premiums 14873
under this chapter. A certified health care provider shall 14874
extend to an employer who participates in this program the same 14875
rates for services rendered to an employee of that employer as 14876
the provider bills the administrator for the same type of 14877
medical claim processed by the ~~bureau-office~~ and shall not 14878
charge, assess, or otherwise attempt to collect from an employee 14879
any amount for covered services or supplies that is in excess of 14880
that rate. If an employer elects to enter the program and the 14881
employer fails to pay a bill for a medical-only claim included 14882
in the program, the employer shall be liable for that bill and 14883
the employee for whom the employer failed to pay the bill shall 14884
not be liable for that bill. The administrator shall adopt rules 14885
to implement and administer division (A) (6) of this section. 14886
Upon written request from the ~~bureau-office~~, the employer shall 14887
provide documentation to the ~~bureau-office~~ of all medical-only 14888
bills that they are paying directly. Such requests from the 14889
~~bureau-office~~ may not be made more frequently than on a 14890
semiannual basis. Failure to provide such documentation to the 14891
~~bureau-office~~ within thirty days of receipt of the request may 14892
result in the employer's forfeiture of participation in the 14893
program for such injury. The provisions of this section shall 14894
not apply to claims in which an employer with knowledge of a 14895
claimed compensable injury or occupational disease, has paid 14896

wages in lieu of compensation or total disability. 14897

(7) Develop and make available incentives for employers to 14898
participate in loss prevention programs, including safety 14899
consultations, prescribed by the superintendent of the division 14900
of safety and hygiene. The superintendent shall establish goals 14901
for participation in programs for protecting the workforce and 14902
reducing occupational injury and illness frequency and severity, 14903
with a focus on high risk employers and industry sectors. 14904

(B) The administrator, with the advice and consent of the 14905
board, by rule, may do both of the following: 14906

(1) Grant an employer who pays the employer's annual 14907
estimated premium in full prior to the start of the policy year 14908
for which the estimated premium is due, a discount as the 14909
administrator fixes from time to time; 14910

(2) Levy a minimum annual administrative charge upon risks 14911
where premium reports develop a charge less than the 14912
administrator considers adequate to offset administrative costs 14913
of processing. 14914

Sec. 4123.291. (A) An adjudicating committee appointed by 14915
the administrator of ~~workers' compensation~~ worker safety and 14916
rehabilitation to hear any matter specified in divisions (B) (1) 14917
to (7) of this section shall hear the matter within sixty days 14918
of the date on which an employer files the request, protest, or 14919
petition. An employer desiring to file a request, protest, or 14920
petition regarding any matter specified in divisions (B) (1) to 14921
(7) of this section shall file the request, protest, or petition 14922
to the adjudicating committee on or before twenty-four months 14923
after the administrator sends notice of the determination about 14924
which the employer is filing the request, protest, or petition. 14925

(B) An employer who is adversely affected by a decision of 14926
an adjudicating committee appointed by the administrator may 14927
appeal the decision of the committee to the administrator or the 14928
administrator's designee. The employer shall file the appeal in 14929
writing within thirty days after the employer receives the 14930
decision of the adjudicating committee. Except as otherwise 14931
provided in this division, the administrator or the designee 14932
shall hold a hearing and consider and issue a decision on the 14933
appeal if the decision of the adjudicating committee relates to 14934
one of the following: 14935

(1) An employer request for a waiver of a default in the 14936
payment of premiums pursuant to section 4123.37 of the Revised 14937
Code; 14938

(2) An employer request for the settlement of liability as 14939
a noncomplying employer under section 4123.75 of the Revised 14940
Code; 14941

(3) An employer petition objecting to an assessment made 14942
pursuant to section 4123.37 of the Revised Code and the rules 14943
adopted pursuant to that section; 14944

(4) An employer request for the abatement of penalties 14945
assessed pursuant to section 4123.32 of the Revised Code and the 14946
rules adopted pursuant to that section; 14947

(5) An employer protest relating to an audit finding or a 14948
determination of a manual classification, experience rating, or 14949
transfer or combination of risk experience; 14950

(6) Any decision relating to any other risk premium matter 14951
under Chapters 4121., 4123., and 4131. of the Revised Code; 14952

(7) An employer petition objecting to the amount of 14953
security required under division (D) of section 4125.05 of the 14954

Revised Code and the rules adopted pursuant to that section. 14955

An employer may request, in writing, that the 14956
administrator waive the hearing before the administrator or the 14957
administrator's designee. The administrator shall decide whether 14958
to grant or deny a request to waive a hearing. 14959

(C) The ~~bureau of workers' compensation~~ office of worker 14960
safety and rehabilitation board of directors, based upon 14961
recommendations of the workers' compensation actuarial 14962
committee, shall establish the policy for all adjudicating 14963
committee procedures, including, but not limited to, specific 14964
criteria for manual premium rate adjustment. 14965

Sec. 4123.292. (A) Notwithstanding sections 4123.35 and 14966
4123.82 of the Revised Code, an employer may elect to obtain 14967
other-states' coverage through an other-states' insurer or, if 14968
the administrator of ~~workers' compensation~~ worker safety and 14969
rehabilitation elects to offer such coverage, through the 14970
administrator pursuant to division (B) of this section. An 14971
employer who elects to obtain other-states' coverage shall 14972
submit a written notice to the administrator stating that 14973
election on a form prescribed by the administrator and, if the 14974
employer elects to obtain that coverage through an other-states' 14975
insurer, the name of the other-states' insurer through whom the 14976
employer has obtained that coverage. If an employer fails to pay 14977
the employer's premium for other-states' coverage, the 14978
administrator shall consider the employer to be noncompliant for 14979
the purposes of having other-states' coverage and the employer's 14980
premiums in this state for any and all noncompliant periods of 14981
time shall be calculated in the same manner as otherwise 14982
required under division (A) of section 4123.29 and section 14983
4123.34 of the Revised Code, using both the wages reported in 14984

this state and the wages that the employer claimed would be 14985
reported to the other-states' insurer for securing coverage. 14986

(B) The administrator may offer other-states' coverage to 14987
allow an employer who wishes to obtain other-states' coverage 14988
pursuant to this section and who elects to secure that coverage 14989
through the administrator for workers' compensation claims. If 14990
the administrator elects to secure a vehicle through which the 14991
administrator will provide other-states' coverage, the 14992
administrator shall follow the competitive bidding requirements 14993
specified in Chapter 125. of the Revised Code to select one or 14994
more other-states' insurers, and the administrator, with the 14995
advice and consent of the ~~bureau of workers' compensation office~~ 14996
of worker safety and rehabilitation board of directors, shall 14997
award a contract to provide other-states' coverage for employers 14998
located in this state to one or more other-states' insurers that 14999
are the lowest and best bidders. 15000

(C) Notwithstanding sections 4123.35 and 4123.82 of the 15001
Revised Code, the administrator may offer limited other-states' 15002
coverage to allow an employer who wishes to obtain limited 15003
other-states' coverage pursuant to this section. An employer who 15004
elects to obtain limited other-states' coverage shall submit a 15005
written notice to the administrator stating that election on a 15006
form prescribed by the administrator. 15007

If the administrator elects to secure a vehicle through 15008
which the administrator will provide limited other-states' 15009
coverage, the administrator shall follow the competitive bidding 15010
requirements specified in Chapter 125. of the Revised Code to 15011
select one or more other-states' insurers and, with the advice 15012
and consent of the board, award a contract to provide limited 15013
other-states' coverage to the lowest and best bidders. 15014

(D) If the administrator elects to offer other states' coverage or limited other-states' coverage, the administrator, with the advice and consent of the board, shall adopt rules to implement divisions (B) and (C) of this section.

(E) The board and the individual members thereof, the administrator, and the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation shall not incur any obligation or liability if another state determines that the other-states' coverage or limited other-states' coverage provided under this section does not satisfy the requirements specified in that state's workers' compensation law for obtaining workers' compensation coverage in that state.

Sec. 4123.31. The moneys in the state treasury for the use of the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation and the industrial commission shall be known as the workers' compensation fund group. The moneys from each fund shall be disbursed respectively pursuant to vouchers approved by the administrator of ~~workers' compensation~~ worker safety and rehabilitation or the administrator's designee, or by the chairperson of the commission or the chairperson's designee.

The ~~bureau~~ office and the commission shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by the ~~bureau~~ office or commission or any employees or agents prior to paying the moneys, checks, and drafts to the treasurer of state as provided by section 113.08 of the Revised Code.

Sec. 4123.311. (A) The administrator of ~~workers' compensation~~ worker safety and rehabilitation may do all of the following:

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|------------------------------------------------------------------|-------|
| (1) Utilize direct deposit of funds by electronic transfer | 15044 |
| for all disbursements the administrator is authorized to pay | 15045 |
| under this chapter and Chapters 4121., 4127., and 4131. of the | 15046 |
| Revised Code; | 15047 |
| (2) Require any payee to provide a written authorization | 15048 |
| designating a financial institution and an account number to | 15049 |
| which a payment made according to division (A)(1) of this | 15050 |
| section is to be credited, notwithstanding division (B) of | 15051 |
| section 9.37 of the Revised Code; | 15052 |
| (3) Contract with an agent to do both of the following: | 15053 |
| (a) Supply debit cards for claimants to access payments | 15054 |
| made to them pursuant to this chapter and Chapters 4121., 4127., | 15055 |
| and 4131. of the Revised Code; | 15056 |
| (b) Credit the debit cards described in division (A)(3)(a) | 15057 |
| of this section with the amounts specified by the administrator | 15058 |
| pursuant to this chapter and Chapters 4121., 4127., and 4131. of | 15059 |
| the Revised Code by utilizing direct deposit of funds by | 15060 |
| electronic transfer. | 15061 |
| (4) Enter into agreements with financial institutions to | 15062 |
| credit the debit cards described in division (A)(3)(a) of this | 15063 |
| section with the amounts specified by the administrator pursuant | 15064 |
| to this chapter and Chapters 4121., 4127., and 4131. of the | 15065 |
| Revised Code by utilizing direct deposit of funds by electronic | 15066 |
| transfer. | 15067 |
| (B) The administrator shall inform claimants about the | 15068 |
| administrator's utilization of direct deposit of funds by | 15069 |
| electronic transfer under this section and section 9.37 of the | 15070 |
| Revised Code, furnish debit cards to claimants as appropriate, | 15071 |
| and provide claimants with instructions regarding use of those | 15072 |

debit cards. 15073

(C) The administrator, with the advice and consent of the 15074
~~bureau of workers' compensation~~ office of worker safety and 15075
rehabilitation board of directors, shall adopt rules in 15076
accordance with Chapter 119. of the Revised Code regarding 15077
utilization of the direct deposit of funds by electronic 15078
transfer under this section and section 9.37 of the Revised 15079
Code. 15080

Sec. 4123.32. The administrator of ~~workers' compensation~~ 15081
worker safety and rehabilitation, with the advice and consent of 15082
the ~~bureau of workers' compensation~~ office of worker safety and 15083
rehabilitation board of directors, shall adopt rules with 15084
respect to the collection, maintenance, and disbursements of the 15085
state insurance fund including all of the following: 15086

(A) A rule providing for ascertaining the correctness of 15087
any employer's report of estimated or actual expenditure of 15088
wages and the determination and adjustment of proper premiums 15089
and the payment of those premiums by the employer; 15090

(B) Such special rules as the administrator considers 15091
necessary to safeguard the fund and that are just in the 15092
circumstances, covering the rates to be applied where one 15093
employer takes over the occupation or industry of another or 15094
where an employer first makes application for state insurance, 15095
and the administrator may require that if any employer transfers 15096
a business in whole or in part or otherwise reorganizes the 15097
business, the successor in interest shall assume, in proportion 15098
to the extent of the transfer, as determined by the 15099
administrator, the employer's account and shall continue the 15100
payment of all contributions due under this chapter; 15101

(C) A rule providing that an employer who employs an employee covered under the federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this chapter and Chapter 4121. of the Revised Code shall be assessed a premium in accordance with the expenditure of wages, payroll, or both attributable to only labor performed and services provided by such an employee when the employee performs labor and provides services for which the employee is not eligible to receive compensation and benefits under that federal act.

(D) A rule providing for all of the following:

(1) If an employer fails to file a report of the employer's actual payroll expenditures pursuant to section 4123.26 of the Revised Code for private employers or pursuant to section 4123.41 of the Revised Code for public employers, the premium and assessments due from the employer for the period shall be calculated based on the estimated payroll of the employer used in calculating the estimated premium due, increased by ten per cent;

(2) (a) If an employer fails to pay the premium or assessments when due for a policy year commencing prior to July 1, 2015, the administrator may add a late fee penalty of not more than thirty dollars to the premium plus an additional penalty amount as follows:

(i) For a premium from sixty-one to ninety days past due, the prime interest rate, multiplied by the premium due;

(ii) For a premium from ninety-one to one hundred twenty days past due, the prime interest rate plus two per cent, multiplied by the premium due;

(iii) For a premium from one hundred twenty-one to one hundred fifty days past due, the prime interest rate plus four per cent, multiplied by the premium due; 15131
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(iv) For a premium from one hundred fifty-one to one hundred eighty days past due, the prime interest rate plus six per cent, multiplied by the premium due; 15134
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(v) For a premium from one hundred eighty-one to two hundred ten days past due, the prime interest rate plus eight per cent, multiplied by the premium due; 15137
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(vi) For each additional thirty-day period or portion thereof that a premium remains past due after it has remained past due for more than two hundred ten days, the prime interest rate plus eight per cent, multiplied by the premium due. 15140
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(b) For purposes of division (D) (2) (a) of this section, "prime interest rate" means the average bank prime rate, and the administrator shall determine the prime interest rate in the same manner as a county auditor determines the average bank prime rate under section 929.02 of the Revised Code. 15144
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(c) If an employer fails to pay the premium or assessments when due for a policy year commencing on or after July 1, 2015, the administrator may assess a penalty at the interest rate established by the state tax commissioner pursuant to section 5703.47 of the Revised Code. 15149
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(3) Notwithstanding the interest rates specified in division (D) (2) (a) or (c) of this section, at no time shall the additional penalty amount assessed under division (D) (2) (a) or (c) of this section exceed fifteen per cent of the premium due. 15154
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(4) If an employer recognized by the administrator as a professional employer organization fails to make a timely 15158
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payment of premiums or assessments as required by section 15160
4123.35 of the Revised Code, the administrator shall revoke the 15161
professional employer organization's registration pursuant to 15162
section 4125.06 of the Revised Code. 15163

(5) An employer may appeal a late fee penalty or 15164
additional penalty to an adjudicating committee pursuant to 15165
section 4123.291 of the Revised Code. 15166

(6) If the employer files an appropriate payroll report 15167
within the time provided by law, the employer shall not be in 15168
default and division (D)(2) of this section shall not apply if 15169
the employer pays the premiums within fifteen days after being 15170
first notified by the administrator of the amount due. 15171

(7) Any deficiencies in the amounts of the premium 15172
security deposit paid by an employer prior to July 1, 2015, 15173
shall be subject to an interest charge of six per cent per annum 15174
from the date the premium obligation is incurred. In determining 15175
the interest due on deficiencies in premium security deposit 15176
payments, a charge in each case shall be made against the 15177
employer in an amount equal to interest at the rate of six per 15178
cent per annum on the premium security deposit due but remaining 15179
unpaid sixty days after notice by the administrator. 15180

(8) Any interest charges or penalties provided for in 15181
divisions (D)(2) and (7) of this section shall be credited to 15182
the employer's account for rating purposes in the same manner as 15183
premiums. 15184

(E) A rule providing that each employer, on the occasion 15185
of instituting coverage under this chapter for an effective date 15186
prior to July 1, 2015, shall submit a premium security deposit. 15187
The deposit shall be calculated equivalent to thirty per cent of 15188

the semiannual premium obligation of the employer based upon the 15189
employer's estimated expenditure for wages for the ensuing six- 15190
month period plus thirty per cent of an additional adjustment 15191
period of two months but only up to a maximum of one thousand 15192
dollars and not less than ten dollars. The administrator shall 15193
review the security deposit of every employer who has submitted 15194
a deposit which is less than the one-thousand-dollar maximum. 15195
The administrator may require any such employer to submit 15196
additional money up to the maximum of one thousand dollars that, 15197
in the administrator's opinion, reflects the employer's current 15198
payroll expenditure for an eight-month period. 15199

(F) A rule providing that each employer, on the occasion 15200
of instituting coverage under this chapter, shall submit an 15201
application fee and an application for coverage that completely 15202
provides all of the information required for the administrator 15203
to establish coverage for that employer, and that the employer's 15204
failure to pay the application fee or to provide all of the 15205
information requested on the application may be grounds for the 15206
administrator to deny coverage for that employer. 15207

(G) A rule providing that, in addition to any other 15208
remedies permitted in this chapter, the administrator may 15209
discontinue an employer's coverage if the employer fails to pay 15210
the premium due on or before the premium's due date. 15211

(H) A rule providing that if after a final adjudication it 15212
is determined that an employer has failed to pay an obligation, 15213
billing, account, or assessment that is greater than one 15214
thousand dollars on or before its due date, the administrator 15215
may discontinue the employer's coverage in addition to any other 15216
remedies permitted in this chapter, and that the administrator 15217
shall not discontinue an employer's coverage pursuant to this 15218

division prior to a final adjudication regarding the employer's 15219
failure to pay such obligation, billing, account, or assessment 15220
on or before its due date. 15221

(I) As used in divisions (G) and (H) of this section: 15222

(1) "Employer" has the same meaning as in section 4123.01 15223
of the Revised Code except that "employer" does not include the 15224
state, a state hospital, or a state university or college. 15225

(2) "State university or college" has the same meaning as 15226
in section 3345.12 of the Revised Code and also includes the 15227
Ohio agricultural research and development center and OSU 15228
extension. 15229

(3) "State hospital" means the Ohio state university 15230
hospital and its ancillary facilities and the medical university 15231
of Ohio at Toledo hospital. 15232

Sec. 4123.321. The ~~bureau of workers' compensation office~~ 15233
of worker safety and rehabilitation board of directors, based 15234
upon recommendations of the ~~workers' compensation~~ actuarial 15235
committee of the office of worker safety and rehabilitation, 15236
shall adopt a rule with respect to the collection, maintenance, 15237
and disbursements of the state insurance fund providing that in 15238
the event there is developed as of any given rate revision date 15239
a surplus of earned premium over all losses that, in the 15240
judgment of the board, is larger than is necessary adequately to 15241
safeguard the solvency of the fund, the board may return such 15242
excess surplus to the subscribers to the fund in either the form 15243
of cash refunds or a reduction of premiums, regardless of when 15244
the premium obligations have accrued. 15245

Sec. 4123.322. (A) The administrator of ~~workers'~~ 15246
compensation worker safety and rehabilitation, with the advice 15247

and consent of the ~~bureau of workers' compensation office of~~ 15248
worker safety and rehabilitation board of directors, shall adopt 15249
rules establishing a prospective payment system, which shall 15250
include all of the following: 15251

(1) A requirement that upon an initial application for 15252
coverage, a private employer shall file with the application an 15253
estimate of the employer's payroll for the period the 15254
administrator determines pursuant to rules the administrator 15255
adopts, and shall pay the amount the administrator determines by 15256
rule in order to establish coverage for the employer as 15257
described in division (B) (12) of section 4121.121 of the Revised 15258
Code; 15259

(2) A requirement that upon an initial application for 15260
coverage, a public employer, except for a state agency or state 15261
university or college, shall file with the application an 15262
estimate of the employer's payroll for the period the 15263
administrator determines pursuant to rules the administrator 15264
adopts, and shall pay the amount the administrator determines by 15265
rule in order to establish coverage for the employer as 15266
described in division (B) (11) of section 4121.121 of the Revised 15267
Code; 15268

(3) A requirement that an employer complete periodic 15269
payroll reports of actual expenditures for previous coverage 15270
periods for reconciliation with estimated payroll reports; 15271

(4) The assessment of a penalty for late payroll 15272
reconciliation reports and for late payment of any 15273
reconciliation premium; 15274

(5) The establishment of a transition period during which 15275
time the ~~bureau office~~ shall determine the adequacy of existing 15276

premium security deposits of employers, the establishment of 15277
provisions for additional premium payments during that 15278
transition, the provision of a credit of those deposits toward 15279
the first premium due from an employer under the rules adopted 15280
under divisions (A) (1) to (4) of this section, and the 15281
establishment of penalties for late payment or failure to comply 15282
with the rules. 15283

(B) For purposes of division (A) (3) of this section, an 15284
employer shall make timely payment of any premium owed when 15285
actual payroll expenditures exceeded estimated payroll, and the 15286
employer shall receive premium credit when the estimated payroll 15287
exceeded the actual payroll. 15288

(C) For purposes of division (A) (4) of this section, if 15289
the employer's actual payroll substantially exceeds the 15290
estimated payroll, the administrator may assess additional 15291
penalties specified in rules the administrator adopts on the 15292
reconciliation premium. 15293

(D) As used in this section, "state university or college" 15294
has the same meaning as in section 4123.32 of the Revised Code. 15295

Sec. 4123.323. (A) Except as provided in division (B) of 15296
this section, a payment required under this chapter or Chapter 15297
4121. of the Revised Code, including a payment due for purposes 15298
of continuing coverage, is due on the date specified in those 15299
chapters, unless otherwise provided in a rule adopted by the 15300
administrator of ~~workers' compensation~~ worker safety and 15301
rehabilitation, with the advice and consent of the ~~bureau of~~ 15302
~~workers' compensation~~ office of worker safety and rehabilitation 15303
board of directors. 15304

(B) For purposes of collection referrals to the attorney 15305

general under section 131.02 of the Revised Code, a premium 15306
payment is due thirty days after the date upon which a private 15307
employer must submit the payroll report for the corresponding 15308
policy year pursuant to section 4123.26 of the Revised Code or 15309
the date upon which a public employer must submit the payroll 15310
report for the corresponding policy year pursuant to section 15311
4123.41 of the Revised Code, as applicable. 15312

Sec. 4123.324. (A) The administrator of ~~workers'~~ 15313
~~compensation~~ worker safety and rehabilitation shall adopt rules, 15314
for the purpose of encouraging economic development, that 15315
establish conditions under which any negative experience to be 15316
transferred to the account of an employer who is successor in 15317
interest under division (B) of section 4123.32 of the Revised 15318
Code may be reduced or waived. 15319

(B) The administrator, in adopting rules under division 15320
(A) of this section, may not permit a waiver or reduction in 15321
experience transfer if the succession transaction is entered 15322
into for the purpose of escaping obligations under this chapter 15323
or Chapter 4121., 4127., or 4131. of the Revised Code. 15324

Sec. 4123.33. Where, in the judgment of the administrator 15325
of ~~workers'~~ compensation worker safety and rehabilitation, the 15326
circumstances justify or require a certificate entitling an 15327
employer to protection under this chapter for a period of less 15328
than one year, the administrator may, upon such conditions as 15329
are just and for such premium as the facts require, grant to the 15330
employer a certificate for the length of time the administrator 15331
designates in the certificate. 15332

Sec. 4123.34. It shall be the duty of the ~~bureau of~~ 15333
~~workers' compensation~~ office of worker safety and rehabilitation 15334
board of directors and the administrator of ~~workers'~~ 15335

~~compensation-worker safety and rehabilitation~~ to safeguard and 15336
maintain the solvency of the state insurance fund and all other 15337
funds specified in this chapter and Chapters 4121., 4127., and 15338
4131. of the Revised Code. The administrator, in the exercise of 15339
the powers and discretion conferred upon the administrator in 15340
section 4123.29 of the Revised Code, shall fix and maintain, 15341
with the advice and consent of the board, for each class of 15342
occupation or industry, the lowest possible rates of premium 15343
consistent with the maintenance of a solvent state insurance 15344
fund and the creation and maintenance of a reasonable surplus, 15345
after the payment of legitimate claims for injury, occupational 15346
disease, and death that the administrator authorizes to be paid 15347
from the state insurance fund for the benefit of injured, 15348
diseased, and the dependents of killed employees. In 15349
establishing rates, the administrator shall take into account 15350
the necessity of ensuring sufficient money is set aside in the 15351
premium payment security fund to cover any defaults in premium 15352
obligations. The administrator shall observe all of the 15353
following requirements in fixing the rates of premium for the 15354
risks of occupations or industries: 15355

(A) The administrator shall keep an accurate account of 15356
the money paid in premiums by each of the several classes of 15357
occupations or industries, and the losses on account of 15358
injuries, occupational disease, and death of employees thereof, 15359
and also keep an account of the money received from each 15360
individual employer and the amount of losses incurred against 15361
the state insurance fund on account of injuries, occupational 15362
disease, and death of the employees of the employer. 15363

(B) A portion of the money paid into the state insurance 15364
fund shall be set aside for the creation of a surplus fund 15365
account within the state insurance fund. Any references in this 15366

chapter or in Chapter 4121., 4125., 4127., or 4131. of the 15367
Revised Code to the surplus fund, the surplus created in this 15368
division, the statutory surplus fund, or the statutory surplus 15369
of the state insurance fund are hereby deemed to be references 15370
to the surplus fund account. The administrator may transfer the 15371
portion of the state insurance fund to the surplus fund account 15372
as the administrator determines is necessary to satisfy the 15373
needs of the surplus fund account and to guarantee the solvency 15374
of the state insurance fund and the surplus fund account. In 15375
addition to all statutory authority under this chapter and 15376
Chapter 4121. of the Revised Code, the administrator has 15377
discretionary and contingency authority to make charges to the 15378
surplus fund account. The administrator shall account for all 15379
charges, whether statutory, discretionary, or contingency, that 15380
the administrator may make to the surplus fund account. A 15381
revision of basic rates shall be made annually on the first day 15382
of July. 15383

For policy years commencing prior to July 1, 2016, 15384
revisions of basic rates for private employers shall be in 15385
accordance with the oldest four of the last five calendar years 15386
of the combined accident and occupational disease experience of 15387
the administrator in the administration of this chapter, as 15388
shown by the accounts kept as provided in this section. For a 15389
policy year commencing on or after July 1, 2016, revisions of 15390
basic rates for private employers shall be in accordance with 15391
the oldest four of the last five policy years combined accident 15392
and occupational disease experience of the administrator in the 15393
administration of this chapter, as shown by the accounts kept as 15394
provided in this section. 15395

Revisions of basic rates for public employers shall be in 15396
accordance with the oldest four of the last five policy years of 15397

the combined accident and occupational disease experience of the 15398
administrator in the administration of this chapter, as shown by 15399
the accounts kept as provided in this section. 15400

In revising basic rates, the administrator shall exclude 15401
the experience of employers that are no longer active if the 15402
administrator determines that the inclusion of those employers 15403
would have a significant negative impact on the remainder of the 15404
employers in a particular manual classification. The 15405
administrator shall adopt rules, with the advice and consent of 15406
the board, governing rate revisions, the object of which shall 15407
be to make an equitable distribution of losses among the several 15408
classes of occupation or industry, which rules shall be general 15409
in their application. 15410

(C) The administrator may apply that form of rating system 15411
that the administrator finds is best calculated to merit rate or 15412
individually rate the risk more equitably, predicated upon the 15413
basis of its individual industrial accident and occupational 15414
disease experience, and may encourage and stimulate accident 15415
prevention. The administrator shall develop fixed and equitable 15416
rules controlling the rating system, which rules shall conserve 15417
to each risk the basic principles of workers' compensation 15418
insurance. 15419

(D) The administrator, from the money paid into the state 15420
insurance fund, shall set aside into an account of the state 15421
insurance fund titled a premium payment security fund sufficient 15422
money to pay for any premiums due from an employer and 15423
uncollected. 15424

The use of the moneys held by the premium payment security 15425
fund account is restricted to reimbursement to the state 15426
insurance fund of premiums due and uncollected. 15427

(E) The administrator may grant discounts on premium rates 15428
for employers who meet either of the following requirements: 15429

(1) Have not incurred a compensable injury for one year or 15430
more and who maintain an employee safety committee or similar 15431
organization or make periodic safety inspections of the 15432
workplace. 15433

(2) Successfully complete a loss prevention program 15434
prescribed by the superintendent of the division of safety and 15435
hygiene and conducted by the division or by any other person 15436
approved by the superintendent. 15437

(F) (1) In determining the premium rates for the 15438
construction industry the administrator shall calculate the 15439
employers' premiums based upon the actual remuneration 15440
construction industry employees receive from construction 15441
industry employers, provided that the amount of remuneration the 15442
administrator uses in calculating the premiums shall not exceed 15443
an average weekly wage equal to one hundred fifty per cent of 15444
the statewide average weekly wage as defined in division (C) of 15445
section 4123.62 of the Revised Code. 15446

(2) Division (F) (1) of this section shall not be construed 15447
as affecting the manner in which benefits to a claimant are 15448
awarded under this chapter. 15449

(3) As used in division (F) of this section, "construction 15450
industry" includes any activity performed in connection with the 15451
erection, alteration, repair, replacement, renovation, 15452
installation, or demolition of any building, structure, highway, 15453
or bridge. 15454

(G) The administrator shall not place a limit on the 15455
length of time that an employer may participate in the ~~bureau of~~ 15456

~~workers' compensation office of worker safety and rehabilitation~~ 15457
drug free workplace and workplace safety programs. 15458

Sec. 4123.341. The administrative costs of the industrial 15459
commission, the ~~bureau of workers' compensation office of worker~~ 15460
~~safety and rehabilitation~~ board of directors, and the ~~bureau of~~ 15461
~~workers' compensation office of worker safety and rehabilitation~~ 15462
shall be those costs and expenses that are incident to the 15463
discharge of the duties and performance of the activities of the 15464
industrial commission, the board, and the ~~bureau office~~ under 15465
this chapter and Chapters 4121., 4125., 4127., 4131., and 4167. 15466
of the Revised Code, and all such costs shall be borne by the 15467
state and by other employers amenable to this chapter as 15468
follows: 15469

(A) In addition to the contribution required of the state 15470
under sections 4123.39 and 4123.40 of the Revised Code, the 15471
state shall contribute the sum determined to be necessary under 15472
section 4123.342 of the Revised Code. 15473

(B) The director of budget and management may allocate the 15474
state's share of contributions in the manner the director finds 15475
most equitably apportions the costs. 15476

(C) The counties and taxing districts therein shall 15477
contribute such sum as may be required under section 4123.342 of 15478
the Revised Code. 15479

(D) The private employers shall contribute the sum 15480
required under section 4123.342 of the Revised Code. 15481

Sec. 4123.342. (A) The administrator of ~~workers'~~ 15482
~~compensation worker safety and rehabilitation~~ shall allocate 15483
among counties and taxing districts therein as a class, the 15484
state and its instrumentalities as a class, private employers 15485

who are insured under the private fund as a class, and self- 15486
insuring employers as a class their fair shares of the 15487
administrative costs which are to be borne by such employers 15488
under division (D) of section 4123.341 of the Revised Code, 15489
separately allocating to each class those costs solely 15490
attributable to the activities of the industrial commission and 15491
those costs solely attributable to the activities of the ~~bureau-~~ 15492
~~of workers' compensation office of worker safety and~~ 15493
rehabilitation board of directors, and the ~~bureau of workers'~~ 15494
compensation office of worker safety and rehabilitation in 15495
respect of the class, allocating to any combination of classes 15496
those costs attributable to the activities of the industrial 15497
commission, board, or ~~bureau office~~ in respect of the classes, 15498
and allocating to all four classes those costs attributable to 15499
the activities of the industrial commission, board, and ~~bureau-~~ 15500
office in respect of all classes. The administrator shall 15501
separately calculate each employer's assessment in the class, 15502
except self-insuring employers, on the basis of the following 15503
three factors: payroll, paid compensation, and paid medical 15504
costs of the employer for those costs solely attributable to the 15505
activities of the board and the ~~bureau office~~. The administrator 15506
shall separately calculate each employer's assessment in the 15507
class, except self-insuring employers, on the basis of the 15508
following three factors: payroll, paid compensation, and paid 15509
medical costs of the employer for those costs solely 15510
attributable to the activities of the industrial commission. The 15511
administrator shall separately calculate each self-insuring 15512
employer's assessment in accordance with section 4123.35 of the 15513
Revised Code for those costs solely attributable to the 15514
activities of the board and the ~~bureau office~~. The administrator 15515
shall separately calculate each self-insuring employer's 15516
assessment in accordance with section 4123.35 of the Revised 15517

Code for those costs solely attributable to the activities of 15518
the industrial commission. In a timely manner, the industrial 15519
commission shall provide to the administrator, the information 15520
necessary for the administrator to allocate and calculate, with 15521
the approval of the chairperson of the industrial commission, 15522
for each class of employer as described in this division, the 15523
costs solely attributable to the activities of the industrial 15524
commission. 15525

(B) The administrator shall divide the administrative cost 15526
assessments collected by the administrator into two 15527
administrative assessment accounts within the state insurance 15528
fund. One of the administrative assessment accounts shall 15529
consist of the administrative cost assessment collected by the 15530
administrator for the industrial commission. One of the 15531
administrative assessment accounts shall consist of the 15532
administrative cost assessments collected by the administrator 15533
for the ~~bureau-office~~ and the board. The administrator may 15534
invest the administrative cost assessments in these accounts on 15535
behalf of the ~~bureau-office~~ and the industrial commission as 15536
authorized in section 4123.44 of the Revised Code. In a timely 15537
manner, the administrator shall provide to the industrial 15538
commission the information and reports the commission deems 15539
necessary for the commission to monitor the receipts and the 15540
disbursements from the administrative assessment account for the 15541
industrial commission. 15542

(C) The administrator or the administrator's designee 15543
shall transfer moneys as necessary from the administrative 15544
assessment account identified for the ~~bureau-office~~ and the 15545
board to the workers' compensation fund for the use of the 15546
~~bureau-office~~ and the board. As necessary and upon the 15547
authorization of the industrial commission, the administrator or 15548

the administrator's designee shall transfer moneys from the 15549
administrative assessment account identified for the industrial 15550
commission to the industrial commission operating fund created 15551
under section 4121.021 of the Revised Code. To the extent that 15552
the moneys collected by the administrator in any fiscal biennium 15553
of the state equal the sum appropriated by the general assembly 15554
for administrative costs of the industrial commission, board, 15555
and ~~bureau~~ office for the biennium, the moneys shall be paid 15556
into the workers' compensation fund and the industrial 15557
commission operating fund of the state, as appropriate, and any 15558
remainder shall be retained in those funds and applied to reduce 15559
the amount collected during the next biennium. 15560

Sections 4123.41, 4123.35, and 4123.37 of the Revised Code 15561
apply to the collection of assessments from public and private 15562
employers respectively, except that for boards of county 15563
hospital trustees that are self-insuring employers, only those 15564
provisions applicable to the collection of assessments for 15565
private employers apply. 15566

Sec. 4123.344. In the case of any institution of higher 15567
education that has sustained claims arising from deaths and 15568
injuries of a catastrophic nature arising from a motor vehicle 15569
accident occurring outside of this state, the ~~Administrator of~~ 15570
~~Workers' Compensation~~ administrator of worker safety and 15571
rehabilitation shall suspend the imposition of any premium 15572
increase or any change in the experience of such an institution 15573
of higher education until after the conclusion of any 15574
subrogation claims that are brought by the ~~Administrator~~ 15575
administrator in relation to those deaths and injuries. 15576

Sec. 4123.35. (A) Except as provided in this section, and 15577
until the policy year commencing July 1, 2015, every private 15578

employer and every publicly owned utility shall pay semiannually 15579
in the months of January and July into the state insurance fund 15580
the amount of annual premium the administrator of ~~workers'~~ 15581
~~compensation~~ worker safety and rehabilitation fixes for the 15582
employment or occupation of the employer, the amount of which 15583
premium to be paid by each employer to be determined by the 15584
classifications, rules, and rates made and published by the 15585
administrator. The employer shall pay semiannually a further sum 15586
of money into the state insurance fund as may be ascertained to 15587
be due from the employer by applying the rules of the 15588
administrator. 15589

Except as otherwise provided in this section, for a policy 15590
year commencing on or after July 1, 2015, every private employer 15591
and every publicly owned utility shall pay annually in the month 15592
of June immediately preceding the policy year into the state 15593
insurance fund the amount of estimated annual premium the 15594
administrator fixes for the employment or occupation of the 15595
employer, the amount of which estimated premium to be paid by 15596
each employer to be determined by the classifications, rules, 15597
and rates made and published by the administrator. The employer 15598
shall pay a further sum of money into the state insurance fund 15599
as may be ascertained to be due from the employer by applying 15600
the rules of the administrator. Upon receipt of the payroll 15601
report required by division (B) of section 4123.26 of the 15602
Revised Code, the administrator shall adjust the premium and 15603
assessments charged to each employer for the difference between 15604
estimated gross payrolls and actual gross payrolls, and any 15605
balance due to the administrator shall be immediately paid by 15606
the employer. Any balance due the employer shall be credited to 15607
the employer's account. 15608

For a policy year commencing on or after July 1, 2015, 15609

each employer that is recognized by the administrator as a 15610
professional employer organization shall pay monthly into the 15611
state insurance fund the amount of premium the administrator 15612
fixes for the employer for the prior month based on the actual 15613
payroll of the employer reported pursuant to division (C) of 15614
section 4123.26 of the Revised Code. 15615

A receipt certifying that payment has been made shall be 15616
issued to the employer by the ~~bureau of workers' compensation~~ 15617
office of worker safety and rehabilitation. The receipt is 15618
prima-facie evidence of the payment of the premium. The 15619
administrator shall provide each employer written proof of 15620
workers' compensation coverage as is required in section 4123.83 15621
of the Revised Code. Proper posting of the notice constitutes 15622
the employer's compliance with the notice requirement mandated 15623
in section 4123.83 of the Revised Code. 15624

The ~~bureau~~ office shall verify with the secretary of state 15625
the existence of all corporations and organizations making 15626
application for workers' compensation coverage and shall require 15627
every such application to include the employer's federal 15628
identification number. 15629

A private employer who has contracted with a subcontractor 15630
is liable for the unpaid premium due from any subcontractor with 15631
respect to that part of the payroll of the subcontractor that is 15632
for work performed pursuant to the contract with the employer. 15633

Division (A) of this section providing for the payment of 15634
premiums semiannually does not apply to any employer who was a 15635
subscriber to the state insurance fund prior to January 1, 1914, 15636
or, until July 1, 2015, who may first become a subscriber to the 15637
fund in any month other than January or July. Instead, the 15638
semiannual premiums shall be paid by those employers from time 15639

to time upon the expiration of the respective periods for which 15640
payments into the fund have been made by them. After July 1, 15641
2015, an employer who first becomes a subscriber to the fund on 15642
any day other than the first day of July shall pay premiums 15643
according to rules adopted by the administrator, with the advice 15644
and consent of the ~~bureau of workers' compensation office of~~ 15645
worker safety and rehabilitation board of directors, for the 15646
remainder of the policy year for which the coverage is 15647
effective. 15648

The administrator, with the advice and consent of the 15649
board, shall adopt rules to permit employers to make periodic 15650
payments of the premium and assessment due under this division. 15651
The rules shall include provisions for the assessment of 15652
interest charges, where appropriate, and for the assessment of 15653
penalties when an employer fails to make timely premium 15654
payments. The administrator, in the rules the administrator 15655
adopts, may set an administrative fee for these periodic 15656
payments. An employer who timely pays the amounts due under this 15657
division is entitled to all of the benefits and protections of 15658
this chapter. Upon receipt of payment, the ~~bureau office~~ shall 15659
issue a receipt to the employer certifying that payment has been 15660
made, which receipt is prima-facie evidence of payment. Workers' 15661
compensation coverage under this chapter continues uninterrupted 15662
upon timely receipt of payment under this division. 15663

Every public employer, except public employers that are 15664
self-insuring employers under this section, shall comply with 15665
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 15666
regard to the contribution of moneys to the public insurance 15667
fund. 15668

(B) Employers who will abide by the rules of the 15669

administrator and who may be of sufficient financial ability to 15670
render certain the payment of compensation to injured employees 15671
or the dependents of killed employees, and the furnishing of 15672
medical, surgical, nursing, and hospital attention and services 15673
and medicines, and funeral expenses, equal to or greater than is 15674
provided for in sections 4123.52, 4123.55 to 4123.62, and 15675
4123.64 to 4123.67 of the Revised Code, and who do not desire to 15676
insure the payment thereof or indemnify themselves against loss 15677
sustained by the direct payment thereof, upon a finding of such 15678
facts by the administrator, may be granted the privilege to pay 15679
individually compensation, and furnish medical, surgical, 15680
nursing, and hospital services and attention and funeral 15681
expenses directly to injured employees or the dependents of 15682
killed employees, thereby being granted status as a self- 15683
insuring employer. The administrator may charge employers who 15684
apply for the status as a self-insuring employer a reasonable 15685
application fee to cover the ~~bureau's~~office's costs in 15686
connection with processing and making a determination with 15687
respect to an application. 15688

All employers granted status as self-insuring employers 15689
shall demonstrate sufficient financial and administrative 15690
ability to assure that all obligations under this section are 15691
promptly met. The administrator shall deny the privilege where 15692
the employer is unable to demonstrate the employer's ability to 15693
promptly meet all the obligations imposed on the employer by 15694
this section. 15695

(1) The administrator shall consider, but is not limited 15696
to, the following factors, where applicable, in determining the 15697
employer's ability to meet all of the obligations imposed on the 15698
employer by this section: 15699

- (a) The employer has operated in this state for a minimum 15700
of two years, provided that an employer who has purchased, 15701
acquired, or otherwise succeeded to the operation of a business, 15702
or any part thereof, situated in this state that has operated 15703
for at least two years in this state, also shall qualify; 15704
- (b) Where the employer previously contributed to the state 15705
insurance fund or is a successor employer as defined by ~~bureau-~~ 15706
office rules, the amount of the buyout, as defined by ~~bureau-~~ 15707
office rules; 15708
- (c) The sufficiency of the employer's assets located in 15709
this state to insure the employer's solvency in paying 15710
compensation directly; 15711
- (d) The financial records, documents, and data, certified 15712
by a certified public accountant, necessary to provide the 15713
employer's full financial disclosure. The records, documents, 15714
and data include, but are not limited to, balance sheets and 15715
profit and loss history for the current year and previous four 15716
years. 15717
- (e) The employer's organizational plan for the 15718
administration of the workers' compensation law; 15719
- (f) The employer's proposed plan to inform employees of 15720
the change from a state fund insurer to a self-insuring 15721
employer, the procedures the employer will follow as a self- 15722
insuring employer, and the employees' rights to compensation and 15723
benefits; and 15724
- (g) The employer has either an account in a financial 15725
institution in this state, or if the employer maintains an 15726
account with a financial institution outside this state, ensures 15727
that workers' compensation checks are drawn from the same 15728

account as payroll checks or the employer clearly indicates that 15729
payment will be honored by a financial institution in this 15730
state. 15731

The administrator may waive the requirements of division 15732
(B) (1) (a) of this section and the requirement of division (B) (1) 15733
(d) of this section that the financial records, documents, and 15734
data be certified by a certified public accountant. The 15735
administrator shall adopt rules establishing the criteria that 15736
an employer shall meet in order for the administrator to waive 15737
the requirements of divisions (B) (1) (a) and (d) of this section. 15738
Such rules may require additional security of that employer 15739
pursuant to division (E) of section 4123.351 of the Revised 15740
Code. 15741

The administrator shall not grant the status of self- 15742
insuring employer to the state, except that the administrator 15743
may grant the status of self-insuring employer to a state 15744
institution of higher education, including its hospitals, that 15745
meets the requirements of division (B) (2) of this section. 15746

(2) When considering the application of a public employer, 15747
except for a board of county commissioners described in division 15748
(G) of section 4123.01 of the Revised Code, a board of a county 15749
hospital, or a publicly owned utility, the administrator shall 15750
verify that the public employer satisfies all of the following 15751
requirements as the requirements apply to that public employer: 15752

(a) For the two-year period preceding application under 15753
this section, the public employer has maintained an unvoted debt 15754
capacity equal to at least two times the amount of the current 15755
annual premium established by the administrator under this 15756
chapter for that public employer for the year immediately 15757
preceding the year in which the public employer makes 15758

application under this section. 15759

(b) For each of the two fiscal years preceding application 15760
under this section, the unreserved and undesignated year-end 15761
fund balance in the public employer's general fund is equal to 15762
at least five per cent of the public employer's general fund 15763
revenues for the fiscal year computed in accordance with 15764
generally accepted accounting principles. 15765

(c) For the five-year period preceding application under 15766
this section, the public employer, to the extent applicable, has 15767
complied fully with the continuing disclosure requirements 15768
established in rules adopted by the United States securities and 15769
exchange commission under 17 C.F.R. 240.15c 2-12. 15770

(d) For the five-year period preceding application under 15771
this section, the public employer has not had its local 15772
government fund distribution withheld on account of the public 15773
employer being indebted or otherwise obligated to the state. 15774

(e) For the five-year period preceding application under 15775
this section, the public employer has not been under a fiscal 15776
watch or fiscal emergency pursuant to section 118.023, 118.04, 15777
or 3316.03 of the Revised Code. 15778

(f) For the public employer's fiscal year preceding 15779
application under this section, the public employer has obtained 15780
an annual financial audit as required under section 117.10 of 15781
the Revised Code, which has been released by the auditor of 15782
state within seven months after the end of the public employer's 15783
fiscal year. 15784

(g) On the date of application, the public employer holds 15785
a debt rating of Aa3 or higher according to Moody's investors 15786
service, inc., or a comparable rating by an independent rating 15787

agency similar to Moody's investors service, inc. 15788

(h) The public employer agrees to generate an annual 15789
accumulating book reserve in its financial statements reflecting 15790
an actuarially generated reserve adequate to pay projected 15791
claims under this chapter for the applicable period of time, as 15792
determined by the administrator. 15793

(i) For a public employer that is a hospital, the public 15794
employer shall submit audited financial statements showing the 15795
hospital's overall liquidity characteristics, and the 15796
administrator shall determine, on an individual basis, whether 15797
the public employer satisfies liquidity standards equivalent to 15798
the liquidity standards of other public employers. 15799

(j) Any additional criteria that the administrator adopts 15800
by rule pursuant to division (E) of this section. 15801

The administrator may adopt rules establishing the 15802
criteria that a public employer shall satisfy in order for the 15803
administrator to waive any of the requirements listed in 15804
divisions (B) (2) (a) to (j) of this section. The rules may 15805
require additional security from that employer pursuant to 15806
division (E) of section 4123.351 of the Revised Code. The 15807
administrator shall not waive any of the requirements listed in 15808
divisions (B) (2) (a) to (j) of this section for a public employer 15809
who does not satisfy the criteria established in the rules the 15810
administrator adopts. 15811

(C) A board of county commissioners described in division 15812
(G) of section 4123.01 of the Revised Code, as an employer, that 15813
will abide by the rules of the administrator and that may be of 15814
sufficient financial ability to render certain the payment of 15815
compensation to injured employees or the dependents of killed 15816

employees, and the furnishing of medical, surgical, nursing, and 15817
hospital attention and services and medicines, and funeral 15818
expenses, equal to or greater than is provided for in sections 15819
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the 15820
Revised Code, and that does not desire to insure the payment 15821
thereof or indemnify itself against loss sustained by the direct 15822
payment thereof, upon a finding of such facts by the 15823
administrator, may be granted the privilege to pay individually 15824
compensation, and furnish medical, surgical, nursing, and 15825
hospital services and attention and funeral expenses directly to 15826
injured employees or the dependents of killed employees, thereby 15827
being granted status as a self-insuring employer. The 15828
administrator may charge a board of county commissioners 15829
described in division (G) of section 4123.01 of the Revised Code 15830
that applies for the status as a self-insuring employer a 15831
reasonable application fee to cover the ~~bureau's office's~~ costs 15832
in connection with processing and making a determination with 15833
respect to an application. All employers granted such status 15834
shall demonstrate sufficient financial and administrative 15835
ability to assure that all obligations under this section are 15836
promptly met. The administrator shall deny the privilege where 15837
the employer is unable to demonstrate the employer's ability to 15838
promptly meet all the obligations imposed on the employer by 15839
this section. The administrator shall consider, but is not 15840
limited to, the following factors, where applicable, in 15841
determining the employer's ability to meet all of the 15842
obligations imposed on the board as an employer by this section: 15843

(1) The board has operated in this state for a minimum of 15844
two years; 15845

(2) Where the board previously contributed to the state 15846
insurance fund or is a successor employer as defined by ~~bureau~~ 15847

office rules, the amount of the buyout, as defined by ~~bureau-~~ 15848
office rules; 15849

(3) The sufficiency of the board's assets located in this 15850
state to insure the board's solvency in paying compensation 15851
directly; 15852

(4) The financial records, documents, and data, certified 15853
by a certified public accountant, necessary to provide the 15854
board's full financial disclosure. The records, documents, and 15855
data include, but are not limited to, balance sheets and profit 15856
and loss history for the current year and previous four years. 15857

(5) The board's organizational plan for the administration 15858
of the workers' compensation law; 15859

(6) The board's proposed plan to inform employees of the 15860
proposed self-insurance, the procedures the board will follow as 15861
a self-insuring employer, and the employees' rights to 15862
compensation and benefits; 15863

(7) The board has either an account in a financial 15864
institution in this state, or if the board maintains an account 15865
with a financial institution outside this state, ensures that 15866
workers' compensation checks are drawn from the same account as 15867
payroll checks or the board clearly indicates that payment will 15868
be honored by a financial institution in this state; 15869

(8) The board shall provide the administrator a surety 15870
bond in an amount equal to one hundred twenty-five per cent of 15871
the projected losses as determined by the administrator. 15872

(D) The administrator shall require a surety bond from all 15873
self-insuring employers, issued pursuant to section 4123.351 of 15874
the Revised Code, that is sufficient to compel, or secure to 15875
injured employees, or to the dependents of employees killed, the 15876

payment of compensation and expenses, which shall in no event be 15877
less than that paid or furnished out of the state insurance fund 15878
in similar cases to injured employees or to dependents of killed 15879
employees whose employers contribute to the fund, except when an 15880
employee of the employer, who has suffered the loss of a hand, 15881
arm, foot, leg, or eye prior to the injury for which 15882
compensation is to be paid, and thereafter suffers the loss of 15883
any other of the members as the result of any injury sustained 15884
in the course of and arising out of the employee's employment, 15885
the compensation to be paid by the self-insuring employer is 15886
limited to the disability suffered in the subsequent injury, 15887
additional compensation, if any, to be paid by the ~~bureau-office~~ 15888
out of the surplus created by section 4123.34 of the Revised 15889
Code. 15890

(E) In addition to the requirements of this section, the 15891
administrator shall make and publish rules governing the manner 15892
of making application and the nature and extent of the proof 15893
required to justify a finding of fact by the administrator as to 15894
granting the status of a self-insuring employer, which rules 15895
shall be general in their application, one of which rules shall 15896
provide that all self-insuring employers shall pay into the 15897
state insurance fund such amounts as are required to be credited 15898
to the surplus fund in division (B) of section 4123.34 of the 15899
Revised Code. The administrator may adopt rules establishing 15900
requirements in addition to the requirements described in 15901
division (B)(2) of this section that a public employer shall 15902
meet in order to qualify for self-insuring status. 15903

Employers shall secure directly from the ~~bureau-office~~ 15904
central offices application forms upon which the ~~bureau-office~~ 15905
shall stamp a designating number. Prior to submission of an 15906
application, an employer shall make available to the ~~bureau-~~ 15907

office, and the ~~bureau-office~~ shall review, the information 15908
described in division (B) (1) of this section, and public 15909
employers shall make available, and the ~~bureau-office~~ shall 15910
review, the information necessary to verify whether the public 15911
employer meets the requirements listed in division (B) (2) of 15912
this section. An employer shall file the completed application 15913
forms with an application fee, which shall cover the costs of 15914
processing the application, as established by the administrator, 15915
by rule, with the ~~bureau-office~~ at least ninety days prior to 15916
the effective date of the employer's new status as a self- 15917
insuring employer. The application form is not deemed complete 15918
until all the required information is attached thereto. The 15919
~~bureau-office~~ shall only accept applications that contain the 15920
required information. 15921

(F) The ~~bureau-office~~ shall review completed applications 15922
within a reasonable time. If the ~~bureau-office~~ determines to 15923
grant an employer the status as a self-insuring employer, the 15924
~~bureau-office~~ shall issue a statement, containing its findings 15925
of fact, that is prepared by the ~~bureau-office~~ and signed by the 15926
administrator. If the ~~bureau-office~~ determines not to grant the 15927
status as a self-insuring employer, the ~~bureau-office~~ shall 15928
notify the employer of the determination and require the 15929
employer to continue to pay its full premium into the state 15930
insurance fund. The administrator also shall adopt rules 15931
establishing a minimum level of performance as a criterion for 15932
granting and maintaining the status as a self-insuring employer 15933
and fixing time limits beyond which failure of the self-insuring 15934
employer to provide for the necessary medical examinations and 15935
evaluations may not delay a decision on a claim. 15936

(G) The administrator shall adopt rules setting forth 15937
procedures for auditing the program of self-insuring employers. 15938

The ~~bureau-office~~ shall conduct the audit upon a random basis or 15939
whenever the ~~bureau-office~~ has grounds for believing that a 15940
self-insuring employer is not in full compliance with ~~bureau-~~ 15941
office rules or this chapter. 15942

The administrator shall monitor the programs conducted by 15943
self-insuring employers, to ensure compliance with ~~bureau-office~~ 15944
requirements and for that purpose, shall develop and issue to 15945
self-insuring employers standardized forms for use by the self- 15946
insuring employer in all aspects of the self-insuring employers' 15947
direct compensation program and for reporting of information to 15948
the ~~bureau office~~. 15949

The ~~bureau-office~~ shall receive and transmit to the self- 15950
insuring employer all complaints concerning any self-insuring 15951
employer. In the case of a complaint against a self-insuring 15952
employer, the administrator shall handle the complaint through 15953
the self-insurance division of the ~~bureau office~~. The ~~bureau-~~ 15954
office shall maintain a file by employer of all complaints 15955
received that relate to the employer. The ~~bureau-office~~ shall 15956
evaluate each complaint and take appropriate action. 15957

The administrator shall adopt as a rule a prohibition 15958
against any self-insuring employer from harassing, dismissing, 15959
or otherwise disciplining any employee making a complaint, which 15960
rule shall provide for a financial penalty to be levied by the 15961
administrator payable by the offending self-insuring employer. 15962

(H) For the purpose of making determinations as to whether 15963
to grant status as a self-insuring employer, the administrator 15964
may subscribe to and pay for a credit reporting service that 15965
offers financial and other business information about individual 15966
employers. The costs in connection with the ~~bureau's-office's~~ 15967
subscription or individual reports from the service about an 15968

applicant may be included in the application fee charged 15969
employers under this section. 15970

(I) A self-insuring employer that returns to the state 15971
insurance fund as a state fund employer shall provide the 15972
administrator with medical costs and indemnity costs by claim, 15973
and payroll by manual classification and year, and such other 15974
information the administrator may require. The self-insuring 15975
employer shall submit this information by dates and in a format 15976
determined by the administrator. The administrator shall develop 15977
a state fund experience modification factor for a self-insuring 15978
employer that returns to the state insurance fund based in whole 15979
or in part on the employer's self-insured experience and the 15980
information submitted. 15981

(J) On the first day of July of each year, the 15982
administrator shall calculate separately each self-insuring 15983
employer's assessments for the safety and hygiene fund, 15984
administrative costs pursuant to section 4123.342 of the Revised 15985
Code, and for the surplus fund under division (B) of section 15986
4123.34 of the Revised Code, on the basis of the paid 15987
compensation attributable to the individual self-insuring 15988
employer according to the following calculation: 15989

(1) The total assessment against all self-insuring 15990
employers as a class for each fund and for the administrative 15991
costs for the year that the assessment is being made, as 15992
determined by the administrator, divided by the total amount of 15993
paid compensation for the previous calendar year attributable to 15994
all amenable self-insuring employers; 15995

(2) Multiply the quotient in division (J)(1) of this 15996
section by the total amount of paid compensation for the 15997
previous calendar year that is attributable to the individual 15998

self-insuring employer for whom the assessment is being 15999
determined. Each self-insuring employer shall pay the assessment 16000
that results from this calculation, unless the assessment 16001
resulting from this calculation falls below a minimum 16002
assessment, which minimum assessment the administrator shall 16003
determine on the first day of July of each year with the advice 16004
and consent of the ~~bureau of workers' compensation office of~~ 16005
worker safety and rehabilitation board of directors, in which 16006
event, the self-insuring employer shall pay the minimum 16007
assessment. 16008

In determining the total amount due for the total 16009
assessment against all self-insuring employers as a class for 16010
each fund and the administrative assessment, the administrator 16011
shall reduce proportionately the total for each fund and 16012
assessment by the amount of money in the self-insurance 16013
assessment fund as of the date of the computation of the 16014
assessment. 16015

The administrator shall calculate the assessment for the 16016
portion of the surplus fund under division (B) of section 16017
4123.34 of the Revised Code that is used for reimbursement to a 16018
self-insuring employer under division (H) of section 4123.512 of 16019
the Revised Code in the same manner as set forth in divisions 16020
(J) (1) and (2) of this section except that the administrator 16021
shall calculate the total assessment for this portion of the 16022
surplus fund only on the basis of those self-insuring employers 16023
that retain participation in reimbursement to the self-insuring 16024
employer under division (H) of section 4123.512 of the Revised 16025
Code and the individual self-insuring employer's proportion of 16026
paid compensation shall be calculated only for those self- 16027
insuring employers who retain participation in reimbursement to 16028
the self-insuring employer under division (H) of section 16029

4123.512 of the Revised Code. 16030

An employer who no longer is a self-insuring employer in 16031
this state or who no longer is operating in this state, shall 16032
continue to pay assessments for administrative costs and for the 16033
surplus fund under division (B) of section 4123.34 of the 16034
Revised Code based upon paid compensation attributable to claims 16035
that occurred while the employer was a self-insuring employer 16036
within this state. 16037

(K) There is hereby created in the state treasury the 16038
self-insurance assessment fund. All investment earnings of the 16039
fund shall be deposited in the fund. The administrator shall use 16040
the money in the self-insurance assessment fund only for 16041
administrative costs as specified in section 4123.341 of the 16042
Revised Code. 16043

(L) Every self-insuring employer shall certify, in 16044
affidavit form subject to the penalty for perjury, to the ~~bureau-~~ 16045
office the amount of the self-insuring employer's paid 16046
compensation for the previous calendar year. In reporting paid 16047
compensation paid for the previous year, a self-insuring 16048
employer shall exclude from the total amount of paid 16049
compensation any reimbursement the self-insuring employer 16050
receives in the previous calendar year from the surplus fund 16051
pursuant to section 4123.512 of the Revised Code for any paid 16052
compensation. The self-insuring employer also shall exclude from 16053
the paid compensation reported any amount recovered under 16054
section 4123.931 of the Revised Code and any amount that is 16055
determined not to have been payable to or on behalf of a 16056
claimant in any final administrative or judicial proceeding. The 16057
self-insuring employer shall exclude such amounts from the paid 16058
compensation reported in the reporting period subsequent to the 16059

date the determination is made. The administrator shall adopt 16060
rules, in accordance with Chapter 119. of the Revised Code, that 16061
provide for all of the following: 16062

(1) Establishing the date by which self-insuring employers 16063
must submit such information and the amount of the assessments 16064
provided for in division (J) of this section for employers who 16065
have been granted self-insuring status within the last calendar 16066
year; 16067

(2) If an employer fails to pay the assessment when due, 16068
the administrator may add a late fee penalty of not more than 16069
five hundred dollars to the assessment plus an additional 16070
penalty amount as follows: 16071

(a) For an assessment from sixty-one to ninety days past 16072
due, the prime interest rate, multiplied by the assessment due; 16073

(b) For an assessment from ninety-one to one hundred 16074
twenty days past due, the prime interest rate plus two per cent, 16075
multiplied by the assessment due; 16076

(c) For an assessment from one hundred twenty-one to one 16077
hundred fifty days past due, the prime interest rate plus four 16078
per cent, multiplied by the assessment due; 16079

(d) For an assessment from one hundred fifty-one to one 16080
hundred eighty days past due, the prime interest rate plus six 16081
per cent, multiplied by the assessment due; 16082

(e) For an assessment from one hundred eighty-one to two 16083
hundred ten days past due, the prime interest rate plus eight 16084
per cent, multiplied by the assessment due; 16085

(f) For each additional thirty-day period or portion 16086
thereof that an assessment remains past due after it has 16087

remained past due for more than two hundred ten days, the prime 16088
interest rate plus eight per cent, multiplied by the assessment 16089
due. 16090

(3) An employer may appeal a late fee penalty and penalty 16091
assessment to the administrator. 16092

For purposes of division (L) (2) of this section, "prime 16093
interest rate" means the average bank prime rate, and the 16094
administrator shall determine the prime interest rate in the 16095
same manner as a county auditor determines the average bank 16096
prime rate under section 929.02 of the Revised Code. 16097

The administrator shall include any assessment and 16098
penalties that remain unpaid for previous assessment periods in 16099
the calculation and collection of any assessments due under this 16100
division or division (J) of this section. 16101

(M) As used in this section, "paid compensation" means all 16102
amounts paid by a self-insuring employer for living maintenance 16103
benefits, all amounts for compensation paid pursuant to sections 16104
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, 16105
and 4123.64 of the Revised Code, all amounts paid as wages in 16106
lieu of such compensation, all amounts paid in lieu of such 16107
compensation under a nonoccupational accident and sickness 16108
program fully funded by the self-insuring employer, and all 16109
amounts paid by a self-insuring employer for a violation of a 16110
specific safety standard pursuant to Section 35 of Article II, 16111
Ohio Constitution and section 4121.47 of the Revised Code. 16112

(N) Should any section of this chapter or Chapter 4121. of 16113
the Revised Code providing for self-insuring employers' 16114
assessments based upon compensation paid be declared 16115
unconstitutional by a final decision of any court, then that 16116

section of the Revised Code declared unconstitutional shall 16117
revert back to the section in existence prior to November 3, 16118
1989, providing for assessments based upon payroll. 16119

(O) The administrator may grant a self-insuring employer 16120
the privilege to self-insure a construction project entered into 16121
by the self-insuring employer that is scheduled for completion 16122
within six years after the date the project begins, and the 16123
total cost of which is estimated to exceed one hundred million 16124
dollars or, for employers described in division (R) of this 16125
section, if the construction project is estimated to exceed 16126
twenty-five million dollars. The administrator may waive such 16127
cost and time criteria and grant a self-insuring employer the 16128
privilege to self-insure a construction project regardless of 16129
the time needed to complete the construction project and 16130
provided that the cost of the construction project is estimated 16131
to exceed fifty million dollars. A self-insuring employer who 16132
desires to self-insure a construction project shall submit to 16133
the administrator an application listing the dates the 16134
construction project is scheduled to begin and end, the 16135
estimated cost of the construction project, the contractors and 16136
subcontractors whose employees are to be self-insured by the 16137
self-insuring employer, the provisions of a safety program that 16138
is specifically designed for the construction project, and a 16139
statement as to whether a collective bargaining agreement 16140
governing the rights, duties, and obligations of each of the 16141
parties to the agreement with respect to the construction 16142
project exists between the self-insuring employer and a labor 16143
organization. 16144

A self-insuring employer may apply to self-insure the 16145
employees of either of the following: 16146

(1) All contractors and subcontractors who perform labor 16147
or work or provide materials for the construction project; 16148

(2) All contractors and, at the administrator's 16149
discretion, a substantial number of all the subcontractors who 16150
perform labor or work or provide materials for the construction 16151
project. 16152

Upon approval of the application, the administrator shall 16153
mail a certificate granting the privilege to self-insure the 16154
construction project to the self-insuring employer. The 16155
certificate shall contain the name of the self-insuring employer 16156
and the name, address, and telephone number of the self-insuring 16157
employer's representatives who are responsible for administering 16158
workers' compensation claims for the construction project. The 16159
self-insuring employer shall post the certificate in a 16160
conspicuous place at the site of the construction project. 16161

The administrator shall maintain a record of the 16162
contractors and subcontractors whose employees are covered under 16163
the certificate issued to the self-insured employer. A self- 16164
insuring employer immediately shall notify the administrator 16165
when any contractor or subcontractor is added or eliminated from 16166
inclusion under the certificate. 16167

Upon approval of the application, the self-insuring 16168
employer is responsible for the administration and payment of 16169
all claims under this chapter and Chapter 4121. of the Revised 16170
Code for the employees of the contractor and subcontractors 16171
covered under the certificate who receive injuries or are killed 16172
in the course of and arising out of employment on the 16173
construction project, or who contract an occupational disease in 16174
the course of employment on the construction project. For 16175
purposes of this chapter and Chapter 4121. of the Revised Code, 16176

a claim that is administered and paid in accordance with this 16177
division is considered a claim against the self-insuring 16178
employer listed in the certificate. A contractor or 16179
subcontractor included under the certificate shall report to the 16180
self-insuring employer listed in the certificate, all claims 16181
that arise under this chapter and Chapter 4121. of the Revised 16182
Code in connection with the construction project for which the 16183
certificate is issued. 16184

A self-insuring employer who complies with this division 16185
is entitled to the protections provided under this chapter and 16186
Chapter 4121. of the Revised Code with respect to the employees 16187
of the contractors and subcontractors covered under a 16188
certificate issued under this division for death or injuries 16189
that arise out of, or death, injuries, or occupational diseases 16190
that arise in the course of, those employees' employment on that 16191
construction project, as if the employees were employees of the 16192
self-insuring employer, provided that the self-insuring employer 16193
also complies with this section. No employee of the contractors 16194
and subcontractors covered under a certificate issued under this 16195
division shall be considered the employee of the self-insuring 16196
employer listed in that certificate for any purposes other than 16197
this chapter and Chapter 4121. of the Revised Code. Nothing in 16198
this division gives a self-insuring employer authority to 16199
control the means, manner, or method of employment of the 16200
employees of the contractors and subcontractors covered under a 16201
certificate issued under this division. 16202

The contractors and subcontractors included under a 16203
certificate issued under this division are entitled to the 16204
protections provided under this chapter and Chapter 4121. of the 16205
Revised Code with respect to the contractor's or subcontractor's 16206
employees who are employed on the construction project which is 16207

the subject of the certificate, for death or injuries that arise 16208
out of, or death, injuries, or occupational diseases that arise 16209
in the course of, those employees' employment on that 16210
construction project. 16211

The contractors and subcontractors included under a 16212
certificate issued under this division shall identify in their 16213
payroll records the employees who are considered the employees 16214
of the self-insuring employer listed in that certificate for 16215
purposes of this chapter and Chapter 4121. of the Revised Code, 16216
and the amount that those employees earned for employment on the 16217
construction project that is the subject of that certificate. 16218
Notwithstanding any provision to the contrary under this chapter 16219
and Chapter 4121. of the Revised Code, the administrator shall 16220
exclude the payroll that is reported for employees who are 16221
considered the employees of the self-insuring employer listed in 16222
that certificate, and that the employees earned for employment 16223
on the construction project that is the subject of that 16224
certificate, when determining those contractors' or 16225
subcontractors' premiums or assessments required under this 16226
chapter and Chapter 4121. of the Revised Code. A self-insuring 16227
employer issued a certificate under this division shall include 16228
in the amount of paid compensation it reports pursuant to 16229
division (L) of this section, the amount of paid compensation 16230
the self-insuring employer paid pursuant to this division for 16231
the previous calendar year. 16232

Nothing in this division shall be construed as altering 16233
the rights of employees under this chapter and Chapter 4121. of 16234
the Revised Code as those rights existed prior to September 17, 16235
1996. Nothing in this division shall be construed as altering 16236
the rights devolved under sections 2305.31 and 4123.82 of the 16237
Revised Code as those rights existed prior to September 17, 16238

1996. 16239

As used in this division, "privilege to self-insure a construction project" means privilege to pay individually compensation, and to furnish medical, surgical, nursing, and hospital services and attention and funeral expenses directly to injured employees or the dependents of killed employees. 16240
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(P) A self-insuring employer whose application is granted under division (O) of this section shall designate a safety professional to be responsible for the administration and enforcement of the safety program that is specifically designed for the construction project that is the subject of the application. 16245
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A self-insuring employer whose application is granted under division (O) of this section shall employ an ombudsperson for the construction project that is the subject of the application. The ombudsperson shall have experience in workers' compensation or the construction industry, or both. The ombudsperson shall perform all of the following duties: 16251
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(1) Communicate with and provide information to employees who are injured in the course of, or whose injury arises out of employment on the construction project, or who contract an occupational disease in the course of employment on the construction project; 16257
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(2) Investigate the status of a claim upon the request of an employee to do so; 16262
16263

(3) Provide information to claimants, third party administrators, employers, and other persons to assist those persons in protecting their rights under this chapter and Chapter 4121. of the Revised Code. 16264
16265
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16267

A self-insuring employer whose application is granted 16268
under division (O) of this section shall post the name of the 16269
safety professional and the ombudsperson and instructions for 16270
contacting the safety professional and the ombudsperson in a 16271
conspicuous place at the site of the construction project. 16272

(Q) The administrator may consider all of the following 16273
when deciding whether to grant a self-insuring employer the 16274
privilege to self-insure a construction project as provided 16275
under division (O) of this section: 16276

(1) Whether the self-insuring employer has an 16277
organizational plan for the administration of the workers' 16278
compensation law; 16279

(2) Whether the safety program that is specifically 16280
designed for the construction project provides for the safety of 16281
employees employed on the construction project, is applicable to 16282
all contractors and subcontractors who perform labor or work or 16283
provide materials for the construction project, and has as a 16284
component, a safety training program that complies with 16285
standards adopted pursuant to the "Occupational Safety and 16286
Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, and 16287
provides for continuing management and employee involvement; 16288

(3) Whether granting the privilege to self-insure the 16289
construction project will reduce the costs of the construction 16290
project; 16291

(4) Whether the self-insuring employer has employed an 16292
ombudsperson as required under division (P) of this section; 16293

(5) Whether the self-insuring employer has sufficient 16294
surety to secure the payment of claims for which the self- 16295
insuring employer would be responsible pursuant to the granting 16296

of the privilege to self-insure a construction project under 16297
division (O) of this section. 16298

(R) As used in divisions (O), (P), and (Q), "self-insuring 16299
employer" includes the following employers, whether or not they 16300
have been granted the status of being a self-insuring employer 16301
under division (B) of this section: 16302

(1) A state institution of higher education; 16303

(2) A school district; 16304

(3) A county school financing district; 16305

(4) An educational service center; 16306

(5) A community school established under Chapter 3314. of 16307
the Revised Code; 16308

(6) A municipal power agency as defined in section 16309
3734.058 of the Revised Code. 16310

(S) As used in this section: 16311

(1) "Unvoted debt capacity" means the amount of money that 16312
a public employer may borrow without voter approval of a tax 16313
levy; 16314

(2) "State institution of higher education" means the 16315
state universities listed in section 3345.011 of the Revised 16316
Code, community colleges created pursuant to Chapter 3354. of 16317
the Revised Code, university branches created pursuant to 16318
Chapter 3355. of the Revised Code, technical colleges created 16319
pursuant to Chapter 3357. of the Revised Code, and state 16320
community colleges created pursuant to Chapter 3358. of the 16321
Revised Code. 16322

Sec. 4123.351. (A) The administrator of ~~workers'~~ 16323

~~compensation-worker safety and rehabilitation~~ shall require 16324
every self-insuring employer, including any self-insuring 16325
employer that is indemnified by a captive insurance company 16326
granted a certificate of authority under Chapter 3964. of the 16327
Revised Code, to pay a contribution, calculated under this 16328
section, to the self-insuring employers' guaranty fund 16329
established pursuant to this section. The fund shall provide for 16330
payment of compensation and benefits to employees of the self- 16331
insuring employer in order to cover any default in payment by 16332
that employer. 16333

(B) ~~The bureau of workers' compensation office of worker~~ 16334
~~safety and rehabilitation~~ shall operate the self-insuring 16335
employers' guaranty fund for self-insuring employers. The 16336
administrator annually shall establish the contributions due 16337
from self-insuring employers for the fund at rates as low as 16338
possible but such as will assure sufficient moneys to guarantee 16339
the payment of any claims against the fund. ~~The bureau's~~ 16340
~~office's~~ operation of the fund is not subject to sections 16341
3929.10 to 3929.18 of the Revised Code or to regulation by the 16342
superintendent of insurance. 16343

(C) If a self-insuring employer defaults, the ~~bureau-~~ 16344
~~office~~ shall recover the amounts paid as a result of the default 16345
from the self-insuring employers' guaranty fund. If a self- 16346
insuring employer defaults and is in compliance with this 16347
section for the payment of contributions to the fund, such self- 16348
insuring employer is entitled to the immunity conferred by 16349
section 4123.74 of the Revised Code for any claim arising during 16350
any period the employer is in compliance with this section. 16351

(D) (1) There is hereby established a self-insuring 16352
employers' guaranty fund, which shall be in the custody of the 16353

treasurer of state and which shall be separate from the other 16354
funds established and administered pursuant to this chapter. The 16355
fund shall consist of contributions and other payments made by 16356
self-insuring employers under this section. All investment 16357
earnings of the fund shall be credited to the fund. The ~~bureau-~~ 16358
office shall make disbursements from the fund pursuant to this 16359
section. 16360

(2) The administrator has the same powers to invest any of 16361
the surplus or reserve belonging to the fund as are delegated to 16362
the administrator under section 4123.44 of the Revised Code with 16363
respect to the state insurance fund. The administrator shall 16364
apply interest earned solely to the reduction of assessments for 16365
contributions from self-insuring employers and to the payments 16366
required due to defaults. 16367

(3) If the ~~bureau of workers' compensation office of~~ 16368
worker safety and rehabilitation board of directors determines 16369
that reinsurance of the risks of the fund is necessary to assure 16370
solvency of the fund, the board may: 16371

(a) Enter into contracts for the purchase of reinsurance 16372
coverage of the risks of the fund with any company or agency 16373
authorized by law to issue contracts of reinsurance; 16374

(b) Require the administrator to pay the cost of 16375
reinsurance from the fund; 16376

(c) Include the costs of reinsurance as a liability and 16377
estimated liability of the fund. 16378

(E) The administrator, with the advice and consent of the 16379
board, may adopt rules pursuant to Chapter 119. of the Revised 16380
Code for the implementation of this section, including a rule, 16381
notwithstanding division (C) of this section, requiring self- 16382

insuring employers to provide security in addition to the 16383
contribution to the self-insuring employers' guaranty fund 16384
required by this section. The additional security required by 16385
the rule, as the administrator determines appropriate, shall be 16386
sufficient and adequate to provide for financial assurance to 16387
meet the obligations of self-insuring employers under this 16388
chapter and Chapter 4121. of the Revised Code. 16389

(F) The purchase of coverage under this section by self- 16390
insuring employers is valid notwithstanding the prohibitions 16391
contained in division (A) of section 4123.82 of the Revised Code 16392
and is in addition to the indemnity contracts that self-insuring 16393
employers may purchase pursuant to division (B) of section 16394
4123.82 of the Revised Code. 16395

(G) The administrator, on behalf of the self-insuring 16396
employers' guaranty fund, has the rights of reimbursement and 16397
subrogation and shall collect from a defaulting self-insuring 16398
employer or other liable person all amounts the administrator 16399
has paid or reasonably expects to pay from the fund on account 16400
of the defaulting self-insuring employer. 16401

(H) The assessments for contributions, the administration 16402
of the self-insuring employers' guaranty fund, the investment of 16403
the money in the fund, and the payment of liabilities incurred 16404
by the fund do not create any liability upon the state. 16405

Except for a gross abuse of discretion, neither the board, 16406
nor the individual members thereof, nor the administrator shall 16407
incur any obligation or liability respecting the assessments for 16408
contributions, the administration of the self-insuring 16409
employers' guaranty fund, the investment of the fund, or the 16410
payment of liabilities therefrom. 16411

Sec. 4123.352. (A) There is hereby created the self- 16412
insuring employers evaluation board consisting of three members. 16413
The member of the industrial commission representing the public 16414
shall be a member of the self-insuring employers evaluation 16415
board and shall serve, ex officio, as ~~chairman~~ chairperson. The 16416
governor shall appoint the remaining two members with the advice 16417
and consent of the senate. One member shall be a member of the 16418
Ohio self-insurance association and one member shall be a 16419
representative of labor. Not more than two of the three members 16420
of the board may be of the same political party. 16421

Of the two members originally appointed by the governor 16422
pursuant to this section, one shall serve an initial term of two 16423
years and one an initial term of four years. Thereafter, terms 16424
of office of the two members are for four years, each term 16425
ending on the same date as the original date of appointment. Any 16426
member appointed to fill a vacancy occurring prior to the 16427
expiration of the term for which ~~his~~ the member's predecessor 16428
was appointed shall hold office for the remainder of such term. 16429
Any member shall continue in office subsequent to the expiration 16430
date of ~~his~~ the member's term until ~~his~~ the member's successor 16431
takes office, or until a period of sixty days has elapsed, 16432
whichever occurs first. A vacancy in an unexpired term shall be 16433
filled in the same manner as the original appointment. The 16434
governor may remove any member pursuant to section 3.05 of the 16435
Revised Code. 16436

The board member who also is a member of the commission 16437
shall receive no additional compensation but shall be reimbursed 16438
for actual and necessary expenses in the performance of ~~his~~ the 16439
board member's duties. The two remaining members of the board 16440
shall receive per diem compensation fixed pursuant to division 16441
(J) of section 124.15 of the Revised Code and actual and 16442

necessary expenses incurred in the performance of their duties. 16443

For administrative purposes, the board is a part of the 16444
~~bureau of workers' compensation~~ office of worker safety and 16445
rehabilitation, and the ~~bureau office~~ shall furnish the board 16446
with necessary office space, staff, and supplies. The board 16447
shall meet as required by the administrator of ~~workers'~~ 16448
compensation worker safety and rehabilitation. 16449

(B) In addition to the grounds listed in section 4123.35 16450
of the Revised Code pertaining to criteria for being granted the 16451
status as a self-insuring employer, the grounds upon which the 16452
administrator may revoke or refuse to renew the status includes 16453
failure to comply with any rules or orders of the administrator 16454
or to pay contributions to the self-insuring employers' guaranty 16455
fund established by section 4123.351 of the Revised Code, 16456
continued failure to file medical reports bearing upon the 16457
injury of the claimant, and failure to pay compensation or 16458
benefits in accordance with law in a timely manner. A deficiency 16459
in any of the grounds listed in this division is sufficient to 16460
justify the administrator's revocation or refusal to renew the 16461
employer's status as a self-insuring employer. The administrator 16462
need not revoke or refuse to renew an employer's status as a 16463
self-insuring employer if adequate corrective action is taken by 16464
the employer pursuant to division (C) of this section. 16465

(C) The administrator shall refer to the board all 16466
complaints or allegations of misconduct against a self-insuring 16467
employer or questions as to whether a self-insuring employer 16468
continues to meet minimum standards. The board shall investigate 16469
and may order the employer to take corrective action in 16470
accordance with the schedule the board fixes. The board's 16471
determination in this regard need not be made by formal hearing 16472

but shall be issued in written form and contain the signature of 16473
at least two board members. If the board determines, after a 16474
hearing conducted pursuant to Chapter 119. of the Revised Code 16475
and the rules of the ~~bureau~~ office, that the employer has failed 16476
to correct the deficiencies within the time fixed by the board 16477
or is otherwise in violation of this chapter, the board shall 16478
recommend to the administrator revocation of an employer's 16479
status as a self-insuring employer or such other penalty which 16480
may include, but is not limited to, probation, or a civil 16481
penalty not to exceed ten thousand dollars for each failure. A 16482
board recommendation to revoke an employer's status as a self- 16483
insuring employer shall be by unanimous vote. A recommendation 16484
for any other penalty shall be by majority vote. Where the board 16485
makes recommendations to the administrator for disciplining a 16486
self-insuring employer, the administrator promptly and fully 16487
shall implement the recommendations. 16488

Sec. 4123.353. (A) A public employer, except for a board 16489
of county commissioners described in division (G) of section 16490
4123.01 of the Revised Code, a board of a county hospital, or a 16491
publicly owned utility, who is granted the status of self- 16492
insuring employer pursuant to section 4123.35 of the Revised 16493
Code shall do all of the following: 16494

(1) Reserve funds as necessary, in accordance with sound 16495
and prudent actuarial judgment, to cover the costs the public 16496
employer may potentially incur to remain in compliance with this 16497
chapter and Chapter 4121. of the Revised Code; 16498

(2) Include all activity under this chapter and Chapter 16499
4121. of the Revised Code in a single fund on the public 16500
employer's accounting records; 16501

(3) Within ninety days after the last day of each fiscal 16502

year, prepare and maintain a report of the reserved funds 16503
described in division (A) (1) of this section and disbursements 16504
made from those reserved funds. 16505

(B) A public employer who is subject to division (A) of 16506
this section shall make the reports required by that division 16507
available for inspection by the administrator of ~~workers'~~ 16508
~~compensation~~ worker safety and rehabilitation and any other 16509
person at all reasonable times during regular business hours. 16510

Sec. 4123.36. Whenever an employer fails to pay a premium 16511
due and the administrator of ~~workers' compensation~~ worker safety 16512
and rehabilitation determines the employer's account to be 16513
uncollectible, the administrator shall cover the default by 16514
transfer of money from the premium payment security fund account 16515
to the state insurance fund. Thereafter, the employer shall be 16516
considered a noncomplying employer under this chapter and shall 16517
not be entitled to the benefits and protection of this chapter. 16518

Sec. 4123.37. In this section "amenable employer" has the 16519
same meaning as "employer" as defined in division (I) of section 16520
4123.32 of the Revised Code. 16521

If the administrator of ~~workers' compensation~~ worker 16522
safety and rehabilitation finds that any person, firm, or 16523
private corporation, including any public service corporation, 16524
is, or has been at any time after January 1, 1923, an amenable 16525
employer and has not complied with section 4123.35 of the 16526
Revised Code the administrator shall determine the period during 16527
which the person, firm, or corporation was an amenable employer 16528
and shall forthwith give notice of the determination to the 16529
employer. Within twenty days thereafter the employer shall 16530
furnish the ~~bureau~~ office of worker safety and rehabilitation 16531
with the payroll covering the period included in the 16532

determination and, if the employer is an amenable employer at 16533
the time of the determination, shall pay into the state 16534
insurance fund the amount of premium and assessments applicable 16535
to such payroll. If the administrator determines that the 16536
employer is an amenable employer prior to the policy year 16537
commencing July 1, 2015, the administrator may require the 16538
employer to pay a premium security deposit. 16539

If the employer does not furnish the payroll and pay the 16540
applicable premium, assessments, and, if applicable, the premium 16541
security deposit within the twenty days, the administrator shall 16542
forthwith make an assessment of the amounts due from the 16543
employer for the period the administrator determined the 16544
employer to be an amenable employer if the employer is an 16545
amenable employer at the time of the determination, basing the 16546
assessment upon the information in the possession of the 16547
administrator. 16548

The administrator shall give to the employer assessed 16549
written notice of the assessment. The notice shall be mailed to 16550
the employer at the employer's residence or usual place of 16551
business by certified mail. Unless the employer to whom the 16552
notice of assessment is directed files with the ~~bureau~~office 16553
within twenty days after receipt thereof, a petition in writing, 16554
verified under oath by the employer, or the employer's 16555
authorized agent having knowledge of the facts, setting forth 16556
with particularity the items of the assessment objected to, 16557
together with the reason for the objections, the assessment 16558
shall become conclusive and the amount thereof shall be due and 16559
payable from the employer so assessed to the state insurance 16560
fund. When a petition objecting to an assessment is filed the 16561
~~bureau~~office shall assign a time and place for the hearing of 16562
the same and shall notify the petitioner thereof by certified 16563

mail. When an employer files a petition the assessment made by 16564
the administrator shall become due and payable ten days after 16565
notice of the finding made at the hearing has been sent by 16566
certified mail to the party assessed. An appeal may be taken 16567
from any finding to the court of common pleas of Franklin county 16568
upon the execution by the party assessed of a bond to the state 16569
in double the amount found due and ordered paid by the ~~bureau-~~ 16570
office conditioned that the party will pay any judgment and 16571
costs rendered against it for the premium. 16572

When no petition objecting to an assessment is filed or 16573
when a finding is made affirming or modifying an assessment 16574
after hearing, a certified copy of the assessment as affirmed or 16575
modified may be filed by the administrator in the office of the 16576
clerk of the court of common pleas in any county in which the 16577
employer has property or in which the employer has a place of 16578
business. The clerk, immediately upon the filing of the 16579
assessment, shall enter a judgment for the state against the 16580
employer in the amount shown on the assessment. The judgment may 16581
be filed by the clerk in a loose leaf book entitled "special 16582
judgments for state insurance fund." The judgment shall bear the 16583
same rate of interest, have the same effect as other judgments, 16584
and be given the same preference allowed by law on other 16585
judgments rendered for claims for taxes. An assessment or 16586
judgment under this section shall not be a bar to the adjustment 16587
of the employer's account upon the employer furnishing the 16588
employer's payroll records to the ~~bureau~~ office. 16589

The administrator, for good cause shown, may waive a 16590
default in the payment of premium where the default is of less 16591
than sixty days' duration, and upon payment by the employer of 16592
the premium for the period, the employer and the employer's 16593
employees are entitled to all of the benefits and immunities 16594

provided by this chapter. 16595

Sec. 4123.38. Every employer mentioned in division (B)(1) 16596
of section 4123.01 of the Revised Code, except for boards of 16597
county hospital trustees that are self-insurers under section 16598
4123.35 of the Revised Code, shall contribute to the public 16599
insurance fund the amount of money determined by the 16600
administrator of ~~workers' compensation~~ worker safety and 16601
rehabilitation, and the manner of determining contributions and 16602
the classifications of employers is as provided in sections 16603
4123.39 to 4123.41 and 4123.48 of the Revised Code. 16604

Sec. 4123.39. The administrator of ~~workers' compensation~~ 16605
worker safety and rehabilitation shall determine the amount of 16606
money to be contributed under section 4123.38 of the Revised 16607
Code by the state itself and each county and each taxing 16608
district within each county. In fixing the amount of 16609
contribution to be made by the county, for such county and for 16610
the taxing districts therein, the administrator shall classify 16611
counties and other taxing districts into such groups as will 16612
equitably determine the contributions in accordance with the 16613
relative degree of hazard, and also merit rate such individual 16614
counties, taxing districts, or groups of taxing districts in 16615
accordance with their individual accident experience so as 16616
ultimately to provide for each taxing subdivision contributing 16617
an amount sufficient to meet its individual obligations and to 16618
maintain a solvent public insurance fund. 16619

The administrator shall classify hospitals owned by a 16620
political subdivision or subdivisions as a group and merit rate 16621
each individual hospital according to its individual accident 16622
experience as provided in the rules of the administrator. 16623

A children's home or other such public institution, or any 16624

other public activity maintained and operated by two or more 16625
counties or parts of counties, shall be considered as a county 16626
for the purpose of this chapter. 16627

The contribution to the state insurance fund of the state 16628
and its departments, agencies, and instrumentalities shall be 16629
paid from appropriations made by the general assembly for that 16630
purpose. 16631

The administrator shall develop and make available to 16632
counties and taxing districts and the district activities and 16633
institutions mentioned in this section a plan that groups, for 16634
rating purposes, counties, districts, and such activities and 16635
institutions of similar size and risk, and pools the risks of 16636
those counties, districts, activities, and institutions within 16637
the group. In no event shall this be construed as granting to 16638
such counties, districts, activities, or institutions status as 16639
self-insuring employers. 16640

Sec. 4123.391. (A) For purposes of this section, "learn to 16641
earn program" has the same meaning as in section 4141.293 of the 16642
Revised Code. 16643

(B) Solely for the purpose of providing compensation and 16644
benefits as set forth in this section, a participant in a learn 16645
to earn program is an employee of the department, and not an 16646
employee of the entity conducting the training. 16647

(C) A learn to earn program participant who suffers an 16648
injury or contracts an occupational disease in the course of and 16649
arising out of participation in the learn to earn program is 16650
entitled to compensation and benefits under this chapter. 16651

(D) (1) This chapter is the exclusive remedy for a learn to 16652
earn program participant or the participant's dependents 16653

resulting from the participant's injury or occupational disease 16654
received in the course of and arising out of the participant's 16655
participation in the program. Pursuant to section 4123.74 of the 16656
Revised Code, neither the department nor the designated worksite 16657
training provider shall be liable to respond in damages at 16658
common law or by statute for any injury, occupational disease, 16659
or bodily condition suffered or contracted by a participant in 16660
the course of or arising out of participation in the program. 16661

(2) Notwithstanding division (D) (1) of this section, a 16662
participant or the participant's dependents do not waive any 16663
cause of action for an intentional tort under section 2745.01 of 16664
the Revised Code against the department or the designated 16665
worksite training provider. 16666

(E) The department may include a learn to earn program 16667
participant in its department workers' compensation coverage, or 16668
may establish a separate workers' compensation coverage policy 16669
with the ~~bureau of workers' compensation~~ office of worker safety 16670
and rehabilitation upon the terms and conditions for insurance 16671
to be established by the ~~bureau~~ office consistent with insurance 16672
principles, as is equitable in the view of degree and hazard. 16673

Sec. 4123.40. On or before the first day of July of every 16674
year, the administrator of ~~workers' compensation~~ worker safety 16675
and rehabilitation shall estimate the gross payroll of all state 16676
employers for the succeeding biennium or fiscal year. 16677

The administrator shall determine and certify for the 16678
office of budget and management that rate or rates which, when 16679
applied to the gross payroll estimate, will produce an amount 16680
equal to the estimated cost of awards or claim payments to be 16681
made during the like fiscal period, as determined by the 16682
administrator. 16683

The rate certified shall be applied and made a part of the gross payroll calculation for the period for which the foregoing estimates have been made, in conformity with section 125.21 of the Revised Code. The amounts collected shall be remitted to the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation as provided in section 125.21 of the Revised Code.

If the historical amounts remitted to the ~~bureau~~ office are greater or less than historical awards or claim payments, the difference shall be returned to the state employer or recovered by the ~~bureau~~ office in a manner determined by the administrator.

In fixing the amount of contribution to be made by the state and each of its departments, agencies, and instrumentalities, the administrator shall classify departments, agencies, and instrumentalities into such groups as will equitably determine the contributions in accordance with their expected individual accident experience so that the state and its departments, agencies, and instrumentalities contribute an amount sufficient to meet individual obligations and the obligations of the participants in total.

Moneys collected from state employers shall not be used to pay compensation or other benefits attributable to service of persons as employees of counties or taxing districts therein, nor shall moneys collected from counties and taxing districts therein be used to pay compensation or other benefits attributable to service of persons as employees of the state.

Sec. 4123.401. On or before the first day of November preceding each biennium, the officer or employee of each state department, division, subdivision, bureau, commission, or any

other state agency required to submit a budget request to the 16714
director of budget and management for any biennium shall provide 16715
the ~~bureau of workers' compensation~~ office of worker safety and 16716
rehabilitation with the estimated number of employees of the 16717
state department, division, subdivision, bureau, commission, or 16718
other state agency for the ensuing biennium along with the 16719
estimated payroll of personal services. 16720

Sec. 4123.41. (A) (1) For policy years that begin prior to 16721
January 1, 2016, by the first day of January of each year, the 16722
~~bureau of workers' compensation~~ office of worker safety and 16723
rehabilitation shall furnish to the county auditor of each 16724
county and the chief fiscal officer of each taxing district in a 16725
county and of each district activity and institution mentioned 16726
in section 4123.39 of the Revised Code forms containing the 16727
premium rates applicable to the county, district, district 16728
activity, or institution as an employer, on which to report the 16729
amount of money expended by the county, district, district 16730
activity, or institution during the previous twelve calendar 16731
months for the services of employees under this chapter. 16732

Each county auditor and each fiscal officer of a district, 16733
district activity, and institution shall calculate on the form 16734
it receives from the ~~bureau~~ office under division (A) of this 16735
section the premium due as its proper contribution to the public 16736
insurance fund and issue a warrant in favor of the ~~bureau~~ office 16737
for the amount due from the county, district, district activity, 16738
or institution to the public insurance fund. 16739

(2) For a policy year commencing on or after January 1, 16740
2016, by the first day of November of each year, the ~~bureau~~ 16741
office shall furnish to the county auditor of each county and 16742
the chief fiscal officer of each taxing district in a county and 16743

of each district activity and institution mentioned in section 16744
4123.39 of the Revised Code forms showing the estimated premium 16745
due from the county, district, district activity, or institution 16746
for the forthcoming policy year. 16747

After the conclusion of each policy year, the county 16748
auditor of each county and the chief fiscal officer of each 16749
taxing district in a county and of each district activity and 16750
institution mentioned in section 4123.39 of the Revised Code 16751
shall, on or before the fifteenth day of February immediately 16752
following the conclusion of the policy year, report the amount 16753
of money expended by the county, district, district activity, or 16754
institution during the policy year for the services of employees 16755
under this chapter. The ~~bureau-office~~ shall adjust the premium 16756
and assessments charged to the employer for the difference 16757
between estimated gross payrolls and actual gross payrolls, and 16758
the employer immediately shall pay any balance due to the ~~bureau-~~ 16759
office. Any balance due the employer shall be credited to the 16760
employer's account. 16761

The administrator may adopt rules setting forth penalties 16762
for failure to submit the report of money expended as required 16763
by this division, including, but not limited to, exclusion from 16764
alternative rating plans and discount programs. 16765

(B) (1) Except as otherwise provided in division (B) of 16766
this section, payments due under this section shall be made 16767
according to the following schedule: 16768

(a) For payments of premium and assessments due for a 16769
policy year that commences on or before January 1, 2014: 16770

(i) On or before the fifteenth day of May immediately 16771
following the conclusion of the policy year, no less than forty- 16772

five per cent of the annual amount due for the policy year; 16773

(ii) On or before the first day of September immediately 16774
following the conclusion of the policy year, no less than the 16775
total amount due for the policy year. 16776

(b) For the policy year commencing January 1, 2015: 16777

(i) On or before the fifteenth day of May immediately 16778
following the conclusion of the policy year, no less than fifty 16779
per cent of the annual amount due for the policy year; 16780

(ii) On or before the first day of September immediately 16781
following the conclusion of the policy year, no less than the 16782
total amount due for the policy year. 16783

(c) For the policy year commencing January 1, 2016: 16784

(i) On or before the fifteenth day of May in that policy 16785
year, no less than fifty per cent of the annual premium 16786
estimated by the ~~bureau~~ office. 16787

(ii) On or before the first day of September in that 16788
policy year, no less than the total amount of annual premium 16789
estimated by the ~~bureau~~ office. 16790

(d) For a policy year commencing on or after January 1, 16791
2017, the total amount of annual premium estimated by the ~~bureau~~ 16792
office on or before the thirty-first day of December immediately 16793
preceding the start of the policy year. 16794

(2) The administrator, with the advice and consent of the 16795
~~bureau of workers' compensation~~ office of worker safety and 16796
rehabilitation board of directors, shall adopt rules to permit 16797
employers to make periodic payments of the premium and 16798
assessments due under this section. The rules shall include 16799
provisions for the assessment of interest charges, if 16800

appropriate, and for the assessment of penalties when an 16801
employer fails to make timely premium payments. The 16802
administrator may adopt rules to establish an administrative fee 16803
for those periodic payments. 16804

(C) The legislative body of any county, district, district 16805
activity, or institution may reimburse the fund from which the 16806
workers' compensation payments are made by transferring to the 16807
fund from any other fund of the county, district, district 16808
activity, or institution, the proportionate amount of the 16809
payments that should be chargeable to the fund, whether the fund 16810
is derived from taxation or otherwise. The proportionate amount 16811
of the payments chargeable to the fund may be based on payroll, 16812
relative exposure, relative loss experience, or any combination 16813
of these factors, as determined by the legislative body. 16814

(1) The workers' compensation program payments of any 16815
county, district, district activity, or institution may include 16816
all payments required by any ~~bureau of workers' compensation~~ 16817
office of worker safety and rehabilitation rating plan. 16818

(2) The workers' compensation program payments of any 16819
county, district, district activity, or institution, except for 16820
a county board of developmental disabilities, a board of 16821
alcohol, drug addiction, and mental health services, a board of 16822
mental health services, and a board of alcohol and drug 16823
addiction services, also may include any of the following: 16824

(a) Direct administrative costs incurred in the management 16825
of the county, district, district activity, or institution's 16826
workers' compensation program; 16827

(b) Indirect costs that are necessary and reasonable for 16828
the proper and efficient administration of the workers' 16829

compensation program as documented in a cost allocation plan. 16830
The indirect cost plan shall conform to the United States office 16831
of management and budget circular A-87 "cost principles for 16832
state and local governments," 2 C.F.R. 225, as most recently 16833
amended on May 10, 2004. The plan shall not authorize payment 16834
from the fund of any general government expense required to 16835
carry out the overall governmental responsibilities. 16836

(3) Within sixty days before a legislative body changes 16837
the method used for calculating the proportionate amount of the 16838
payments chargeable to the fund, it shall notify, consult with, 16839
and give information supporting the change to any elected 16840
official affected by the change. A transfer made pursuant to 16841
division (B) (2) of this section is not subject to section 16842
5705.16 of the Revised Code. 16843

(D) Any county board of developmental disabilities, board 16844
of alcohol, drug addiction, and mental health services, board of 16845
mental health services, or board of alcohol and drug addiction 16846
services whose workers' compensation payments, on or before 16847
September 28, 2012, includes costs referred to in division (C) 16848
(2) of this section may continue to do so on and after September 16849
28, 2012. 16850

(E) The ~~bureau office~~ may investigate the correctness of 16851
the information provided by the county auditor and chief fiscal 16852
officer under division (A) of this section, and if the ~~bureau~~ 16853
~~office~~ determines at any time that the county, district, 16854
district activity, or institution has not reported the correct 16855
information, the administrator of ~~workers' compensation worker~~ 16856
safety and rehabilitation may make deductions or additions as 16857
the facts warrant and take those facts into consideration in 16858
determining the current or future contributions to be made by 16859

the county, district, district activity, or institution. If the 16860
county, district, district activity, or institution does not 16861
furnish the report in the time required by this section, the 16862
administrator may fix the amount of contribution the county, 16863
district, district activity, or institution must make and 16864
certify that amount for payment. 16865

(F) For payments of premium and assessments for a policy 16866
year prior to the policy year commencing January 1, 2015, the 16867
administrator shall provide a discount to any county, district, 16868
district activity, or institution that pays its total amount due 16869
to the public insurance fund on or before the fifteenth day of 16870
May of each year as its proper contribution for premiums. The 16871
administrator shall base the discount provided under this 16872
division on the savings generated by the early payment to the 16873
public insurance fund. The administrator may provide the 16874
discount through a refund to the county, district, district 16875
activity, or institution or an offset against the future 16876
contributions due to the public insurance fund from the county, 16877
district, district activity, or institution. 16878

(G) The administrator may impose an interest penalty for 16879
late payment of any amount due from a county, district, district 16880
activity, and institution at the interest rate established by 16881
the state tax commissioner pursuant to section 5703.47 of the 16882
Revised Code. 16883

Sec. 4123.411. (A) For all injuries and disabilities 16884
occurring before January 1, 1987, the administrator of ~~workers'~~ 16885
~~compensation~~ worker safety and rehabilitation, for the purpose 16886
of carrying out sections 4123.412 to 4123.418 of the Revised 16887
Code and with the advice and consent of the ~~bureau of workers'~~ 16888
~~compensation~~ office of worker safety and rehabilitation board of 16889

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 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 estimates to be necessary to carry out such sections for the period for which the assessment is levied. In the event the amount produced by the assessment is not sufficient to carry out such sections the additional amount necessary shall be provided, pursuant to section 4123.419 of the Revised Code, from the income produced as a result of investments made pursuant to section 4123.44 of the Revised Code.

If levied, assessments shall be according to the following schedule:

(1) For private fund employers, except self-insuring employers:

(a) For policy years commencing prior to July 1, 2015, in January and July of each year upon gross payrolls of the preceding six months;

(b) For policy years commencing on or after July 1, 2015, in the month of June immediately preceding each policy year upon gross payrolls estimated for that policy year.

(2) For counties and taxing district employers therein, except county hospitals that are self-insuring employers:

(a) For policy years commencing prior to January 1, 2016, in January of each year upon gross payrolls of the preceding

twelve months; 16919

(b) For policy years commencing on or after January 1, 16920
2016, in the month of December immediately preceding each policy 16921
year upon gross payrolls estimated for that policy year. 16922

(3) For the state as an employer--in January, April, July, 16923
and October of each year upon gross payrolls of the preceding 16924
three months or at other intervals as the administrator 16925
establishes. 16926

After the completion of each policy year that commences on 16927
or after July 1, 2015, for private fund employers or that 16928
commences on or after January 1, 2016, for counties and taxing 16929
district employers therein, the assessments levied under this 16930
section shall be adjusted for the difference between estimated 16931
gross payrolls and actual gross payrolls reported by the 16932
employer on the payroll report submitted by a private employer 16933
pursuant to section 4123.26 of the Revised Code, or, for a 16934
public employer, submitted pursuant to section 4123.41 of the 16935
Revised Code. 16936

Amounts assessed in accordance with this section shall be 16937
collected from each employer as prescribed in rules the 16938
administrator adopts. 16939

The moneys derived from the assessment provided for in 16940
this section shall be credited to the disabled workers' relief 16941
fund created by section 4123.412 of the Revised Code. The 16942
administrator shall establish by rule classifications of 16943
employers within divisions (A) (1) to (3) of this section and 16944
shall determine rates for each class so as to fairly apportion 16945
the costs of carrying out sections 4123.412 to 4123.418 of the 16946
Revised Code. 16947

(B) For all injuries and disabilities occurring on or after January 1, 1987, the administrator, for the purposes of carrying out sections 4123.412 to 4123.418 of the Revised Code, shall levy an assessment against all employers at a rate per one hundred dollars of payroll, such rate to be determined annually for each classification of employer in each employer group listed in divisions (A) (1) to (3) of this section, which will produce an amount no greater than the amount the administrator estimates to be necessary to carry out such sections for the period for which the assessment is levied. The administrator annually shall establish the contributions due from employers for the disabled workers' relief fund at rates as low as possible but that will assure sufficient moneys to guarantee the payment of any claims against that fund.

Amounts assessed in accordance with this division shall be billed at the same time premiums are billed and credited to the disabled workers' relief fund created by section 4123.412 of the Revised Code. The administrator shall determine the rates for each class in the same manner as the administrator fixes the rates for premiums pursuant to section 4123.29 of the Revised Code.

(C) For a self-insuring employer, the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation shall pay to employees who are participants regardless of the date of injury, any amounts due to the participants under section 4123.414 of the Revised Code and shall bill the self-insuring employer, semiannually, for all amounts paid to a participant.

Sec. 4123.412. For the relief of persons who are permanently and totally disabled as the result of injury or disease sustained in the course of their employment and who are

~~receiving workers' compensation which is payable to them by~~ 16978
~~virtue of and under the laws of this state in amounts, the total~~ 16979
~~of which, when combined with disability benefits received~~ 16980
~~pursuant to the Social Security Act is less than three hundred~~ 16981
~~forty two dollars per month adjusted annually as provided in~~ 16982
~~division (B) of eligible to participate under section 4123.62~~ 16983
4123.413 of the Revised Code, there is hereby created a separate 16984
fund to be known as the disabled workers' relief fund, which 16985
fund shall consist of the sums that are from time to time 16986
appropriated by the general assembly and made available to the 16987
order of the ~~bureau of workers' compensation~~ office of worker 16988
safety and rehabilitation to carry out the objects and purposes 16989
of sections 4123.412 to 4123.418 of the Revised Code. The fund 16990
shall be in the custody of the treasurer of the state. 16991
Disbursements from the fund shall be made by the ~~bureau office~~ 16992
to those persons entitled to participate therein and in amounts 16993
to each participant as is provided in section 4123.414 of the 16994
Revised Code. All investment earnings of the fund shall be 16995
credited to the fund. 16996

Sec. 4123.413. ~~To (A) Except as provided in division (B)~~ 16997
~~of this section, to be eligible to participate in said the~~ 16998
~~disabled workers' relief fund, a participant person must be~~ 16999
permanently and totally disabled and be receiving workers' 17000
compensation payments, the total of which, when combined with 17001
disability benefits received pursuant to The Social Security Act 17002
is less than three hundred forty-two dollars per month adjusted 17003
annually as provided in division (B) of section 4123.62 of the 17004
Revised Code. 17005

(B) An individual who receives extended benefit 17006
compensation calculated under division (D) of section 4123.58 of 17007
the Revised Code is not eligible to participate in the disabled 17008

workers' relief fund. 17009

Sec. 4123.416. The administrator of ~~workers' compensation~~ 17010
worker safety and rehabilitation shall promptly require of each 17011
employer who has elected to pay compensation direct under the 17012
provisions of section 4123.35 of the Revised Code a verified 17013
list of the names and addresses of all persons to whom the 17014
employer is paying workers' compensation on account of permanent 17015
and total disability and the evidence respecting such persons as 17016
the administrator reasonably deems necessary to determine the 17017
eligibility of any such person to participate in the disabled 17018
workers' relief fund. The superintendent of insurance shall 17019
promptly require of each insurance company which is organized or 17020
licensed to do business in this state and which has at any time 17021
written workers' compensation insurance in this state a like 17022
verified list and like evidence respecting persons to whom the 17023
insurance companies are paying workers' compensation under the 17024
Ohio workers' compensation laws and contracts of insurance in 17025
respect thereof; and the superintendent of insurance shall 17026
promptly transmit all such lists and evidence to the ~~bureau of~~ 17027
~~workers' compensation~~ office of worker safety and 17028
rehabilitation. Any person claiming the right to participate in 17029
the fund may file ~~his~~ the person's application therefor with the 17030
~~bureau office~~ and shall be accorded a hearing thereon. 17031

Sec. 4123.417. In the investigation and determination of 17032
the right of persons to participate in the disabled workers' 17033
relief fund, the administrator of ~~workers' compensation~~ worker 17034
safety and rehabilitation shall have and exercise all the powers 17035
that ~~he~~ the administrator possesses under this chapter and 17036
Chapter 4121. of the Revised Code. An order issued by the 17037
administrator relative to an individual's right to participate 17038
in the disabled workers' relief fund is appealable pursuant to 17039

section 4123.511 of the Revised Code but is not appealable to 17040
court under section 4123.512 of the Revised Code. No attorney, 17041
representative, or agent of any claimant or participant is 17042
entitled to charge or receive a fee or compensation or gratuity 17043
in any form for representing or assisting or pretending to 17044
represent or assist any person to become a participant in the 17045
fund. 17046

Sec. 4123.418. The administrator of ~~workers' compensation-~~ 17047
worker safety and rehabilitation shall employ employees as is 17048
necessary to the discharge of the administrator's duties and 17049
responsibilities hereunder. The salaries and expenses of the 17050
employees shall be paid by the treasurer of the state from the 17051
fund created by section 4123.412 of the Revised Code as provided 17052
in section 4123.42 of the Revised Code. 17053

Sec. 4123.419. The assessment rate established pursuant to 17054
section 4123.411 of the Revised Code, subject to the limits set 17055
forth in that section, shall be adequate to provide the amounts 17056
estimated as necessary by the administrator of ~~workers'~~ 17057
~~compensation-~~worker safety and rehabilitation to carry out the 17058
provisions of sections 4123.412 to 4123.418 of the Revised Code. 17059

For all injuries and disabilities occurring before January 17060
1, 1987, the administrator, for the purpose of carrying out 17061
those sections and with the advice and consent of the ~~bureau of-~~ 17062
~~workers' compensation-~~office of worker safety and rehabilitation 17063
board of directors, may transfer to the disabled workers' relief 17064
fund from the income produced as a result of investments made 17065
pursuant to section 4123.44 of the Revised Code amounts 17066
necessary to carry out those sections with respect to claims 17067
related to private and public taxing district employers, rather 17068
than levying an assessment against those employers under section 17069

4123.411 of the Revised Code. 17070

Sec. 4123.42. The treasurer of state shall be custodian of 17071
the state insurance fund, ~~the occupational disease fund~~. The 17072
treasurer shall pay disbursements from the ~~funds~~ fund upon 17073
warrants drawn by the ~~bureau of workers' compensation office of~~ 17074
worker safety and rehabilitation and signed by the administrator 17075
of ~~workers' compensation~~ worker safety and rehabilitation. The 17076
warrants may bear the facsimile signature of the administrator 17077
printed thereon, or the facsimile signature printed thereon of 17078
the employee of the ~~bureau~~ office charged with the duty of 17079
keeping the account of the funds and with the preparation of 17080
warrants for the payment of compensation to the persons entitled 17081
thereto. 17082

The treasurer of state shall give a separate and 17083
additional bond, in the amount fixed by the governor and with 17084
sureties to ~~his~~ the governor's approval, conditioned for the 17085
faithful performance of ~~his~~ the treasurer of state's duties as 17086
custodian of the state insurance fund. The bond shall be 17087
deposited with the secretary of state and kept in ~~his~~ the 17088
secretary of state's office. The ~~bureau~~ office of worker safety 17089
and rehabilitation shall pay the premium on the bond. 17090

Sec. 4123.44. The members of the ~~bureau of workers'~~ 17091
~~compensation~~ office of worker safety and rehabilitation board of 17092
directors, the administrator of ~~workers' compensation~~ worker 17093
safety and rehabilitation, and the ~~bureau of workers'~~ 17094
~~compensation~~ worker safety and rehabilitation chief investment 17095
officer are the trustees of the state insurance fund. The 17096
administrator, in accordance with sections 4121.126 and 4121.127 17097
of the Revised Code and the investment policy approved by the 17098
board pursuant to section 4121.12 of the Revised Code, and in 17099

consultation with the ~~bureau of workers' compensation~~ worker 17100
safety and rehabilitation chief investment officer, may invest 17101
any of the surplus or reserve belonging to the state insurance 17102
fund. The administrator and the ~~bureau of workers' compensation~~ 17103
worker safety and rehabilitation chief investment officer shall 17104
not deviate from the investment policy approved by the board 17105
without the approval of the ~~workers' compensation~~ investment 17106
committee of the office of worker safety and rehabilitation and 17107
the board. 17108

The administrator shall not invest in any type of 17109
investment specified in divisions (B) (1) to (10) of section 17110
4123.442 of the Revised Code. 17111

The administrator and other fiduciaries shall discharge 17112
their duties with respect to the funds with the care, skill, 17113
prudence, and diligence under the circumstances then prevailing 17114
that a prudent person acting in a like capacity and familiar 17115
with such matters would use in the conduct of an enterprise of a 17116
like character and with like aims, and by diversifying the 17117
investments of the assets of the funds so as to minimize the 17118
risk of large losses, unless under the circumstances it is 17119
clearly prudent not to do so. 17120

To facilitate investment of the funds, the administrator 17121
may establish a partnership, trust, limited liability company, 17122
corporation, including a corporation exempt from taxation under 17123
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 17124
amended, or any other legal entity authorized to transact 17125
business in this state. 17126

When reporting on the performance of investments, the 17127
administrator shall comply with the performance presentation 17128
standards established by the association for investment 17129

management and research. 17130

All investments shall be purchased at current market 17131
prices and the evidences of title to the investments shall be 17132
placed in the custody of the treasurer of state, who is hereby 17133
designated as custodian, or in the custody of the treasurer of 17134
state's authorized agent. Evidences of title of the investments 17135
so purchased may be deposited by the treasurer of state for 17136
safekeeping with an authorized agent selected by the treasurer 17137
of state who is a qualified trustee under section 135.18 of the 17138
Revised Code. The treasurer of state or the agent shall collect 17139
the principal, dividends, distributions, and interest as they 17140
become due and payable and place them when collected into the 17141
state insurance fund. 17142

The treasurer of state shall pay for investments purchased 17143
by the administrator on receipt of written or electronic 17144
instructions from the administrator or the administrator's 17145
designated agent authorizing the purchase, and pending receipt 17146
of the evidence of title of the investment by the treasurer of 17147
state or the treasurer of state's authorized agent. The 17148
administrator may sell investments held by the administrator, 17149
and the treasurer of state or the treasurer of state's 17150
authorized agent shall accept payment from the purchaser and 17151
deliver evidence of title of the investment to the purchaser, on 17152
receipt of written or electronic instructions from the 17153
administrator or the administrator's designated agent 17154
authorizing the sale, and pending receipt of the moneys for the 17155
investments. The amount received shall be placed in the state 17156
insurance fund. The administrator and the treasurer of state may 17157
enter into agreements to establish procedures for the purchase 17158
and sale of investments under this division and the custody of 17159
the investments. 17160

No purchase or sale of any investment shall be made under 17161
this section, except as authorized by the administrator. 17162

Any statement of financial position distributed by the 17163
administrator shall include the fair value, as of the statement 17164
date, of all investments held by the administrator under this 17165
section. 17166

When in the judgment of the administrator it is necessary 17167
to provide available funds for the payment of compensation or 17168
benefits under this chapter, the administrator may borrow money 17169
from any available source and pledge as security a sufficient 17170
amount of bonds or other securities in which the state insurance 17171
fund is invested. The aggregate unpaid amount of loans existing 17172
at any one time for money so borrowed shall not exceed ten 17173
million dollars. The bonds or other securities so pledged as 17174
security for such loans to the administrator shall be the sole 17175
security for the payment of the principal and interest of any 17176
such loan. The administrator shall not be personally liable for 17177
the payment of the principal or the interest of any such loan. 17178
No such loan shall be made for a longer period of time than one 17179
year. Such loans may be renewed but no one renewal shall be for 17180
a period in excess of one year. Such loans shall bear such rate 17181
of interest as the administrator determines and in negotiating 17182
the loans, the administrator shall endeavor to secure as 17183
favorable interest rates and terms as circumstances will permit. 17184

The treasurer of state may deliver to the person or 17185
governmental agency making such loan, the bonds or other 17186
securities which are to be pledged by the administrator as 17187
security for such loan, upon receipt by the treasurer of state 17188
of an order of the administrator authorizing such loan. Upon 17189
payment of any such loan by the administrator, the bonds or 17190

other securities pledged as security therefor shall be returned 17191
to the treasurer of state as custodian of such bonds. 17192

The administrator may pledge with the treasurer of state 17193
such amount of bonds or other securities in which the state 17194
insurance fund is invested as is reasonably necessary as 17195
security for any certificates issued, or paid out, by the 17196
treasurer of state upon any warrants drawn by the administrator. 17197

The administrator may secure investment information 17198
services, consulting services, and other like services to 17199
facilitate investment of the surplus and reserve belonging to 17200
the state insurance fund. The administrator shall pay the 17201
expense of securing such services from the state insurance fund. 17202

Sec. 4123.441. (A) The administrator of ~~workers'~~ 17203
~~compensation~~ worker safety and rehabilitation, with the advice 17204
and consent of the ~~bureau of workers' compensation~~ office of 17205
worker safety and rehabilitation board of directors shall employ 17206
a person or designate an employee of the ~~bureau of workers'~~ 17207
~~compensation~~ office of worker safety and rehabilitation who is 17208
designated as a chartered financial analyst by the CFA institute 17209
and who is licensed by the division of securities in the 17210
department of commerce as a ~~bureau of workers' compensation~~ 17211
worker safety and rehabilitation chief investment officer to be 17212
the chief investment officer for the ~~bureau of workers'~~ 17213
~~compensation~~ office of worker safety and rehabilitation. After 17214
ninety days after September 29, 2005, the ~~bureau of workers'~~ 17215
~~compensation~~ office of worker safety and rehabilitation may not 17216
employ a ~~bureau of workers' compensation~~ worker safety and 17217
rehabilitation chief investment officer, as defined in section 17218
1707.01 of the Revised Code, who does not hold a valid ~~bureau of~~ 17219
~~workers' compensation~~ worker safety and rehabilitation chief 17220

investment officer license issued by the division of securities 17221
in the department of commerce. The board shall notify the 17222
division of securities of the department of commerce in writing 17223
of its designation and of any change in its designation within 17224
ten calendar days after the designation or change. 17225

(B) The ~~bureau of workers' compensation workers safety and~~ 17226
~~rehabilitation~~ chief investment officer shall reasonably 17227
supervise employees of the ~~bureau office~~ who handle investment 17228
of assets of funds specified in this chapter and Chapters 4121., 17229
4127., and 4131. of the Revised Code with a view toward 17230
preventing violations of Chapter 1707. of the Revised Code, the 17231
"Commodity Exchange Act," 42 Stat. 998, 7 U.S.C. 1, the 17232
"Securities Act of 1933," 48 Stat. 74, 15 U.S.C. 77a, the 17233
"Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78a, 17234
and the rules and regulations adopted under those statutes. This 17235
duty of reasonable supervision shall include the adoption, 17236
implementation, and enforcement of written policies and 17237
procedures reasonably designed to prevent employees of the 17238
~~bureau office~~ who handle investment of assets of the funds 17239
specified in this chapter and Chapters 4121., 4127., and 4131. 17240
of the Revised Code, from misusing material, nonpublic 17241
information in violation of those laws, rules, and regulations. 17242

For purposes of this division, no ~~bureau of workers' 17243
compensation worker safety and rehabilitation~~ chief investment 17244
officer shall be considered to have failed to satisfy the 17245
officer's duty of reasonable supervision if the officer has done 17246
all of the following: 17247

(1) Adopted and implemented written procedures, and a 17248
system for applying the procedures, that would reasonably be 17249
expected to prevent and detect, insofar as practicable, any 17250

violation by employees handling investments of assets of the 17251
funds specified in this chapter and Chapters 4121., 4127., and 17252
4131. of the Revised Code; 17253

(2) Reasonably discharged the duties and obligations 17254
incumbent on the ~~bureau of workers' compensation~~ worker safety
and rehabilitation chief investment officer by reason of the 17255
established procedures and the system for applying the 17256
procedures when the officer had no reasonable cause to believe 17257
that there was a failure to comply with the procedures and 17258
systems; 17259
17260

(3) Reviewed, at least annually, the adequacy of the 17261
policies and procedures established pursuant to this section and 17262
the effectiveness of their implementation. 17263

(C) The ~~bureau of workers' compensation~~ worker safety and
rehabilitation chief investment officer shall establish and 17264
maintain a policy to monitor and evaluate the effectiveness of 17265
securities transactions executed on behalf of the ~~bureau~~ office. 17266
17267

Sec. 4123.442. When developing the investment policy for 17268
the investment of the assets of the funds specified in this 17269
chapter and Chapters 4121., 4127., and 4131. of the Revised 17270
Code, the ~~workers' compensation~~ investment committee of the
office of worker safety and rehabilitation shall do all of the 17271
following: 17272
17273

(A) Specify the asset allocation targets and ranges, risk 17274
factors, asset class benchmarks, time horizons, total return 17275
objectives, and performance evaluation guidelines; 17276

(B) Prohibit investing the assets of those funds, directly 17277
or indirectly, in vehicles that target any of the following: 17278

(1) Coins; 17279

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (2) Artwork; | 17280 |
| (3) Horses; | 17281 |
| (4) Jewelry or gems; | 17282 |
| (5) Stamps; | 17283 |
| (6) Antiques; | 17284 |
| (7) Artifacts; | 17285 |
| (8) Collectibles; | 17286 |
| (9) Memorabilia; | 17287 |
| (10) Similar unregulated investments that are not commonly part of an institutional portfolio, that lack liquidity, and that lack readily determinable valuation. | 17288 17289 17290 |
| (C) Specify that the administrator of workers' compensation <u>worker safety and rehabilitation</u> may invest in an investment class only if the bureau of workers' compensation <u>office of worker safety and rehabilitation</u> board of directors, by a majority vote, opens that class; | 17291 17292 17293 17294 17295 |
| (D) Prohibit investing the assets of those funds in any class of investments the board, by majority vote, closed, or any specific investment in which the board prohibits the administrator from investing; | 17296 17297 17298 17299 |
| (E) Not specify in the investment policy that the administrator or employees of the bureau of workers' compensation <u>office of worker safety and rehabilitation</u> are prohibited from conducting business with an investment management firm, any investment management professional associated with that firm, any third party solicitor associated with that firm, or any political action committee controlled by | 17300 17301 17302 17303 17304 17305 17306 |

that firm or controlled by an investment management professional 17307
of that firm based on criteria that are more restrictive than 17308
the restrictions described in divisions (Y) and (Z) of section 17309
3517.13 of the Revised Code. 17310

Sec. 4123.443. Rental payments by the ~~bureau of workers'~~ 17311
~~compensation office of worker safety and rehabilitation~~ or the 17312
industrial commission to or for the benefit of the state 17313
insurance fund for each building owned by the ~~bureau office~~ that 17314
was constructed or acquired as an investment in productive real 17315
estate, shall be made pursuant to a lease agreement for a term 17316
that shall not exceed two years. Beginning July 1, 1991, the 17317
rental payments to be made under each such lease agreement shall 17318
include the amount needed to amortize the construction or 17319
acquisition costs for the building over a period not to exceed 17320
twenty-five years, and, until such costs are amortized, an 17321
amount representing return on investment to the state insurance 17322
fund determined by multiplying the unamortized acquisition or 17323
construction costs of the building by a rate that is not more 17324
than three per cent below the rate determined by the tax 17325
commissioner under division (B) of section 5703.47 of the 17326
Revised Code. 17327

Sec. 4123.444. (A) As used in this section and section 17328
4123.445 of the Revised Code: 17329

(1) "~~Bureau of workers' compensation~~ Office of worker 17330
safety and rehabilitation funds" means any fund specified in 17331
Chapter 4121., 4123., 4127., or 4131. of the Revised Code that 17332
the administrator of ~~workers' compensation~~ worker safety and 17333
rehabilitation has the authority to invest, in accordance with 17334
the administrator's investment authority under section 4123.44 17335
of the Revised Code. 17336

(2) "Investment manager" means any person with whom the administrator of ~~workers' compensation~~ worker safety and rehabilitation contracts pursuant to section 4123.44 of the Revised Code to facilitate the investment of assets of ~~bureau of workers' compensation~~ office of worker safety and rehabilitation funds. 17337
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(3) "Business entity" means any person with whom an investment manager contracts for the investment of assets of ~~bureau of workers' compensation~~ office of worker safety and rehabilitation funds. 17343
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(4) "Financial or investment crime" means 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 the United States that are substantially equivalent to those offenses. 17347
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(B)(1) Before entering into a contract with an investment manager to invest ~~bureau of workers' compensation~~ office of worker safety and rehabilitation funds, the administrator shall do both of the following: 17356
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(a) Request from any investment manager with whom the administrator wishes to contract for those investments a list of all employees who will be investing assets of ~~bureau of workers' compensation~~ office of worker safety and rehabilitation funds. The list shall specify each employee's state of residence for the five years prior to the date of the administrator's request. 17360
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(b) Request that the superintendent of the bureau of 17366
criminal investigation and identification conduct a criminal 17367
records check in accordance with this section and section 17368
109.579 of the Revised Code with respect to every employee the 17369
investment manager names in that list. 17370

(2) After an investment manager enters into a contract 17371
with the administrator to invest ~~bureau of workers' compensation~~ 17372
office of worker safety and rehabilitation funds and before an 17373
investment manager enters into a contract with a business entity 17374
to facilitate those investments, the investment manager shall 17375
request from any business entity with whom the investment 17376
manager wishes to contract to make those investments a list of 17377
all employees who will be investing assets of the ~~bureau of~~ 17378
~~workers' compensation~~ office of worker safety and rehabilitation 17379
funds. The list shall specify each employee's state of residence 17380
for the five years prior to the investment manager's request. 17381
The investment manager shall forward to the administrator the 17382
list received from the business entity. The administrator shall 17383
request the superintendent to conduct a criminal records check 17384
in accordance with this section and section 109.579 of the 17385
Revised Code with respect to every employee the business entity 17386
names in that list. Upon receipt of the results of the criminal 17387
records check, the administrator shall advise the investment 17388
manager whether the results were favorable or unfavorable. 17389

(3) If, after a contract has been entered into between the 17390
administrator and an investment manager or between an investment 17391
manager and a business entity for the investment of assets of 17392
~~bureau of workers' compensation~~ office of worker safety and 17393
rehabilitation funds, the investment manager or business entity 17394
wishes to have an employee who was not the subject of a criminal 17395
records check under division (B) (1) or (B) (2) of this section 17396

invest assets of the ~~bureau of workers' compensation office of~~ 17397
worker safety and rehabilitation funds, that employee shall be 17398
the subject of a criminal records check pursuant to this section 17399
and section 109.579 of the Revised Code prior to handling the 17400
investment of assets of those funds. The investment manager 17401
shall submit to the administrator the name of that employee 17402
along with the employee's state of residence for the five years 17403
prior to the date in which the administrator requests the 17404
criminal records check. The administrator shall request that the 17405
superintendent conduct a criminal records check on that employee 17406
pursuant to this section and section 109.579 of the Revised 17407
Code. 17408

(C) (1) If an employee who is the subject of a criminal 17409
records check pursuant to division (B) of this section has not 17410
been a resident of this state for the five-year period 17411
immediately prior to the time the criminal records check is 17412
requested or does not provide evidence that within that five- 17413
year period the superintendent has requested information about 17414
the employee from the federal bureau of investigation in a 17415
criminal records check, the administrator shall request that the 17416
superintendent obtain information from the federal bureau of 17417
investigation as a part of the criminal records check for the 17418
employee. If the employee has been a resident of this state for 17419
at least that five-year period, the administrator may, but is 17420
not required to, request that the superintendent request and 17421
include in the criminal records check information about that 17422
employee from the federal bureau of investigation. 17423

(2) The administrator shall provide to an investment 17424
manager a copy of the form prescribed pursuant to division (C) 17425
(1) of section 109.579 of the Revised Code and a standard 17426
impression sheet for each employee for whom a criminal records 17427

check must be performed, to obtain fingerprint impressions as 17428
prescribed pursuant to division (C) (2) of section 109.579 of the 17429
Revised Code. The investment manager shall obtain the completed 17430
form and impression sheet either directly from each employee or 17431
from a business entity and shall forward the completed form and 17432
sheet to the administrator, who shall forward these forms and 17433
sheets to the superintendent. 17434

(3) Any employee who receives a copy of the form and the 17435
impression sheet pursuant to division (C) (2) of this section and 17436
who is requested to complete the form and provide a set of 17437
fingerprint impressions shall complete the form or provide all 17438
the information necessary to complete the form and shall 17439
complete the impression sheets in the manner prescribed in 17440
division (C) (2) of section 109.579 of the Revised Code. 17441

(D) For each criminal records check the administrator 17442
requests under this section, at the time the administrator makes 17443
a request the administrator shall pay to the superintendent the 17444
fee the superintendent prescribes pursuant to division (E) of 17445
section 109.579 of the Revised Code. 17446

Sec. 4123.445. (A) The administrator of ~~workers'~~ 17447
~~compensation-worker safety and rehabilitation~~ shall not enter 17448
into a contract with an investment manager for the investment of 17449
assets of the ~~bureau of workers' compensation-office of worker~~ 17450
~~safety and rehabilitation~~ funds if any employee of that 17451
investment manager who will be investing assets of ~~bureau of-~~ 17452
~~workers' compensation-office of worker safety and rehabilitation~~ 17453
funds has been convicted of or pleaded guilty to a financial or 17454
investment crime. 17455

(B) An investment manager who has entered into a contract 17456
with the ~~bureau of workers' compensation-office of worker safety~~ 17457

and rehabilitation for the investment of assets of ~~bureau of~~ 17458
~~workers' compensation office of worker safety and rehabilitation~~ 17459
funds shall not contract with a business entity for the 17460
investment of those assets if any employee of that business 17461
manager who will be investing assets of ~~bureau of workers'~~ 17462
~~compensation office of worker safety and rehabilitation~~ funds 17463
has been convicted of or pleaded guilty to a financial or 17464
investment crime. 17465

(C) The administrator shall not enter into a contract with 17466
an investment manager who refuses to submit the list of the 17467
investment manager's employees required under division (B) of 17468
section 4123.444 of the Revised Code. An investment manager 17469
shall not enter into a contract with a business entity who 17470
refuses to submit the list of the business entity's employees 17471
required under division (B) of section 4123.444 of the Revised 17472
Code. 17473

(D) If, after a contract has been awarded to an investment 17474
manager or business entity for the investment of assets of 17475
~~bureau of workers' compensation office of worker safety and~~ 17476
rehabilitation funds, the investment manager or business entity 17477
discovers that an employee who is handling the investment of 17478
those assets has been convicted of or pleaded guilty to a 17479
financial or investment crime, the investment manager or 17480
business entity immediately shall notify the administrator. 17481

Sec. 4123.446. (A) As used in this section: 17482

(1) "Minority business enterprise" has the meaning defined 17483
in section 122.71 of the Revised Code. 17484

(2) "Women's business enterprise" means a business, or a 17485
partnership, corporation, limited liability company, or joint 17486

venture of any kind, that is owned and controlled by women who 17487
are United States citizens and residents of this state. 17488

(B) The administrator of ~~workers' compensation-worker~~ 17489
safety and rehabilitation shall submit annually to the governor 17490
and to the general assembly (under section 101.68 of the Revised 17491
Code) a report containing the following information: 17492

(1) The name of each investment manager that is a minority 17493
business enterprise or a women's business enterprise with which 17494
the administrator contracts; 17495

(2) The amount of assets managed by investment managers 17496
that are minority business enterprises or women's business 17497
enterprises, expressed as a percentage of assets managed by 17498
investment managers with which the administrator has contracted; 17499

(3) Efforts by the administrator to increase utilization 17500
of investment managers that are minority business enterprises or 17501
women's business enterprises. 17502

Sec. 4123.45. All bonds of any taxing district of this 17503
state purchased by the administrator of ~~workers' compensation-~~ 17504
worker safety and rehabilitation shall be printed or 17505
lithographed upon paper of the size required by the 17506
administrator. Interest coupons on the bonds shall be attached 17507
to the bonds in a manner required by the administrator. The 17508
principal and interest of the bonds shall be payable at the 17509
office of the treasurer of state. 17510

The bonds shall be of the denomination required by the 17511
administrator in ~~his~~ the administrator's resolution to purchase, 17512
or the administrator may in ~~his~~ the resolution to purchase 17513
require that all bonds of any series of bonds purchased by ~~him~~ 17514
the administrator from any taxing district shall be consolidated 17515

and issued as one bond, the principal amount of which shall be 17516
equal to the aggregate amount of all the bonds of the series, 17517
which principal together with the interest thereon shall be 17518
payable in installments evidenced by and payable upon the 17519
surrender of combined principal and interest coupons attached 17520
thereto, which coupons shall each separately state the amounts 17521
of principal and interest included therein. 17522

The proper officers of each taxing district issuing bonds 17523
are hereby authorized and required without additional procedure 17524
or legislation on their part to comply with this chapter, except 17525
that the proper accounting officer of the taxing district and 17526
the secretary of its sinking fund shall make and keep a detailed 17527
record of any changes required by the administrator. The 17528
administrator shall not change the date of maturity of any part 17529
of the principal or interest of any bond issue, nor shall ~~he the~~ 17530
administrator require a bond of any issue to be of a larger 17531
denomination, nor any partial payment of principal to be of 17532
greater amount than the aggregate amount of the issue falling 17533
due at any date. 17534

Sec. 4123.46. (A) (1) Except as provided in division (A) (2) 17535
of this section, the ~~bureau of workers' compensation office of~~ 17536
worker safety and rehabilitation shall disburse the state 17537
insurance fund to employees of employers who have paid into the 17538
fund the premiums applicable to the classes to which they belong 17539
when the employees have been injured in the course of their 17540
employment, wherever the injuries have occurred, and provided 17541
the injuries have not been purposely self-inflicted, or to the 17542
dependents of the employees in case death has ensued. 17543

(2) As long as injuries have not been purposely self- 17544
inflicted, the ~~bureau office~~ shall disburse the surplus fund 17545

created under section 4123.34 of the Revised Code to off-duty 17546
peace officers, firefighters, emergency medical technicians, and 17547
first responders, or to their dependents if death ensues, who 17548
are injured while responding to inherently dangerous situations 17549
that call for an immediate response on the part of the person, 17550
regardless of whether the person was within the limits of the 17551
person's jurisdiction when responding, on the condition that the 17552
person responds to the situation as the person otherwise would 17553
if the person were on duty in the person's jurisdiction. 17554

As used in division (A) (2) of this section, "peace 17555
officer," "firefighter," "emergency medical technician," "first 17556
responder," and "jurisdiction" have the same meanings as in 17557
section 4123.01 of the Revised Code. 17558

(B) All self-insuring employers, in compliance with this 17559
chapter, shall pay the compensation to injured employees, or to 17560
the dependents of employees who have been killed in the course 17561
of their employment, unless the injury or death of the employee 17562
was purposely self-inflicted, and shall furnish the medical, 17563
surgical, nurse, and hospital care and attention or funeral 17564
expenses as would have been paid and furnished by virtue of this 17565
chapter under a similar state of facts by the ~~bureau~~office out 17566
of the state insurance fund if the employer had paid the premium 17567
into the fund. 17568

If any rule or regulation of a self-insuring employer 17569
provides for or authorizes the payment of greater compensation 17570
or more complete or extended medical care, nursing, surgical, 17571
and hospital attention, or funeral expenses to the injured 17572
employees, or to the dependents of the employees as may be 17573
killed, the employer shall pay to the employees, or to the 17574
dependents of employees killed, the amount of compensation and 17575

furnish the medical care, nursing, surgical, and hospital 17576
attention or funeral expenses provided by the self-insuring 17577
employer's rules and regulations. 17578

(C) Payment to injured employees, or to their dependents 17579
in case death has ensued, is in lieu of any and all rights of 17580
action against the employer of the injured or killed employees. 17581

Sec. 4123.47. (A) The administrator of ~~workers' 17582
compensation~~ worker safety and rehabilitation shall have an 17583
actuarial analysis of the state insurance fund and all other 17584
funds specified in this chapter and Chapters 4121., 4127., and 17585
4131. of the Revised Code made at least once each year. The 17586
analysis shall be made and certified by recognized, credentialed 17587
property or casualty actuaries who shall be selected by the 17588
~~bureau of workers' compensation~~ office of worker safety and 17589
rehabilitation board of directors. The expense of the analysis 17590
shall be paid from the state insurance fund. The administrator 17591
shall make copies of the analysis available to the ~~workers' 17592
compensation~~ audit committee of the office of worker safety and 17593
rehabilitation at no charge and to the public at cost. 17594

(B) The auditor of state annually shall conduct an audit 17595
of the administration of this chapter by the industrial 17596
commission and the ~~bureau of workers' compensation~~ office of 17597
worker safety and rehabilitation and the safety and hygiene 17598
fund. The cost of the audit shall be charged to the 17599
administrative costs of the ~~bureau~~ office as defined in section 17600
4123.341 of the Revised Code. The audit shall include audits of 17601
all fiscal activities, claims processing and handling, and 17602
employer premium collections. The auditor shall prepare a report 17603
of the audit together with recommendations and transmit copies 17604
of the report to the industrial commission, the board, the 17605

administrator, the governor, and to the general assembly. The 17606
auditor shall make copies of the report available to the public 17607
at cost. 17608

(C) The administrator may retain the services of a 17609
recognized actuary on a consulting basis for the purpose of 17610
evaluating the actuarial soundness of premium rates and 17611
classifications and all other matters involving the 17612
administration of the state insurance fund. The expense of 17613
services provided by the actuary shall be paid from the state 17614
insurance fund. 17615

Sec. 4123.48. ~~The bureau of workers' compensation office~~ 17616
of worker safety and rehabilitation shall keep, for the state 17617
and each county, taxing district, district activity, and 17618
institution, an individual account showing the amount of money 17619
paid into the public insurance fund and the amount of losses 17620
incurred against the fund. When any default is made in the 17621
payment of the sums required to be contributed to the public 17622
insurance fund, or when any official fails to perform any act 17623
required to be performed by ~~him~~ the official in reference to the 17624
making of payments, the administrator of ~~workers' compensation~~ 17625
worker safety and rehabilitation shall institute the proper 17626
proceedings in court to compel such payment. 17627

Sec. 4123.50. (A) Each member of a firm, and the 17628
president, secretary, general manager, or managing agent of each 17629
private corporation, including any public service corporation 17630
mentioned in section 4123.01 of the Revised Code or publicly 17631
owned utility, shall cause the firm or corporation to comply 17632
with section 4123.35 of the Revised Code and, for self-insuring 17633
employers, to comply with the assessment based upon paid 17634
compensation provisions of this chapter and Chapter 4121. of the 17635

Revised Code. No person mentioned in section 4123.01 of the 17636
Revised Code and no member of the firms and no officer of the 17637
corporations or publicly owned utilities referred to in this 17638
section shall fail to comply with section 4123.35 of the Revised 17639
Code and, for self-insuring employers, to comply with the 17640
assessment based upon paid compensation provisions of this 17641
chapter and Chapter 4121. of the Revised Code. All fines 17642
collected for a violation of this section shall be paid to the 17643
general fund of the political subdivision where the case is 17644
prosecuted. 17645

(B) The administrator of ~~workers' compensation~~ worker 17646
safety and rehabilitation, with the advice and consent of the 17647
~~bureau of workers' compensation~~ office of worker safety and 17648
rehabilitation board of directors, shall adopt rules governing 17649
treatment of employers found in violation of division (A) of 17650
this section. The rules shall cover enforcement and prosecution 17651
procedures and methods and grounds for settlement of liability 17652
of a noncomplying employer. 17653

Sec. 4123.51. The administrator of ~~workers' compensation~~ 17654
worker safety and rehabilitation shall by published notices and 17655
other appropriate means endeavor to cause claims to be filed in 17656
the service office of the ~~bureau of workers' compensation~~ office 17657
of worker safety and rehabilitation from which the investigation 17658
and determination of the claim may be made most expeditiously. A 17659
claim or appeal under this chapter or Chapter 4121., 4127., or 17660
4131. of the Revised Code may be filed with any office of the 17661
~~bureau of workers' compensation~~ office of worker safety and 17662
rehabilitation or the industrial commission, within the required 17663
statutory period, and is considered received for the purpose of 17664
processing the claims or appeals. 17665

The administrator, on the form an employee or an individual acting on behalf of the employee files with the administrator or a self-insuring employer to initiate a claim under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code, shall include a statement that is substantially similar to the following statement in bold font and set apart from all other text in the form:

"By signing this form, I elect to only receive compensation, benefits, or both that are provided for in this claim under Ohio's workers' compensation laws. I understand and I hereby waive and release my right to receive compensation and benefits under the workers' compensation laws of another state for the injury or occupational disease, or the death resulting from an injury or occupational disease, for which I am filing this claim. I have not received compensation and benefits under the workers' compensation laws of another state for this claim, and I will not file and have not filed a claim in another state for the injury or occupational disease or death resulting from an injury or occupational disease for which I am filing this claim."

Sec. 4123.511. (A) Within seven days after receipt of any claim under this chapter, the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation shall notify the claimant and the employer of the receipt of the claim and of the facts alleged therein. If the ~~bureau~~ office receives from a person other than the claimant written or facsimile information or information communicated verbally over the telephone indicating that an injury or occupational disease has occurred or been contracted which may be compensable under this chapter, the ~~bureau~~ office shall notify the employee and the employer of the information. If the information is provided

verbally over the telephone, the person providing the 17697
information shall provide written verification of the 17698
information to the ~~bureau-office~~ according to division (E) of 17699
section 4123.84 of the Revised Code. The receipt of the 17700
information in writing or facsimile, or if initially by 17701
telephone, the subsequent written verification, and the notice 17702
by the ~~bureau-office~~ shall be considered an application for 17703
compensation under section 4123.84 or 4123.85 of the Revised 17704
Code, provided that the conditions of division (E) of section 17705
4123.84 of the Revised Code apply to information provided 17706
verbally over the telephone. Upon receipt of a claim, the ~~bureau-~~ 17707
office shall advise the claimant of the claim number assigned 17708
and the claimant's right to representation in the processing of 17709
a claim or to elect no representation. If the ~~bureau-office~~ 17710
determines that a claim is determined to be a compensable lost- 17711
time claim, the ~~bureau-office~~ shall notify the claimant and the 17712
employer of the availability of rehabilitation services. No 17713
~~bureau-office~~ or industrial commission employee shall directly 17714
or indirectly convey any information in derogation of this 17715
right. This section shall in no way abrogate the ~~bureau's-~~ 17716
office's responsibility to aid and assist a claimant in the 17717
filing of a claim and to advise the claimant of the claimant's 17718
rights under the law. 17719

The administrator of ~~workers' compensation~~ worker safety 17720
and rehabilitation shall assign all claims and investigations to 17721
the ~~bureau-office~~ service office from which investigation and 17722
determination may be made most expeditiously. 17723

The ~~bureau-office~~ shall investigate the facts concerning 17724
an injury or occupational disease and ascertain such facts in 17725
whatever manner is most appropriate and may obtain statements of 17726
the employee, employer, attending physician, and witnesses in 17727

whatever manner is most appropriate. 17728

The administrator, with the advice and consent of the 17729
~~bureau of workers' compensation~~ office of worker safety and 17730
rehabilitation board of directors, may adopt rules that identify 17731
specified medical conditions that have a historical record of 17732
being allowed whenever included in a claim. The administrator 17733
may grant immediate allowance of any medical condition 17734
identified in those rules upon the filing of a claim involving 17735
that medical condition and may make immediate payment of medical 17736
bills for any medical condition identified in those rules that 17737
is included in a claim. If an employer contests the allowance of 17738
a claim involving any medical condition identified in those 17739
rules, and the claim is disallowed, payment for the medical 17740
condition included in that claim shall be charged to and paid 17741
from the surplus fund created under section 4123.34 of the 17742
Revised Code. 17743

(B) (1) Except as provided in division (B) (2) of this 17744
section, in claims other than those in which the employer is a 17745
self-insuring employer, if the administrator determines under 17746
division (A) of this section that a claimant is or is not 17747
entitled to an award of compensation or benefits, the 17748
administrator shall issue an order no later than twenty-eight 17749
days after the sending of the notice under division (A) of this 17750
section, granting or denying the payment of the compensation or 17751
benefits, or both as is appropriate to the claimant. 17752
Notwithstanding the time limitation specified in this division 17753
for the issuance of an order, if a medical examination of the 17754
claimant is required by statute, the administrator promptly 17755
shall schedule the claimant for that examination and shall issue 17756
an order no later than twenty-eight days after receipt of the 17757
report of the examination. The administrator shall notify the 17758

claimant and the employer of the claimant and their respective 17759
representatives in writing of the nature of the order and the 17760
amounts of compensation and benefit payments involved. The 17761
employer or claimant may appeal the order pursuant to division 17762
(C) of this section within fourteen days after the date of the 17763
receipt of the order. The employer and claimant may waive, in 17764
writing, their rights to an appeal under this division. 17765

(2) Notwithstanding the time limitation specified in 17766
division (B)(1) of this section for the issuance of an order, if 17767
the employer certifies a claim for payment of compensation or 17768
benefits, or both, to a claimant, and the administrator has 17769
completed the investigation of the claim, the payment of 17770
benefits or compensation, or both, as is appropriate, shall 17771
commence upon the later of the date of the certification or 17772
completion of the investigation and issuance of the order by the 17773
administrator, provided that the administrator shall issue the 17774
order no later than the time limitation specified in division 17775
(B)(1) of this section. 17776

(3) If an appeal is made under division (B)(1) or (2) of 17777
this section, the administrator shall forward the claim file to 17778
the appropriate district hearing officer within seven days of 17779
the appeal. In contested claims other than state fund claims, 17780
the administrator shall forward the claim within seven days of 17781
the administrator's receipt of the claim to the industrial 17782
commission, which shall refer the claim to an appropriate 17783
district hearing officer for a hearing in accordance with 17784
division (C) of this section. 17785

(C) If an employer or claimant timely appeals the order of 17786
the administrator issued under division (B) of this section or 17787
in the case of other contested claims other than state fund 17788

claims, the commission shall refer the claim to an appropriate 17789
district hearing officer according to rules the commission 17790
adopts under section 4121.36 of the Revised Code. The district 17791
hearing officer shall notify the parties and their respective 17792
representatives of the time and place of the hearing. 17793

The district hearing officer shall hold a hearing on a 17794
disputed issue or claim within forty-five days after the filing 17795
of the appeal under this division and issue a decision within 17796
seven days after holding the hearing. The district hearing 17797
officer shall notify the parties and their respective 17798
representatives in writing of the order. Any party may appeal an 17799
order issued under this division pursuant to division (D) of 17800
this section within fourteen days after receipt of the order 17801
under this division. 17802

(D) Upon the timely filing of an appeal of the order of 17803
the district hearing officer issued under division (C) of this 17804
section, the commission shall refer the claim file to an 17805
appropriate staff hearing officer according to its rules adopted 17806
under section 4121.36 of the Revised Code. The staff hearing 17807
officer shall hold a hearing within forty-five days after the 17808
filing of an appeal under this division and issue a decision 17809
within seven days after holding the hearing under this division. 17810
The staff hearing officer shall notify the parties and their 17811
respective representatives in writing of the staff hearing 17812
officer's order. Any party may appeal an order issued under this 17813
division pursuant to division (E) of this section within 17814
fourteen days after receipt of the order under this division. 17815

(E) Upon the filing of a timely appeal of the order of the 17816
staff hearing officer issued under division (D) of this section, 17817
the commission or a designated staff hearing officer, on behalf 17818

of the commission, shall determine whether the commission will 17819
hear the appeal. If the commission or the designated staff 17820
hearing officer decides to hear the appeal, the commission or 17821
the designated staff hearing officer shall notify the parties 17822
and their respective representatives in writing of the time and 17823
place of the hearing. The commission shall hold the hearing 17824
within forty-five days after the filing of the notice of appeal 17825
and, within seven days after the conclusion of the hearing, the 17826
commission shall issue its order affirming, modifying, or 17827
reversing the order issued under division (D) of this section. 17828
The commission shall notify the parties and their respective 17829
representatives in writing of the order. If the commission or 17830
the designated staff hearing officer determines not to hear the 17831
appeal, within fourteen days after the expiration of the period 17832
in which an appeal of the order of the staff hearing officer may 17833
be filed as provided in division (D) of this section, the 17834
commission or the designated staff hearing officer shall issue 17835
an order to that effect and notify the parties and their 17836
respective representatives in writing of that order. 17837

Except as otherwise provided in this chapter and Chapters 17838
4121., 4127., and 4131. of the Revised Code, any party may 17839
appeal an order issued under this division to the court pursuant 17840
to section 4123.512 of the Revised Code within sixty days after 17841
receipt of the order, subject to the limitations contained in 17842
that section. 17843

(F) Every notice of an appeal from an order issued under 17844
divisions (B), (C), (D), and (E) of this section shall state the 17845
names of the claimant and employer, the number of the claim, the 17846
date of the decision appealed from, and the fact that the 17847
appellant appeals therefrom. 17848

(G) All of the following apply to the proceedings under 17849
divisions (C), (D), and (E) of this section: 17850

(1) The parties shall proceed promptly and without 17851
continuances except for good cause; 17852

(2) The parties, in good faith, shall engage in the free 17853
exchange of information relevant to the claim prior to the 17854
conduct of a hearing according to the rules the commission 17855
adopts under section 4121.36 of the Revised Code; 17856

(3) The administrator is a party and may appear and 17857
participate at all administrative proceedings on behalf of the 17858
state insurance fund. However, in cases in which the employer is 17859
represented, the administrator shall neither present arguments 17860
nor introduce testimony that is cumulative to that presented or 17861
introduced by the employer or the employer's representative. The 17862
administrator may file an appeal under this section on behalf of 17863
the state insurance fund; however, except in cases arising under 17864
section 4123.343 of the Revised Code, the administrator only may 17865
appeal questions of law or issues of fraud when the employer 17866
appears in person or by representative. 17867

(H) Except as provided in section 4121.63 of the Revised 17868
Code and division (K) of this section, payments of compensation 17869
to a claimant or on behalf of a claimant as a result of any 17870
order issued under this chapter shall commence upon the earlier 17871
of the following: 17872

(1) Fourteen days after the date the administrator issues 17873
an order under division (B) of this section, unless that order 17874
is appealed; 17875

(2) The date when the employer has waived the right to 17876
appeal a decision issued under division (B) of this section; 17877

(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;

(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.

(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:

(1) The date of the issuance of the staff hearing officer's order under division (D) of this section;

(2) The date of the final administrative or judicial determination.

(J) The administrator 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.

(K) Upon the final administrative or judicial determination under this section or section 4123.512 of the Revised Code of an appeal of an order to pay compensation, if a

claimant is found to have received compensation pursuant to a 17907
prior order which is reversed upon subsequent appeal, the 17908
claimant's employer, if a self-insuring employer, or the ~~bureau-~~ 17909
office, shall withhold from any amount to which the claimant 17910
becomes entitled pursuant to any claim, past, present, or 17911
future, under Chapter 4121., 4123., 4127., or 4131. of the 17912
Revised Code, the amount of previously paid compensation to the 17913
claimant which, due to reversal upon appeal, the claimant is not 17914
entitled, pursuant to the following criteria: 17915

(1) No withholding for the first twelve weeks of temporary 17916
total disability compensation pursuant to section 4123.56 of the 17917
Revised Code shall be made; 17918

(2) Forty per cent of all awards of compensation paid 17919
pursuant to sections 4123.56 and 4123.57 of the Revised Code, 17920
until the amount overpaid is refunded; 17921

(3) Twenty-five per cent of any compensation paid pursuant 17922
to section 4123.58 of the Revised Code until the amount overpaid 17923
is refunded; 17924

(4) If, pursuant to an appeal under section 4123.512 of 17925
the Revised Code, the court of appeals or the supreme court 17926
reverses the allowance of the claim, then no amount of any 17927
compensation will be withheld. 17928

The administrator and self-insuring employers, as 17929
appropriate, are subject to the repayment schedule of this 17930
division only with respect to an order to pay compensation that 17931
was properly paid under a previous order, but which is 17932
subsequently reversed upon an administrative or judicial appeal. 17933
The administrator and self-insuring employers are not subject 17934
to, but may utilize, the repayment schedule of this division, or 17935

any other lawful means, to collect payment of compensation made 17936
to a person who was not entitled to the compensation due to 17937
fraud as determined by the administrator or the industrial 17938
commission. 17939

(L) If a staff hearing officer or the commission fails to 17940
issue a decision or the commission fails to refuse to hear an 17941
appeal within the time periods required by this section, 17942
payments to a claimant shall cease until the staff hearing 17943
officer or commission issues a decision or hears the appeal, 17944
unless the failure was due to the fault or neglect of the 17945
employer or the employer agrees that the payments should 17946
continue for a longer period of time. 17947

(M) Except as otherwise provided in this section or 17948
section 4123.522 of the Revised Code, no appeal is timely filed 17949
under this section unless the appeal is filed with the time 17950
limits set forth in this section. 17951

(N) No person who is not an employee of the ~~bureau-office~~ 17952
or commission or who is not by law given access to the contents 17953
of a claims file shall have a file in the person's possession. 17954

(O) Upon application of a party who resides in an area in 17955
which an emergency or disaster is declared, the industrial 17956
commission and hearing officers of the commission may waive the 17957
time frame within which claims and appeals of claims set forth 17958
in this section must be filed upon a finding that the applicant 17959
was unable to comply with a filing deadline due to an emergency 17960
or a disaster. 17961

As used in this division: 17962

(1) "Emergency" means any occasion or instance for which 17963
the governor of Ohio or the president of the United States 17964

publicly declares an emergency and orders state or federal 17965
assistance to save lives and protect property, the public health 17966
and safety, or to lessen or avert the threat of a catastrophe. 17967

(2) "Disaster" means any natural catastrophe or fire, 17968
flood, or explosion, regardless of the cause, that causes damage 17969
of sufficient magnitude that the governor of Ohio or the 17970
president of the United States, through a public declaration, 17971
orders state or federal assistance to alleviate damage, loss, 17972
hardship, or suffering that results from the occurrence. 17973

Sec. 4123.512. (A) The claimant or the employer may appeal 17974
an order of the industrial commission made under division (E) of 17975
section 4123.511 of the Revised Code in any injury or 17976
occupational disease case, other than a decision as to the 17977
extent of disability to the court of common pleas of the county 17978
in which the injury was inflicted or in which the contract of 17979
employment was made if the injury occurred outside the state, or 17980
in which the contract of employment was made if the exposure 17981
occurred outside the state. If no common pleas court has 17982
jurisdiction for the purposes of an appeal by the use of the 17983
jurisdictional requirements described in this division, the 17984
appellant may use the venue provisions in the Rules of Civil 17985
Procedure to vest jurisdiction in a court. If the claim is for 17986
an occupational disease, the appeal shall be to the court of 17987
common pleas of the county in which the exposure which caused 17988
the disease occurred. Like appeal may be taken from an order of 17989
a staff hearing officer made under division (D) of section 17990
4123.511 of the Revised Code from which the commission has 17991
refused to hear an appeal. The appellant shall file the notice 17992
of appeal with a court of common pleas within sixty days after 17993
the date of the receipt of the order appealed from or the date 17994
of receipt of the order of the commission refusing to hear an 17995

appeal of a staff hearing officer's decision under division (D) 17996
of section 4123.511 of the Revised Code. The filing of the 17997
notice of the appeal with the court is the only act required to 17998
perfect the appeal. 17999

If an action has been commenced in a court of a county 18000
other than a court of a county having jurisdiction over the 18001
action, the court, upon notice by any party or upon its own 18002
motion, shall transfer the action to a court of a county having 18003
jurisdiction. 18004

Notwithstanding anything to the contrary in this section, 18005
if the commission determines under section 4123.522 of the 18006
Revised Code that an employee, employer, or their respective 18007
representatives have not received written notice of an order or 18008
decision which is appealable to a court under this section and 18009
which grants relief pursuant to section 4123.522 of the Revised 18010
Code, the party granted the relief has sixty days from receipt 18011
of the order under section 4123.522 of the Revised Code to file 18012
a notice of appeal under this section. 18013

(B) The notice of appeal shall state the names of the 18014
administrator of ~~workers' compensation~~ worker safety and 18015
rehabilitation, the claimant, and the employer; the number of 18016
the claim; the date of the order appealed from; and the fact 18017
that the appellant appeals therefrom. 18018

The administrator, the claimant, and the employer shall be 18019
parties to the appeal and the court, upon the application of the 18020
commission, shall make the commission a party. The party filing 18021
the appeal shall serve a copy of the notice of appeal on the 18022
administrator at the central office of the ~~bureau of workers'~~ 18023
~~compensation~~ office of worker safety and rehabilitation in 18024
Columbus. The administrator shall notify the employer that if 18025

the employer fails to become an active party to the appeal, then 18026
the administrator may act on behalf of the employer and the 18027
results of the appeal could have an adverse effect upon the 18028
employer's premium rates or may result in a recovery from the 18029
employer if the employer is determined to be a noncomplying 18030
employer under section 4123.75 of the Revised Code. 18031

(C) The attorney general or one or more of the attorney 18032
general's assistants or special counsel designated by the 18033
attorney general shall represent the administrator and the 18034
commission. In the event the attorney general or the attorney 18035
general's designated assistants or special counsel are absent, 18036
the administrator or the commission shall select one or more of 18037
the attorneys in the employ of the administrator or the 18038
commission as the administrator's attorney or the commission's 18039
attorney in the appeal. Any attorney so employed shall continue 18040
the representation during the entire period of the appeal and in 18041
all hearings thereof except where the continued representation 18042
becomes impractical. 18043

(D) Upon receipt of notice of appeal, the clerk of courts 18044
shall provide notice to all parties who are appellees and to the 18045
commission. 18046

The claimant shall, within thirty days after the filing of 18047
the notice of appeal, file a petition containing a statement of 18048
facts in ordinary and concise language showing a cause of action 18049
to participate or to continue to participate in the fund and 18050
setting forth the basis for the jurisdiction of the court over 18051
the action. Further pleadings shall be had in accordance with 18052
the Rules of Civil Procedure, provided that service of summons 18053
on such petition shall not be required and provided that the 18054
claimant may not dismiss the complaint without the employer's 18055

consent if the employer is the party that filed the notice of 18056
appeal to court pursuant to this section. The clerk of the court 18057
shall, upon receipt thereof, transmit by certified mail a copy 18058
thereof to each party named in the notice of appeal other than 18059
the claimant. Any party may file with the clerk prior to the 18060
trial of the action a deposition of any physician taken in 18061
accordance with the provisions of the Revised Code, which 18062
deposition may be read in the trial of the action even though 18063
the physician is a resident of or subject to service in the 18064
county in which the trial is had. The ~~bureau of workers'~~ 18065
~~compensation office of worker safety and rehabilitation~~ shall 18066
pay the cost of the stenographic deposition filed in court and 18067
of copies of the stenographic deposition for each party from the 18068
surplus fund and charge the costs thereof against the 18069
unsuccessful party if the claimant's right to participate or 18070
continue to participate is finally sustained or established in 18071
the appeal. In the event the deposition is taken and filed, the 18072
physician whose deposition is taken is not required to respond 18073
to any subpoena issued in the trial of the action. The court, or 18074
the jury under the instructions of the court, if a jury is 18075
demanded, shall determine the right of the claimant to 18076
participate or to continue to participate in the fund upon the 18077
evidence adduced at the hearing of the action. 18078

(E) The court shall certify its decision to the commission 18079
and the certificate shall be entered in the records of the 18080
court. Appeals from the judgment are governed by the law 18081
applicable to the appeal of civil actions. 18082

(F) The cost of any legal proceedings authorized by this 18083
section, including an attorney's fee to the claimant's attorney 18084
to be fixed by the trial judge, based upon the effort expended, 18085
in the event the claimant's right to participate or to continue 18086

to participate in the fund is established upon the final 18087
determination of an appeal, shall be taxed against the employer 18088
or the commission if the commission or the administrator rather 18089
than the employer contested the right of the claimant to 18090
participate in the fund. The attorney's fee shall not exceed 18091
forty-two hundred dollars. 18092

(G) If the finding of the court or the verdict of the jury 18093
is in favor of the claimant's right to participate in the fund, 18094
the commission and the administrator shall thereafter proceed in 18095
the matter of the claim as if the judgment were the decision of 18096
the commission, subject to the power of modification provided by 18097
section 4123.52 of the Revised Code. 18098

(H) (1) An appeal from an order issued under division (E) 18099
of section 4123.511 of the Revised Code or any action filed in 18100
court in a case in which an award of compensation or medical 18101
benefits has been made shall not stay the payment of 18102
compensation or medical benefits under the award, or payment for 18103
subsequent periods of total disability or medical benefits 18104
during the pendency of the appeal. If, in a final administrative 18105
or judicial action, it is determined that payments of 18106
compensation or benefits, or both, made to or on behalf of a 18107
claimant should not have been made, the amount thereof shall be 18108
charged to the surplus fund account under division (B) of 18109
section 4123.34 of the Revised Code. In the event the employer 18110
is a state risk, the amount shall not be charged to the 18111
employer's experience, and the administrator shall adjust the 18112
employer's account accordingly. In the event the employer is a 18113
self-insuring employer, the self-insuring employer shall deduct 18114
the amount from the paid compensation the self-insuring employer 18115
reports to the administrator under division (L) of section 18116
4123.35 of the Revised Code. If an employer is a state risk and 18117

has paid an assessment for a violation of a specific safety 18118
requirement, and, in a final administrative or judicial action, 18119
it is determined that the employer did not violate the specific 18120
safety requirement, the administrator shall reimburse the 18121
employer from the surplus fund account under division (B) of 18122
section 4123.34 of the Revised Code for the amount of the 18123
assessment the employer paid for the violation. 18124

(2) (a) Notwithstanding a final determination that payments 18125
of benefits made to or on behalf of a claimant should not have 18126
been made, the administrator or self-insuring employer shall 18127
award payment of medical or vocational rehabilitation services 18128
submitted for payment after the date of the final determination 18129
if all of the following apply: 18130

(i) The services were approved and were rendered by the 18131
provider in good faith prior to the date of the final 18132
determination. 18133

(ii) The services were payable under division (I) of 18134
section 4123.511 of the Revised Code prior to the date of the 18135
final determination. 18136

(iii) The request for payment is submitted within the time 18137
limit set forth in section 4123.52 of the Revised Code. 18138

(b) Payments made under division (H) (1) of this section 18139
shall be charged to the surplus fund account under division (B) 18140
of section 4123.34 of the Revised Code. If the employer of the 18141
employee who is the subject of a claim described in division (H) 18142
(2) (a) of this section is a state fund employer, the payments 18143
made under that division shall not be charged to the employer's 18144
experience. If that employer is a self-insuring employer, the 18145
self-insuring employer shall deduct the amount from the paid 18146

compensation the self-insuring employer reports to the 18147
administrator under division (L) of section 4123.35 of the 18148
Revised Code. 18149

(c) Division (H)(2) of this section shall apply only to a 18150
claim under this chapter or Chapter 4121., 4127., or 4131. of 18151
the Revised Code arising on or after July 29, 2011. 18152

(3) A self-insuring employer may elect to pay compensation 18153
and benefits under this section directly to an employee or an 18154
employee's dependents by filing an application with the ~~bureau-~~ 18155
~~of workers' compensation office of worker safety and~~ 18156
rehabilitation not more than one hundred eighty days and not 18157
less than ninety days before the first day of the employer's 18158
next six-month coverage period. If the self-insuring employer 18159
timely files the application, the application is effective on 18160
the first day of the employer's next six-month coverage period, 18161
provided that the administrator shall compute the employer's 18162
assessment for the surplus fund account due with respect to the 18163
period during which that application was filed without regard to 18164
the filing of the application. On and after the effective date 18165
of the employer's election, the self-insuring employer shall pay 18166
directly to an employee or to an employee's dependents 18167
compensation and benefits under this section regardless of the 18168
date of the injury or occupational disease, and the employer 18169
shall receive no money or credits from the surplus fund account 18170
on account of those payments and shall not be required to pay 18171
any amounts into the surplus fund account on account of this 18172
section. The election made under this division is irrevocable. 18173

(I) All actions and proceedings under this section which 18174
are the subject of an appeal to the court of common pleas or the 18175
court of appeals shall be preferred over all other civil actions 18176

except election causes, irrespective of position on the 18177
calendar. 18178

This section applies to all decisions of the commission or 18179
the administrator on November 2, 1959, and all claims filed 18180
thereafter are governed by sections 4123.511 and 4123.512 of the 18181
Revised Code. 18182

Any action pending in common pleas court or any other 18183
court on January 1, 1986, under this section is governed by 18184
former sections 4123.514, 4123.515, 4123.516, and 4123.519 and 18185
section 4123.522 of the Revised Code. 18186

Sec. 4123.52. (A) The jurisdiction of the industrial 18187
commission and the authority of the administrator of ~~workers'~~ 18188
~~compensation~~ worker safety and rehabilitation over each case is 18189
continuing, and the commission may make such modification or 18190
change with respect to former findings or orders with respect 18191
thereto, as, in its opinion is justified. No modification or 18192
change nor any finding or award in respect of any claim shall be 18193
made with respect to disability, compensation, dependency, or 18194
benefits, after five years from the date of injury in the 18195
absence of the payment of medical benefits under this chapter or 18196
in the absence of payment of compensation under section 4123.57, 18197
4123.58, or division (A) or (B) of section 4123.56 of the 18198
Revised Code or wages in lieu of compensation in a manner so as 18199
to satisfy the requirements of section 4123.84 of the Revised 18200
Code, in which event the modification, change, finding, or award 18201
shall be made within five years from the date of the last 18202
payment of compensation or from the date of death, nor unless 18203
written notice of claim for the specific part or parts of the 18204
body injured or disabled has been given as provided in section 18205
4123.84 or 4123.85 of the Revised Code. The commission shall not 18206

make any modification, change, finding, or award which shall 18207
award compensation for a back period in excess of two years 18208
prior to the date of filing application therefor. 18209

(B) Notwithstanding division (A) of this section, and 18210
except as otherwise provided in a rule that shall be adopted by 18211
the administrator, with the advice and consent of the ~~bureau of~~ 18212
~~workers' compensation office of worker safety and rehabilitation~~ 18213
board of directors, neither the administrator nor the commission 18214
shall make any finding or award for payment of medical or 18215
vocational rehabilitation services submitted for payment more 18216
than one year after the date the services were rendered or more 18217
than one year after the date the services became payable under 18218
division (I) of section 4123.511 of the Revised Code, whichever 18219
is later. No medical or vocational rehabilitation provider shall 18220
bill a claimant for services rendered if the administrator or 18221
commission is prohibited from making that payment under this 18222
division. 18223

(C) Division (B) of this section does not apply to 18224
requests made by the centers for medicare and medicaid services 18225
in the United States department of health and human services for 18226
reimbursement of conditional payments made pursuant to section 18227
1395y(b) (2) of title 42, United States Code (commonly known as 18228
the "Medicare Secondary Payer Act"). 18229

(D) This section does not affect the right of a claimant 18230
to compensation accruing subsequent to the filing of any such 18231
application, provided the application is filed within the time 18232
limit provided in this section. 18233

(E) This section does not deprive the commission of its 18234
continuing jurisdiction to determine the questions raised by any 18235
application for modification of award which has been filed with 18236

the commission after June 1, 1932, and prior to the expiration 18237
of the applicable period but in respect to which no award has 18238
been granted or denied during the applicable period. 18239

(F) The commission may, by general rules, provide for the 18240
destruction of files of cases in which no further action may be 18241
taken. 18242

(G) The commission and administrator of ~~workers'~~ 18243
~~compensation~~ worker safety and rehabilitation each may, by 18244
general rules, provide for the retention and destruction of all 18245
other records in their possession or under their control 18246
pursuant to section 121.211 and sections 149.34 to 149.36 of the 18247
Revised Code. The ~~bureau of workers' compensation office of~~ 18248
worker safety and rehabilitation may purchase or rent required 18249
equipment for the document retention media, as determined 18250
necessary to preserve the records. Photographs, 18251
microphotographs, microfilm, films, or other direct document 18252
retention media, when properly identified, have the same effect 18253
as the original record and may be offered in like manner and may 18254
be received as evidence in proceedings before the industrial 18255
commission, staff hearing officers, and district hearing 18256
officers, and in any court where the original record could have 18257
been introduced. 18258

Sec. 4123.522. The employee, employer, and their 18259
respective representatives are entitled to written notice of any 18260
hearing, determination, order, award, or decision under this 18261
chapter and the administrator of ~~workers' compensation~~ worker 18262
safety and rehabilitation and ~~his~~ the administrator's 18263
representative are entitled to like notice for orders issued 18264
under divisions (C) and (D) of section 4123.511 and section 18265
4123.512 of the Revised Code. An employee, employer, or the 18266

administrator is deemed not to have received notice until the 18267
notice is received from the industrial commission or its 18268
district or staff hearing officers, the administrator, or the 18269
~~bureau of workers' compensation~~ office of worker safety and 18270
rehabilitation by both the employee and ~~his~~ the employee's 18271
representative of record, both the employer and ~~his~~ the 18272
employer's representative of record, and by both the 18273
administrator and ~~his~~ the administrator's representative. 18274

If any person to whom a notice is mailed fails to receive 18275
the notice and the commission, upon hearing, determines that the 18276
failure was due to cause beyond the control and without the 18277
fault or neglect of such person or ~~his~~ the person's 18278
representative and that such person or ~~his~~ the person's 18279
representative did not have actual knowledge of the import of 18280
the information contained in the notice, such person may take 18281
the action afforded to such person within twenty-one days after 18282
the receipt of the notice of such determination of the 18283
commission. Delivery of the notice to the address of the person 18284
or ~~his~~ the person's representative is prima-facie evidence of 18285
receipt of the notice by the person. 18286

Sec. 4123.53. (A) The administrator of ~~workers'~~ 18287
~~compensation~~ worker safety and rehabilitation or the industrial 18288
commission may require any employee claiming the right to 18289
receive compensation to submit to a medical examination, 18290
vocational evaluation, or vocational questionnaire at any time, 18291
and from time to time, at a place reasonably convenient for the 18292
employee, and as provided by the rules of the commission or the 18293
administrator of ~~workers' compensation~~ worker safety and 18294
rehabilitation. A claimant required by the commission or 18295
administrator to submit to a medical examination or vocational 18296
evaluation, at a point outside of the place of permanent or 18297

temporary residence of the claimant, as provided in this 18298
section, is entitled to have paid to the claimant by the ~~bureau-~~ 18299
~~of workers' compensation office of worker safety and~~ 18300
rehabilitation the necessary and actual expenses on account of 18301
the attendance for the medical examination or vocational 18302
evaluation after approval of the expense statement by the ~~bureau-~~ 18303
office. Under extraordinary circumstances and with the unanimous 18304
approval of the commission, if the commission requires the 18305
medical examination or vocational evaluation, or with the 18306
approval of the administrator, if the administrator requires the 18307
medical examination or vocational evaluation, the ~~bureau-office~~ 18308
shall pay an injured or diseased employee the necessary, actual, 18309
and authorized expenses of treatment at a point outside the 18310
place of permanent or temporary residence of the claimant. 18311

(B) When an employee initially receives temporary total 18312
disability compensation pursuant to section 4123.56 of the 18313
Revised Code for a consecutive ninety-day period, the 18314
administrator shall refer the employee to the ~~bureau-office~~ 18315
medical section for a medical examination to determine the 18316
employee's continued entitlement to such compensation, the 18317
employee's rehabilitation potential, and the appropriateness of 18318
the medical treatment the employee is receiving. The ~~bureau-~~ 18319
office medical section shall conduct the examination not later 18320
than thirty days following the end of the initial ninety-day 18321
period. If the medical examiner, upon an initial or any 18322
subsequent examination recommended by the medical examiner under 18323
this division, determines that the employee is temporarily and 18324
totally impaired, the medical examiner shall recommend a date 18325
when the employee should be reexamined. Upon the issuance of the 18326
medical examination report containing a recommendation for 18327
reexamination, the administrator shall schedule an examination 18328

and, if at the date of reexamination the employee is receiving 18329
temporary total disability compensation, the employee shall be 18330
examined. The administrator shall adopt a rule, pursuant to 18331
Chapter 119. of the Revised Code, permitting employers to waive 18332
the administrator's scheduling of any such examinations. 18333

(C) If an employee refuses to submit to any medical 18334
examination or vocational evaluation scheduled pursuant to this 18335
section or obstructs the same, or refuses to complete and submit 18336
to the ~~bureau-office~~ or commission a vocational questionnaire 18337
within thirty days after the ~~bureau-office~~ or commission mails 18338
the request to complete and submit the questionnaire the 18339
employee's right to have ~~his or her~~ the employee's claim for 18340
compensation considered, if the claim is pending before the 18341
~~bureau-office~~ or commission, or to receive any payment for 18342
compensation theretofore granted, is suspended during the period 18343
of the refusal or obstruction. Notwithstanding this section, an 18344
employee's failure to submit to a medical examination or 18345
vocational evaluation, or to complete and submit a vocational 18346
questionnaire, shall not result in the dismissal of the 18347
employee's claim. 18348

(D) Medical examinations scheduled under this section do 18349
not limit medical examinations provided for in other provisions 18350
of this chapter or Chapter 4121. of the Revised Code. 18351

Sec. 4123.54. (A) Except as otherwise provided in this 18352
division or divisions (I) and (K) of this section, every 18353
employee, who is injured or who contracts an occupational 18354
disease, and the dependents of each employee who is killed, or 18355
dies as the result of an occupational disease contracted in the 18356
course of employment, wherever the injury has occurred or 18357
occupational disease has been contracted, is entitled to receive 18358

the compensation for loss sustained on account of the injury, 18359
occupational disease, or death, and the medical, nurse, and 18360
hospital services and medicines, and the amount of funeral 18361
expenses in case of death, as are provided by this chapter. The 18362
compensation and benefits shall be provided, as applicable, 18363
directly from the employee's self-insuring employer as provided 18364
in section 4123.35 of the Revised Code or from the state 18365
insurance fund. An employee or dependent is not entitled to 18366
receive compensation or benefits under this division if the 18367
employee's injury or occupational disease is either of the 18368
following: 18369

(1) Purposely self-inflicted; 18370

(2) Caused by the employee being intoxicated, under the 18371
influence of a controlled substance not prescribed by a 18372
physician, or under the influence of marihuana if being 18373
intoxicated, under the influence of a controlled substance not 18374
prescribed by a physician, or under the influence of marihuana 18375
was the proximate cause of the injury. 18376

(B) For the purpose of this section, provided that an 18377
employer has posted written notice to employees that the results 18378
of, or the employee's refusal to submit to, any chemical test 18379
described under this division may affect the employee's 18380
eligibility for compensation and benefits pursuant to this 18381
chapter and Chapter 4121. of the Revised Code, there is a 18382
rebuttable presumption that an employee is intoxicated, under 18383
the influence of a controlled substance not prescribed by the 18384
employee's physician, or under the influence of marihuana and 18385
that being intoxicated, under the influence of a controlled 18386
substance not prescribed by the employee's physician, or under 18387
the influence of marihuana is the proximate cause of an injury 18388

under either of the following conditions: 18389

(1) When any one or more of the following is true: 18390

(a) The employee, through a qualifying chemical test 18391
administered within eight hours of an injury, is determined to 18392
have an alcohol concentration level equal to or in excess of the 18393
levels established in divisions (A) (1) (b) to (i) of section 18394
4511.19 of the Revised Code; 18395

(b) The employee, through a qualifying chemical test 18396
administered within thirty-two hours of an injury, is determined 18397
to have one of the following controlled substances not 18398
prescribed by the employee's physician or marihuana in the 18399
employee's system that tests above the following levels in an 18400
enzyme multiplied immunoassay technique screening test and above 18401
the levels established in division (B) (1) (c) of this section in 18402
a gas chromatography mass spectrometry test: 18403

(i) For amphetamines, one thousand nanograms per 18404
milliliter of urine; 18405

(ii) For cannabinoids, fifty nanograms per milliliter of 18406
urine; 18407

(iii) For cocaine, including crack cocaine, three hundred 18408
nanograms per milliliter of urine; 18409

(iv) For opiates, two thousand nanograms per milliliter of 18410
urine; 18411

(v) For phencyclidine, twenty-five nanograms per 18412
milliliter of urine. 18413

(c) The employee, through a qualifying chemical test 18414
administered within thirty-two hours of an injury, is determined 18415
to have one of the following controlled substances not 18416

prescribed by the employee's physician or marihuana in the 18417
employee's system that tests above the following levels by a gas 18418
chromatography mass spectrometry test: 18419

(i) For amphetamines, five hundred nanograms per 18420
milliliter of urine; 18421

(ii) For cannabinoids, fifteen nanograms per milliliter of 18422
urine; 18423

(iii) For cocaine, including crack cocaine, one hundred 18424
fifty nanograms per milliliter of urine; 18425

(iv) For opiates, two thousand nanograms per milliliter of 18426
urine; 18427

(v) For phencyclidine, twenty-five nanograms per 18428
milliliter of urine. 18429

(d) The employee, through a qualifying chemical test 18430
administered within thirty-two hours of an injury, is determined 18431
to have barbiturates, benzodiazepines, methadone, or 18432
propoxyphene in the employee's system that tests above levels 18433
established by laboratories certified by the United States 18434
department of health and human services. 18435

(2) When the employee refuses to submit to a requested 18436
chemical test, on the condition that that employee is or was 18437
given notice that the refusal to submit to any chemical test 18438
described in division (B) (1) of this section may affect the 18439
employee's eligibility for compensation and benefits under this 18440
chapter and Chapter 4121. of the Revised Code. 18441

(C) (1) For purposes of division (B) of this section, a 18442
chemical test is a qualifying chemical test if it is 18443
administered to an employee after an injury under at least one 18444

of the following conditions: 18445

(a) When the employee's employer had reasonable cause to 18446
suspect that the employee may be intoxicated, under the 18447
influence of a controlled substance not prescribed by the 18448
employee's physician, or under the influence of marihuana; 18449

(b) At the request of a police officer pursuant to section 18450
4511.191 of the Revised Code, and not at the request of the 18451
employee's employer; 18452

(c) At the request of a licensed physician who is not 18453
employed by the employee's employer, and not at the request of 18454
the employee's employer. 18455

(2) As used in division (C) (1) (a) of this section, 18456
"reasonable cause" means, but is not limited to, evidence that 18457
an employee is or was using alcohol, a controlled substance, or 18458
marihuana drawn from specific, objective facts and reasonable 18459
inferences drawn from these facts in light of experience and 18460
training. These facts and inferences may be based on, but are 18461
not limited to, any of the following: 18462

(a) Observable phenomena, such as direct observation of 18463
use, possession, or distribution of alcohol, a controlled 18464
substance, or marihuana, or of the physical symptoms of being 18465
under the influence of alcohol, a controlled substance, or 18466
marihuana, such as but not limited to slurred speech; dilated 18467
pupils; odor of alcohol, a controlled substance, or marihuana; 18468
changes in affect; or dynamic mood swings; 18469

(b) A pattern of abnormal conduct, erratic or aberrant 18470
behavior, or deteriorating work performance such as frequent 18471
absenteeism, excessive tardiness, or recurrent accidents, that 18472
appears to be related to the use of alcohol, a controlled 18473

substance, or marihuana, and does not appear to be attributable 18474
to other factors; 18475

(c) The identification of an employee as the focus of a 18476
criminal investigation into unauthorized possession, use, or 18477
trafficking of a controlled substance or marihuana; 18478

(d) A report of use of alcohol, a controlled substance, or 18479
marihuana provided by a reliable and credible source; 18480

(e) Repeated or flagrant violations of the safety or work 18481
rules of the employee's employer, that are determined by the 18482
employee's supervisor to pose a substantial risk of physical 18483
injury or property damage and that appear to be related to the 18484
use of alcohol, a controlled substance, or marihuana and that do 18485
not appear attributable to other factors. 18486

(D) Nothing in this section shall be construed to affect 18487
the rights of an employer to test employees for alcohol or 18488
controlled substance abuse. 18489

(E) For the purpose of this section, laboratories 18490
certified by the United States department of health and human 18491
services or laboratories that meet or exceed the standards of 18492
that department for laboratory certification shall be used for 18493
processing the test results of a qualifying chemical test. 18494

(F) The written notice required by division (B) of this 18495
section shall be the same size or larger than the proof of 18496
workers' compensation coverage furnished by the ~~bureau of~~ 18497
~~workers' compensation office of worker safety and rehabilitation~~ 18498
and shall be posted by the employer in the same location as the 18499
proof of workers' compensation coverage or the certificate of 18500
self-insurance. 18501

(G) If a condition that pre-existed an injury is 18502

substantially aggravated by the injury, and that substantial 18503
aggravation is documented by objective diagnostic findings, 18504
objective clinical findings, or objective test results, no 18505
compensation or benefits are payable because of the pre-existing 18506
condition once that condition has returned to a level that would 18507
have existed without the injury. 18508

(H) (1) Whenever, with respect to an employee of an 18509
employer who is subject to and has complied with this chapter, 18510
there is possibility of conflict with respect to the application 18511
of workers' compensation laws because the contract of employment 18512
is entered into and all or some portion of the work is or is to 18513
be performed in a state or states other than Ohio, the employer 18514
and the employee may agree to be bound by the laws of this state 18515
or by the laws of some other state in which all or some portion 18516
of the work of the employee is to be performed. The agreement 18517
shall be in writing and shall be filed with the ~~bureau of~~ 18518
~~workers' compensation office of worker safety and rehabilitation~~ 18519
within ten days after it is executed and shall remain in force 18520
until terminated or modified by agreement of the parties 18521
similarly filed. If the agreement is to be bound by the laws of 18522
this state and the employer has complied with this chapter, then 18523
the employee is entitled to compensation and benefits regardless 18524
of where the injury occurs or the disease is contracted and the 18525
rights of the employee and the employee's dependents under the 18526
laws of this state are the exclusive remedy against the employer 18527
on account of injury, disease, or death in the course of and 18528
arising out of the employee's employment. If the agreement is to 18529
be bound by the laws of another state and the employer has 18530
complied with the laws of that state, the rights of the employee 18531
and the employee's dependents under the laws of that state are 18532
the exclusive remedy against the employer on account of injury, 18533

disease, or death in the course of and arising out of the 18534
employee's employment without regard to the place where the 18535
injury was sustained or the disease contracted. If an employer 18536
and an employee enter into an agreement under this division, the 18537
fact that the employer and the employee entered into that 18538
agreement shall not be construed to change the status of an 18539
employee whose continued employment is subject to the will of 18540
the employer or the employee, unless the agreement contains a 18541
provision that expressly changes that status. 18542

(2) If an employee or the employee's dependents receive an 18543
award of compensation or benefits under this chapter or Chapter 18544
4121., 4127., or 4131. of the Revised Code for the same injury, 18545
occupational disease, or death for which the employee or the 18546
employee's dependents previously pursued or otherwise elected to 18547
accept workers' compensation benefits and received a decision on 18548
the merits as defined in section 4123.542 of the Revised Code 18549
under the laws of another state or recovered damages under the 18550
laws of another state, the claim shall be disallowed and the 18551
administrator of worker safety and rehabilitation or any self- 18552
insuring employer, by any lawful means, may collect from the 18553
employee or the employee's dependents any of the following: 18554

(a) The amount of compensation or benefits paid to or on 18555
behalf of the employee or the employee's dependents by the 18556
administrator or a self-insuring employer pursuant to this 18557
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 18558
for that award; 18559

(b) Any interest, attorney's fees, and costs the 18560
administrator or the self-insuring employer incurs in collecting 18561
that payment. 18562

(3) If an employee or the employee's dependents receive an 18563

award of compensation or benefits under this chapter or Chapter 18564
4121., 4127., or 4131. of the Revised Code and subsequently 18565
pursue or otherwise elect to accept workers' compensation 18566
benefits or damages under the laws of another state for the same 18567
injury, occupational disease, or death the claim under this 18568
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 18569
shall be disallowed. The administrator or a self-insuring 18570
employer, by any lawful means, may collect from the employee or 18571
the employee's dependents or other-states' insurer any of the 18572
following: 18573

(a) The amount of compensation or benefits paid to or on 18574
behalf of the employee or the employee's dependents by the 18575
administrator or the self-insuring employer pursuant to this 18576
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 18577
for that award; 18578

(b) Any interest, costs, and attorney's fees the 18579
administrator or the self-insuring employer incurs in collecting 18580
that payment; 18581

(c) Any costs incurred by an employer in contesting or 18582
responding to any claim filed by the employee or the employee's 18583
dependents for the same injury, occupational disease, or death 18584
that was filed after the original claim for which the employee 18585
or the employee's dependents received a decision on the merits 18586
as described in section 4123.542 of the Revised Code. 18587

(4) If the employee's employer pays premiums into the 18588
state insurance fund, the administrator shall not charge the 18589
amount of compensation or benefits the administrator collects 18590
pursuant to division (H) (2) or (3) of this section to the 18591
employer's experience. If the administrator collects any costs 18592
incurred by an employer in contesting or responding to any claim 18593

pursuant to division (H) (2) or (3) of this section, the 18594
administrator shall forward the amount collected to that 18595
employer. If the employee's employer is a self-insuring 18596
employer, the self-insuring employer shall deduct the amount of 18597
compensation or benefits the self-insuring employer collects 18598
pursuant to this division from the paid compensation the self- 18599
insuring employer reports to the administrator under division 18600
(L) of section 4123.35 of the Revised Code. 18601

(5) If an employee is a resident of a state other than 18602
this state and is insured under the workers' compensation law or 18603
similar laws of a state other than this state, the employee and 18604
the employee's dependents are not entitled to receive 18605
compensation or benefits under this chapter, on account of 18606
injury, disease, or death arising out of or in the course of 18607
employment while temporarily within this state, and the rights 18608
of the employee and the employee's dependents under the laws of 18609
the other state are the exclusive remedy against the employer on 18610
account of the injury, disease, or death. 18611

(6) An employee, or the dependent of an employee, who 18612
elects to receive compensation and benefits under this chapter 18613
or Chapter 4121., 4127., or 4131. of the Revised Code for a 18614
claim may not receive compensation and benefits under the 18615
workers' compensation laws of any state other than this state 18616
for that same claim. For each claim submitted by or on behalf of 18617
an employee, the administrator or, if the employee is employed 18618
by a self-insuring employer, the self-insuring employer, shall 18619
request the employee or the employee's dependent to sign an 18620
election that affirms the employee's or employee's dependent's 18621
acceptance of electing to receive compensation and benefits 18622
under this chapter or Chapter 4121., 4127., or 4131. of the 18623
Revised Code for that claim that also affirmatively waives and 18624

releases the employee's or the employee's dependent's right to 18625
file for and receive compensation and benefits under the laws of 18626
any state other than this state for that claim. The employee or 18627
employee's dependent shall sign the election form within twenty- 18628
eight days after the administrator or self-insuring employer 18629
submits the request or the administrator or self-insuring 18630
employer shall dismiss that claim. 18631

In the event a workers' compensation claim has been filed 18632
in another jurisdiction on behalf of an employee or the 18633
dependents of an employee, and the employee or dependents 18634
subsequently elect to receive compensation, benefits, or both 18635
under this chapter or Chapter 4121., 4127., or 4131. of the 18636
Revised Code, the employee or dependent shall withdraw or refuse 18637
acceptance of the workers' compensation claim filed in the other 18638
jurisdiction in order to pursue compensation or benefits under 18639
the laws of this state. If the employee or dependents were 18640
awarded workers' compensation benefits or had recovered damages 18641
under the laws of the other state, any compensation and benefits 18642
awarded under this chapter or Chapter 4121., 4127., or 4131. of 18643
the Revised Code shall be paid only to the extent to which those 18644
payments exceed the amounts paid under the laws of the other 18645
state. If the employee or dependent fails to withdraw or to 18646
refuse acceptance of the workers' compensation claim in the 18647
other jurisdiction within twenty-eight days after a request made 18648
by the administrator or a self-insuring employer, the 18649
administrator or self-insuring employer shall dismiss the 18650
employee's or employee's dependents' claim made in this state. 18651

(I) If an employee who is covered under the federal 18652
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 18653
33 U.S.C. 901 et seq., is injured or contracts an occupational 18654
disease or dies as a result of an injury or occupational 18655

disease, and if that employee's or that employee's dependents' 18656
claim for compensation or benefits for that injury, occupational 18657
disease, or death is subject to the jurisdiction of that act, 18658
the employee or the employee's dependents are not entitled to 18659
apply for and shall not receive compensation or benefits under 18660
this chapter and Chapter 4121. of the Revised Code. The rights 18661
of such an employee and the employee's dependents under the 18662
federal "Longshore and Harbor Workers' Compensation Act," 98 18663
Stat. 1639, 33 U.S.C. 901 et seq., are the exclusive remedy 18664
against the employer for that injury, occupational disease, or 18665
death. 18666

(J) Compensation or benefits are not payable to a claimant 18667
during the period of confinement of the claimant in any state or 18668
federal correctional institution, or in any county jail in lieu 18669
of incarceration in a state or federal correctional institution, 18670
whether in this or any other state for conviction of violation 18671
of any state or federal criminal law. 18672

(K) An employer, upon the approval of the administrator, 18673
may provide for workers' compensation coverage for the 18674
employer's employees who are professional athletes and coaches 18675
by submitting to the administrator proof of coverage under a 18676
league policy issued under the laws of another state under 18677
either of the following circumstances: 18678

(1) The employer administers the payroll and workers' 18679
compensation insurance for a professional sports team subject to 18680
a collective bargaining agreement, and the collective bargaining 18681
agreement provides for the uniform administration of workers' 18682
compensation benefits and compensation for professional 18683
athletes. 18684

(2) The employer is a professional sports league, or is a 18685

member team of a professional sports league, and all of the 18686
following apply: 18687

(a) The professional sports league operates as a single 18688
entity, whereby all of the players and coaches of the sports 18689
league are employees of the sports league and not of the 18690
individual member teams. 18691

(b) The professional sports league at all times maintains 18692
workers' compensation insurance that provides coverage for the 18693
players and coaches of the sports league. 18694

(c) Each individual member team of the professional sports 18695
league, pursuant to the organizational or operating documents of 18696
the sports league, is obligated to the sports league to pay to 18697
the sports league any workers' compensation claims that are not 18698
covered by the workers' compensation insurance maintained by the 18699
sports league. 18700

If the administrator approves the employer's proof of 18701
coverage submitted under division (K) of this section, a 18702
professional athlete or coach who is an employee of the employer 18703
and the dependents of the professional athlete or coach are not 18704
entitled to apply for and shall not receive compensation or 18705
benefits under this chapter and Chapter 4121. of the Revised 18706
Code. The rights of such an athlete or coach and the dependents 18707
of such an athlete or coach under the laws of the state where 18708
the policy was issued are the exclusive remedy against the 18709
employer for the athlete or coach if the athlete or coach 18710
suffers an injury or contracts an occupational disease in the 18711
course of employment, or for the dependents of the athlete or 18712
the coach if the athlete or coach is killed as a result of an 18713
injury or dies as a result of an occupational disease, 18714
regardless of the location where the injury was suffered or the 18715

occupational disease was contracted. 18716

Sec. 4123.56. (A) Except as provided in division (D) of 18717
this section, in the case of temporary disability, an employee 18718
shall receive sixty-six and two-thirds per cent of the 18719
employee's average weekly wage so long as such disability is 18720
total, not to exceed a maximum amount of weekly compensation 18721
which is equal to the statewide average weekly wage as defined 18722
in division (C) of section 4123.62 of the Revised Code, and not 18723
less than a minimum amount of compensation which is equal to 18724
thirty-three and one-third per cent of the statewide average 18725
weekly wage as defined in division (C) of section 4123.62 of the 18726
Revised Code unless the employee's wage is less than thirty- 18727
three and one-third per cent of the minimum statewide average 18728
weekly wage, in which event the employee shall receive 18729
compensation equal to the employee's full wages; provided that 18730
for the first twelve weeks of total disability the employee 18731
shall receive seventy-two per cent of the employee's full weekly 18732
wage, but not to exceed a maximum amount of weekly compensation 18733
which is equal to the lesser of the statewide average weekly 18734
wage as defined in division (C) of section 4123.62 of the 18735
Revised Code or one hundred per cent of the employee's net take- 18736
home weekly wage. In the case of a self-insuring employer, 18737
payments shall be for a duration based upon the medical reports 18738
of the attending physician. If the employer disputes the 18739
attending physician's report, payments may be terminated only 18740
upon application and hearing by a district hearing officer 18741
pursuant to division (C) of section 4123.511 of the Revised 18742
Code. Payments shall continue pending the determination of the 18743
matter, however payment shall not be made for the period when 18744
any employee has returned to work, when an employee's treating 18745
physician has made a written statement that the employee is 18746

capable of returning to the employee's former position of 18747
employment, when work within the physical capabilities of the 18748
employee is made available by the employer or another employer, 18749
or when the employee has reached the maximum medical 18750
improvement. Where the employee is capable of work activity, but 18751
the employee's employer is unable to offer the employee any 18752
employment, the employee shall register with the director of job 18753
and family services, who shall assist the employee in finding 18754
suitable employment. The termination of temporary total 18755
disability, whether by order or otherwise, does not preclude the 18756
commencement of temporary total disability at another point in 18757
time if the employee again becomes temporarily totally disabled. 18758

After two hundred weeks of temporary total disability 18759
benefits, the medical section of the ~~bureau of workers'~~ 18760
~~compensation office of worker safety and rehabilitation~~ shall 18761
schedule the claimant for an examination for an evaluation to 18762
determine whether or not the temporary disability has become 18763
permanent. A self-insuring employer shall notify the ~~bureau-~~ 18764
office immediately after payment of two hundred weeks of 18765
temporary total disability and request that the ~~bureau-office~~ 18766
schedule the claimant for such an examination. 18767

When the employee is awarded compensation for temporary 18768
total disability for a period for which the employee has 18769
received benefits under Chapter 4141. of the Revised Code, the 18770
~~bureau-office~~ shall pay an amount equal to the amount received 18771
from the award to the director of job and family services and 18772
the director shall credit the amount to the accounts of the 18773
employers to whose accounts the payment of benefits was charged 18774
or is chargeable to the extent it was charged or is chargeable. 18775

If any compensation under this section has been paid for 18776

the same period or periods for which temporary nonoccupational 18777
accident and sickness insurance is or has been paid pursuant to 18778
an insurance policy or program to which the employer has made 18779
the entire contribution or payment for providing insurance or 18780
under a nonoccupational accident and sickness program fully 18781
funded by the employer, except as otherwise provided in this 18782
division compensation paid under this section for the period or 18783
periods shall be paid only to the extent by which the payment or 18784
payments exceeds the amount of the nonoccupational insurance or 18785
program paid or payable. Offset of the compensation shall be 18786
made only upon the prior order of the ~~bureau~~ office or 18787
industrial commission or agreement of the claimant. If an 18788
employer provides supplemental sick leave benefits in addition 18789
to temporary total disability compensation paid under this 18790
section, and if the employer and an employee agree in writing to 18791
the payment of the supplemental sick leave benefits, temporary 18792
total disability benefits may be paid without an offset for 18793
those supplemental sick leave benefits. 18794

As used in this division, "net take-home weekly wage" 18795
means the amount obtained by dividing an employee's total 18796
remuneration, as defined in section 4141.01 of the Revised Code, 18797
paid to or earned by the employee during the first four of the 18798
last five completed calendar quarters which immediately precede 18799
the first day of the employee's entitlement to benefits under 18800
this division, by the number of weeks during which the employee 18801
was paid or earned remuneration during those four quarters, less 18802
the amount of local, state, and federal income taxes deducted 18803
for each such week. 18804

(B) (1) If an employee in a claim allowed under this 18805
chapter suffers a wage loss as a result of returning to 18806
employment other than the employee's former position of 18807

employment due to an injury or occupational disease, the 18808
employee shall receive compensation at sixty-six and two-thirds 18809
per cent of the difference between the employee's average weekly 18810
wage and the employee's present earnings not to exceed the 18811
statewide average weekly wage. The payments may continue for up 18812
to a maximum of two hundred weeks, but the payments shall be 18813
reduced by the corresponding number of weeks in which the 18814
employee receives payments pursuant to division (A) (2) of 18815
section 4121.67 of the Revised Code. 18816

(2) If an employee in a claim allowed under this chapter 18817
suffers a wage loss as a result of being unable to find 18818
employment consistent with the employee's disability resulting 18819
from the employee's injury or occupational disease, the employee 18820
shall receive compensation at sixty-six and two-thirds per cent 18821
of the difference between the employee's average weekly wage and 18822
the employee's present earnings, not to exceed the statewide 18823
average weekly wage. The payments may continue for up to a 18824
maximum of fifty-two weeks. The first twenty-six weeks of 18825
payments under division (B) (2) of this section shall be in 18826
addition to the maximum of two hundred weeks of payments allowed 18827
under division (B) (1) of this section. If an employee in a claim 18828
allowed under this chapter receives compensation under division 18829
(B) (2) of this section in excess of twenty-six weeks, the number 18830
of weeks of compensation allowable under division (B) (1) of this 18831
section shall be reduced by the corresponding number of weeks in 18832
excess of twenty-six, and up to fifty-two, that is allowable 18833
under division (B) (1) of this section. 18834

(3) The number of weeks of wage loss payable to an 18835
employee under divisions (B) (1) and (2) of this section shall 18836
not exceed two hundred and twenty-six weeks in the aggregate. 18837

(C) In the event an employee of a professional sports franchise domiciled in this state is disabled as the result of an injury or occupational disease, the total amount of payments made under a contract of hire or collective bargaining agreement to the employee during a period of disability is deemed an advanced payment of compensation payable under sections 4123.56 to 4123.58 of the Revised Code. The employer shall be reimbursed the total amount of the advanced payments out of any award of compensation made pursuant to sections 4123.56 to 4123.58 of the Revised Code.

(D) If an employee receives temporary total disability benefits pursuant to division (A) of this section and social security retirement benefits pursuant to the "Social Security Act," the weekly benefit amount under division (A) of this section shall not exceed 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.

Sec. 4123.561. (A) When an employee receives temporary total disability compensation pursuant to section 4123.56 of the Revised Code, the administrator of worker safety and rehabilitation shall develop a written return to work plan that includes an objective of returning the employee to gainful employment and the methods by which to achieve the objective. The administrator may include any of the following objectives in a return to work plan:

(1) Returning the employee to full-time employment in the same position;

(2) Returning the employee to part-time employment in the same position or full-time employment in the same position with modified duties;

(3) Retraining the employee for employment in a different position. 18868
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(B) Beginning ninety days after the date the final determination is made that an employee is temporarily totally disabled, and at the end of each consecutive ninety-day period thereafter during which the employee receives temporary total disability for the injury or occupational disease for which a return to work plan was developed, the administrator shall review the employee's return to work plan and make both of the following determinations: 18870
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(1) Whether the plan needs to be revised; 18878

(2) Whether the employee is in compliance with the plan. 18879

(C) If the administrator determines that an employee's return to work plan needs to be revised, the administrator shall revise the plan and provide notice of the revision to the employee and any person necessary to achieving the objective of the revised plan. If the employee complies with the revised plan, the administrator shall continue paying temporary total disability compensation to the employee until one of the events described in division (A) of section 4123.56 of the Revised Code occurs. 18880
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If the administrator determines that the plan does not need to be revised and that the employee is in compliance with the plan, the administrator shall continue paying temporary total disability compensation to the employee until one of the events described in division (A) of section 4123.56 of the Revised Code occurs. If the administrator determines that the plan does not need to be revised and that the employee is not in compliance with the plan, the administrator shall suspend the 18889
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payments for temporary total disability compensation until the 18897
administrator determines that the employee is complying with the 18898
plan. An employee's failure to comply with a return to work plan 18899
shall not result in the dismissal of the employee's claim. 18900

(D) The administrator shall adopt rules under Chapter 119. 18901
of the Revised Code as are necessary for the implementation and 18902
administration of this section. 18903

Sec. 4123.57. Partial disability compensation shall be 18904
paid as follows. 18905

Except as provided in this section, not earlier than 18906
twenty-six weeks after the date of termination of the latest 18907
period of payments under section 4123.56 of the Revised Code, or 18908
not earlier than twenty-six weeks after the date of the injury 18909
or contraction of an occupational disease in the absence of 18910
payments under section 4123.56 of the Revised Code, the employee 18911
may file an application with the ~~bureau of workers' compensation~~ 18912
office of worker safety and rehabilitation for the determination 18913
of the percentage of the employee's permanent partial disability 18914
resulting from an injury or occupational disease. 18915

Whenever the application is filed, the ~~bureau office~~ shall 18916
send a copy of the application to the employee's employer or the 18917
employer's representative and shall schedule the employee for a 18918
medical examination by the ~~bureau office~~ medical section. The 18919
~~bureau office~~ shall send a copy of the report of the medical 18920
examination to the employee, the employer, and their 18921
representatives. Thereafter, the administrator of ~~workers'~~ 18922
~~compensation~~ worker safety and rehabilitation shall review the 18923
employee's claim file and make a tentative order as the evidence 18924
before the administrator at the time of the making of the order 18925
warrants. If the administrator determines that there is a 18926

conflict of evidence, the administrator shall send the 18927
application, along with the claimant's file, to the district 18928
hearing officer who shall set the application for a hearing. 18929

The administrator shall notify the employee, the employer, 18930
and their representatives, in writing, of the tentative order 18931
and of the parties' right to request a hearing. Unless the 18932
employee, the employer, or their representative notifies the 18933
administrator, in writing, of an objection to the tentative 18934
order within twenty days after receipt of the notice thereof, 18935
the tentative order shall go into effect and the employee shall 18936
receive the compensation provided in the order. In no event 18937
shall there be a reconsideration of a tentative order issued 18938
under this division. 18939

If the employee, the employer, or their representatives 18940
timely notify the administrator of an objection to the tentative 18941
order, the matter shall be referred to a district hearing 18942
officer who shall set the application for hearing with written 18943
notices to all interested persons. Upon referral to a district 18944
hearing officer, the employer may obtain a medical examination 18945
of the employee, pursuant to rules of the industrial commission. 18946

(A) The district hearing officer, upon the application, 18947
shall determine the percentage of the employee's permanent 18948
disability, except as is subject to division (B) of this 18949
section, based upon that condition of the employee resulting 18950
from the injury or occupational disease and causing permanent 18951
impairment evidenced by medical or clinical findings reasonably 18952
demonstrable. The employee shall receive sixty-six and two- 18953
thirds per cent of the employee's average weekly wage, but not 18954
more than a maximum of thirty-three and one-third per cent of 18955
the statewide average weekly wage as defined in division (C) of 18956

section 4123.62 of the Revised Code, per week regardless of the 18957
average weekly wage, for the number of weeks which equals the 18958
percentage of two hundred weeks. Except on application for 18959
reconsideration, review, or modification, which is filed within 18960
ten days after the date of receipt of the decision of the 18961
district hearing officer, in no instance shall the former award 18962
be modified unless it is found from medical or clinical findings 18963
that the condition of the claimant resulting from the injury has 18964
so progressed as to have increased the percentage of permanent 18965
partial disability. A staff hearing officer shall hear an 18966
application for reconsideration filed and the staff hearing 18967
officer's decision is final. An employee may file an application 18968
for a subsequent determination of the percentage of the 18969
employee's permanent disability. If such an application is 18970
filed, the ~~bureau~~ office shall send a copy of the application to 18971
the employer or the employer's representative. No sooner than 18972
sixty days from the date of the mailing of the application to 18973
the employer or the employer's representative, the administrator 18974
shall review the application. The administrator may require a 18975
medical examination or medical review of the employee. The 18976
administrator shall issue a tentative order based upon the 18977
evidence before the administrator, provided that if the 18978
administrator requires a medical examination or medical review, 18979
the administrator shall not issue the tentative order until the 18980
completion of the examination or review. 18981

The employer may obtain a medical examination of the 18982
employee and may submit medical evidence at any stage of the 18983
process up to a hearing before the district hearing officer, 18984
pursuant to rules of the commission. The administrator shall 18985
notify the employee, the employer, and their representatives, in 18986
writing, of the nature and amount of any tentative order issued 18987

on an application requesting a subsequent determination of the 18988
percentage of an employee's permanent disability. An employee, 18989
employer, or their representatives may object to the tentative 18990
order within twenty days after the receipt of the notice 18991
thereof. If no timely objection is made, the tentative order 18992
shall go into effect. In no event shall there be a 18993
reconsideration of a tentative order issued under this division. 18994
If an objection is timely made, the application for a subsequent 18995
determination shall be referred to a district hearing officer 18996
who shall set the application for a hearing with written notice 18997
to all interested persons. No application for subsequent 18998
percentage determinations on the same claim for injury or 18999
occupational disease shall be accepted for review by the 19000
district hearing officer unless supported by substantial 19001
evidence of new and changed circumstances developing since the 19002
time of the hearing on the original or last determination. 19003

No award shall be made under this division based upon a 19004
percentage of disability which, when taken with all other 19005
percentages of permanent disability, exceeds one hundred per 19006
cent. If the percentage of the permanent disability of the 19007
employee equals or exceeds ninety per cent, compensation for 19008
permanent partial disability shall be paid for two hundred 19009
weeks. 19010

Compensation payable under this division accrues and is 19011
payable to the employee from the date of last payment of 19012
compensation, or, in cases where no previous compensation has 19013
been paid, from the date of the injury or the date of the 19014
diagnosis of the occupational disease. 19015

When an award under this division has been made prior to 19016
the death of an employee, all unpaid installments accrued or to 19017

accrue under the provisions of the award are payable to the 19018
surviving spouse, or if there is no surviving spouse, to the 19019
dependent children of the employee, and if there are no children 19020
surviving, then to other dependents as the administrator 19021
determines. 19022

(B) For purposes of this division, "payable per week" 19023
means the seven-consecutive-day period in which compensation is 19024
paid in installments according to the schedule associated with 19025
the applicable injury as set forth in this division. 19026

Compensation paid in weekly installments according to the 19027
schedule described in this division may only be commuted to one 19028
or more lump sum payments pursuant to the procedure set forth in 19029
section 4123.64 of the Revised Code. 19030

In cases included in the following schedule the 19031
compensation payable per week to the employee is the statewide 19032
average weekly wage as defined in division (C) of section 19033
4123.62 of the Revised Code per week and shall be paid in 19034
installments according to the following schedule: 19035

For the loss of a first finger, commonly known as a thumb, 19036
sixty weeks. 19037

For the loss of a second finger, commonly called index 19038
finger, thirty-five weeks. 19039

For the loss of a third finger, thirty weeks. 19040

For the loss of a fourth finger, twenty weeks. 19041

For the loss of a fifth finger, commonly known as the 19042
little finger, fifteen weeks. 19043

The loss of a second, or distal, phalange of the thumb is 19044
considered equal to the loss of one half of such thumb; the loss 19045

of more than one half of such thumb is considered equal to the 19046
loss of the whole thumb. 19047

The loss of the third, or distal, phalange of any finger 19048
is considered equal to the loss of one-third of the finger. 19049

The loss of the middle, or second, phalange of any finger 19050
is considered equal to the loss of two-thirds of the finger. 19051

The loss of more than the middle and distal phalanges of 19052
any finger is considered equal to the loss of the whole finger. 19053
In no case shall the amount received for more than one finger 19054
exceed the amount provided in this schedule for the loss of a 19055
hand. 19056

For the loss of the metacarpal bone (bones of the palm) 19057
for the corresponding thumb, or fingers, add ten weeks to the 19058
number of weeks under this division. 19059

For ankylosis (total stiffness of) or contractures (due to 19060
scars or injuries) which makes any of the fingers, thumbs, or 19061
parts of either useless, the same number of weeks apply to the 19062
members or parts thereof as given for the loss thereof. 19063

If the claimant has suffered the loss of two or more 19064
fingers by amputation or ankylosis and the nature of the 19065
claimant's employment in the course of which the claimant was 19066
working at the time of the injury or occupational disease is 19067
such that the handicap or disability resulting from the loss of 19068
fingers, or loss of use of fingers, exceeds the normal handicap 19069
or disability resulting from the loss of fingers, or loss of use 19070
of fingers, the administrator may take that fact into 19071
consideration and increase the award of compensation 19072
accordingly, but the award made shall not exceed the amount of 19073
compensation for loss of a hand. 19074

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| For the loss of a hand, one hundred seventy-five weeks. | 19075 |
| For the loss of an arm, two hundred twenty-five weeks. | 19076 |
| For the loss of a great toe, thirty weeks. | 19077 |
| For the loss of one of the toes other than the great toe, | 19078 |
| ten weeks. | 19079 |
| The loss of more than two-thirds of any toe is considered | 19080 |
| equal to the loss of the whole toe. | 19081 |
| The loss of less than two-thirds of any toe is considered | 19082 |
| no loss, except as to the great toe; the loss of the great toe | 19083 |
| up to the interphalangeal joint is co-equal to the loss of one- | 19084 |
| half of the great toe; the loss of the great toe beyond the | 19085 |
| interphalangeal joint is considered equal to the loss of the | 19086 |
| whole great toe. | 19087 |
| For the loss of a foot, one hundred fifty weeks. | 19088 |
| For the loss of a leg, two hundred weeks. | 19089 |
| For the loss of the sight of an eye, one hundred twenty- | 19090 |
| five weeks. | 19091 |
| For the permanent partial loss of sight of an eye, the | 19092 |
| portion of one hundred twenty-five weeks as the administrator in | 19093 |
| each case determines, based upon the percentage of vision | 19094 |
| actually lost as a result of the injury or occupational disease, | 19095 |
| but, in no case shall an award of compensation be made for less | 19096 |
| than twenty-five per cent loss of uncorrected vision. "Loss of | 19097 |
| uncorrected vision" means the percentage of vision actually lost | 19098 |
| as the result of the injury or occupational disease. | 19099 |
| For the permanent and total loss of hearing of one ear, | 19100 |
| twenty-five weeks; but in no case shall an award of compensation | 19101 |

be made for less than permanent and total loss of hearing of one 19102
ear. 19103

For the permanent and total loss of hearing, one hundred 19104
twenty-five weeks; but, except pursuant to the next preceding 19105
paragraph, in no case shall an award of compensation be made for 19106
less than permanent and total loss of hearing. 19107

In case an injury or occupational disease results in 19108
serious facial or head disfigurement which either impairs or may 19109
in the future impair the opportunities to secure or retain 19110
employment, the administrator shall make an award of 19111
compensation as it deems proper and equitable, in view of the 19112
nature of the disfigurement, and not to exceed the sum of ten 19113
thousand dollars. For the purpose of making the award, it is not 19114
material whether the employee is gainfully employed in any 19115
occupation or trade at the time of the administrator's 19116
determination. 19117

When an award under this division has been made prior to 19118
the death of an employee all unpaid installments accrued or to 19119
accrue under the provisions of the award shall be payable to the 19120
surviving spouse, or if there is no surviving spouse, to the 19121
dependent children of the employee and if there are no such 19122
children, then to such dependents as the administrator 19123
determines. 19124

When an employee has sustained the loss of a member by 19125
severance, but no award has been made on account thereof prior 19126
to the employee's death, the administrator shall make an award 19127
in accordance with this division for the loss which shall be 19128
payable to the surviving spouse, or if there is no surviving 19129
spouse, to the dependent children of the employee and if there 19130
are no such children, then to such dependents as the 19131

administrator determines. 19132

(C) Compensation for partial impairment under divisions 19133
(A) and (B) of this section is in addition to the compensation 19134
paid the employee pursuant to section 4123.56 of the Revised 19135
Code. A claimant may receive compensation under divisions (A) 19136
and (B) of this section. 19137

In all cases arising under division (B) of this section, 19138
if it is determined by any one of the following: (1) the amputee 19139
clinic at University hospital, Ohio state university; (2) the 19140
opportunities for Ohioans with disabilities agency; (3) an 19141
amputee clinic or prescribing physician approved by the 19142
administrator or the administrator's designee, that an injured 19143
or disabled employee is in need of an artificial appliance, or 19144
in need of a repair thereof, regardless of whether the appliance 19145
or its repair will be serviceable in the vocational 19146
rehabilitation of the injured employee, and regardless of 19147
whether the employee has returned to or can ever again return to 19148
any gainful employment, the ~~bureau-office~~ shall pay the cost of 19149
the artificial appliance or its repair out of the surplus 19150
created by division (B) of section 4123.34 of the Revised Code. 19151

In those cases where an opportunities for Ohioans with 19152
disabilities agency's recommendation that an injured or disabled 19153
employee is in need of an artificial appliance would conflict 19154
with their state plan, adopted pursuant to the "Rehabilitation 19155
Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the administrator 19156
or the administrator's designee or the ~~bureau-office~~ may obtain 19157
a recommendation from an amputee clinic or prescribing physician 19158
that they determine appropriate. 19159

(D) If an employee of a state fund employer makes 19160
application for a finding and the administrator finds that the 19161

employee has contracted silicosis as defined in division (Y), or 19162
coal miners' pneumoconiosis as defined in division (Z), or 19163
asbestosis as defined in division (BB) of section 4123.68 of the 19164
Revised Code, and that a change of such employee's occupation is 19165
medically advisable in order to decrease substantially further 19166
exposure to silica dust, asbestos, or coal dust and if the 19167
employee, after the finding, has changed or shall change the 19168
employee's occupation to an occupation in which the exposure to 19169
silica dust, asbestos, or coal dust is substantially decreased, 19170
the administrator shall allow to the employee an amount equal to 19171
fifty per cent of the statewide average weekly wage per week for 19172
a period of thirty weeks, commencing as of the date of the 19173
discontinuance or change, and for a period of one hundred weeks 19174
immediately following the expiration of the period of thirty 19175
weeks, the employee shall receive sixty-six and two-thirds per 19176
cent of the loss of wages resulting directly and solely from the 19177
change of occupation but not to exceed a maximum of an amount 19178
equal to fifty per cent of the statewide average weekly wage per 19179
week. No such employee is entitled to receive more than one 19180
allowance on account of discontinuance of employment or change 19181
of occupation and benefits shall cease for any period during 19182
which the employee is employed in an occupation in which the 19183
exposure to silica dust, asbestos, or coal dust is not 19184
substantially less than the exposure in the occupation in which 19185
the employee was formerly employed or for any period during 19186
which the employee may be entitled to receive compensation or 19187
benefits under section 4123.68 of the Revised Code on account of 19188
disability from silicosis, asbestosis, or coal miners' 19189
pneumoconiosis. An award for change of occupation for a coal 19190
miner who has contracted coal miners' pneumoconiosis may be 19191
granted under this division even though the coal miner continues 19192
employment with the same employer, so long as the coal miner's 19193

employment subsequent to the change is such that the coal 19194
miner's exposure to coal dust is substantially decreased and a 19195
change of occupation is certified by the claimant as permanent. 19196
The administrator may accord to the employee medical and other 19197
benefits in accordance with section 4123.66 of the Revised Code. 19198

(E) If a firefighter or police officer makes application 19199
for a finding and the administrator finds that the firefighter 19200
or police officer has contracted a cardiovascular and pulmonary 19201
disease as defined in division (W) of section 4123.68 of the 19202
Revised Code, and that a change of the firefighter's or police 19203
officer's occupation is medically advisable in order to decrease 19204
substantially further exposure to smoke, toxic gases, chemical 19205
fumes, and other toxic vapors, and if the firefighter, or police 19206
officer, after the finding, has changed or changes occupation to 19207
an occupation in which the exposure to smoke, toxic gases, 19208
chemical fumes, and other toxic vapors is substantially 19209
decreased, the administrator shall allow to the firefighter or 19210
police officer an amount equal to fifty per cent of the 19211
statewide average weekly wage per week for a period of thirty 19212
weeks, commencing as of the date of the discontinuance or 19213
change, and for a period of seventy-five weeks immediately 19214
following the expiration of the period of thirty weeks the 19215
administrator shall allow the firefighter or police officer 19216
sixty-six and two-thirds per cent of the loss of wages resulting 19217
directly and solely from the change of occupation but not to 19218
exceed a maximum of an amount equal to fifty per cent of the 19219
statewide average weekly wage per week. No such firefighter or 19220
police officer is entitled to receive more than one allowance on 19221
account of discontinuance of employment or change of occupation 19222
and benefits shall cease for any period during which the 19223
firefighter or police officer is employed in an occupation in 19224

which the exposure to smoke, toxic gases, chemical fumes, and 19225
other toxic vapors is not substantially less than the exposure 19226
in the occupation in which the firefighter or police officer was 19227
formerly employed or for any period during which the firefighter 19228
or police officer may be entitled to receive compensation or 19229
benefits under section 4123.68 of the Revised Code on account of 19230
disability from a cardiovascular and pulmonary disease. The 19231
administrator may accord to the firefighter or police officer 19232
medical and other benefits in accordance with section 4123.66 of 19233
the Revised Code. 19234

(F) An order issued under this section is appealable 19235
pursuant to section 4123.511 of the Revised Code but is not 19236
appealable to court under section 4123.512 of the Revised Code. 19237

Sec. 4123.58. (A) ~~In~~ As used in this section: 19238

(1) "Public retirement system" means the public employees 19239
retirement system, state teachers retirement system, school 19240
employees retirement system, Ohio police and fire pension fund, 19241
state highway patrol retirement system, and any municipal 19242
retirement system in this state. 19243

(2) "Full retirement age" means one of the following: 19244

(a) The age at which the employee is eligible for an 19245
unreduced retirement allowance or benefit from a public 19246
retirement system; 19247

(b) The age at which the employee reaches full retirement 19248
age under the old age, survivor, and disability insurance 19249
program established by the "Social Security Act," 42 U.S.C. 401 19250
et seq.; 19251

(c) In all other cases, the age determined under division 19252
(A) (2) (b) of this section, regardless of whether the employee is 19253

eligible for a benefit. 19254

(B) (1) Except as otherwise provided in division (C) of 19255
this section, in cases of permanent total disability, the 19256
employee shall receive an award to continue until the employee's 19257
death in the amount of sixty-six and two-thirds per cent of the 19258
employee's average weekly wage, but, except as otherwise 19259
provided in division (B) (2) of this section, not more than a 19260
maximum amount of weekly compensation which is equal to sixty- 19261
six and two-thirds per cent of the statewide average weekly wage 19262
as defined in division (C) of section 4123.62 of the Revised 19263
Code in effect on the date of injury or on the date the 19264
disability due to the occupational disease begins, nor not less 19265
than a minimum amount of weekly compensation which is equal to 19266
fifty per cent of the statewide average weekly wage as defined 19267
in division (C) of section 4123.62 of the Revised Code in effect 19268
on the date of injury or on the date the disability due to the 19269
occupational disease begins, unless the employee's average 19270
weekly wage is less than fifty per cent of the statewide average 19271
weekly wage at the time of the injury, in which event the 19272
employee shall receive compensation in an amount equal to the 19273
employee's average weekly wage. 19274

~~(B)~~ (2) In the event the weekly workers' compensation 19275
amount when combined with disability benefits received pursuant 19276
to the Social Security Act is less than the statewide average 19277
weekly wage as defined in division (C) of section 4123.62 of the 19278
Revised Code, then the maximum amount of weekly compensation 19279
shall be the statewide average weekly wage as defined in 19280
division (C) of section 4123.62 of the Revised Code. At any time 19281
that social security disability benefits terminate or are 19282
reduced, the workers' compensation award shall be recomputed to 19283
pay the maximum amount permitted under this division. 19284

(C) (1) Except as provided in division (C) (2) of this 19285
section, compensation for permanent total disability determined 19286
under division (B) of this section shall terminate and shall be 19287
determined as extended benefit compensation under division (D) 19288
of this section when an employee attains full retirement age for 19289
the position in which the employee was employed at the time the 19290
employee's injury occurred or occupational disease was 19291
contracted. 19292

(2) Compensation for permanent total disability under 19293
division (B) of this section shall terminate two years after the 19294
date an employee begins receiving that compensation in either of 19295
the following circumstances: 19296

(a) When the employee's injury or occupational disease 19297
occurred or was contracted after the employee reached full 19298
retirement age for the position in which the employee was 19299
employed at the time the employee's injury occurred or 19300
occupational disease was contracted; 19301

(b) When the employee is injured or contracts an 19302
occupational disease within one year before the date the 19303
employee attains full retirement age for the position in which 19304
the employee was employed at the time the employee's injury 19305
occurred or occupational disease was contracted. 19306

(D) (1) The amount of extended benefit compensation for 19307
permanent total disability required to be calculated under 19308
division (C) (1) of this section shall be a percentage of the 19309
amount calculated under division (B) of this section based on 19310
the number of years the employee received an award calculated 19311
under division (B) of this section, in accordance with the 19312
following schedule: 19313

| <u>Number of years</u> | <u>Award</u> | |
|----------------------------------------------------------------------|---------------------------|-------|
| | | 19314 |
| <u>At least one year but less than two</u> | <u>10% of the amount</u> | 19315 |
| <u>years</u> | | 19316 |
| <u>At least two years but less than three</u> | <u>20% of the amount</u> | 19317 |
| <u>years</u> | | 19318 |
| <u>At least three years but less than four</u> | <u>30% of the amount</u> | 19319 |
| <u>years</u> | | 19320 |
| <u>At least four years but less than five</u> | <u>40% of the amount</u> | 19321 |
| <u>years</u> | | 19322 |
| <u>At least five years but less than six</u> | <u>50% of the amount</u> | 19323 |
| <u>years</u> | | 19324 |
| <u>At least six years but less than seven</u> | <u>60% of the amount</u> | 19325 |
| <u>years</u> | | 19326 |
| <u>At least seven years but less than</u> | <u>70% of the amount</u> | 19327 |
| <u>eight years</u> | | 19328 |
| <u>At least eight years but less than nine</u> | <u>80% of the amount</u> | 19329 |
| <u>years</u> | | 19330 |
| <u>At least nine years but less than ten</u> | <u>90% of the amount</u> | 19331 |
| <u>years</u> | | 19332 |
| <u>Ten years or more</u> | <u>100% of the amount</u> | 19333 |
| <u>(2) The administrator of worker safety and rehabilitation</u> | | 19334 |
| <u>annually shall increase the amount of extended benefit</u> | | 19335 |
| <u>compensation payable to an employee under division (D) (1) of</u> | | 19336 |

this section by two per cent. The first increase is payable to 19337
an employee on the employee receiving compensation calculated 19338
under division (D) (1) for twelve months. The increased amount is 19339
payable for the ensuing twelve-month period or until the next 19340
increase is granted under this division, whichever is later. 19341
Subsequent increases shall be determined from the date of the 19342
first increase paid to the employee. The date of the first 19343
increase under this section becomes the anniversary date for any 19344
future increases. The amount of compensation used in the first 19345
calculation of an increase under this section shall remain as 19346
the base for all future increases, unless a new base is 19347
established. 19348

(E) Permanent total disability shall be compensated 19349
according to this section only when at least one of the 19350
following applies to the claimant: 19351

(1) The claimant has lost, or lost the use of both hands 19352
or both arms, or both feet or both legs, or both eyes, or of any 19353
two thereof; however, the loss or loss of use of one limb does 19354
not constitute the loss or loss of use of two body parts; 19355

(2) The impairment resulting from the employee's injury or 19356
occupational disease prevents the employee from engaging in 19357
sustained remunerative employment utilizing the employment 19358
skills that the employee has or may reasonably be expected to 19359
develop. 19360

~~(D)~~ (F) Permanent total disability shall not be 19361
compensated when the reason the employee is unable to engage in 19362
sustained remunerative employment is due to any of the following 19363
reasons, whether individually or in combination: 19364

(1) Impairments of the employee that are not the result of 19365

an allowed injury or occupational disease; 19366

(2) Solely the employee's age or aging; 19367

(3) The employee retired or otherwise voluntarily 19368
abandoned the workforce for reasons unrelated to the allowed 19369
injury or occupational disease. 19370

(4) The employee has not engaged in educational or 19371
rehabilitative efforts to enhance the employee's employability, 19372
unless such efforts are determined to be in vain. 19373

~~(E)~~ (G) Compensation payable under this section for 19374
permanent total disability is in addition to benefits payable 19375
under division (B) of section 4123.57 of the Revised Code. 19376

~~(F)~~ (H) If an employee is awarded compensation for 19377
permanent total disability under this section because the 19378
employee sustained a traumatic brain injury, the employee is 19379
entitled to that compensation regardless of the employee's 19380
employment in a sheltered workshop subsequent to the award, on 19381
the condition that the employee does not receive income, 19382
compensation, or remuneration from that employment in excess of 19383
two thousand dollars in any calendar quarter. As used in this 19384
division, "sheltered workshop" means a state agency or nonprofit 19385
organization established to carry out a program of 19386
rehabilitation for handicapped individuals or to provide these 19387
individuals with remunerative employment or other occupational 19388
rehabilitating activity. 19389

Sec. 4123.59. (A) In case an injury to or an occupational 19390
disease contracted by an employee causes the employee's death, 19391
benefits shall be in the amount and to the persons following: 19392

~~(A)~~ (1) If there are no dependents, the disbursements from 19393
the state insurance fund is limited to the expenses provided for 19394

in section 4123.66 of the Revised Code. 19395

~~(B)~~ (2) If there are wholly dependent persons at the time 19396
of the death, the weekly payment is sixty-six and two-thirds per 19397
cent of the average weekly wage, but not to exceed a maximum 19398
aggregate amount of weekly compensation which is equal to sixty- 19399
six and two-thirds per cent of the statewide average weekly wage 19400
as defined in division (C) of section 4123.62 of the Revised 19401
Code, and not in any event less than a minimum amount of weekly 19402
compensation which is equal to fifty per cent of the statewide 19403
average weekly wage as defined in division (C) of section 19404
4123.62 of the Revised Code, regardless of the average weekly 19405
wage; provided however, that if the death is due to injury 19406
received or occupational disease first diagnosed after January 19407
1, 1976, the weekly payment is sixty-six and two-thirds per cent 19408
of the average weekly wage but not to exceed a maximum aggregate 19409
amount of weekly compensation which is equal to the statewide 19410
average weekly wage as defined in division (C) of section 19411
4123.62 of the Revised Code; provided that when any claimant is 19412
receiving total disability compensation at the time of death the 19413
wholly dependent person is eligible for the maximum compensation 19414
provided for in this section. Where there is more than one 19415
person who is wholly dependent at the time of the death of the 19416
employee, the administrator of ~~workers' compensation~~ worker 19417
safety and rehabilitation shall promptly apportion the weekly 19418
amount of compensation payable under this ~~section~~ division among 19419
the dependent persons as provided in division ~~(D)~~ (B) of this 19420
section. 19421

~~(1)~~ (3) (a) The payment as provided in division (A) (2) of 19422
this section shall continue from the date of death of an injured 19423
or disabled employee until the death or remarriage of such 19424
dependent spouse. If the dependent spouse remarries, an amount 19425

equal to two years of compensation benefits at the weekly amount 19426
determined to be applicable to and being paid to the dependent 19427
spouse shall be paid in a lump sum to such spouse and no further 19428
compensation shall be paid to such spouse. 19429

~~(2)~~~~(b)~~ That portion of the payment provided in division 19430
~~(B)~~~~(A) (2)~~ of this section applicable to wholly dependent 19431
persons other than a spouse shall continue from the date of 19432
death of an injured or disabled employee to a dependent as of 19433
the date of death, other than a spouse, at the weekly amount 19434
determined to be applicable and being paid to such dependent 19435
other than a spouse, until the dependent: 19436

~~(a)~~~~(i)~~ Reaches eighteen years of age; 19437

~~(b)~~~~(ii)~~ If pursuing a full time educational program while 19438
enrolled in an accredited educational institution and program, 19439
reaches twenty-five years of age; 19440

~~(c)~~~~(iii)~~ If mentally or physically incapacitated from 19441
having any earnings, is no longer so incapacitated. 19442

~~(3)~~~~(a)~~~~(c)~~ Payments under division ~~(B)~~~~(A) (2)~~ of this 19443
section to a dependent described in division ~~(B)~~~~(2)~~~~(e)~~~~(A) (2) (b)~~
~~(iii)~~ of this section shall not be terminated due to the 19444
dependent's employment in a sheltered workshop if the dependent 19445
does not receive income, compensation, or remuneration from that 19446
employment in excess of two thousand dollars in any calendar 19447
quarter. 19448
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~~(b)~~ As used in this division ~~(B)~~~~(3)~~ of this section, 19450
"sheltered workshop" has the same meaning as in section 4123.58 19451
of the Revised Code. 19452

~~(C)~~~~(4)~~ If there are partly dependent persons at the time 19453
of the death, the weekly payment is sixty-six and two-thirds per 19454

cent of the employee's average weekly wage, not to exceed sixty- 19455
six and two-thirds per cent of the statewide average weekly wage 19456
as defined in division (C) of section 4123.62 of the Revised 19457
Code, and shall continue for such time as the administrator in 19458
each case determines. 19459

~~(D)~~ (5) If there are dependent persons at the time of the 19460
death, a single lump sum payment of thirty-five thousand dollars 19461
shall be made, in addition to the other payments provided for in 19462
this section. Where there is more than one person who is a 19463
dependent person at the time of the death of the employee, the 19464
administrator shall promptly apportion the compensation payable 19465
under this division among the dependent persons as provided in 19466
division (B) of this section. 19467

(6) If there are dependent persons at the time of the 19468
death, each dependent person shall receive a scholarship in the 19469
amount of five thousand dollars per year for a maximum of four 19470
years, to be used for the payment of expenses of college, 19471
university, technical, vocational, or post-secondary education 19472
in accordance with the following requirements: 19473

(a) If a person who is a dependent person at the time of 19474
the death no longer qualifies to be a dependent person under 19475
division (A) (2) (b) of this section, the former dependent person 19476
forfeits any remaining scholarship amount in accordance with 19477
rules adopted under division (C) of this section. 19478

(b) If the dependent person withdraws or otherwise ceases 19479
attending a college, university, technical, vocational, or post- 19480
secondary educational institution without enrolling in another 19481
college, university, technical, vocational, or post-secondary 19482
educational institution, the dependent person forfeits any 19483
remaining scholarship amount in accordance with rules adopted 19484

under division (C) of this section. 19485

(c) If the dependent person has not graduated from high school or been awarded a certificate of high school equivalence at the time of the death, the dependent person shall not receive the scholarship provided for in division (A) (6) of this section until the dependent person graduates from high school or is awarded a certificate of high school equivalence. 19486
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(B) (1) The following persons are presumed to be wholly dependent for their support upon a deceased employee: 19492
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~~(1)~~ (a) 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; 19494
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~~(2)~~ (b) 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. 19498
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(2) 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. 19507
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(3) The administrator may take into consideration any circumstances which, at the time of the death of the decedent, 19512
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clearly indicate prospective dependency on the part of the 19514
claimant and potential support on the part of the decedent. No 19515
person shall be considered a prospective dependent unless such 19516
person is a member of the family of the deceased employee and 19517
bears to the deceased employee the relation of surviving spouse, 19518
lineal descendant, ancestor, or brother or sister. The total 19519
award for any or all prospective dependency to all such 19520
claimants, except to a natural parent or natural parents of the 19521
deceased, shall not exceed three thousand dollars to be 19522
apportioned among them as the administrator orders. 19523

In all other cases, the question of dependency, in whole 19524
or in part, shall be determined in accordance with the facts in 19525
each particular case existing at the time of the injury 19526
resulting in the death of such employee, but no person shall be 19527
considered as dependent unless such person is a member of the 19528
family of the deceased employee, or bears to the deceased 19529
employee the relation of surviving spouse, lineal descendant, 19530
ancestor, or brother or sister. 19531

~~(E)~~ (C) The administrator shall adopt rules under Chapter 19532
119. of the Revised Code for the purpose of administering the 19533
scholarships under division (A) (6) of this section, including 19534
rules for the forfeiture of scholarships due to disqualification 19535
or withdrawal from enrollment. 19536

(D) An order issued by the administrator under this 19537
section is appealable pursuant to sections 4123.511 to 4123.512 19538
of the Revised Code. 19539

Sec. 4123.591. The administrator of ~~workers' compensation~~ 19540
worker safety and rehabilitation may furnish quarterly, to the 19541
tax commissioner, in a format approved by the tax commissioner, 19542
a list containing the name and social security number of any 19543

person receiving spousal death benefits. Upon receipt of this 19544
list, the commissioner shall return to the administrator, in a 19545
format designed by the commissioner, information identifying any 19546
person listed by the administrator who, as reported on the most 19547
recent return filed by the person under section 5747.08 of the 19548
Revised Code, filed under the status "married filing joint 19549
return," or "married filing separately." 19550

Sec. 4123.60. Benefits in case of death shall be paid to 19551
such one or more of the dependents of the decedent, for the 19552
benefit of all the dependents as the administrator of ~~workers'~~ 19553
~~compensation~~ worker safety and rehabilitation determines. The 19554
administrator may apportion the benefits among the dependents in 19555
such manner as ~~he~~ the administrator deems just and equitable. 19556
Payment to a dependent subsequent in right may be made, if the 19557
administrator deems it proper, and operates to discharge all 19558
other claims therefor. The dependents or person to whom benefits 19559
are paid shall apply the same to the use of the several 19560
beneficiaries thereof according to their respective claims upon 19561
the decedent for support, in compliance with the finding and 19562
direction of the administrator. 19563

In all cases of death where the dependents are a surviving 19564
spouse and one or more children, it is sufficient for the 19565
surviving spouse to apply to the administrator on behalf of the 19566
spouse and minor children. In cases where all the dependents are 19567
minors, a guardian or next friend of such minor dependents shall 19568
apply. 19569

In all cases where an award had been made on account of 19570
temporary, or permanent partial, or total disability, in which 19571
there remains an unpaid balance, representing payments accrued 19572
and due to the decedent at the time of ~~his~~ the decedent's death, 19573

the administrator may, after satisfactory proof has been made 19574
warranting such action, award or pay any unpaid balance of such 19575
award to such of the dependents of the decedent, or for services 19576
rendered on account of the last illness or death of such 19577
decedent, as the administrator determines in accordance with the 19578
circumstances in each such case. If the decedent would have been 19579
lawfully entitled to have applied for an award at the time of 19580
~~his~~ the decedent's death the administrator may, after 19581
satisfactory proof to warrant an award and payment, award and 19582
pay an amount, not exceeding the compensation which the decedent 19583
might have received, but for ~~his~~ the decedent's death, for the 19584
period prior to the date of ~~his~~ the decedent's death, to such of 19585
the dependents of the decedent, or for services rendered on 19586
account of the last illness or death of such decedent, as the 19587
administrator determines in accordance with the circumstances in 19588
each such case, but such payments may be made only in cases in 19589
which application for compensation was made in the manner 19590
required by this chapter, during the lifetime of such injured or 19591
disabled person, or within one year after the death of such 19592
injured or disabled person. 19593

An order issued by the administrator under this section is 19594
appealable pursuant to section 4123.511 of the Revised Code but 19595
is not appealable to court under section 4123.512 of the Revised 19596
Code. 19597

Sec. 4123.61. The average weekly wage of an injured 19598
employee at the time of the injury or at the time disability due 19599
to the occupational disease begins is the basis upon which to 19600
compute benefits. 19601

In cases of temporary total disability the compensation 19602
for the first twelve weeks for which compensation is payable 19603

shall be based on the full weekly wage of the claimant at the 19604
time of the injury or at the time of the disability due to 19605
occupational disease begins; when a factory, mine, or other 19606
place of employment is working short time in order to divide 19607
work among the employees, the ~~bureau of workers' compensation~~ 19608
office of worker safety and rehabilitation shall take that fact 19609
into consideration when determining the wage for the first 19610
twelve weeks of temporary total disability. 19611

Compensation for all further temporary total disability 19612
shall be based as provided for permanent disability claims. 19613

In death, permanent total disability claims, permanent 19614
partial disability claims, and impairment of earnings claims, 19615
the claimant's or the decedent's average weekly wage for the 19616
year preceding the injury or the date the disability due to the 19617
occupational disease begins is the weekly wage upon which 19618
compensation shall be based. In ascertaining the average weekly 19619
wage for the year previous to the injury, or the date the 19620
disability due to the occupational disease begins any period of 19621
unemployment due to sickness, industrial depression, strike, 19622
lockout, or other cause beyond the employee's control shall be 19623
eliminated. 19624

In cases where there are special circumstances under which 19625
the average weekly wage cannot justly be determined by applying 19626
this section, the administrator of ~~workers' compensation~~ worker 19627
safety and rehabilitation, in determining the average weekly 19628
wage in such cases, shall use such method as will enable the 19629
administrator to do substantial justice to the claimants, 19630
provided that the administrator shall not recalculate the 19631
claimant's average weekly wage for awards for permanent total 19632
disability solely for the reason that the claimant continued 19633

working and the claimant's wages increased following the injury. 19634

Sec. 4123.62. (A) If it is established that an injured or 19635
disabled employee was of such age and experience when injured or 19636
disabled as that under natural conditions an injured or disabled 19637
employee's wages would be expected to increase, the 19638
administrator of ~~workers' compensation~~ worker safety and 19639
rehabilitation may consider that fact in arriving at an injured 19640
or disabled employee's average weekly wage. 19641

(B) On each first day of January, the current maximum 19642
monthly benefit amounts provided in sections 4123.412, 4123.413, 19643
and 4123.414 of the Revised Code in injury cases shall be 19644
adjusted based on the United States department of labor's 19645
national consumer price index. The percentage increase in the 19646
cost of living using the index figure for the first day of 19647
September of the preceding year and the first day of September 19648
of the year preceding that year shall be applied to the maximums 19649
in effect on the preceding thirty-first day of December to 19650
obtain the increase in the cost of living during that year. 19651

In determining the increase in the maximum benefits for 19652
any year after 1972, the base shall be the national consumer 19653
price index on the first day of September of the preceding year. 19654
The increase in the index for the applicable twelve-month period 19655
shall be determined and shall be divided by the base used. The 19656
resulting percentage shall be applied to the existing maximums 19657
to arrive at the new maximums. 19658

(C) Effective January 1, 1974, and each first day of 19659
January thereafter, the current maximum weekly benefit amounts 19660
provided in sections 4123.56, 4123.58, and 4123.59, and division 19661
(B) of section 4123.57 of the Revised Code shall be adjusted 19662
based on the increase or decrease in the statewide average 19663

weekly wage. 19664

"Statewide average weekly wage" means the average weekly 19665
earnings of all workers in Ohio employment subject to Chapter 19666
4141. of the Revised Code as determined as of the first day of 19667
September for the four full calendar quarters preceding the 19668
first day of July of each year, by the director of job and 19669
family services. 19670

The statewide average weekly wage to be used for the 19671
determination of compensation for any employee who sustains an 19672
injury, or death, or who contracts an occupational disease 19673
during the subsequent calendar year beginning with the first day 19674
of January, shall be the statewide average weekly wage so 19675
determined as of the prior first day of September adjusted to 19676
the next higher even multiple of one dollar. 19677

Any change in benefit amounts is effective with respect to 19678
injuries sustained, occupational diseases contracted, and deaths 19679
occurring during the calendar year for which adjustment is made. 19680

In determining the change in the maximum benefits for any 19681
year after 1978, the base shall be the statewide average weekly 19682
wage on the first day of September of the preceding year. 19683

Sec. 4123.63. If a person in active service in the armed 19684
forces of the United States at any time during a period of war 19685
as defined in the "Veterans' Pension and Readjustment Assistance 19686
Act of 1967," 81 Stat. 181, 38 U.S.C.A. 101 or the period 19687
beginning May 1, 1940, and ending December 7, 1941, sustained an 19688
injury or suffered a disease while in such service, and if the 19689
person is thereafter injured or suffers an occupational disease 19690
in the course of and arising out of ~~his~~ employment in this 19691
state, and the industrial commission or the ~~bureau of workers'~~ 19692

~~compensation office of worker safety and rehabilitation~~ awards 19693
compensation therefor, it shall determine what part, if any, of 19694
the compensation is attributable to the injury or disease which 19695
the person sustained or suffered while in the service and what 19696
part of the compensation is attributable to the injury or 19697
occupational disease sustained or suffered in the course of and 19698
arising out of ~~his~~ employment in this state. That part of the 19699
compensation attributable to the injury or disease sustained or 19700
suffered while in the service shall be paid out of the statutory 19701
surplus of the state insurance fund created under section 19702
4123.34 of the Revised Code, and shall not be merit rated or 19703
otherwise treated as part of the accident or occupational 19704
disease experience of the employer of the employee. That part of 19705
the compensation attributable to the injury or occupational 19706
disease sustained or suffered in the course of and arising out 19707
of ~~his~~ employment in this state shall be merit rated and treated 19708
as part of the accident or occupational disease experience of 19709
the employer of the employee, and shall be paid out of the state 19710
insurance fund, unless the employer is a self-insuring employer 19711
as provided for in section 4123.35 of the Revised Code, in which 19712
case payment shall be made by the self-insuring employer. In 19713
such case the administrator of ~~workers' compensation~~ worker 19714
safety and rehabilitation may order the employer to pay the 19715
employee the full amount of compensation awarded the employee by 19716
the commission or the ~~bureau~~ office, and in such event it shall 19717
order the employer reimbursed out of the statutory surplus of 19718
the state insurance fund for that part of the compensation paid 19719
which the commission or ~~bureau~~ office determines to be 19720
attributable to the injury or disease sustained or suffered in 19721
the service. Nothing in this section is applicable in connection 19722
with any award of compensation made by the commission or ~~bureau~~ 19723
office to an employee of an employer who has neither contributed 19724

to the state insurance fund nor elected to pay compensation 19725
directly under section 4123.35 of the Revised Code. 19726

The records of any agency of the United States authorized 19727
to keep or preserve the records of service of persons in active 19728
service in the armed forces of the United States at any time 19729
during a period of war as defined in the "Veterans' Pension and 19730
Readjustment Assistance Act of 1967," 81 Stat. 181, 38 U.S.C.A. 19731
101 or the period beginning May 1, 1940, and ending December 7, 19732
1941, or to determine the fact of injury or disease of the 19733
person sustained or suffered while in service, when made 19734
available to the commission and the ~~bureau-office~~ in such manner 19735
and form as it deems proper, shall be deemed by the commission 19736
and the ~~bureau-office~~ to establish prima facie the facts of the 19737
service and the fact as to whether or not the person sustained 19738
or suffered an injury or disease while in the service, and if 19739
so, the nature thereof, and the prima-facie establishment may be 19740
deemed by the commission and the ~~bureau-office~~ to be overcome 19741
only upon clear and convincing evidence to the contrary. 19742

The administrator may accept and credit to the statutory 19743
surplus of the state insurance fund any sum of money that may at 19744
any time be contributed to or made available to the state by the 19745
United States under any act of congress, or otherwise, to which 19746
the state is, or may become, entitled by reason of any payments 19747
made to employees out of the statutory surplus in accordance 19748
with this chapter. 19749

Sec. 4123.64. (A) The administrator of ~~workers'~~ 19750
~~compensation~~ worker safety and rehabilitation, under special 19751
circumstances, and when the same is deemed advisable for the 19752
purpose of rendering the injured or disabled employee financial 19753
relief or for the purpose of furthering ~~his~~ the injured or 19754

disabled employee's rehabilitation, may commute payments of 19755
compensation or benefits to one or more lump-sum payments. 19756

(B) The administrator shall adopt rules which set forth 19757
the policy for awarding lump sum payments. The rules shall: 19758

(1) Enumerate the allowable purposes for payments and the 19759
conditions for making such awards; 19760

(2) Enumerate the maximum reduction in compensation 19761
allowable; 19762

(3) Enumerate the documentation necessary to award a lump- 19763
sum payment; 19764

(4) Require that all checks include the claimant as a 19765
payee, except where the check is for the payment of attorney's 19766
fees in accordance with section 4123.06 of the Revised Code, in 19767
which case the attorney shall be named as the only payee on the 19768
check; 19769

(5) Require a fully completed and current application 19770
including notary and seal; and 19771

(6) Specify procedures to make a claimant aware of the 19772
reduction in amount of compensation which will occur. 19773

(C) An order of the administrator issued under this 19774
section is appealable pursuant to section 4123.511 of the 19775
Revised Code but is not appealable to court under section 19776
4123.512 of the Revised Code. 19777

Sec. 4123.65. (A) A state fund employer or the employee of 19778
such an employer may file an application with the administrator 19779
of ~~workers' compensation~~ worker safety and rehabilitation for 19780
approval of a final settlement of a claim under this chapter. 19781
The application shall include the settlement agreement, and 19782

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:

(1) The employer is no longer doing business in Ohio;

(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;

(3) The employer has failed to comply with section 4123.35 of the Revised Code.

If a claimant files an application without an employer's signature, and the employer still is doing business in this state, the administrator 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.

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 may file an application on behalf of the employer or the employee, provided that the administrator 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 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 19812
that enters into a final settlement agreement with an employee 19813
shall mail, within seven days of executing the agreement, a copy 19814
of the agreement to the administrator and the employee's 19815
representative. The administrator shall place the agreement into 19816
the claimant's file. 19817

(B) Except as provided in divisions (C) and (D) of this 19818
section, a settlement agreed to under this section is binding 19819
upon all parties thereto and as to items, injuries, and 19820
occupational diseases to which the settlement applies. 19821

(C) No settlement agreed to under division (A) of this 19822
section or agreed to by a self-insuring employer and the self- 19823
insuring employer's employee shall take effect until thirty days 19824
after the administrator approves the settlement for state fund 19825
employees and employers, or after the self-insuring employer and 19826
employee sign the final settlement agreement. During the thirty- 19827
day period, the employer, employee, or administrator, for state 19828
fund settlements, and the employer or employee, for self- 19829
insuring settlements, may withdraw consent to the settlement by 19830
an employer providing written notice to the employer's employee 19831
and the administrator or by an employee providing written notice 19832
to the employee's employer and the administrator, or by the 19833
administrator providing written notice to the state fund 19834
employer and employee. If an employee dies during the thirty-day 19835
waiting period following the approval of a settlement, the 19836
settlement can be voided by any party for good cause shown. 19837

(D) At the time of agreement to any final settlement 19838
agreement under division (A) of this section or agreement 19839
between a self-insuring employer and the self-insuring 19840
employer's employee, the administrator, for state fund 19841

settlements, and the self-insuring employer, for self-insuring 19842
settlements, immediately shall send a copy of the agreement to 19843
the industrial commission who shall assign the matter to a staff 19844
hearing officer. The staff hearing officer shall determine, 19845
within the time limitations specified in division (C) of this 19846
section, whether the settlement agreement is or is not a gross 19847
miscarriage of justice. If the staff hearing officer determines 19848
within that time period that the settlement agreement is clearly 19849
unfair, the staff hearing officer shall issue an order 19850
disapproving the settlement agreement. If the staff hearing 19851
officer determines that the settlement agreement is not clearly 19852
unfair or fails to act within those time limits, the settlement 19853
agreement is approved. 19854

(E) A settlement entered into under this section may 19855
pertain to one or more claims of a claimant, or one or more 19856
parts of a claim, or the compensation or benefits pertaining to 19857
either, or any combination thereof, provided that nothing in 19858
this section shall be interpreted to require a claimant to enter 19859
into a settlement agreement for every claim that has been filed 19860
with the ~~bureau of workers' compensation~~ office of worker safety 19861
and rehabilitation by that claimant under Chapter 4121., 4123., 19862
4127., or 4131. of the Revised Code. 19863

(F) A settlement entered into under this section is not 19864
appealable under section 4123.511 or 4123.512 of the Revised 19865
Code. 19866

Sec. 4123.651. (A) The employer of a claimant who is 19867
injured or disabled in the course of ~~his~~ the claimant's 19868
employment may require, without the approval of the 19869
administrator of worker safety and rehabilitation or the 19870
industrial commission, that the claimant be examined by a 19871

physician of the employer's choice one time upon any issue 19872
asserted by the employee or a physician of the employee's choice 19873
or which is to be considered by the commission. Any further 19874
requests for medical examinations shall be made to the 19875
commission which shall consider and rule on the request. The 19876
employer shall pay the cost of any examinations initiated by the 19877
employer. 19878

(B) The ~~bureau of workers' compensation office of worker~~ 19879
safety and rehabilitation shall prepare a form for the release 19880
of medical information, records, and reports relative to the 19881
issues necessary for the administration of a claim under this 19882
chapter. The claimant promptly shall provide a current signed 19883
release of the information, records, and reports when requested 19884
by the employer. The employer promptly shall provide copies of 19885
all medical information, records, and reports to the ~~bureau-~~ 19886
office and to the claimant or ~~his~~ the claimant's representative 19887
upon request. 19888

(C) If, without good cause, an employee refuses to submit 19889
to any examination scheduled under this section or refuses to 19890
release or execute a release for any medical information, 19891
record, or report that is required to be released under this 19892
section and involves an issue pertinent to the condition alleged 19893
in the claim, ~~his~~ the employee's right to have ~~his~~ the 19894
employee's claim for compensation or benefits considered, if ~~his~~ 19895
the employee's claim is pending before the administrator, 19896
commission, or a district or staff hearing officer, or to 19897
receive any payment for compensation or benefits previously 19898
granted, is suspended during the period of refusal. 19899

(D) No ~~bureau office~~ or commission employee shall alter 19900
any medical report obtained from a health care provider the 19901

~~bureau-office~~ or commission has selected or cause or request the 19902
health care provider to alter or change a report. The ~~bureau-~~ 19903
~~office~~ and commission shall make any request for clarification 19904
of a health care provider's report in writing and shall provide 19905
a copy of the request to the affected parties and their 19906
representatives at the time of making the request. 19907

Sec. 4123.66. (A) In addition to the compensation provided 19908
for in this chapter, the administrator of ~~workers' compensation-~~ 19909
~~worker safety and rehabilitation~~ shall disburse and pay from the 19910
state insurance fund the amounts for medical, nurse, and 19911
hospital services and medicine as the administrator deems proper 19912
and, in case death ensues from the injury or occupational 19913
disease, the administrator shall disburse and pay from the fund 19914
reasonable funeral expenses in an amount not to exceed fifty- 19915
five hundred dollars. The ~~bureau of workers' compensation-office~~ 19916
~~of worker safety and rehabilitation~~ shall reimburse anyone, 19917
whether dependent, volunteer, or otherwise, who pays the funeral 19918
expenses of any employee whose death ensues from any injury or 19919
occupational disease as provided in this section. The 19920
administrator may adopt rules, with the advice and consent of 19921
the ~~bureau of workers' compensation-office of worker safety and~~ 19922
~~rehabilitation~~ board of directors, with respect to furnishing 19923
medical, nurse, and hospital service and medicine to injured or 19924
disabled employees entitled thereto, and for the payment 19925
therefor. In case an injury or industrial accident that injures 19926
an employee also causes damage to the employee's eyeglasses, 19927
artificial teeth or other denture, or hearing aid, or in the 19928
event an injury or occupational disease makes it necessary or 19929
advisable to replace, repair, or adjust the same, the ~~bureau-~~ 19930
~~office~~ shall disburse and pay a reasonable amount to repair or 19931
replace the same. 19932

(B) The administrator, in the rules the administrator 19933
adopts pursuant to division (A) of this section, may adopt rules 19934
specifying the circumstances under which the ~~bureau~~office may 19935
make immediate payment for the first fill of prescription drugs 19936
for medical conditions identified in an application for 19937
compensation or benefits under section 4123.84 or 4123.85 of the 19938
Revised Code that occurs prior to the date the administrator 19939
issues an initial determination order under division (B) of 19940
section 4123.511 of the Revised Code. If the claim is ultimately 19941
disallowed in a final administrative or judicial order, and if 19942
the employer is a state fund employer who pays assessments into 19943
the surplus fund account created under section 4123.34 of the 19944
Revised Code, the payments for medical services made pursuant to 19945
this division for the first fill of prescription drugs shall be 19946
charged to and paid from the surplus fund account and not 19947
charged through the state insurance fund to the employer against 19948
whom the claim was filed. 19949

(C) (1) If an employer or a welfare plan has provided to or 19950
on behalf of an employee any benefits or compensation for an 19951
injury or occupational disease and that injury or occupational 19952
disease is determined compensable under this chapter, the 19953
employer or a welfare plan may request that the administrator 19954
reimburse the employer or welfare plan for the amount the 19955
employer or welfare plan paid to or on behalf of the employee in 19956
compensation or benefits. The administrator shall reimburse the 19957
employer or welfare plan for the compensation and benefits paid 19958
if, at the time the employer or welfare plan provides the 19959
benefits or compensation to or on behalf of employee, the injury 19960
or occupational disease had not been determined to be 19961
compensable under this chapter and if the employee was not 19962
receiving compensation or benefits under this chapter for that 19963

injury or occupational disease. The administrator shall 19964
reimburse the employer or welfare plan in the amount that the 19965
administrator would have paid to or on behalf of the employee 19966
under this chapter if the injury or occupational disease 19967
originally would have been determined compensable under this 19968
chapter. If the employer is a merit-rated employer, the 19969
administrator shall adjust the amount of premium next due from 19970
the employer according to the amount the administrator pays the 19971
employer. The administrator shall adopt rules, in accordance 19972
with Chapter 119. of the Revised Code, to implement this 19973
division. 19974

(2) As used in this division, "welfare plan" has the same 19975
meaning as in division (1) of 29 U.S.C.A. 1002. 19976

Sec. 4123.67. Except as otherwise provided in sections 19977
3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised 19978
Code, compensation before payment shall be exempt from all 19979
claims of creditors and from any attachment or execution, and 19980
shall be paid only to the employees or their dependents. In all 19981
cases where property of an employer is placed in the hands of an 19982
assignee, receiver, or trustee, claims arising under any award 19983
or finding of the industrial commission or ~~bureau of workers'~~ 19984
compensation office of worker safety and rehabilitation, 19985
pursuant to this chapter, including claims for premiums, and any 19986
judgment recovered thereon shall first be paid out of the trust 19987
fund in preference to all other claims, except claims for taxes 19988
and the cost of administration, and with the same preference 19989
given to claims for taxes. 19990

Sec. 4123.68. Every employee who is disabled because of 19991
the contraction of an occupational disease or the dependent of 19992
an employee whose death is caused by an occupational disease, is 19993

entitled to the compensation provided by sections 4123.55 to 19994
4123.59 and 4123.66 of the Revised Code subject to the 19995
modifications relating to occupational diseases contained in 19996
this chapter. An order of the administrator of worker safety and 19997
rehabilitation issued under this section is appealable pursuant 19998
to sections 4123.511 and 4123.512 of the Revised Code. 19999

The following diseases are occupational diseases and 20000
compensable as such when contracted by an employee in the course 20001
of the employment in which such employee was engaged and due to 20002
the nature of any process described in this section. A disease 20003
which meets the definition of an occupational disease is 20004
compensable pursuant to this chapter though it is not 20005
specifically listed in this section. 20006

SCHEDULE 20007

Description of disease or injury and description of 20008
process: 20009

(A) Anthrax: Handling of wool, hair, bristles, hides, and 20010
skins. 20011

(B) Glanders: Care of any equine animal suffering from 20012
glanders; handling carcass of such animal. 20013

(C) Lead poisoning: Any industrial process involving the 20014
use of lead or its preparations or compounds. 20015

(D) Mercury poisoning: Any industrial process involving 20016
the use of mercury or its preparations or compounds. 20017

(E) Phosphorous poisoning: Any industrial process 20018
involving the use of phosphorous or its preparations or 20019
compounds. 20020

(F) Arsenic poisoning: Any industrial process involving 20021

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| the use of arsenic or its preparations or compounds. | 20022 |
| (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. | 20023 20024 20025 20026 20027 |
| (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. | 20028 20029 20030 20031 |
| (I) Poisoning by carbon bisulphide: Any industrial process involving the use of carbon bisulphide or its preparations or compounds. | 20032 20033 20034 |
| (J) Poisoning by wood alcohol: Any industrial process involving the use of wood alcohol or its preparations. | 20035 20036 |
| (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. | 20037 20038 20039 20040 20041 20042 |
| (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. | 20043 20044 20045 20046 |
| (M) Compressed air illness: Any industrial process carried on in compressed air. | 20047 20048 |
| (N) Carbon dioxide poisoning: Any process involving the | 20049 |

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| evolution or resulting in the escape of carbon dioxide. | 20050 |
| (O) Brass or zinc poisoning: Any process involving the manufacture, founding, or refining of brass or the melting or smelting of zinc. | 20051 20052 20053 |
| (P) Manganese dioxide poisoning: Any process involving the grinding or milling of manganese dioxide or the escape of manganese dioxide dust. | 20054 20055 20056 |
| (Q) Radium poisoning: Any industrial process involving the use of radium and other radioactive substances in luminous paint. | 20057 20058 20059 |
| (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 hand, due to frequently repetitive motions or vibrations, or prepatellar bursitis due to continued pressure. | 20060 20061 20062 20063 20064 |
| (S) Chrome ulceration of the skin or nasal passages: Any industrial process involving the use of or direct contact with chromic acid or bichromates of ammonium, potassium, or sodium or their preparations. | 20065 20066 20067 20068 |
| (T) Potassium cyanide poisoning: Any industrial process involving the use of or direct contact with potassium cyanide. | 20069 20070 |
| (U) Sulphur dioxide poisoning: Any industrial process in which sulphur dioxide gas is evolved by the expansion of liquid sulphur dioxide. | 20071 20072 20073 |
| (V) Berylliosis: Berylliosis means a disease of the lungs caused by breathing beryllium in the form of dust or fumes, producing characteristic changes in the lungs and demonstrated by x-ray examination, by biopsy or by autopsy. | 20074 20075 20076 20077 |

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
berylliosis unless the employee has been subjected to injurious
exposure to beryllium dust or fumes in the employee's employment
in this state preceding the employee's disablement and 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 from
exposure occurring after January 1, 1976. 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.

Before awarding compensation for partial or total
disability or death due to berylliosis, the administrator ~~of~~
~~workers' compensation~~ shall refer the claim to a qualified
medical specialist for examination and recommendation with
regard to the diagnosis, the extent of the disability, the
nature of the disability, whether permanent or temporary, 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 requires.
In the event that an employee refuses to submit to examinations,
including clinical and x-ray examinations, after notice from the
administrator, or in the event that a claimant for compensation
for death due to berylliosis fails to produce necessary consents
and permits, after notice from the administrator, so that such
autopsy examination and tests may be performed, then all rights
for compensation are forfeited. The reasonable compensation of
such specialist and the expenses of examinations and tests shall

be paid, if the claim is allowed, as part of the expenses of the 20109
claim, otherwise they shall be paid from the surplus fund. 20110

(W) Cardiovascular, pulmonary, or respiratory diseases 20111
incurred by firefighters or police officers following exposure 20112
to heat, smoke, toxic gases, chemical fumes and other toxic 20113
substances: Any cardiovascular, pulmonary, or respiratory 20114
disease of a firefighter or police officer caused or induced by 20115
the cumulative effect of exposure to heat, the inhalation of 20116
smoke, toxic gases, chemical fumes and other toxic substances in 20117
the performance of the firefighter's or police officer's duty 20118
constitutes a presumption, which may be refuted by affirmative 20119
evidence, that such occurred in the course of and arising out of 20120
the firefighter's or police officer's employment. For the 20121
purpose of this section, "firefighter" means any regular member 20122
of a lawfully constituted fire department of a municipal 20123
corporation or township, whether paid or volunteer, and "police 20124
officer" means any regular member of a lawfully constituted 20125
police department of a municipal corporation, township or 20126
county, whether paid or volunteer. 20127

This chapter does not entitle a firefighter, or police 20128
officer, or the firefighter's or police officer's dependents to 20129
compensation, medical treatment, or payment of funeral expenses 20130
for disability or death from a cardiovascular, pulmonary, or 20131
respiratory disease, unless the firefighter or police officer 20132
has been subject to injurious exposure to heat, smoke, toxic 20133
gases, chemical fumes, and other toxic substances in the 20134
firefighter's or police officer's employment in this state 20135
preceding the firefighter's or police officer's disablement, 20136
some portion of which has been after January 1, 1967, except as 20137
provided in division (E) of section 4123.57 of the Revised Code. 20138

Compensation on account of cardiovascular, pulmonary, or 20139
respiratory diseases of firefighters and police officers is 20140
payable only in the event of temporary total disability, 20141
permanent total disability, or death, in accordance with section 20142
4123.56, 4123.58, or 4123.59 of the Revised Code. Medical, 20143
hospital, and nursing expenses are payable in accordance with 20144
this chapter. Compensation, medical, hospital, and nursing 20145
expenses are payable only in the event of such disability or 20146
death resulting within eight years after the last injurious 20147
exposure; provided that such eight-year limitation does not 20148
apply to disability or death from exposure occurring after 20149
January 1, 1976. In the event of death following continuous 20150
total disability commencing within eight years after the last 20151
injurious exposure, the requirement of death within eight years 20152
after the last injurious exposure does not apply. 20153

This chapter does not entitle a firefighter or police 20154
officer, or the firefighter's or police officer's dependents, to 20155
compensation, medical, hospital, and nursing expenses, or 20156
payment of funeral expenses for disability or death due to a 20157
cardiovascular, pulmonary, or respiratory disease in the event 20158
of failure or omission on the part of the firefighter or police 20159
officer truthfully to state, when seeking employment, the place, 20160
duration, and nature of previous employment in answer to an 20161
inquiry made by the employer. 20162

Before awarding compensation for disability or death under 20163
this division, the administrator shall refer the claim to a 20164
qualified medical specialist for examination and recommendation 20165
with regard to the diagnosis, the extent of disability, the 20166
cause of death, and other medical questions connected with the 20167
claim. A firefighter or police officer shall submit to such 20168
examinations, including clinical and x-ray examinations, as the 20169

administrator requires. In the event that a firefighter or 20170
police officer refuses to submit to examinations, including 20171
clinical and x-ray examinations, after notice from the 20172
administrator, or in the event that a claimant for compensation 20173
for death under this division fails to produce necessary 20174
consents and permits, after notice from the administrator, so 20175
that such autopsy examination and tests may be performed, then 20176
all rights for compensation are forfeited. The reasonable 20177
compensation of such specialists and the expenses of examination 20178
and tests shall be paid, if the claim is allowed, as part of the 20179
expenses of the claim, otherwise they shall be paid from the 20180
surplus fund. 20181

(X) (1) Cancer contracted by a firefighter: Cancer 20182
contracted by a firefighter who has been assigned to at least 20183
six years of hazardous duty as a firefighter constitutes a 20184
presumption that the cancer was contracted in the course of and 20185
arising out of the firefighter's employment if the firefighter 20186
was exposed to an agent classified by the international agency 20187
for research on cancer or its successor organization as a group 20188
1 or 2A carcinogen. 20189

(2) The presumption described in division (X) (1) of this 20190
section is rebuttable in any of the following situations: 20191

(a) There is evidence that the firefighter's exposure, 20192
outside the scope of the firefighter's official duties, to 20193
cigarettes, tobacco products, or other conditions presenting an 20194
extremely high risk for the development of the cancer alleged, 20195
was probably a significant factor in the cause or progression of 20196
the cancer. 20197

(b) There is evidence that the firefighter was not exposed 20198
to an agent classified by the international agency for research 20199

on cancer as a group 1 or 2A carcinogen. 20200

(c) There is evidence that the firefighter incurred the 20201
type of cancer alleged before becoming a member of the fire 20202
department. 20203

(d) The firefighter is seventy years of age or older. 20204

(3) The presumption described in division (X) (1) of this 20205
section does not apply if it has been more than twenty years 20206
since the firefighter was last assigned to hazardous duty as a 20207
firefighter. 20208

(4) Compensation for cancer contracted by a firefighter in 20209
the course of hazardous duty under division (X) of this section 20210
is payable only in the event of temporary total disability, 20211
permanent total disability, or death, in accordance with 20212
sections 4123.56, 4123.58, and 4123.59 of the Revised Code. 20213

(5) As used in division (X) of this section, "hazardous 20214
duty" has the same meaning as in 5 C.F.R. 550.902, as amended. 20215

(Y) Silicosis: Silicosis means a disease of the lungs 20216
caused by breathing silica dust (silicon dioxide) producing 20217
fibrous nodules distributed through the lungs and demonstrated 20218
by x-ray examination, by biopsy or by autopsy. 20219

(Z) Coal miners' pneumoconiosis: Coal miners' 20220
pneumoconiosis, commonly referred to as "black lung disease," 20221
resulting from working in the coal mine industry and due to 20222
exposure to the breathing of coal dust, and demonstrated by x- 20223
ray examination, biopsy, autopsy or other medical or clinical 20224
tests. 20225

This chapter does not entitle an employee or the 20226
employee's dependents to compensation, medical treatment, or 20227

payment of funeral expenses for disability or death from 20228
silicosis, asbestosis, or coal miners' pneumoconiosis unless the 20229
employee has been subject to injurious exposure to silica dust 20230
(silicon dioxide), asbestos, or coal dust in the employee's 20231
employment in this state preceding the employee's disablement, 20232
some portion of which has been after October 12, 1945, except as 20233
provided in division (E) of section 4123.57 of the Revised Code. 20234

Compensation on account of silicosis, asbestosis, or coal 20235
miners' pneumoconiosis are payable only in the event of 20236
temporary total disability, permanent total disability, or 20237
death, in accordance with sections 4123.56, 4123.58, and 4123.59 20238
of the Revised Code. Medical, hospital, and nursing expenses are 20239
payable in accordance with this chapter. Compensation, medical, 20240
hospital, and nursing expenses are payable only in the event of 20241
such disability or death resulting within eight years after the 20242
last injurious exposure; provided that such eight-year 20243
limitation does not apply to disability or death occurring after 20244
January 1, 1976, and further provided that such eight-year 20245
limitation does not apply to any asbestosis cases. In the event 20246
of death following continuous total disability commencing within 20247
eight years after the last injurious exposure, the requirement 20248
of death within eight years after the last injurious exposure 20249
does not apply. 20250

This chapter does not entitle an employee or the 20251
employee's dependents to compensation, medical, hospital and 20252
nursing expenses, or payment of funeral expenses for disability 20253
or death due to silicosis, asbestosis, or coal miners' 20254
pneumoconiosis in the event of the failure or omission on the 20255
part of the employee truthfully to state, when seeking 20256
employment, the place, duration, and nature of previous 20257
employment in answer to an inquiry made by the employer. 20258

Before awarding compensation for disability or death due 20259
to silicosis, asbestosis, or coal miners' pneumoconiosis, the 20260
administrator shall refer the claim to a qualified medical 20261
specialist for examination and recommendation with regard to the 20262
diagnosis, the extent of disability, the cause of death, and 20263
other medical questions connected with the claim. An employee 20264
shall submit to such examinations, including clinical and x-ray 20265
examinations, as the administrator requires. In the event that 20266
an employee refuses to submit to examinations, including 20267
clinical and x-ray examinations, after notice from the 20268
administrator, or in the event that a claimant for compensation 20269
for death due to silicosis, asbestosis, or coal miners' 20270
pneumoconiosis fails to produce necessary consents and permits, 20271
after notice from the commission, so that such autopsy 20272
examination and tests may be performed, then all rights for 20273
compensation are forfeited. The reasonable compensation of such 20274
specialist and the expenses of examinations and tests shall be 20275
paid, if the claim is allowed, as a part of the expenses of the 20276
claim, otherwise they shall be paid from the surplus fund. 20277

(AA) Radiation illness: Any industrial process involving 20278
the use of radioactive materials. 20279

Claims for compensation and benefits due to radiation 20280
illness are payable only in the event death or disability 20281
occurred within eight years after the last injurious exposure 20282
provided that such eight-year limitation does not apply to 20283
disability or death from exposure occurring after January 1, 20284
1976. In the event of death following continuous disability 20285
which commenced within eight years of the last injurious 20286
exposure the requirement of death within eight years after the 20287
last injurious exposure does not apply. 20288

(BB) Asbestosis: Asbestosis means a disease caused by inhalation or ingestion of asbestos, demonstrated by x-ray examination, biopsy, autopsy, or other objective medical or clinical tests.

All conditions, restrictions, limitations, and other provisions of this section, with reference to the payment of compensation or benefits on account of silicosis or coal miners' pneumoconiosis apply to the payment of compensation or benefits on account of any other occupational disease of the respiratory tract resulting from injurious exposures to dust.

The refusal to produce the necessary consents and permits for autopsy examination and testing shall not result in forfeiture of compensation provided the administrator finds that such refusal was the result of bona fide religious convictions or teachings to which the claimant for compensation adhered prior to the death of the decedent.

Sec. 4123.69. Every employee mentioned in section 4123.68 of the Revised Code and the dependents and the employer or employers of such employee shall be entitled to all the rights, benefits, and immunities and shall be subject to all the liabilities, penalties, and regulations provided for injured employees and their employers by this chapter.

The administrator of ~~workers' compensation~~ worker safety and rehabilitation shall have all of the powers, authority, and duties with respect to the collection, administration, and disbursement of the state occupational disease fund as are provided for in this chapter, providing for the collection, administration, and disbursement of the state insurance fund for the compensation of injured employees.

Sec. 4123.70. No compensation shall be awarded on account 20318
of disability or death from disease suffered by an employee who, 20319
at the time of entering into the employment from which the 20320
disease is claimed to have resulted, willfully and falsely 20321
~~represented himself~~ the employee's self as not having previously 20322
suffered from such disease. Compensation shall not be awarded on 20323
account of both injury and disease, except when the disability 20324
is caused by a disease and an injury, in which event the 20325
administrator of ~~workers' compensation~~ worker safety and 20326
rehabilitation may apportion the payment of compensation 20327
provided for in sections 4123.56 to 4123.59 of the Revised Code 20328
between the funds as in ~~his~~ the administrator's judgment seems 20329
just and proper. 20330

If an employee is suffering from both occupational disease 20331
and an injury, and the administrator can determine which is 20332
causing ~~his~~ the employee's disability, the administrator shall 20333
pay compensation therefor from the proper fund. 20334

Compensation for loss sustained on account of occupational 20335
disease by an employee mentioned in division (A)(1) of section 20336
4123.01 of the Revised Code, or the dependents of such employee, 20337
shall be paid from the fund provided for in sections 4123.38 to 20338
4123.41 and 4123.48 of the Revised Code. 20339

Compensation for loss sustained on account of a disease by 20340
an employee mentioned in division (A)(2) of section 4123.01 of 20341
the Revised Code, or the dependents of the employee, shall be 20342
paid from the occupational disease fund or by the employer of 20343
the employee, if the employer is a self-insuring employer. 20344

Sec. 4123.71. Every physician in this state attending on 20345
or called in to visit a patient whom ~~he~~ the physician believes 20346
to be suffering from an occupational disease as defined in 20347

section 4123.68 of the Revised Code shall, within forty-eight 20348
hours from the time of making such diagnosis, send to the ~~bureau-~~ 20349
~~of workers' compensation office of worker safety and~~ 20350
rehabilitation a report stating: 20351

(A) Name, address, and occupation of patient; 20352

(B) Name and address of business in which employed; 20353

(C) Nature of disease; 20354

(D) Name and address of employer of patient; 20355

(E) Such other information as is reasonably required by 20356
the ~~bureau~~ office. 20357

The reports shall be made on blanks to be furnished by the 20358
~~bureau~~ office. The mailing of the report within the time stated, 20359
in a stamped envelope addressed to the office of the ~~bureau-~~ 20360
office is a compliance with this section. 20361

Reports made under this section shall not be evidence of 20362
the facts therein stated in any action arising out of a disease 20363
therein reported. 20364

The ~~bureau~~ office shall, within twenty-four hours after 20365
the receipt of the report, send a copy thereof to the employer 20366
of the patient named in the report. 20367

Sec. 4123.72. No physician practicing in this state shall 20368
neglect or refuse to make and transmit to the ~~bureau of workers'-~~ 20369
~~compensation~~ office of worker safety and rehabilitation the 20370
report provided for in section 4123.71 of the Revised Code. The 20371
administrator of ~~workers' compensation~~ worker safety and 20372
rehabilitation shall cause the penal provisions for a violation 20373
of this section to be enforced. 20374

Sec. 4123.75. Any employee whose employer has failed to 20375
comply with section 4123.35 of the Revised Code, who has been 20376
injured or has suffered an occupational disease in the course of 20377
~~his~~ the employee's employment, which was not purposely self- 20378
inflicted, or ~~his~~ the employee's dependents in case death has 20379
ensued, may file ~~his~~ the employee's application with the 20380
industrial commission or the ~~bureau of workers' compensation-~~ 20381
office of worker safety and rehabilitation for compensation and 20382
the administrator of ~~workers' compensation-worker safety and~~ 20383
rehabilitation shall determine the application for compensation 20384
in like manner as in other claims and shall make an award to the 20385
claimant as ~~he~~ the claimant would be entitled to receive if the 20386
employer had complied with section 4123.35 of the Revised Code. 20387
Payment of the claim shall be made promptly from the statutory 20388
surplus fund. Payment shall not bar any action under section 20389
4123.77 of the Revised Code. If a recovery is made in an action 20390
under section 4123.77 of the Revised Code any funds paid from 20391
the state insurance fund under this section shall be repaid by 20392
the claimant. The administrator shall institute proceedings to 20393
recover from the employer any moneys paid from the surplus fund 20394
and to secure the employer's payment of the award. The employer 20395
shall pay the award in the manner and amount fixed thereby or 20396
shall furnish to the ~~bureau-office~~ a bond, in an amount and with 20397
sureties as the ~~bureau-office~~ requires, to pay the employee the 20398
award in the manner and amount fixed thereby. 20399

An order of the administrator issued under this section is 20400
appealable pursuant to ~~section~~ sections 4123.511 and 4123.512 of 20401
the Revised Code. In the event payments are made to a claimant 20402
which should not have been made under the final decision in the 20403
appeal of the claim, the amount of the payments shall be charged 20404
to the surplus fund created under division (B) of section 20405

4123.34 of the Revised Code. In the event recovery is made from 20406
the noncomplying employer, the sums that are recovered shall be 20407
paid into the surplus fund. 20408

If the employer fails to pay the compensation to the 20409
person entitled thereto, or fails to furnish the bond, within a 20410
period of ten days after notification of the award, the award 20411
constitutes a liquidated claim for damages against the employer 20412
in the amount ascertained and fixed by the administrator or 20413
commission, and the administrator shall certify the same to the 20414
attorney general who shall forthwith institute a civil action 20415
against the employer in the name of the state for the collection 20416
of the award. In the action it is sufficient for the plaintiff 20417
to set forth a copy of the record of proceedings of the 20418
commission or ~~bureau-office~~ relative to the claims certified by 20419
the administrator to the attorney general and to state that 20420
there is due to plaintiff on account of the finding and award of 20421
the commission or ~~bureau-office~~ a specified sum which plaintiff 20422
claims with interest. A certified copy of the record of 20423
proceedings in the claim shall be attached to the complaint and 20424
constitutes prima-facie evidence of the truth of the facts 20425
therein contained. Further proceedings shall be as provided in 20426
the Rules of Civil Procedure. As soon as the issues are made up 20427
in any such case, it shall be placed at the head of the trial 20428
docket and shall be first in order for trial. The cause of 20429
action provided in this section and the cause of action provided 20430
by section 4123.37 of the Revised Code may be joined in one 20431
action against an employer, and the amount of any premium paid 20432
or recovered from the employer for the period not exceeding six 20433
months during which the injury or disease, or injury or disease 20434
resulting in death, occurred shall be credited against the 20435
amount of any judgment for compensation recovered pursuant to 20436

this section. The amount recovered in the action from the 20437
employer shall be paid into the surplus fund created under 20438
division (B) of section 4123.34 of the Revised Code up to the 20439
amount paid out of the surplus fund and the balance into the 20440
state insurance fund. Any employee of a self-insuring employer, 20441
in the event of the failure of ~~his~~ the employee's employer to 20442
pay the compensation or furnish the medical, surgical, nursing, 20443
and hospital services and attention or funeral expenses, may 20444
file ~~his~~ the employee's application with the commission or the 20445
~~bureau-office~~ for the purpose of having the amount of the 20446
compensation and the medical, surgical, nursing, and hospital 20447
services and attention or funeral expenses determined; and 20448
thereupon like proceedings shall be had before the ~~bureau-office~~ 20449
and with like effect as provided in this section. 20450

The administrator shall adopt and publish rules governing 20451
the procedure before the ~~bureau-office~~ and commission provided 20452
in this section and shall prescribe the form of notices and the 20453
manner of serving the same in all claims for compensation 20454
arising under this section. Any suit, action, proceeding, or 20455
award brought or made against any employer under this section 20456
may be compromised by the administrator, or the suit, action, or 20457
proceeding may be prosecuted to final judgment as in the 20458
administrator's discretion may best subserve the interests of 20459
the state insurance fund. 20460

A final judgment against the employer recovered in the 20461
manner provided in this section entitles the claimant to the 20462
compensation provided in this chapter for the injury, 20463
occupational disease, or death and the compensation shall be 20464
paid from the surplus fund created by section 4123.34 of the 20465
Revised Code, and any sum recovered on account of the judgment 20466
shall be paid to the ~~bureau-office~~ and credited to the fund the 20467

administrator designates. 20468

Sec. 4123.751. Any nonresident person, firm, or 20469
corporation of this state who engages in any activity or 20470
maintains any establishment in this state so as to be an 20471
employer, as defined in division (B) of section 4123.01 of the 20472
Revised Code, or any resident of this state, being an employer 20473
as so defined, who has engaged in any such activity or 20474
maintained any such establishment in this state, who 20475
subsequently becomes a nonresident or conceals ~~his the~~ 20476
resident's whereabouts, or, after due diligence, whose 20477
whereabouts cannot be ascertained and no forwarding address can 20478
be found, shall, by engagement in the activity or by maintenance 20479
of the establishment, make and constitute the secretary of state 20480
~~his the person's, firm's, or corporation's~~ agent for the service 20481
of process in any proceeding before the ~~bureau of workers'~~ 20482
~~compensation~~ office of worker safety and rehabilitation or the 20483
industrial commission or in any civil suit resulting therefrom, 20484
against the employer, arising out of or by reason of any injury 20485
or occupational disease as defined in this chapter, occurring 20486
within this state and involving employment in the activity or 20487
within the maintenance of the establishment. 20488

Sec. 4123.756. In the event an employer, under the purview 20489
of sections 4123.751 to 4123.755 of the Revised Code, has died 20490
prior to the commencement of any civil suit or proceeding before 20491
the ~~bureau of workers' compensation~~ office of worker safety and 20492
rehabilitation or industrial commission, such sections shall 20493
likewise apply to any executor or administrator or the employer, 20494
and the employer shall be deemed to have constituted the 20495
secretary of state as ~~his the employer's~~ agent for such purpose, 20496
and the agency shall not terminate by reason of the death of the 20497
employer. 20498

Sec. 4123.76. When an application for compensation or 20499
benefits or an application for further compensation or benefits 20500
is filed with the industrial commission or the ~~bureau of~~ 20501
~~workers' compensation office~~ of worker safety and rehabilitation 20502
under section 4123.75 of the Revised Code against an employer 20503
who has not complied with section 4123.35 of the Revised Code, 20504
the ~~bureau office~~ shall make and file for record in the office 20505
of the county recorder in the counties where the employer's 20506
property is located, an affidavit showing the date on which the 20507
application was filed with the commission or the ~~bureau office~~, 20508
the name and address of the employer against whom it was filed, 20509
and the fact that the employer had not complied with section 20510
4123.35 of the Revised Code. The county recorder shall accept 20511
and file the affidavit and record and index the affidavit in the 20512
official record. A copy of the application or other ~~bureau~~ 20513
~~office~~ record documenting the claim shall be filed with the 20514
affidavit. A copy of the affidavit shall be served upon the 20515
employer by the ~~bureau office~~. The affidavit constitutes a valid 20516
lien from the time of filing, in favor of the ~~bureau office~~, 20517
upon the real property and personal property of the employer 20518
located within the county. The administrator of ~~workers'~~ 20519
~~compensation~~ worker safety and rehabilitation shall have the 20520
lien canceled of record after the employer has paid to the 20521
claimant or to the ~~bureau office~~ the amount of the compensation 20522
or benefits which has been ordered paid to the claimant, or when 20523
the application has finally been denied after the claimant has 20524
exhausted the remedies provided by law in such cases, or when 20525
the employer has filed a bond in the amount and with surety as 20526
the administrator approves conditioned on the payment of all 20527
sums ordered paid to the claimant. The recorder shall make no 20528
charge for the services provided by this section to be performed 20529
by the recorder. 20530

Sec. 4123.78. If any employer fails to comply with section 20531
4123.35 of the Revised Code in accordance with the rules of the 20532
administrator of ~~workers' compensation~~ worker safety and 20533
rehabilitation, the administrator shall file with the county 20534
recorder of any counties in which the employer's property is 20535
located, its certificate of the amount of premium due from the 20536
employer, and that amount shall be a lien from the date of 20537
filing against the real property and personal property of the 20538
employer within the county in which the certificate is filed. 20539
The county recorder shall record and index the certificate in 20540
the official record. The county recorder shall make no charge 20541
for the services provided by this section to be performed by the 20542
county recorder. 20543

Sec. 4123.79. (A) Any interested party may enjoin the 20544
further operation of an employer subject to this chapter who has 20545
failed to pay the employer's premium to the workers' 20546
compensation fund as prescribed in this chapter. The procedure 20547
to obtain an injunction is governed by Chapter 2727. of the 20548
Revised Code and the right to such relief is in addition to the 20549
rights described in section 2727.02 of the Revised Code. 20550

(B) (1) No construction contractor or subcontractor who, on 20551
the date of entering into a construction contract has not been 20552
in compliance with section 4123.35 of the Revised Code for a 20553
minimum of nine consecutive months, may bring an action to 20554
enforce rights arising from that construction contract. 20555

(2) Nothing in this section shall require the surety of a 20556
contractor or subcontractor described in division (B) (1) of this 20557
section to make payment of any workers' compensation obligation 20558
of that contractor or subcontractor or affect the surety's 20559
rights in the event that the contractor or subcontractor is in 20560

default or is declared by an obligee to be in default of its 20561
contractual obligations. 20562

(C) As used in this section: 20563

(1) "Interested party" means any of the following: 20564

(a) An employer who is in compliance with section 4123.35 20565
of the Revised Code and who is not a self-insuring employer; 20566

(b) The attorney general; 20567

(c) The administrator of ~~workers' compensation~~ worker 20568
safety and rehabilitation. 20569

(2) "Construction contract" means any oral or written 20570
agreement involving any activity in connection with the 20571
erection, alteration, repair, replacement, renovation, 20572
installation, or demolition of any building, structure, highway, 20573
or bridge. 20574

Sec. 4123.80. No agreement by an employee to waive an 20575
employee's rights to compensation under this chapter is valid, 20576
except that: 20577

(A) An employee who is blind may waive the compensation 20578
that may become due to the employee for injury or disability in 20579
cases where the injury or disability may be directly caused by 20580
or due to the employee's blindness. The administrator of 20581
~~workers' compensation~~ worker safety and rehabilitation, with the 20582
advice and consent of the ~~bureau of workers' compensation office~~ 20583
of worker safety and rehabilitation board of directors, may 20584
adopt and enforce rules governing the employment of such persons 20585
and the inspection of their places of employment. 20586

(B) An employee may waive the employee's rights to 20587
compensation or benefits as authorized pursuant to division (C) 20588

(3) of section 4123.01 or section 4123.15 of the Revised Code. 20589

No agreement by an employee to pay any portion of the 20590
premium paid by the employee's employer into the state insurance 20591
fund is valid. 20592

Sec. 4123.82. (A) All contracts and agreements are void 20593
which undertake to indemnify or insure an employer against loss 20594
or liability for the payment of compensation to workers or their 20595
dependents for death, injury, or occupational disease occasioned 20596
in the course of the workers' employment, or which provide that 20597
the insurer shall pay the compensation, or which indemnify the 20598
employer against damages when the injury, disease, or death 20599
arises from the failure to comply with any lawful requirement 20600
for the protection of the lives, health, and safety of 20601
employees, or when the same is occasioned by the willful act of 20602
the employer or any of the employer's officers or agents, or by 20603
which it is agreed that the insurer shall pay any such damages. 20604
No license or authority to enter into any such agreements or 20605
issue any such policies of insurance shall be granted or issued 20606
by any public authority in this state. Any corporation organized 20607
or admitted under the laws of this state to transact liability 20608
insurance as defined in section 3929.01 of the Revised Code may 20609
by amendment of its articles of incorporation or by original 20610
articles of incorporation, provide therein for the authority and 20611
purpose to make insurance in states, territories, districts, and 20612
counties, other than the state of Ohio, and in the state of Ohio 20613
in respect of contracts permitted by division (B) of this 20614
section, indemnifying employers against loss or liability for 20615
payment of compensation to workers and employees and their 20616
dependents for death, injury, or occupational disease occasioned 20617
in the course of the employment and to insure and indemnify 20618
employers against loss, expense, and liability by risk of bodily 20619

injury or death by accident, disability, sickness, or disease 20620
suffered by workers and employees for which the employer may be 20621
liable or has assumed liability. 20622

(B) Notwithstanding division (A) of this section: 20623

(1) No contract because of that division is void which 20624
undertakes to indemnify a self-insuring employer against all or 20625
part of such employer's loss in excess of at least fifty 20626
thousand dollars from any one disaster or event arising out of 20627
the employer's liability under this chapter, but no insurance 20628
corporation shall, directly or indirectly, represent an employer 20629
in the settlement, adjudication, determination, allowance, or 20630
payment of claims. The superintendent of insurance shall enforce 20631
this prohibition by such disciplinary orders directed against 20632
the offending insurance corporation as the superintendent of 20633
insurance deems appropriate in the circumstances and the 20634
administrator of ~~workers' compensation~~ worker safety and 20635
rehabilitation shall enforce this prohibition by such 20636
disciplinary orders directed against the offending employer as 20637
the administrator deems appropriate in the circumstances, which 20638
orders may include revocation of the insurance corporation's 20639
right to enter into indemnity contracts and revocation of the 20640
employer's status as a self-insuring employer. 20641

(2) The administrator may enter into a contract of 20642
indemnity with any such employer upon such terms, payment of 20643
such premium, and for such amount and form of indemnity as the 20644
administrator determines and the ~~bureau of workers' compensation~~ 20645
office of worker safety and rehabilitation board of directors 20646
may procure reinsurance of the liability of the public and 20647
private funds under this chapter, or any part of the liability 20648
in respect of either or both of the funds, upon such terms and 20649

premiums or other payments from the fund or funds as the administrator deems prudent in the maintenance of a solvent fund or funds from year to year. When making the finding of fact which the administrator is required by section 4123.35 of the Revised Code to make with respect to the financial ability of an employer, no contract of indemnity, or the ability of the employer to procure such a contract, shall be considered as increasing the financial ability of the employer.

(C) Nothing in this section shall be construed to prohibit the administrator or an other-states' insurer from providing to employers in this state other-states' coverage or limited other-states' coverage in accordance with section 4123.292 of the Revised Code.

(D) Notwithstanding any other section of the Revised Code, but subject to division (A) of this section, the superintendent of insurance shall have the sole authority to regulate any insurance products, except for the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation and those products offered by the ~~bureau~~ office, that indemnify or insure employers against workers' compensation losses in this state or that are sold to employers in this state.

Sec. 4123.83. Each employer paying premiums into the state insurance fund or electing directly to pay compensation to the employer's injured employees or the dependents of the employer's killed employees as provided in section 4123.35 of the Revised Code, shall post conspicuously in the employer's place or places of employment notices, which shall be furnished at least annually by the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation. The notice shall state that it is proof of workers' compensation coverage, or that the employer

has complied with section 4123.35 of the Revised Code and has 20680
been authorized by the administrator of ~~workers' compensation~~ 20681
worker safety and rehabilitation directly to compensate 20682
employees or dependents, and the date of the authorization. The 20683
notice shall indicate that coverage is contingent on continued 20684
payment of premiums and assessments due. The notice, when 20685
posted, constitutes sufficient notice to the employer's 20686
employees of the fact that the employer carries workers' 20687
compensation coverage or that the employer has complied with the 20688
elective provisions of section 4123.35 of the Revised Code. 20689

Sec. 4123.84. (A) In all cases of injury or death, claims 20690
for compensation or benefits for the specific part or parts of 20691
the body injured shall be forever barred unless, within two 20692
years after the injury or death: 20693

(1) Written or facsimile notice of the specific part or 20694
parts of the body claimed to have been injured has been made to 20695
the industrial commission or the ~~bureau of workers' compensation~~ 20696
office of worker safety and rehabilitation; 20697

(2) The employer, with knowledge of a claimed compensable 20698
injury or occupational disease, has paid wages in lieu of 20699
compensation for total disability; 20700

(3) In the event the employer is a self-insuring employer, 20701
one of the following has occurred: 20702

(a) Written or facsimile notice of the specific part or 20703
parts of the body claimed to have been injured has been given to 20704
the commission or ~~bureau office~~ or the employer has furnished 20705
treatment by a licensed physician in the employ of an employer, 20706
provided, however, that the furnishing of such treatment shall 20707
not constitute a recognition of a claim as compensable, but 20708

shall do no more than satisfy the requirements of this section; 20709

(b) Compensation or benefits have been paid or furnished 20710
equal to or greater than is provided for in sections 4123.52, 20711
4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised Code. 20712

(4) Written or facsimile notice of death has been given to 20713
the commission or ~~bureau office~~. 20714

(B) The ~~bureau office~~ shall provide printed notices 20715
quoting in full division (A) of this section, and every self- 20716
insuring employer shall post and maintain at all times one or 20717
more of the notices in conspicuous places in the workshop or 20718
places of employment. 20719

(C) The commission has continuing jurisdiction as set 20720
forth in section 4123.52 of the Revised Code over a claim which 20721
meets the requirement of this section, including jurisdiction to 20722
award compensation or benefits for loss or impairment of bodily 20723
functions developing in a part or parts of the body not 20724
specified pursuant to division (A) (1) of this section, if the 20725
commission finds that the loss or impairment of bodily functions 20726
was due to and a result of or a residual of the injury to one of 20727
the parts of the body set forth in the written notice filed 20728
pursuant to division (A) (1) of this section. 20729

(D) Any claim pending before the administrator, the 20730
commission, or a court on December 11, 1967, in which the remedy 20731
is affected by this section is governed by this section. 20732

(E) Notwithstanding the requirement that the notice 20733
required to be given to the ~~bureau office~~, commission, or 20734
employer under this section is to be in writing or facsimile, 20735
the ~~bureau office~~ may accept, assign a claim number, and process 20736
a claim when notice is provided verbally over the telephone. 20737

Immediately upon receipt of notice provided verbally over the 20738
telephone, the ~~bureau-office~~ shall send a written or facsimile 20739
notice to the employer of the ~~bureau's-office's~~ receipt of the 20740
verbal notice. Within fifteen days after receipt of the ~~bureau's-~~ 20741
~~office's~~ written or facsimile notice, the employer may in 20742
writing or facsimile either verify or not verify the verbal 20743
notice. If the ~~bureau-office~~ does not receive the written or 20744
facsimile notification from the employer or receives a written 20745
or facsimile notification verifying the verbal notice within 20746
such time period, the claim is validly filed and such verbal 20747
notice tolls the statute of limitations in regard to the claim 20748
filed and is considered to meet the requirements of written or 20749
facsimile notice required by this section. 20750

(F) As used in division (A) (3) (b) of this section, 20751
"benefits" means payments by a self-insuring employer to, or on 20752
behalf of, an employee for a hospital bill, a medical bill to a 20753
licensed physician or hospital, or an orthopedic or prosthetic 20754
device. 20755

Sec. 4123.85. In all cases of occupational disease, or 20756
death resulting from occupational disease, claims for 20757
compensation or benefits are forever barred unless, within two 20758
years after the disability due to the disease began, or within 20759
such longer period as does not exceed six months after diagnosis 20760
of the occupational disease by a licensed physician or within 20761
two years after death occurs, application is made to the 20762
industrial commission or the ~~bureau of workers' compensation-~~ 20763
office of worker safety and rehabilitation or to the employer if 20764
~~he~~ the employer is a self-insuring employer. 20765

Sec. 4123.86. (A) The administrator of ~~workers'-~~ 20766
~~compensation~~ worker safety and rehabilitation shall prepare a 20767

report containing the following information regarding presumed 20768
cancer claims under division (D) (3) (b) of section 742.38 and 20769
division (X) of section 4123.68 of the Revised Code: 20770

(1) The number of approved claims; 20771

(2) The number of disapproved claims; 20772

(3) The number of active claims; 20773

(4) The cost related to claims described in divisions (A) 20774
(1) and (3) of this section. 20775

(B) The administrator shall submit the initial report 20776
required under division (A) of this section not later than two 20777
years after ~~the effective date of this section~~ April 6, 2017, 20778
and an updated report every two years thereafter, to all of the 20779
following: 20780

(1) The speaker and the minority leader of the house of 20781
representatives; 20782

(2) The president and minority leader of the senate; 20783

(3) The Ohio fire chiefs' association or its successor 20784
organization; 20785

(4) The Ohio association of professional fire fighters or 20786
its successor organization; 20787

(5) The Ohio municipal league or its successor 20788
organization. 20789

Sec. 4123.88. (A) No person shall orally or in writing, 20790
directly or indirectly, or through any agent or other person 20791
fraudulently hold the person's self out or represent the 20792
person's self or any of the person's partners or associates as 20793
authorized by a claimant or employer to take charge of, or 20794

represent the claimant or employer in respect of, any claim or 20795
matter in connection therewith before the ~~bureau of workers'~~ 20796
~~compensation~~ office of worker safety and rehabilitation or the 20797
industrial commission or its district or staff hearing officers. 20798
No person shall directly or indirectly solicit authority, or pay 20799
or give anything of value to another person to solicit 20800
authority, or accept or receive pay or anything of value from 20801
another person for soliciting authority, from a claimant or 20802
employer to take charge of, or represent the claimant or 20803
employer in respect of, any claim or appeal which is or may be 20804
filed with the ~~bureau office~~ or commission. No person shall, 20805
without prior authority from the ~~bureau office~~, a member of the 20806
commission, the claimant, or the employer, examine or directly 20807
or indirectly cause or employ another person to examine any 20808
claim file or any other file pertaining thereto. No person shall 20809
forge an authorization for the purpose of examining or cause 20810
another person to examine any such file. No district or staff 20811
hearing officer or other employee of the ~~bureau office~~ or 20812
commission, notwithstanding the provisions of section 4123.27 of 20813
the Revised Code, shall divulge any information in respect of 20814
any claim or appeal which is or may be filed with a district or 20815
staff hearing officer, the ~~bureau office~~, or commission to any 20816
person other than members of the commission or to the superior 20817
of the employee except upon authorization of the administrator 20818
of ~~workers' compensation~~ worker safety and rehabilitation or a 20819
member of the commission or upon authorization of the claimant 20820
or employer. 20821

(B) The records described or referred to in division (A) 20822
of this section are not public records as defined in division 20823
(A) (1) of section 149.43 of the Revised Code. Any information 20824
directly or indirectly identifying the address or telephone 20825

number of a claimant, regardless of whether the claimant's claim 20826
is active or closed, is not a public record. No person shall 20827
solicit or obtain any such information from any such employee 20828
without first having obtained an authorization therefor as 20829
provided in this section. 20830

(C) Except as otherwise specified in division (D) of this 20831
section, information kept by the commission or the ~~bureau-office~~ 20832
pursuant to this section is for the exclusive use and 20833
information of the commission and the ~~bureau-office~~ in the 20834
discharge of their official duties, and shall not be open to the 20835
public nor be used in any court in any action or proceeding 20836
pending therein, unless the commission or the ~~bureau-office~~ is a 20837
party to the action or proceeding. The information, however, may 20838
be tabulated and published by the commission or the ~~bureau-~~ 20839
~~office~~ in statistical form for the use and information of other 20840
state agencies and the public. 20841

(D) (1) Upon receiving a written request made and signed by 20842
an individual whose primary occupation is as a journalist, the 20843
commission or the ~~bureau-office~~ shall disclose to the individual 20844
the address or addresses and telephone number or numbers of 20845
claimants, regardless of whether their claims are active or 20846
closed, and the dependents of those claimants. 20847

(2) An individual described in division (D) (1) of this 20848
section is permitted to request the information described in 20849
that division for multiple workers or dependents in one written 20850
request. 20851

(3) An individual described in division (D) (1) of this 20852
section shall include all of the following in the written 20853
request: 20854

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (a) The individual's name, title, and signature; | 20855 |
| (b) The name and title of the individual's employer; | 20856 |
| (c) A statement that the disclosure of the information sought is in the public interest. | 20857 20858 |
| (4) Neither the commission nor the bureau <u>office</u> may inquire as to the specific public interest served by the disclosure of information requested by an individual under division (D) of this section. | 20859 20860 20861 20862 |
| (E) As used in this section, "journalist" has the same meaning as in division (B) (9) of section 149.43 of the Revised Code. | 20863 20864 20865 |
| Sec. 4123.90. The bureau of workers' compensation office <u>of worker safety and rehabilitation</u> , industrial commission, or any other body constituted by the statutes of this state, or any court of this state, in awarding compensation to the dependents of employees, or others killed in Ohio, shall not make any discrimination against the widows, children, or other dependents who reside in a foreign country. The bureau office , commission, or any other board or court, in determining the amount of compensation to be paid to the dependents of killed employees, shall pay to the alien dependents residing in foreign countries the same benefits as to those dependents residing in this state. | 20866 20867 20868 20869 20870 20871 20872 20873 20874 20875 20876 |
| No employer shall discharge, demote, reassign, or take any punitive action against any employee because the employee filed a claim or instituted, pursued or testified in any proceedings under the workers' compensation act for an injury or occupational disease which occurred in the course of and arising out of his <u>the employee's</u> employment with that employer. Any such employee may file an action in the common pleas court of | 20877 20878 20879 20880 20881 20882 20883 |

the county of such employment in which the relief which may be 20884
granted shall be limited to reinstatement with back pay, if the 20885
action is based upon discharge, or an award for wages lost if 20886
based upon demotion, reassignment, or punitive action taken, 20887
offset by earnings subsequent to discharge, demotion, 20888
reassignment, or punitive action taken, and payments received 20889
pursuant to section 4123.56 and Chapter 4141. of the Revised 20890
Code plus reasonable attorney fees. The action shall be forever 20891
barred unless filed within one hundred eighty days immediately 20892
following the discharge, demotion, reassignment, or punitive 20893
action taken, and no action may be instituted or maintained 20894
unless the employer has received written notice of a claimed 20895
violation of this paragraph within the ninety days immediately 20896
following the discharge, demotion, reassignment, or punitive 20897
action taken. 20898

Sec. 4123.91. When the dependents of killed employees 20899
reside in a foreign country, the consul general, consul, vice- 20900
consul, or consular agent, accredited by the county wherein the 20901
dependents of the killed employee reside to the consular 20902
district within which the killed employee lived at the time of 20903
~~his decease~~ death, shall furnish the necessary information 20904
regarding the dependents of killed employees so that the ~~bureau~~ 20905
~~of workers' compensation~~ office of worker safety and 20906
rehabilitation may transmit to the dependents the funds provided 20907
for in this chapter. 20908

Sec. 4123.92. Upon the request of the industrial 20909
commission or the administrator of ~~workers' compensation~~ worker 20910
safety and rehabilitation, the attorney general, or under the 20911
attorney general's direction the prosecuting attorney of any 20912
county in cases arising within the county, shall institute and 20913
prosecute the necessary actions or proceedings for the 20914

enforcement of this chapter, or for the recovery of any money 20915
due the state insurance fund, or any penalty, and shall defend 20916
in like manner all suits, actions, or proceedings brought 20917
against the administrator, the ~~bureau of workers' compensation~~ 20918
office of worker safety and rehabilitation board of directors, 20919
industrial commission, or the members of the board, or 20920
industrial commission in their official capacity. 20921

Sec. 4123.93. As used in sections 4123.93 to 4123.932 of 20922
the Revised Code: 20923

(A) "Claimant" means a person who is eligible to receive 20924
compensation, medical benefits, or death benefits under this 20925
chapter or Chapter 4121., 4127., or 4131. of the Revised Code. 20926

(B) "Statutory subrogee" means the administrator of 20927
~~workers' compensation~~ worker safety and rehabilitation, a self- 20928
insuring employer, or an employer that contracts for the direct 20929
payment of medical services pursuant to division (P) of section 20930
4121.44 of the Revised Code. 20931

(C) "Third party" means an individual, private insurer, 20932
public or private entity, or public or private program that is 20933
or may be liable to make payments to a person without regard to 20934
any statutory duty contained in this chapter or Chapter 4121., 20935
4127., or 4131. of the Revised Code. 20936

(D) "Subrogation interest" includes past, present, and 20937
estimated future payments of compensation, medical benefits, 20938
rehabilitation costs, or death benefits, and any other costs or 20939
expenses paid to or on behalf of the claimant by the statutory 20940
subrogee pursuant to this chapter or Chapter 4121., 4127., or 20941
4131. of the Revised Code. 20942

(E) "Net amount recovered" means the amount of any award, 20943

settlement, compromise, or recovery by a claimant against a 20944
third party, minus the attorney's fees, costs, or other expenses 20945
incurred by the claimant in securing the award, settlement, 20946
compromise, or recovery. "Net amount recovered" does not include 20947
any punitive damages that may be awarded by a judge or jury. 20948

(F) "Uncompensated damages" means the claimant's 20949
demonstrated or proven damages minus the statutory subrogee's 20950
subrogation interest. 20951

Sec. 4123.931. (A) The payment of compensation or benefits 20952
pursuant to this chapter or Chapter 4121., 4127., or 4131., of 20953
the Revised Code creates a right of recovery in favor of a 20954
statutory subrogee against a third party, and the statutory 20955
subrogee is subrogated to the rights of a claimant against that 20956
third party. The net amount recovered is subject to a statutory 20957
subrogee's right of recovery. 20958

(B) If a claimant, statutory subrogee, and third party 20959
settle or attempt to settle a claimant's claim against a third 20960
party, the claimant shall receive an amount equal to the 20961
uncompensated damages divided by the sum of the subrogation 20962
interest plus the uncompensated damages, multiplied by the net 20963
amount recovered, and the statutory subrogee shall receive an 20964
amount equal to the subrogation interest divided by the sum of 20965
the subrogation interest plus the uncompensated damages, 20966
multiplied by the net amount recovered, except that the net 20967
amount recovered may instead be divided and paid on a more fair 20968
and reasonable basis that is agreed to by the claimant and 20969
statutory subrogee. If while attempting to settle, the claimant 20970
and statutory subrogee cannot agree to the allocation of the net 20971
amount recovered, the claimant and statutory subrogee may file a 20972
request with the administrator of ~~workers' compensation~~ worker 20973

safety and rehabilitation for a conference to be conducted by a 20974
designee appointed by the administrator, or the claimant and 20975
statutory subrogee may agree to utilize any other binding or 20976
non-binding alternative dispute resolution process. 20977

The claimant and statutory subrogee shall pay equal shares 20978
of the fees and expenses of utilizing an alternative dispute 20979
resolution process, unless they agree to pay those fees and 20980
expenses in another manner. The administrator shall not assess 20981
any fees to a claimant or statutory subrogee for a conference 20982
conducted by the administrator's designee. 20983

(C) If a claimant and statutory subrogee request that a 20984
conference be conducted by the administrator's designee pursuant 20985
to division (B) of this section, both of the following apply: 20986

(1) The administrator's designee shall schedule a 20987
conference on or before sixty days after the date that the 20988
claimant and statutory subrogee filed a request for the 20989
conference. 20990

(2) The determination made by the administrator's designee 20991
is not subject to Chapter 119. of the Revised Code. 20992

(D) When a claimant's action against a third party 20993
proceeds to trial and damages are awarded, both of the following 20994
apply: 20995

(1) The claimant shall receive an amount equal to the 20996
uncompensated damages divided by the sum of the subrogation 20997
interest plus the uncompensated damages, multiplied by the net 20998
amount recovered, and the statutory subrogee shall receive an 20999
amount equal to the subrogation interest divided by the sum of 21000
the subrogation interest plus the uncompensated damages, 21001
multiplied by the net amount recovered. 21002

(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 any other circumstance occurs that would preclude any future payments of compensation, medical benefits, rehabilitation costs, and death benefits by the statutory subrogee, any amount remaining in the trust account after final reimbursement is paid to the statutory subrogee for all payments made by the statutory subrogee before the ending of future payments shall be paid to the claimant or the claimant's estate.

(2) A claimant may use interest that accrues on the trust account to pay the expenses of establishing and maintaining the trust account, and all remaining interest shall be credited to the trust account.

(3) If a claimant establishes a trust account, the statutory subrogee shall provide payment notices to the claimant on or before the thirtieth day of June and the thirty-first day of December every year listing the total amount that the statutory subrogee has paid for compensation, medical benefits, rehabilitation costs, or death benefits during the half of the year preceding the notice. The claimant shall make reimbursement payments to the statutory subrogee from the trust account on or before the thirty-first day of July every year for a notice provided by the thirtieth day of June, and on or before the thirty-first day of January every year for a notice provided by the thirty-first day of December. The claimant's reimbursement payment shall be in an amount that equals the total amount listed on the notice the claimant receives from the statutory subrogee.

(F) If a claimant does not establish a trust account as described in division (E)(1) of this section, the claimant shall pay to the statutory subrogee, on or before thirty days after receipt of funds from the third party, the full amount of the subrogation interest that represents estimated future payments of compensation, medical benefits, rehabilitation costs, or death benefits.

(G) A claimant shall notify a statutory subrogee and the attorney general of the identity of all third parties against whom the claimant has or may have a right of recovery, except that when the statutory subrogee is a self-insuring employer,

the claimant need not notify the attorney general. No 21063
settlement, compromise, judgment, award, or other recovery in 21064
any action or claim by a claimant shall be final unless the 21065
claimant provides the statutory subrogee and, when required, the 21066
attorney general, with prior notice and a reasonable opportunity 21067
to assert its subrogation rights. If a statutory subrogee and, 21068
when required, the attorney general are not given that notice, 21069
or if a settlement or compromise excludes any amount paid by the 21070
statutory subrogee, the third party and the claimant shall be 21071
jointly and severally liable to pay the statutory subrogee the 21072
full amount of the subrogation interest. 21073

(H) The right of subrogation under this chapter is 21074
automatic, regardless of whether a statutory subrogee is joined 21075
as a party in an action by a claimant against a third party. A 21076
statutory subrogee may assert its subrogation rights through 21077
correspondence with the claimant and the third party or their 21078
legal representatives. A statutory subrogee may institute and 21079
pursue legal proceedings against a third party either by itself 21080
or in conjunction with a claimant. If a statutory subrogee 21081
institutes legal proceedings against a third party, the 21082
statutory subrogee shall provide notice of that fact to the 21083
claimant. If the statutory subrogee joins the claimant as a 21084
necessary party, or if the claimant elects to participate in the 21085
proceedings as a party, the claimant may present the claimant's 21086
case first if the matter proceeds to trial. If a claimant 21087
disputes the validity or amount of an asserted subrogation 21088
interest, the claimant shall join the statutory subrogee as a 21089
necessary party to the action against the third party. 21090

(I) The statutory subrogation right of recovery applies 21091
to, but is not limited to, all of the following: 21092

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| (1) Amounts recoverable from a claimant's insurer in connection with underinsured or uninsured motorist coverage, notwithstanding any limitation contained in Chapter 3937. of the Revised Code; | 21093 21094 21095 21096 |
| (2) Amounts that a claimant would be entitled to recover from a political subdivision, notwithstanding any limitations contained in Chapter 2744. of the Revised Code; | 21097 21098 21099 |
| (3) Amounts recoverable from an intentional tort action. | 21100 |
| (J) If a claimant's claim against a third party is for wrongful death or the claim involves any minor beneficiaries, amounts allocated under this section are subject to the approval of probate court. | 21101 21102 21103 21104 |
| (K) Except as otherwise provided in this division, the administrator shall deposit any money collected under this section into the public fund or the private fund of the state insurance fund, as appropriate. Any money collected under this section for compensation or benefits that were charged pursuant to section 4123.932 of the Revised Code to the surplus fund account created in division (B) of section 4123.34 of the Revised Code and not charged to an employer's experience shall be deposited in the surplus fund account and not applied to an individual employer's account. If a self-insuring employer collects money under this section of the Revised Code, the self-insuring employer shall deduct the amount collected, in the year collected, from the amount of paid compensation the self-insured employer is required to report under section 4123.35 of the Revised Code. | 21105 21106 21107 21108 21109 21110 21111 21112 21113 21114 21115 21116 21117 21118 21119 |
| Sec. 4123.94. All judgments obtained in any action prosecuted by the administrator of worker's compensation <u>worker</u> | 21120 21121 |

safety and rehabilitation or by the state under the authority of 21122
this chapter shall have the same preference against the assets 21123
of the employer as is allowed by law on judgments rendered for 21124
claims for taxes. 21125

Sec. 4123.96. No person who solicits claims or who causes 21126
claims to be solicited shall be allowed to practice, or 21127
represent parties, before the industrial commission or the 21128
~~bureau of workers' compensation~~ office of worker safety and 21129
rehabilitation. 21130

Sec. 4125.01. As used in this chapter: 21131

(A) "Assurance organization" means an independent and 21132
qualified entity approved by the administrator of ~~workers'~~ 21133
~~compensation~~ worker safety and rehabilitation to certify the 21134
qualifications of a professional employer organization or 21135
professional employer organization reporting entity. 21136

(B) "Client employer" means a sole proprietor, 21137
partnership, association, limited liability company, or 21138
corporation that enters into a professional employer 21139
organization agreement and is assigned shared employees by the 21140
professional employer organization. 21141

(C) "Coemploy" means the sharing of the responsibilities 21142
and liabilities of being an employer. 21143

(D) "Professional employer organization" means a sole 21144
proprietor, partnership, association, limited liability company, 21145
or corporation that enters into an agreement with one or more 21146
client employers for the purpose of coemploying all or part of 21147
the client employer's workforce at the client employer's work 21148
site. 21149

(E) "Professional employer organization agreement" means a 21150

written contract to coemploy employees between a professional 21151
employer organization and a client employer with a duration of 21152
not less than twelve months in accordance with the requirements 21153
of this chapter. 21154

(F) "Professional employer organization reporting entity" 21155
means two or more professional employer organizations that are 21156
majority-owned or commonly controlled by the same entity, 21157
parent, or controlling person and that satisfy reporting entity 21158
control rules as defined by the financial accounting standards 21159
board and under generally accepted accounting principles. 21160

(G) "Shared employee" means an individual intended to be 21161
assigned to a client employer on a permanent basis, not as a 21162
temporary supplement to the client employer's workforce, who is 21163
coemployed by a professional employer organization and a client 21164
employer pursuant to a professional employer organization 21165
agreement. 21166

(H) "Trade secret" has the same meaning as in section 21167
1333.61 of the Revised Code. 21168

(I) "Working capital" means the excess of current assets 21169
over current liabilities as determined by generally accepted 21170
accounting principles. 21171

Sec. 4125.02. The administrator of ~~workers' compensation~~ 21172
worker safety and rehabilitation shall adopt rules in accordance 21173
with Chapter 119. of the Revised Code to administer and enforce 21174
this chapter, including rules to administer and enforce division 21175
(B) of section 4125.03 of the Revised Code. 21176

The administrator may adopt rules for the acceptance of 21177
electronic filings in accordance with Chapter 1306. of the 21178
Revised Code for applications, documents, reports, and other 21179

filings required by this chapter. 21180

The administrator may allow an independent assurance 21181
organization to act on behalf of a professional employer 21182
organization or professional employer organization reporting 21183
entity in complying with this chapter and any rules adopted 21184
under it. The assurance organization shall be approved by the 21185
administrator before acting on behalf of the professional 21186
employer organization or the professional employer organization 21187
reporting entity and shall abide by all standards and procedures 21188
established by the administrator for that approval. The 21189
administrator may permit a professional employer organization or 21190
professional employer organization reporting entity to authorize 21191
an assurance organization approved by the administrator to act 21192
on behalf of the professional employer organization or 21193
professional employer organization reporting entity, and the 21194
administrator shall specify certain provisions of this chapter 21195
that may be satisfied by an assurance organization acting with 21196
that authority. The rules shall also stipulate that the use of 21197
an assurance organization by a professional employer 21198
organization to comply with this chapter is not required and is 21199
strictly voluntary. 21200

Sec. 4125.03. (A) The professional employer organization 21201
with whom a shared employee is coemployed shall do all of the 21202
following: 21203

(1) Pay wages associated with a shared employee pursuant 21204
to the terms and conditions of compensation in the professional 21205
employer organization agreement between the professional 21206
employer organization and the client employer; 21207

(2) Pay all related payroll taxes associated with a shared 21208
employee independent of the terms and conditions contained in 21209

the professional employer organization agreement between the professional employer organization and the client employer; 21210
21211

(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; 21212
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(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; 21220
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21223

(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; 21224
21225
21226
21227
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(6) Maintain a record of workers' compensation claims for each client employer; 21229
21230

(7) Make periodic reports, as determined by the administrator of ~~workers' compensation~~ worker safety and rehabilitation, of client employers and total workforce to the administrator; 21231
21232
21233
21234

(8) Report individual client employer payroll, claims, and classification data under a separate and unique subaccount to the administrator; 21235
21236
21237

(9) Within fourteen days after receiving notice from the 21238

~~bureau of workers' compensation office of worker safety and~~ 21239
rehabilitation that a refund or rebate will be applied to 21240
workers' compensation premiums, provide a copy of that notice to 21241
any client employer to whom that notice is relevant. 21242

(B) The professional employer organization with whom a 21243
shared employee is coemployed shall provide a list of all of the 21244
following information to the client employer upon the written 21245
request of the client employer: 21246

(1) All workers' compensation claims, premiums, and 21247
payroll associated with that client employer; 21248

(2) Compensation and benefits paid and reserves 21249
established for each claim listed under division (B)(1) of this 21250
section; 21251

(3) Any other information available to the professional 21252
employer organization from the ~~bureau of workers' compensation-~~ 21253
office of worker safety and rehabilitation regarding that client 21254
employer. 21255

(C)(1) A professional employer organization shall provide 21256
the information required under division (B) of this section in 21257
writing to the requesting client employer within forty-five days 21258
after receiving a written request from the client employer. 21259

(2) For purposes of division (C) of this section, a 21260
professional employer organization has provided the required 21261
information to the client employer when the information is 21262
received by the United States postal service or when the 21263
information is personally delivered, in writing, directly to the 21264
client employer. 21265

(D) Except as provided in section 4125.08 of the Revised 21266
Code and unless otherwise agreed to in the professional employer 21267

organization agreement, the professional employer organization 21268
with whom a shared employee is coemployed has a right of 21269
direction and control over each shared employee assigned to a 21270
client employer's location. However, a client employer shall 21271
retain sufficient direction and control over a shared employee 21272
as is necessary to do any of the following: 21273

(1) Conduct the client employer's business, including 21274
training and supervising shared employees; 21275

(2) Ensure the quality, adequacy, and safety of the goods 21276
or services produced or sold in the client employer's business; 21277

(3) Discharge any fiduciary responsibility that the client 21278
employer may have; 21279

(4) Comply with any applicable licensure, regulatory, or 21280
statutory requirement of the client employer. 21281

(E) Unless otherwise agreed to in the professional 21282
employer organization agreement, liability for acts, errors, and 21283
omissions shall be determined as follows: 21284

(1) A professional employer organization shall not be 21285
liable for the acts, errors, and omissions of a client employer 21286
or a shared employee when those acts, errors, and omissions 21287
occur under the direction and control of the client employer. 21288

(2) A client employer shall not be liable for the acts, 21289
errors, and omissions of a professional employer organization or 21290
a shared employee when those acts, errors, and omissions occur 21291
under the direction and control of the professional employer 21292
organization. 21293

(F) Nothing in divisions (D) and (E) of this section shall 21294
be construed to limit any liability or obligation specifically 21295

agreed to in the professional employer organization agreement. 21296

Sec. 4125.05. (A) Not later than thirty days after the 21297
formation of a professional employer organization, a 21298
professional employer organization operating in this state shall 21299
register with the administrator of ~~workers' compensation~~worker 21300
safety and rehabilitation on forms provided by the 21301
administrator. Following initial registration, each professional 21302
employer organization shall register with the administrator 21303
annually on or before the thirty-first day of December. Commonly 21304
owned or controlled applicants may register as a professional 21305
employer organization reporting entity or register individually. 21306
Registration as a part of a professional employer organization 21307
reporting entity shall not disqualify an individual professional 21308
employer organization from participating in a group-rated plan 21309
under division (A) (4) of section 4123.29 of the Revised Code. 21310

(B) Initial registration and each annual registration 21311
renewal shall include all of the following: 21312

(1) A list of each of the professional employer 21313
organization's client employers current as of the date of 21314
registration for purposes of initial registration or current as 21315
of the date of annual registration renewal, or within fourteen 21316
days of adding or releasing a client, that includes the client 21317
employer's name, address, federal tax identification number, and 21318
~~bureau of workers' compensation~~office of worker safety and 21319
rehabilitation risk number; 21320

(2) A fee as determined by the administrator; 21321

(3) The name or names under which the professional 21322
employer organization conducts business; 21323

(4) The address of the professional employer 21324

organization's principal place of business and the address of 21325
each office it maintains in this state; 21326

(5) The professional employer organization's taxpayer or 21327
employer identification number; 21328

(6) A list of each state in which the professional 21329
employer organization has operated in the preceding five years, 21330
and the name, corresponding with each state, under which the 21331
professional employer organization operated in each state, 21332
including any alternative names, names of predecessors, and if 21333
known, successor business entities; 21334

(7) The most recent financial statement prepared and 21335
audited pursuant to division (B) of section 4125.051 of the 21336
Revised Code; 21337

(8) If there is any deficit in the working capital 21338
required under division (A) of section 4125.051 of the Revised 21339
Code, a bond, irrevocable letter of credit, or securities with a 21340
minimum market value in an amount sufficient to cover the 21341
deficit in accordance with the requirements of that section; 21342

(9) An attestation of the accuracy of the data submissions 21343
from the chief executive officer of the professional employer 21344
organization. 21345

(C) Upon terms and for periods that the administrator 21346
considers appropriate, the administrator may issue a limited 21347
registration to a professional employer organization or 21348
professional employer organization reporting entity that 21349
provides all of the following items: 21350

(1) A properly executed request for limited registration 21351
on a form provided by the administrator; 21352

- (2) All information and materials required for registration in divisions (B) (1) to (6) of this section; 21353
21354
- (3) Information and documentation necessary to show that the professional employer organization or professional employer organization reporting entity satisfies all of the following criteria: 21355
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21357
21358
- (a) It is domiciled outside of this state. 21359
- (b) It is licensed or registered as a professional employer organization in another state. 21360
21361
- (c) It does not maintain an office in this state. 21362
- (d) It does not participate in direct solicitations for client employers located or domiciled in this state. 21363
21364
- (e) It has fifty or fewer shared employees employed or domiciled in this state on any given day. 21365
21366
- (D) (1) The administrator, with the advice and consent of the ~~bureau of workers' compensation~~ office of worker safety and rehabilitation board of directors, may adopt rules in accordance with Chapter 119. of the Revised Code to require, in addition to the requirement under division (B) (8) of this section, a professional employer organization to provide security in the form of a bond or letter of credit assignable to the ~~Ohio bureau of workers' compensation~~ office of worker safety and rehabilitation not to exceed an amount equal to the premiums and assessments incurred for the most recent policy year, prior to any discounts or dividends, to meet the financial obligations of the professional employer organization pursuant to this chapter and Chapters 4121. and 4123. of the Revised Code. 21367
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- (2) A professional employer organization may appeal the 21380

amount of the security required pursuant to rules adopted under 21381
division (D) (1) of this section in accordance with section 21382
4123.291 of the Revised Code. 21383

(3) A professional employer organization shall pay 21384
premiums and assessments for purposes of Chapters 4121. and 21385
4123. of the Revised Code on a monthly basis pursuant to 21386
division (A) of section 4123.35 of the Revised Code. 21387

(E) Notwithstanding division (D) of this section, a 21388
professional employer organization that qualifies for self- 21389
insurance or retrospective rating under section 4123.29 or 21390
4123.35 of the Revised Code shall abide by the financial 21391
disclosure and security requirements pursuant to those sections 21392
and the rules adopted under those sections in place of the 21393
requirements specified in division (D) of this section or 21394
specified in rules adopted pursuant to that division. 21395

(F) Except to the extent necessary for the administrator 21396
to administer the statutory duties of the administrator and for 21397
employees of the state to perform their official duties, all 21398
records, reports, client lists, and other information obtained 21399
from a professional employer organization and professional 21400
employer organization reporting entity under divisions (A), (B), 21401
and (C) of this section are confidential and shall be considered 21402
trade secrets and shall not be published or open to public 21403
inspection. 21404

(G) The list described in division (B) (1) of this section 21405
shall be considered a trade secret. 21406

(H) The administrator shall establish the fee described in 21407
division (B) (2) of this section in an amount that does not 21408
exceed the cost of the administration of the initial and renewal 21409

registration process. 21410

(I) A financial statement required under division (B)(7) 21411
of this section for initial registration shall be the most 21412
recent financial statement of the professional employer 21413
organization or professional employer organization reporting 21414
entity of which the professional employer organization is a 21415
member and shall not be older than thirteen months. For each 21416
registration renewal, the professional employer organization 21417
shall file the required financial statement within one hundred 21418
eighty days after the end of the professional employer 21419
organization's or professional employer organization reporting 21420
entity's fiscal year. A professional employer organization may 21421
apply to the administrator for an extension beyond that time if 21422
the professional employer organization provides the 21423
administrator with a letter from the professional employer 21424
organization's auditor stating the reason for delay and the 21425
anticipated completion date. 21426

(J) Multiple, unrelated professional employer 21427
organizations shall not combine together for purposes of 21428
obtaining workers' compensation coverage or for forming any type 21429
of self-insurance arrangement available under this chapter. 21430
Multiple, unrelated professional employer organization reporting 21431
entities shall not combine together for purposes of obtaining 21432
workers' compensation coverage or for forming any type of self- 21433
insurance arrangement available under this chapter. 21434

(K) The administrator shall maintain a list of 21435
professional employer organizations and professional employer 21436
organization reporting entities registered under this section 21437
that is readily available to the public by electronic or other 21438
means. 21439

Sec. 4125.051. (A) A professional employer organization, 21440
or a professional employer organization reporting entity of 21441
which the professional employer organization is a member, shall 21442
maintain positive working capital at initial or annual 21443
registration, as reflected in the financial statements submitted 21444
to the ~~bureau~~ office of worker safety and rehabilitation. If a 21445
deficit in working capital is reflected in the financial 21446
statements submitted to the ~~bureau~~ office, the professional 21447
employer organization or the professional employer organization 21448
reporting entity shall do both of the following for that 21449
registration period: 21450

(1) Obtain a bond, irrevocable letter of credit, or 21451
securities with a minimum market value in an amount sufficient 21452
to cover the deficit in working capital; 21453

(2) Submit to the administrator of ~~workers' compensation~~ 21454
worker safety and rehabilitation a quarterly financial statement 21455
for each calendar quarter during which there is a deficit in 21456
working capital, accompanied by an attestation of the chief 21457
executive officer of the professional employer organization that 21458
all wages, taxes, workers' compensation premiums, and employee 21459
benefits have been paid by the professional employer 21460
organization or members of the professional employer 21461
organization reporting entity. 21462

The bond, letter of credit, or securities required under 21463
division (A)(1) of this section shall be held by a depository 21464
designated by the administrator and shall secure payment by the 21465
professional employer organization or professional employer 21466
organization reporting entity of all taxes, wages, benefits, or 21467
other entitlements due or otherwise pertaining to shared 21468
employees, if the professional employer organization or 21469

professional employer organization reporting entity does not 21470
make those payments when due. 21471

(B) A professional employer organization, or a 21472
professional employer organization reporting entity of which the 21473
professional employer organization is a member, shall prepare 21474
financial statements in accordance with generally accepted 21475
accounting principles and submit them for registration and 21476
registration renewal under section 4125.05 of the Revised Code. 21477

The financial statements shall be audited by an 21478
independent certified public accountant authorized to practice 21479
in the jurisdiction in which that accountant is located. 21480

(1) The resulting report of the auditor shall not include 21481
either of the following: 21482

(a) A qualification or disclaimer of opinion as to 21483
adherence to generally accepted accounting principles; 21484

(b) A statement expressing substantial doubt about the 21485
ability of the professional employer organization or 21486
professional employer organization reporting entity to continue 21487
as a going concern. 21488

(2) However, if a professional employer organization does 21489
not have at least twelve months of operating history on which to 21490
base financial statements, the financial statements shall be 21491
reviewed by a certified public accountant. 21492

(3) Notwithstanding division (B)(1)(a) of this section, if 21493
a professional employer organization or professional employer 21494
organization reporting entity is a subsidiary or is related to a 21495
variable interest entity, the professional employer organization 21496
or professional employer organization entity may submit 21497
financial statements of the professional employer organization 21498

or professional employer organization reporting entity. 21499

(C) The ~~bureau~~ office shall deny initial or annual 21500
registration to an applicant or professional employer 21501
organization reporting entity that does not meet the 21502
requirements of this section. 21503

(D) Professional employer organizations in a professional 21504
employer organization reporting entity may satisfy the 21505
requirements of this section on a combined or consolidated basis 21506
provided that each member of the professional employer 21507
organization reporting entity guarantees each other members' 21508
satisfaction of the requirements under division (A) of this 21509
section. 21510

For purposes of satisfying the registration and 21511
registration renewal requirements described in division (B) (7) 21512
of section 4125.05 of the Revised Code, a professional employer 21513
organization reporting entity may submit a combined or 21514
consolidated financial statement that satisfies the requirements 21515
of this section. If the combined or consolidated financial 21516
statement includes entities that are not professional employer 21517
organizations or that are not in the professional employer 21518
organization reporting entity, the controlling entity of the 21519
professional employer organization reporting entity that is 21520
submitting the consolidated or combined financial statement 21521
shall guarantee that the professional employer organizations of 21522
the professional employer organization reporting entity have 21523
satisfied the requirements under division (A) of this section 21524
and shall include supplemental combining schedules to guarantee 21525
that the requirements under division (A) of this section are 21526
satisfied by the professional employer organization or 21527
professional employer organization reporting entity. 21528

Sec. 4125.06. (A) In accordance with Chapter 119. of the 21529
Revised Code, the administrator of ~~the bureau of workers'~~ 21530
~~compensation~~ worker safety and rehabilitation may deny 21531
registration or revoke the registration of a professional 21532
employer organization and rescind its status as a coemployer 21533
upon a finding that the professional employer organization has 21534
done any of the following: 21535

(1) Obtained or attempted to obtain registration through 21536
misrepresentation, misstatement of a material fact, or fraud; 21537

(2) Misappropriated any funds of the client employer; 21538

(3) Used fraudulent or coercive practices to obtain or 21539
retain business or demonstrated financial irresponsibility; 21540

(4) Failed to appear, without reasonable cause or excuse, 21541
in response to a subpoena lawfully issued by the administrator; 21542

(5) Failed to comply with the requirements of this 21543
chapter. 21544

(B) The administrator's decision to deny or revoke a 21545
professional employer organization's registration or to rescind 21546
its status as a coemployer is stayed pending the exhaustion of 21547
all administrative appeals by the professional employer 21548
organization. 21549

The administrator shall adopt rules that require that when 21550
an employer contacts ~~the bureau of workers' compensation~~ office 21551
of worker safety and rehabilitation to determine whether a 21552
particular professional employer organization is registered, if 21553
the administrator has denied or revoked that professional 21554
employer organization's registration or rescinded its status as 21555
a coemployer, and if all administrative appeals are not yet 21556
exhausted when the employer inquires, the appropriate ~~bureau~~ 21557

personnel of the office of worker safety and rehabilitation 21558
shall inform the inquiring employer of the denial, revocation, 21559
or rescission and the fact that the professional employer 21560
organization has the right to appeal the administrator's 21561
decision. 21562

(C) Upon revocation of the registration of a professional 21563
employer organization, each client employer associated with that 21564
professional employer organization shall file payroll reports 21565
and pay workers' compensation premiums directly to the 21566
administrator on its own behalf at a rate determined by the 21567
administrator based solely on the claims experience of the 21568
client employer. 21569

(D) Upon revocation of a professional employer 21570
organization's registration, each client employer associated 21571
with that professional employer organization shall file on its 21572
own behalf the appropriate documents or data with all state and 21573
federal agencies as required by law with respect to any shared 21574
employee the client employer and the professional employer 21575
organization shared. 21576

Sec. 4125.07. (A) As used in this section, "self-insuring 21577
employer" has the same meaning as in section 4123.01 of the 21578
Revised Code. 21579

(B) Not later than fourteen calendar days after the date 21580
on which a professional employer organization agreement is 21581
terminated, the professional employer organization is adjudged 21582
bankrupt, the professional employer organization ceases 21583
operations within the state of Ohio, or the registration of the 21584
professional employer organization is revoked, the professional 21585
employer organization shall submit to the administrator of 21586
~~workers' compensation~~ worker safety and rehabilitation and each 21587

client employer associated with that professional employer 21588
organization a completed workers' compensation lease termination 21589
notice form provided by the administrator. The completed form 21590
shall include all client payroll and claim information listed in 21591
a format specified by the administrator and notice of all 21592
workers' compensation claims that have been reported to the 21593
professional employer organization in accordance with its 21594
internal reporting policies. 21595

(C) (1) If a professional employer organization that is a 21596
self-insuring employer is required to submit a workers' 21597
compensation lease termination notice form under division (B) of 21598
this section, not later than fourteen calendar days after the 21599
lease termination the professional employer organization shall 21600
submit all of the following to the administrator for any years 21601
necessary for the administrator to develop a state fund 21602
experience modification factor for each client employer involved 21603
in the lease termination: 21604

(a) The payroll of each client employer involved in the 21605
lease termination, organized by manual classification and year; 21606

(b) The medical and indemnity costs of each client 21607
employer involved in the lease termination, organized by claim; 21608

(c) Any other information the administrator may require to 21609
develop a state fund experience modification factor for each 21610
client employer involved in the lease termination. 21611

(2) The administrator may require a professional employer 21612
organization to submit the information required under division 21613
(C) (1) of this section at additional times after the initial 21614
submission if the administrator determines that the information 21615
is necessary for the administrator to develop a state fund 21616

experience modification factor. 21617

(3) The administrator may revoke or refuse to renew a 21618
professional employer organization's status as a self-insuring 21619
employer if the professional employer organization fails to 21620
provide information requested by the administrator under 21621
division (C) (1) or (2) of this section. 21622

(D) The administrator shall use the information provided 21623
under division (C) of this section to develop a state fund 21624
experience modification factor for each client employer involved 21625
in a lease termination with a professional employer organization 21626
that is a self-insuring employer. 21627

(E) A professional employer organization shall report any 21628
transfer of employees between related professional employer 21629
organization entities or professional employer organization 21630
reporting entities to the administrator within fourteen calendar 21631
days after the date of the transfer on a form prescribed by the 21632
administrator. The professional employer organization or 21633
professional employer organization reporting entity shall 21634
include in the form all client payroll and claim information 21635
regarding the transferred employees listed in a format specified 21636
by the administrator and a notice of all workers' compensation 21637
claims that have been reported to the professional employer 21638
organization or professional employer organization reporting 21639
entity in accordance with the internal reporting policies of the 21640
professional employer organization or professional employer 21641
organization reporting entity. 21642

(F) Prior to entering into a professional employer 21643
organization agreement with a client employer, a professional 21644
employer organization shall disclose in writing to the client 21645
employer the reporting requirements that apply to the 21646

professional employer organization under division (C) of this 21647
section and that the administrator must develop a state fund 21648
experience modification factor for each client employer involved 21649
in a lease termination with a professional employer organization 21650
that is a self-insuring employer. 21651

Sec. 4127.02. The administrator of ~~workers' compensation~~ 21652
worker safety and rehabilitation may hear and determine all 21653
claims for compensation, death benefits, medical, nurse, and 21654
hospital services, medicine, and funeral expenses under this 21655
chapter. 21656

The decisions of the administrator in all claims for 21657
compensation, death benefits, medical, nurse, and hospital 21658
services, medicine, and funeral expenses are appealable pursuant 21659
to sections 4123.511 and 4123.512 of the Revised Code. 21660

Sec. 4127.03. Every work-relief employee who sustains an 21661
injury and the dependents of such as are killed, in the course 21662
of and arising out of employment, wheresoever such injury or 21663
death occurs, except when such injury or death is caused by 21664
willful misconduct or intent to bring about such injury or 21665
death, or when the use of intoxicating liquors or drugs is the 21666
proximate cause of such injury or death, is entitled to receive 21667
out of the public work-relief employees' compensation fund, 21668
compensation, death benefits, medical, nurse, and hospital 21669
services, medicine, and funeral expenses, for loss sustained on 21670
account of such injury or death, as is provided for by Chapter 21671
4123. of the Revised Code. 21672

Except as provided in section 4127.06 of the Revised Code, 21673
no compensation shall be paid from the work-relief employees' 21674
compensation fund for or on account of any temporary disability 21675
or partial disability; except that in the cases included in the 21676

schedule of loss of specific members or sight, set forth in 21677
section 4123.57 of the Revised Code, the disability is deemed to 21678
continue for the periods mentioned for each of such cases in 21679
that section. In cases where the injury results in the total or 21680
partial loss of use of any such member, the disability is deemed 21681
to continue for such proportion of the period fixed for the 21682
total loss of a member as the administrator of ~~workers'~~ 21683
~~compensation~~ worker safety and rehabilitation finds that the 21684
actual physical disability bears to the total loss of such 21685
members. 21686

All compensation payable under this chapter shall be paid 21687
on the basis of computation provided for in this chapter. 21688

Sec. 4127.06. During periods of temporary disability and 21689
partial disability other than that resulting from loss of a 21690
member or sight or total or partial loss of use of a member, an 21691
injured work-relief employee shall be paid directly out of the 21692
fund from which the employee was receiving relief, the amounts 21693
required to meet the budgetary needs of the employee and ~~his~~ the 21694
employee's dependents, and in the manner determined by the 21695
person or agency having control over or supervision of the fund. 21696

When all of the funds for relief purposes which are 21697
available to any employer are exhausted, or when, disability as 21698
a result of the injury is continuous beyond a period of six 21699
months, the injured work-relief employee shall be compensated 21700
for temporary and partial disability out of the public work- 21701
relief employees' compensation fund by the ~~bureau of workers'~~ 21702
~~compensation~~ office of worker safety and rehabilitation in the 21703
same manner and amount as is provided in sections 4127.01 to 21704
4127.14 of the Revised Code for other disabilities. 21705

Sec. 4127.07. Every employer shall contribute to the 21706

public work-relief employees' compensation fund the amount of 21707
money determined by the administrator of ~~workers' compensation-~~ 21708
worker safety and rehabilitation, with the advice and consent of 21709
the ~~bureau of workers' compensation~~ office of worker safety and 21710
rehabilitation board of directors. The contributions may be made 21711
in whole or in part out of any relief funds or any other 21712
available public funds, regardless of the manner in which the 21713
funds were raised. The officer of any employer having charge of 21714
the expenditures of funds for relief purposes, shall set aside 21715
and maintain as a special fund out of which contributions to the 21716
work-relief employees' compensation fund may be made, an amount 21717
equal to the percentage of the work-relief funds as the 21718
administrator determines on an actuarial basis as is reasonably 21719
necessary to cover the premium obligations of the employer. The 21720
manner of determining the contributions and classifications of 21721
employers, shall be the same as is provided in sections 4123.39 21722
to 4123.41 and 4123.48 of the Revised Code, and such sections 21723
shall apply in so far as they are applicable to the employers, 21724
but rates of premium shall be applied to insure solvency of the 21725
public work-relief employees' compensation fund at all times. 21726

The state relief commission or any other state agency 21727
having supervision or control of work-relief employees, either 21728
directly or through agencies, shall file reports and make 21729
payments of premiums out of any fund under its control or 21730
supervision, in the amount and manner, and at the time, as is 21731
determined by the administrator; and the furnishing of the 21732
reports and the payment of the premiums by the state agency, for 21733
work-relief employees, shall relieve the state of the 21734
obligations set forth in sections 4123.40, 4123.41, and 4123.48 21735
of the Revised Code, with respect to contributing to the public 21736
work-relief employees' compensation fund for work-relief 21737

employees. 21738

Sec. 4127.08. The administrator of ~~workers' compensation~~ 21739
worker safety and rehabilitation, under special circumstances 21740
and with the advice and consent of the ~~bureau of workers'~~ 21741
~~compensation office of worker safety and rehabilitation~~ board of 21742
directors, may adjust the rate of disbursements of compensation 21743
of benefits, which shall not in any instance exceed the maximum 21744
reimbursable relief award established by the state which the 21745
claimant would have been entitled to had the claimant not been 21746
injured. 21747

Sec. 4131.01. As used in sections 4131.01 to 4131.06 of 21748
the Revised Code: 21749

(A) "Federal act" means Title IV of the "Federal Coal Mine 21750
Health and Safety Act of 1969," 83 Stat. 742, 30 U.S.C.A. 801, 21751
as now or hereafter amended. 21752

(B) "Coal-workers pneumoconiosis fund" means the fund 21753
created and administered pursuant to sections 4131.01 to 4131.06 21754
of the Revised Code and does not refer, directly or indirectly, 21755
to any fund created and administered pursuant to Chapter 4123. 21756
of the Revised Code. 21757

(C) "Premium" means payment by or on behalf of an operator 21758
of a coal mine in Ohio who is required by the federal act to 21759
secure the payment of benefits for which ~~he~~ the operator is 21760
liable under that act, which payments are to be credited to the 21761
coal-workers pneumoconiosis fund and does not refer, directly or 21762
indirectly, to premiums or contributions paid or required to be 21763
paid pursuant to Chapter 4123. of the Revised Code. 21764

(D) "Subscriber" means an operator who has elected to 21765
subscribe to the coal-workers pneumoconiosis fund and whose 21766

election has been approved by the ~~bureau of workers'~~ 21767
~~compensation~~ office of worker safety and rehabilitation. 21768

Sec. 4131.02. (A) The administrator of ~~workers'~~ 21769
~~compensation~~ worker safety and rehabilitation shall have the 21770
same powers and duties of administration, collection, 21771
maintenance, investment, and disbursement of the coal-workers 21772
pneumoconiosis fund as are delegated and imposed upon ~~him~~ the 21773
administrator pursuant to Chapters 4121. and 4123. of the 21774
Revised Code, except that the powers and duties of the 21775
administrator are limited to, and exercised pursuant to those 21776
specifically authorized in sections 4131.01 to 4131.06 of the 21777
Revised Code. 21778

(B) The administrator shall employ the employees necessary 21779
to the discharge of its duties and responsibilities under 21780
sections 4131.01 to 4131.06 of the Revised Code. The treasurer 21781
of state shall pay the salaries and expenses of those employees 21782
from the fund created by section 4131.03 of the Revised Code 21783
upon warrants authorized and signed pursuant to section 4123.42 21784
of the Revised Code. 21785

Sec. 4131.03. (A) For the relief of persons who are 21786
entitled to receive benefits by virtue of the federal act, there 21787
is hereby established a coal-workers pneumoconiosis fund, which 21788
shall be separate from the funds established and administered 21789
pursuant to Chapter 4123. of the Revised Code. The fund shall 21790
consist of premiums and other payments thereto by subscribers 21791
who elect to subscribe to the fund to insure the payment of 21792
benefits required by the federal act. 21793

(B) The coal-workers pneumoconiosis fund shall be in the 21794
custody of the treasurer of state. The ~~bureau of workers'~~ 21795
~~compensation~~ office of worker safety and rehabilitation shall 21796

make disbursements from the fund to those persons entitled to 21797
payment therefrom and in the amounts required pursuant to 21798
sections 4131.01 to 4131.06 of the Revised Code. All investment 21799
earnings of the fund shall be credited to the fund. 21800

(C) The administrator of workers safety and rehabilitation 21801
shall have the same powers to invest any of the surplus or 21802
reserve belonging to the coal-workers pneumoconiosis fund as are 21803
delegated to the administrator under section 4123.44 of the 21804
Revised Code with respect to the state insurance fund. 21805

(D) If the administrator determines that reinsurance of 21806
the risks of the coal-workers pneumoconiosis fund is necessary 21807
to assure solvency of the fund, the administrator may: 21808

(1) Enter into contracts for the purchase of reinsurance 21809
coverage of the risks of the fund with any company or agency 21810
authorized by law to issue contracts of reinsurance; 21811

(2) Pay the cost of reinsurance from the fund; 21812

(3) Include the costs of reinsurance as a liability and 21813
estimated liability of the fund. 21814

Sec. 4131.04. (A) For the purpose of sections 4131.01 to 21815
4131.06 of the Revised Code, each subscriber shall pay premiums 21816
upon the basis and at the intervals determined by the 21817
administrator of ~~workers' compensation~~ worker safety and 21818
rehabilitation, with the advice and consent of the ~~bureau of~~ 21819
~~workers' compensation~~ office of worker safety and rehabilitation 21820
board of directors. 21821

(B) The administrator shall fix and maintain for each 21822
class of occupation and type of mining the lowest possible rates 21823
of premiums consistent with the maintenance of a solvent fund 21824
and the creation and maintenance of a reasonable surplus after 21825

providing for payment to maturity of all liabilities insured 21826
pursuant to the federal act. 21827

(C) The administrator may adjust the rates of premium at 21828
any time. Each adjustment order shall become effective on the 21829
date prescribed by the administrator. 21830

(D) The administrator, by rule, may prescribe procedures 21831
for subscription, payroll reporting, premium payment, 21832
termination of subscription, reinstatement, and all other 21833
matters pertinent to subscriber participation in the coal- 21834
workers pneumoconiosis fund. 21835

(E) In addition to premiums required to be paid into the 21836
fund, the administrator, with the advice and consent of the 21837
board, shall fix and may adjust at any time an additional 21838
premium for the cost of administering the fund. The additional 21839
premium shall be paid by each subscriber as a part of the 21840
subscriber's total premium payment. 21841

Sec. 4131.05. (A) Upon receipt of an order of compensation 21842
issued pursuant to a claim for benefits under the provisions of 21843
the federal act, the administrator of ~~workers' compensation~~ 21844
worker safety and rehabilitation shall disburse from the coal- 21845
workers pneumoconiosis fund the amounts to the persons as the 21846
order directs with respect to any claims insured by a 21847
subscriber. 21848

(B) No payment shall be made with respect to or from the 21849
fund in excess of the amount of the fund on hand at the time of 21850
any payment. 21851

Sec. 4131.06. (A) The collection of premiums, the 21852
administration and investment of the coal-workers pneumoconiosis 21853
fund, and the payment of benefits therefrom shall not create any 21854

liability upon the state. 21855

(B) Except for a gross abuse of discretion, the industrial 21856
commission and the individual members thereof, the ~~bureau of~~ 21857
~~workers' compensation office~~ of worker safety and rehabilitation 21858
board of directors and the individual members thereof, and the 21859
administrator of ~~workers' compensation~~ worker safety and 21860
rehabilitation shall not incur any obligation or liability 21861
respecting the collection of premiums, the administration or 21862
investment of the fund, or the payment of benefits therefrom. 21863

Sec. 4131.11. As used in sections 4131.11 to 4131.16 of 21864
the Revised Code: 21865

(A) "Federal act" means the "Longshoremen's and Harbor 21866
Workers' Compensation Act Amendments of 1972," 86 Stat. 1251, 33 21867
U.S.C.A. 901. 21868

(B) "Marine industry fund" means the fund created and 21869
administered pursuant to sections 4131.11 to 4131.16 of the 21870
Revised Code and does not refer, directly or indirectly, to any 21871
fund created and administered pursuant to Chapter 4123. of the 21872
Revised Code. 21873

(C) "Premium" means payment to the marine industry fund by 21874
or on behalf of a marine industry employer to secure the payment 21875
of benefits under the federal act. "Premium" does not refer 21876
directly or indirectly, to premiums or contributions paid or 21877
required to be paid pursuant to Chapter 4123. of the Revised 21878
Code. 21879

(D) "Subscriber" means any marine industry employer whose 21880
application to subscribe to the marine industry fund has been 21881
approved by the ~~bureau of workers' compensation~~ office of worker 21882
safety and rehabilitation. 21883

(E) "Marine industry employer" means any person who is 21884
required by the federal act to secure the payment of benefits 21885
for which ~~he~~ the person is liable under that act. 21886

Sec. 4131.12. (A) The administrator of ~~workers' 21887
compensation~~ worker safety and rehabilitation shall have the 21888
same powers and duties of administration, collection, 21889
maintenance, investment, and disbursement of the marine industry 21890
fund as are delegated and imposed upon ~~him~~ the administrator 21891
pursuant to Chapters 4121. and 4123. of the Revised Code, except 21892
that the powers and duties of the administrator shall be limited 21893
to, and exercised pursuant to those specifically authorized in 21894
sections 4131.11 to 4131.16 of the Revised Code. 21895

(B) The administrator shall employ the employees necessary 21896
to the discharge of ~~his~~ the administrator's duties and 21897
responsibilities under sections 4131.11 to 4131.16 of the 21898
Revised Code. The treasurer of state shall pay the salaries and 21899
expenses of those employees from the fund created by section 21900
4131.13 of the Revised Code upon warrants authorized and signed 21901
as described in section 4123.42 of the Revised Code. 21902

Sec. 4131.13. (A) For the relief of persons who are 21903
entitled to receive benefits by virtue of the federal act, there 21904
is hereby established a marine industry fund, which shall be 21905
separate from the funds established and administered pursuant to 21906
Chapter 4123. of the Revised Code. The marine industry fund 21907
shall consist of premiums and other payments thereto by marine 21908
industry employers who apply to the ~~bureau of workers' 21909
compensation~~ office of worker safety and rehabilitation for 21910
permission to subscribe to the fund to insure the payment of 21911
benefits required by the federal act. 21912

By rule, the administrator of ~~workers' compensation~~ worker 21913

safety and rehabilitation shall establish criteria for the 21914
acceptance or rejection of applications by marine industry 21915
employers who apply to subscribe to the fund. 21916

(B) The marine industry fund shall be in the custody of 21917
the treasurer of state. The ~~bureau-office~~ shall make 21918
disbursements from the fund to those persons entitled to payment 21919
therefrom and in the amounts required pursuant to the federal 21920
act. The auditor of state annually shall complete a fiscal audit 21921
of the fund. All investment earnings of the fund shall be 21922
credited to the fund. 21923

(C) The administrator shall have the same powers to invest 21924
any of the surplus or reserve belonging to the marine industry 21925
fund as are delegated to ~~him~~ the administrator under section 21926
4123.44 of the Revised Code with respect to the state insurance 21927
fund. 21928

(D) If the ~~bureau of workers' compensation office of~~ 21929
worker safety and rehabilitation board of directors determines 21930
that reinsurance of the risks of the marine industry fund is 21931
necessary to assure solvency of the fund, the board may: 21932

(1) Enter into contracts for the purchase of reinsurance 21933
coverage of the risks of the fund with any company or agency 21934
authorized by law to issue contracts of reinsurance; 21935

(2) Require the administrator to pay the cost of 21936
reinsurance from the fund; 21937

(3) Include the costs of reinsurance as a liability and 21938
estimated liability of the fund. 21939

(E) For the purpose of maintaining the solvency of the 21940
marine industry fund, the administrator may borrow money from 21941
the state insurance fund as is necessary. Money borrowed from 21942

the state insurance fund shall be repaid from the marine 21943
industry fund together with an appropriate interest rate not to 21944
exceed the average yield of fixed income investments of the 21945
state insurance fund for the six-month period ended on the last 21946
day of the month preceding the month in which the money is 21947
borrowed. Loans made pursuant to this division are a proper 21948
investment of the surplus or reserve of the state insurance 21949
fund. 21950

(F) In no event shall any of the assets of any of the 21951
funds created and administered pursuant to Chapter 4123. of the 21952
Revised Code be disbursed in payment of any cost or obligation 21953
of or insured by the marine industry fund. This division shall 21954
not be construed to prohibit as a proper investment loans made 21955
from the state insurance fund to the marine industry fund 21956
pursuant to division (E) of this section. 21957

Sec. 4131.14. (A) For the purpose of sections 4131.11 to 21958
4131.16 of the Revised Code, each subscriber shall pay premiums 21959
upon the basis and at the intervals determined by the 21960
administrator of ~~workers' compensation~~ worker safety and 21961
rehabilitation, with the advice and consent of the ~~bureau of~~ 21962
~~workers' compensation office of worker safety and rehabilitation~~ 21963
board of directors. 21964

(B) The administrator shall fix and maintain for each 21965
class of occupation and type of business the lowest possible 21966
rates of premiums consistent with the maintenance of a solvent 21967
fund and the creation and maintenance of a reasonable surplus 21968
after providing for payment to maturity of all liabilities 21969
insured pursuant to the federal act. The administrator, by rule, 21970
may provide for merit rating of subscribers. 21971

(C) The administrator, with the advice and consent of the 21972

board, may adjust the rates of premium at any time. Each 21973
adjustment order is effective on the date prescribed by the 21974
administrator. 21975

(D) The administrator, by rule adopted pursuant to Chapter 21976
119. of the Revised Code, may prescribe procedures for 21977
subscription, payroll reporting, premium payment, payment of an 21978
advance security deposit by subscribers to secure payments of 21979
premiums when due, termination of subscription, reinstatement, 21980
and all other matters pertinent to subscriber participation in 21981
the marine industry fund. 21982

(E) In addition to premiums required to be paid into the 21983
fund, the administrator, with the advice and consent of the 21984
board, shall fix and may adjust at any time an additional 21985
premium for the cost of administering the fund. The additional 21986
premium shall be paid by each subscriber as a part of the 21987
subscriber's total premium payment. 21988

Sec. 4131.15. (A) Upon receipt of an order of compensation 21989
issued pursuant to a claim for benefits under the federal act, 21990
the ~~bureau of workers' compensation~~ office of worker safety and 21991
rehabilitation shall disburse from the marine industry fund the 21992
amounts to the persons as said order directs with respect to any 21993
claims insured by the marine industry fund. 21994

(B) The ~~bureau~~ office shall disburse from the marine 21995
industry fund amounts necessary to pay the costs of any 21996
additional requirements of the federal act. 21997

Sec. 4131.16. (A) The collection of premiums, the 21998
administration and investment of the marine industry fund, and 21999
the payment of benefits therefrom shall not create any liability 22000
upon the state. 22001

(B) Except for a gross abuse of discretion, the industrial 22002
commission and the individual members thereof, the ~~bureau of~~ 22003
~~workers' compensation office of worker safety and rehabilitation~~ 22004
board of directors and the individual members thereof, and the 22005
administrator of ~~workers' compensation~~ worker safety and 22006
rehabilitation shall not incur any obligation or liability 22007
respecting the collection of premiums, the administration or 22008
investment of the fund, or the payment of benefits therefrom. 22009

Sec. 4141.43. (A) The director of job and family services 22010
may cooperate with the industrial commission, the ~~bureau of~~ 22011
~~workers' compensation~~ office of worker safety and 22012
rehabilitation, the United States internal revenue service, the 22013
United States employment service, and other similar departments 22014
and agencies, as determined by the director, in the exchange or 22015
disclosure of information as to wages, employment, payrolls, 22016
unemployment, and other information. The director may employ, 22017
jointly with one or more of such agencies or departments, 22018
auditors, examiners, inspectors, and other employees necessary 22019
for the administration of this chapter and employment and 22020
training services for workers in the state. 22021

(B) The director may make the state's record relating to 22022
the administration of this chapter available to the railroad 22023
retirement board and may furnish the board at the board's 22024
expense such copies thereof as the board deems necessary for its 22025
purposes. 22026

(C) The director may afford reasonable cooperation with 22027
every agency of the United States charged with the 22028
administration of any unemployment compensation law. 22029

(D) The director may enter into arrangements with the 22030
appropriate agencies of other states or of the United States or 22031

Canada whereby individuals performing services in this and other 22032
states for a single employer under circumstances not 22033
specifically provided for in division (B) of section 4141.01 of 22034
the Revised Code or in similar provisions in the unemployment 22035
compensation laws of such other states shall be deemed to be 22036
engaged in employment performed entirely within this state or 22037
within one of such other states or within Canada, and whereby 22038
potential rights to benefits accumulated under the unemployment 22039
compensation laws of several states or under such a law of the 22040
United States, or both, or of Canada may constitute the basis 22041
for the payment of benefits through a single appropriate agency 22042
under terms that the director finds will be fair and reasonable 22043
as to all affected interests and will not result in any 22044
substantial loss to the unemployment compensation fund. 22045

(E) The director may enter into agreements with the 22046
appropriate agencies of other states or of the United States or 22047
Canada: 22048

(1) Whereby services or wages upon the basis of which an 22049
individual may become entitled to benefits under the 22050
unemployment compensation law of another state or of the United 22051
States or Canada shall be deemed to be employment or wages for 22052
employment by employers for the purposes of qualifying claimants 22053
for benefits under this chapter, and the director may estimate 22054
the number of weeks of employment represented by the wages 22055
reported to the director for such claimants by such other 22056
agency, provided such other state agency or agency of the United 22057
States or Canada has agreed to reimburse the unemployment 22058
compensation fund for such portion of benefits paid under this 22059
chapter upon the basis of such services or wages as the director 22060
finds will be fair and reasonable as to all affected interests; 22061

(2) Whereby the director will reimburse other state or 22062
federal or Canadian agencies charged with the administration of 22063
unemployment compensation laws with such reasonable portion of 22064
benefits, paid under the law of such other states or of the 22065
United States or of Canada upon the basis of employment or wages 22066
for employment by employers, as the director finds will be fair 22067
and reasonable as to all affected interests. Reimbursements so 22068
payable shall be deemed to be benefits for the purpose of 22069
section 4141.09 and division (A) of section 4141.30 of the 22070
Revised Code. However, no reimbursement so payable shall be 22071
charged against any employer's account for the purposes of 22072
section 4141.24 of the Revised Code if the employer's account, 22073
under the same or similar circumstances, with respect to 22074
benefits charged under the provisions of this chapter, other 22075
than this section, would not be charged or, if the claimant at 22076
the time the claimant files the combined wage claim cannot 22077
establish benefit rights under this chapter. This noncharging 22078
shall not be applicable to a nonprofit organization that has 22079
elected to make payments in lieu of contributions under section 22080
4141.241 of the Revised Code, except as provided in division (D) 22081
(2) of section 4141.24 of the Revised Code. The director may 22082
make to other state or federal or Canadian agencies and receive 22083
from such other state or federal or Canadian agencies 22084
reimbursements from or to the unemployment compensation fund, in 22085
accordance with arrangements pursuant to this section. 22086

(3) Notwithstanding division (B) (2) (f) of section 4141.01 22087
of the Revised Code, the director may enter into agreements with 22088
other states whereby services performed for a crew leader, as 22089
defined in division (BB) of section 4141.01 of the Revised Code, 22090
may be covered in the state in which the crew leader either: 22091

(a) Has the crew leader's place of business or from which 22092

the crew leader's business is operated or controlled; 22093

(b) Resides if the crew leader has no place of business in 22094
any state. 22095

(F) The director may apply for an advance to the 22096
unemployment compensation fund and do all things necessary or 22097
required to obtain such advance and arrange for the repayment of 22098
such advance in accordance with Title XII of the "Social 22099
Security Act" as amended. 22100

(G) The director may enter into reciprocal agreements or 22101
arrangements with the appropriate agencies of other states in 22102
regard to services on vessels engaged in interstate or foreign 22103
commerce whereby such services for a single employer, wherever 22104
performed, shall be deemed performed within this state or within 22105
such other states. 22106

(H) The director shall participate in any arrangements for 22107
the payment of compensation on the basis of combining an 22108
individual's wages and employment, covered under this chapter, 22109
with the individual's wages and employment covered under the 22110
unemployment compensation laws of other states which are 22111
approved by the United States secretary of labor in consultation 22112
with the state unemployment compensation agencies as reasonably 22113
calculated to assure the prompt and full payment of compensation 22114
in such situations and which include provisions for: 22115

(1) Applying the base period of a single state law to a 22116
claim involving the combining of an individual's wages and 22117
employment covered under two or more state unemployment 22118
compensation laws, and 22119

(2) Avoiding the duplicate use of wages and employment by 22120
reason of such combining. 22121

(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, and the "Federal-State Extended Unemployment Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801 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 all costs associated with the disclosure.

The director shall prescribe a manner and format in which

this information may be provided. 22151

(K) The director shall adopt rules defining the 22152
requirements of the release of individual income verification 22153
information specified in division (J) of this section, which 22154
shall include all terms and conditions necessary to meet the 22155
requirements of federal law as interpreted by the United States 22156
department of labor or considered necessary by the director for 22157
the proper administration of this division. 22158

(L) The director shall disclose information furnished to 22159
or maintained by the director under this chapter upon request 22160
and on a reimbursable basis as required by section 303 of the 22161
"Social Security Act," 42 U.S.C.A. 503, and section 3304 of the 22162
"Internal Revenue Code," 26 U.S.C.A. 3304. 22163

Sec. 4163.03. Each of the following departments and 22164
agencies of the state government shall initiate and pursue 22165
continuing studies as to the need, if any, for changes in the 22166
laws and rules administered by it that would arise from the 22167
presence within the state of special nuclear materials and by- 22168
product materials and from the operation herein of production or 22169
utilization facilities, and, on the basis of such studies, to 22170
make such recommendations for the enactment of laws or 22171
amendments to laws administered by it, and such proposals for 22172
amendments to the rules issued by it, as may appear necessary 22173
and appropriate: 22174

The department of health; ~~the bureau of workers'~~ 22175
~~compensation office of worker safety and rehabilitation;~~ the 22176
department of transportation; the public utilities commission; 22177
the department of insurance; the department of natural 22178
resources; the department of commerce; and such other 22179
departments and agencies as the governor may direct and for the 22180

purposes specified by the governor. 22181

The heads of the appropriate state department or agency 22182
may cooperate with any federal department or agency in the 22183
administration of this section. 22184

Sec. 4167.02. (A) The administrator of ~~worker's-~~ 22185
~~compensation~~ worker safety and rehabilitation shall operate and 22186
enforce the public employment risk reduction program created by 22187
this chapter. 22188

(B) The administrator shall do all of the following: 22189

(1) Adopt rules, with the advice and consent of the ~~bureau-~~ 22190
~~of workers' compensation~~ office of worker safety and 22191
rehabilitation board of directors and in accordance with Chapter 22192
119. of the Revised Code, for the administration and enforcement 22193
of this chapter, including rules covering standards the 22194
administrator shall follow in issuing an emergency temporary 22195
Ohio employment risk reduction standard under section 4167.08 of 22196
the Revised Code and a temporary variance and a variance from an 22197
Ohio employment risk reduction standard or part thereof under 22198
section 4167.09 of the Revised Code; 22199

(2) Do all things necessary and appropriate for the 22200
administration and enforcement of this chapter. 22201

(C) In carrying out the responsibilities of this chapter, 22202
the administrator may use, with the consent of any federal, 22203
state, or local agency, the services, facilities, and personnel 22204
of such agency, with or without reimbursement, and may retain or 22205
contract with experts, consultants, and organizations for 22206
services or personnel on such terms as the administrator 22207
determines appropriate. 22208

Sec. 4167.06. (A) A public employee acting in good faith 22209

has the right to refuse to work under conditions that the public 22210
employee reasonably believes present an imminent danger of death 22211
or serious harm to the public employee, provided that such 22212
conditions are not such as normally exist for or reasonably 22213
might be expected to occur in the occupation of the public 22214
employee. A public employer shall not discriminate against a 22215
public employee for a good faith refusal to perform assigned 22216
tasks if the public employee has requested that the public 22217
employer correct the hazardous conditions but the conditions 22218
remain uncorrected, there was insufficient time to eliminate the 22219
danger by resorting to the enforcement methods provided in this 22220
chapter, and the danger was one that a reasonable person under 22221
the circumstances then confronting the public employee would 22222
conclude is an imminent danger of death or serious physical harm 22223
to the public employee. A public employee who has refused in 22224
good faith to perform assigned tasks and who has not been 22225
reassigned to other tasks by the public employer shall, in 22226
addition to retaining a right to continued employment, receive 22227
full compensation for the tasks that would have been performed. 22228
If the public employer reassigns the public employee, the public 22229
employer shall pay the public employee's full compensation as if 22230
the public employee were not reassigned. 22231

(B) A public employee who exercises the right to refuse to 22232
work under division (A) of this section shall notify by a 22233
written statement that is signed by the public employee, as soon 22234
as practicable after exercising that right, the administrator of 22235
~~workers' compensation~~ worker safety and rehabilitation of the 22236
condition that presents an imminent danger of death or serious 22237
harm to the public employee. Upon receipt of the notification, 22238
the administrator or the administrator's designee immediately 22239
shall inspect the premises of the public employer. The 22240

administrator and the administrator's designee shall comply with 22241
section 4167.10 of the Revised Code in conducting the inspection 22242
and investigation and in issuing orders and citations. 22243

(C) A public employee who refuses to perform assigned 22244
tasks under division (A) of this section and fails to meet all 22245
of the conditions set forth in that division for the refusal is 22246
subject to any disciplinary action provided by law or agreement 22247
between the public employer and public employee for a refusal to 22248
work, including, but not limited to, suspension, nonpayment of 22249
wages for the duration of the refusal to work, and discharge. 22250

Sec. 4167.07. (A) The administrator of ~~workers'~~ 22251
~~compensation~~ worker safety and rehabilitation, with the advice 22252
and consent of the ~~bureau of workers' compensation~~ office of 22253
worker safety and rehabilitation board of directors, shall adopt 22254
rules that establish employment risk reduction standards. Except 22255
as provided in division (B) of this section, in adopting these 22256
rules, the administrator shall do both of the following: 22257

(1) By no later than July 1, 1994, adopt as a rule and an 22258
Ohio employment risk reduction standard every federal 22259
occupational safety and health standard then adopted by the 22260
United States secretary of labor pursuant to the "Occupational 22261
Safety and Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, 22262
as amended; 22263

(2) By no later than one hundred twenty days after the 22264
United States secretary of labor adopts, modifies, or revokes 22265
any federal occupational safety and health standard, by rule do 22266
one of the following: 22267

(a) Adopt the federal occupational safety and health 22268
standard as a rule and an Ohio employment risk reduction 22269

standard; 22270

(b) Amend the existing rule and Ohio employment risk 22271
reduction standard to conform to the modification of the federal 22272
occupational safety and health standard; 22273

(c) Rescind the existing rule and Ohio employment risk 22274
reduction standard that corresponds to the federal occupational 22275
safety and health standard the United States secretary of labor 22276
revoked. 22277

(B) The administrator, with the advice and consent of the 22278
~~bureau of workers' compensation office of worker safety and~~ 22279
rehabilitation board of directors, may decline to adopt any 22280
federal occupational safety and health standard as a rule and an 22281
Ohio employment risk reduction standard or to modify or rescind 22282
any existing rule and Ohio employment risk reduction standard to 22283
conform to any federal occupational safety and health standard 22284
modified or revoked by the United States secretary of labor or 22285
may adopt as a rule and an Ohio employment risk reduction 22286
standard any occupational safety and health standard that is not 22287
covered under the federal law or that differs from one adopted 22288
or modified by the United States secretary of labor, if the 22289
administrator determines that existing rules and Ohio employment 22290
risk reduction standards provide protection at least as 22291
effective as that which would be provided by the existing, new, 22292
or modified federal occupational safety and health standard or 22293
if the administrator determines that local conditions warrant a 22294
different standard from that of the existing federal 22295
occupational safety and health standard or from standards the 22296
United States secretary of labor adopts, modifies, or revokes. 22297

(C) In adopting, modifying, or rescinding any rule or Ohio 22298
employment risk reduction standard dealing with toxic materials 22299

or harmful physical agents, the administrator, with the advice 22300
and consent of the ~~bureau of workers' compensation office of~~ 22301
worker safety and rehabilitation board of directors, shall do 22302
all of the following: 22303

(1) Set the employment risk reduction standard to most 22304
adequately assure, to the extent technologically feasible and on 22305
the basis of the best available evidence, that no public 22306
employee will suffer material impairment of health or functional 22307
capacity as a result of the hazards dealt with by the rule or 22308
Ohio employment risk reduction standard for the period of the 22309
public employee's working life; 22310

(2) Base the development of these rules and Ohio 22311
employment risk reduction standards on research, demonstrations, 22312
experiments, and other information as is appropriate and upon 22313
the technological feasibility of the rule and standard, using 22314
the latest available scientific data in the field and the 22315
experience gained in the workplace under this chapter and other 22316
health and safety laws, to establish the highest degree of 22317
safety and health for the public employee; 22318

(3) Whenever practicable, express the rule and Ohio 22319
employment risk reduction standard in terms of objective 22320
criteria and of the performance desired; 22321

(4) Prescribe the use of labels or other appropriate forms 22322
of warning as are necessary to ensure that public employees are 22323
apprised of all hazards to which they are exposed, relevant 22324
symptoms and appropriate emergency treatment, and proper 22325
conditions and precautions of safe use or exposure where 22326
appropriate; 22327

(5) Prescribe suitable protective equipment and control 22328

procedures to be used in connection with the hazards; 22329

(6) Provide for measuring or monitoring public employee 22330
exposure in a manner necessary for the protection of the public 22331
employees; 22332

(7) Where appropriate, prescribe the type and frequency of 22333
medical examinations or other tests the public employer shall 22334
make available, at the cost of the public employer, to the 22335
public employees exposed to the hazards in order to determine 22336
any adverse effect from the exposure. 22337

(D) In determining the priority for adopting rules and 22338
Ohio employment risk reduction standards under this section, the 22339
administrator shall give due regard to the urgency of need and 22340
recommendations of the department of health regarding that need 22341
for mandatory employment risk reduction standards for particular 22342
trades, crafts, occupations, services, and workplaces. 22343

(E) (1) Except for rules adopted under division (A) of this 22344
section, the administrator, with the advice and consent of the 22345
~~bureau of workers' compensation~~ office of worker safety and 22346
rehabilitation board of directors, shall adopt all rules under 22347
this section in accordance with Chapter 119. of the Revised 22348
Code, provided that notwithstanding that chapter, the 22349
administrator may delay the effective date of any rule or Ohio 22350
employment risk reduction standard for the period the 22351
administrator determines necessary to ensure that affected 22352
public employers and public employees will be informed of the 22353
adoption, modification, or rescission of the rule and Ohio 22354
employment risk reduction standard and have the opportunity to 22355
familiarize themselves with the specific requirements of the 22356
rule and standard. In no case, however, shall the administrator 22357
delay the effective date of a rule adopted pursuant to Chapter 22358

119. of the Revised Code in excess of ninety days beyond the 22359
otherwise required effective date. 22360

(2) In regard to the rules for which the administrator 22361
does not have to comply with Chapter 119. of the Revised Code, 22362
the administrator shall file two certified copies of the rules 22363
and Ohio employment risk reduction standards adopted with the 22364
secretary of state and the director of the legislative service 22365
commission. 22366

Sec. 4167.08. (A) In the event of an emergency or unusual 22367
situation, the administrator of ~~workers' compensation~~ worker 22368
safety and rehabilitation shall issue an emergency temporary 22369
Ohio employment risk reduction standard to take immediate effect 22370
upon publication in newspapers of general circulation in 22371
Cleveland, Columbus, Cincinnati, and Toledo if the administrator 22372
finds both of the following: 22373

(1) Public employees are exposed to grave danger from 22374
exposure to substances or agents determined to be toxic or 22375
physically harmful or from new hazards; 22376

(2) The emergency temporary Ohio employment risk reduction 22377
standard is necessary to protect employees from the danger. 22378

(B) (1) Except as provided in division (B) (2) of this 22379
section an emergency temporary Ohio employment risk reduction 22380
standard issued by the administrator under division (A) of this 22381
section shall be in effect no longer than fifteen days, unless 22382
the ~~bureau of workers' compensation~~ office of worker safety and 22383
rehabilitation board of directors approves the emergency 22384
temporary Ohio employment risk reduction standard as issued by 22385
the administrator, in which case, the emergency temporary Ohio 22386
employment risk reduction standard shall be in effect no longer 22387

than one hundred twenty days after the date the administrator 22388
issues it. 22389

(2) The administrator may renew an emergency temporary 22390
Ohio employment risk reduction standard that has been approved 22391
by the board for an additional time period not to exceed one 22392
hundred days if the administrator finds that the conditions 22393
identified in divisions (A) (1) and (2) of this section continue 22394
to exist. 22395

On or before the expiration date of the emergency 22396
temporary Ohio employment risk reduction standard or renewal 22397
thereof, if the conditions identified in divisions (A) (1) and 22398
(2) of this section continue to exist, the administrator, with 22399
the advice and consent of the board, shall adopt a permanent 22400
Ohio employment risk reduction standard pursuant to section 22401
4167.07 of the Revised Code as a rule to replace the emergency 22402
temporary Ohio employment risk reduction standard. 22403

Sec. 4167.09. (A) Any public employer affected by a 22404
proposed rule or Ohio employment risk reduction standard or any 22405
provision of a standard proposed under section 4167.07 or 22406
4167.08 of the Revised Code may apply to the administrator of 22407
~~workers' compensation~~ worker safety and rehabilitation for an 22408
order granting a temporary variance from the standard or 22409
provision. The application for the order and any extension of 22410
the order shall contain a reasonable application fee, as 22411
determined by the ~~bureau of workers' compensation~~ office of 22412
worker safety and rehabilitation board of directors, and all of 22413
the following information: 22414

(1) A specification of the Ohio public employment risk 22415
reduction standard or provision of it from which the public 22416
employer seeks the temporary variance; 22417

(2) A representation by the public employer, supported by 22418
representations from qualified persons having firsthand 22419
knowledge of the facts represented, that the public employer is 22420
unable to comply with the Ohio employment risk reduction 22421
standard or provision of it and a detailed statement of the 22422
reasons for the inability to comply; 22423

(3) A statement of the steps that the public employer has 22424
taken and will take, with dates specified, to protect employees 22425
against the hazard covered by the standard; 22426

(4) A statement of when the public employer expects to be 22427
able to comply fully with the Ohio employment risk reduction 22428
standard and what steps the public employer has taken and will 22429
take, with dates specified, to come into full compliance with 22430
the standard; 22431

(5) A certification that the public employer has informed 22432
the public employer's public employees of the application by 22433
giving a copy of the application to the public employee 22434
representative, if any, and by posting a statement giving a 22435
summary of the application and specifying where a copy of the 22436
application may be examined at the place or places where notices 22437
to public employees are normally posted, and by any other 22438
appropriate means of public employee notification. The public 22439
employer also shall inform the public employer's public 22440
employees of their rights to a hearing under section 4167.15 of 22441
the Revised Code. The certification also shall contain a 22442
description of how public employees have been informed of the 22443
application and of their rights to a hearing. 22444

(B) The administrator shall issue an order providing for a 22445
temporary variance if the public employer files an application 22446
that meets the requirements of division (A) of this section and 22447

establishes that all of the following pertaining to the public employer are true: 22448
22449

(1) The public employer is unable to comply with the Ohio employment risk reduction standard or a provision of it by its effective date because of the unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the Ohio employment risk reduction standard or provision of it or because necessary construction or alteration of facilities cannot be completed by the effective date of the standard. 22450
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(2) The public employer is taking all available steps to safeguard the public employer's public employees against the hazards covered by the Ohio employment risk reduction standard. 22458
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(3) The public employer has an effective program for coming into compliance with the Ohio employment risk reduction standard as quickly as practicable. 22461
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(4) The granting of the variance will not create an imminent danger of death or serious physical harm to public employees. 22464
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22466

(C)(1) If the administrator issues an order providing for a temporary variance under division (B) of this section, the administrator shall prescribe the practices, means, methods, operations, and processes that the public employer must adopt and use while the order is in effect and state in detail the public employer's program for coming into compliance with the Ohio employment risk reduction standard. The administrator may issue the order only after providing notice to affected public employees and their public employee representative, if any, and an opportunity for a hearing pursuant to section 4167.15 of the 22467
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Revised Code, provided that the administrator may issue one 22477
interim order granting a temporary order to be effective until a 22478
decision on a hearing is made. Except as provided in division 22479
(C) (2) of this section, no temporary variance may be in effect 22480
for longer than the period needed by the public employer to 22481
achieve compliance with the Ohio employment risk reduction 22482
standard or one year, whichever is shorter. 22483

(2) The administrator may renew an order issued under 22484
division (C) of this section up to two times provided that the 22485
requirements of divisions (A), (B), and (C) (1) of this section 22486
and section 4167.15 of the Revised Code are met and the public 22487
employer files an application for renewal with the administrator 22488
at least ninety days prior to the expiration date of the order. 22489

(D) Any public employer affected by an Ohio employment 22490
risk reduction standard or any provision of it proposed, 22491
adopted, or otherwise issued under section 4167.07 or 4167.08 of 22492
the Revised Code may apply to the administrator for an order 22493
granting a variance from the standard or provision. The 22494
administrator shall provide affected public employees and their 22495
public employee representative, if any, notice of the 22496
application and shall provide an opportunity for a hearing 22497
pursuant to section 4167.15 of the Revised Code. The 22498
administrator shall issue the order granting the variance if the 22499
public employer files an application that meets the requirements 22500
of division (B) of this section, and after an opportunity for a 22501
hearing pursuant to section 4167.15 of the Revised Code, and if 22502
the public employer establishes to the satisfaction of the 22503
administrator that the conditions, practices, means, methods, 22504
operations, or processes used or proposed to be used by the 22505
public employer will provide employment and places of employment 22506
to the public employer's public employees that are as safe and 22507

healthful as those that would prevail if the public employer 22508
complied with the Ohio employment risk reduction standard. The 22509
administrator shall prescribe in the order granting the variance 22510
the conditions the public employer must maintain, and the 22511
practices, means, methods, operations, and processes the public 22512
employer must adopt and utilize in lieu of the Ohio employment 22513
risk reduction standard that would otherwise apply. The 22514
administrator may modify or revoke the order upon application of 22515
the public employer, public employee, or public employee 22516
representative, or upon the administrator's own motion in the 22517
manner prescribed for the issuance of an order under this 22518
division at any time during six months after the date of 22519
issuance of the order. 22520

Sec. 4167.10. (A) In order to carry out the purposes of 22521
this chapter, the administrator of ~~workers' compensation worker~~ 22522
safety and rehabilitation or the administrator's designee shall, 22523
as provided in this section, inspect and investigate any plant, 22524
facility, establishment, construction site, or any other area, 22525
workplace, or environment where work is being performed by a 22526
public employee of a public employer, and any place of 22527
employment and all pertinent conditions, structures, machines, 22528
apparatus, devices, equipment, and materials therein, and 22529
question privately any public employer, administrator, 22530
department head, operator, agent, or public employee. The 22531
authority to inspect and investigate includes the taking of 22532
environmental samples, the taking and obtaining of photographs 22533
related to the purposes of the inspection or investigation, the 22534
examination of records required to be kept under section 4167.11 22535
of the Revised Code and other documents and records relevant to 22536
the inspection and investigation, the issuance of subpoenas, and 22537
the conducting of tests and other studies reasonably calculated 22538

to serve the purposes of implementing and enforcing this 22539
chapter. Except as provided in this section, the administrator 22540
or the administrator's designee shall conduct inspections and 22541
investigations only pursuant to a request to do so by a public 22542
employee or public employee representative, or the notification 22543
the administrator receives pursuant to division (B) of section 22544
4167.06 of the Revised Code and only if the administrator or the 22545
administrator's designee complies with this section. The 22546
administrator or the administrator's designee shall conduct all 22547
requested or required inspections within a reasonable amount of 22548
time following receipt of the request or notification. 22549

(B) (1) Any public employee or public employee 22550
representative who believes that a violation of an Ohio 22551
employment risk reduction standard exists that threatens 22552
physical harm, or that an imminent danger exists, may request an 22553
inspection by giving written notice to the administrator or the 22554
administrator's designee of the violation or danger. The notice 22555
shall set forth with reasonable particularity the grounds for 22556
the notice, and shall be signed by the public employee or public 22557
employee representative. The names of individual public 22558
employees making the notice or referred to therein shall not 22559
appear in the copy provided to the public employer pursuant to 22560
division (B) (2) of this section and shall be kept confidential. 22561

(2) If, upon receipt of a notification pursuant to 22562
division (B) (1) of this section, the administrator determines 22563
that there are no reasonable grounds to believe that a violation 22564
or danger exists, the administrator shall inform the public 22565
employee or public employee representative in writing of the 22566
determination. If, upon receipt of a notification, the 22567
administrator determines that there are reasonable grounds to 22568
believe that a violation or danger exists, the administrator 22569

shall, within one week, excluding Saturdays, Sundays, and any 22570
legal holiday as defined in section 1.14 of the Revised Code, 22571
after receipt of the notification, notify the public employer, 22572
by certified mail, return receipt requested, of the alleged 22573
violation or danger. The notice provided to the public employer 22574
or the public employer's agent shall contain a copy of the 22575
notice provided to the administrator by the public employee or 22576
the public employee representative under division (B)(1) of this 22577
section and shall inform the public employer of the alleged 22578
violation or danger and that the administrator or the 22579
administrator's designee will investigate and inspect the public 22580
employer's workplace as provided in this section. The public 22581
employer must respond to the administrator, in a method 22582
determined by the administrator, concerning the alleged 22583
violation or danger, within thirty days after receipt of the 22584
notice. If the public employer does not correct the violation or 22585
danger within the thirty-day period or if the public employer 22586
fails to respond within that time period, the administrator or 22587
the administrator's designee shall investigate and inspect the 22588
public employer's workplace as provided in this section. The 22589
administrator or the administrator's designee shall not conduct 22590
any inspection prior to the end of the thirty-day period unless 22591
requested or permitted by the public employer. The administrator 22592
may, at any time upon the request of the public employer, 22593
inspect and investigate any violation or danger alleged to exist 22594
at the public employer's place of employment. 22595

(3) The authority of the administrator or the 22596
administrator's designee to investigate and inspect a premises 22597
pursuant to a public employee or public employee representative 22598
notification is not limited to the alleged violation or danger 22599
contained in the notification. The administrator or the 22600

administrator's designee may investigate and inspect any other 22601
area of the premises where there is reason to believe that a 22602
violation or danger exists. In addition, if the administrator or 22603
the administrator's designee detects any obvious or apparent 22604
violation at any temporary place of employment while en route to 22605
the premises to be inspected or investigated, and that violation 22606
presents a substantial probability that the condition or 22607
practice could result in death or serious physical harm, the 22608
administrator or the administrator's designee may use any of the 22609
enforcement mechanisms provided in this section to correct or 22610
remove the condition or practice. 22611

(4) If, during an inspection or investigation, the 22612
administrator or the administrator's designee finds any 22613
condition or practice in any place of employment that presents a 22614
substantial probability that the condition or practice could 22615
result in death or serious physical harm, after notifying the 22616
employer of the administrator's intent to issue an order, the 22617
administrator shall issue an order, or the administrator's 22618
designee shall issue an order after consultation either by 22619
telephone or in person with the administrator and upon the 22620
recommendation of the administrator, which prohibits the 22621
employment of any public employee or any continuing operation or 22622
process under such condition or practice until necessary steps 22623
are taken to correct or remove the condition or practice. The 22624
order shall not be effective for more than fifteen days, unless 22625
a court of competent jurisdiction otherwise orders as provided 22626
in section 4167.14 of the Revised Code. 22627

(C) In making any inspections or investigations under this 22628
chapter, the administrator or the administrator's designee may 22629
administer oaths and require, by subpoena, the attendance and 22630
testimony of witnesses and the production of evidence under 22631

oath. Witnesses shall receive the fees and mileage provided for 22632
under section 119.094 of the Revised Code. In the case of 22633
contumacy, failure, or refusal of any person to comply with an 22634
order or any subpoena lawfully issued, or upon the refusal of 22635
any witness to testify to any matter regarding which the witness 22636
may lawfully be interrogated, a judge of the court of common 22637
pleas of any county in this state, on the application of the 22638
administrator or the administrator's designee, shall issue an 22639
order requiring the person to appear and to produce evidence if, 22640
as, and when so ordered, and to give testimony relating to the 22641
matter under investigation or in question. The court may punish 22642
any failure to obey the order of the court as a contempt 22643
thereof. 22644

(D) If, upon inspection or investigation, the 22645
administrator or the administrator's designee believes that a 22646
public employer has violated any requirement of this chapter or 22647
any rule, Ohio employment risk reduction standard, or order 22648
adopted or issued pursuant thereto, the administrator or the 22649
administrator's designee shall, with reasonable promptness, 22650
issue a citation to the public employer. The citation shall be 22651
in writing and describe with particularity the nature of the 22652
alleged violation, including a reference to the provision of 22653
law, Ohio employment risk reduction standard, rule, or order 22654
alleged to have been violated. In addition, the citation shall 22655
fix a time for the abatement of the violation, as provided in 22656
division (H) of this section. The administrator may prescribe 22657
procedures for the issuance of a notice with respect to minor 22658
violations and for enforcement of minor violations that have no 22659
direct or immediate relationship to safety or health. 22660

(E) Upon receipt of any citation under this section, the 22661
public employer shall immediately post the citation, or a copy 22662

thereof, at or near each place an alleged violation referred to 22663
in the citation occurred. 22664

(F) The administrator may not issue a citation under this 22665
section after the expiration of six months following the final 22666
occurrence of any violation. 22667

(G) If the administrator issues a citation pursuant to 22668
this section, the administrator shall mail the citation to the 22669
public employer by certified mail, return receipt requested. The 22670
public employer has fourteen days after receipt of the citation 22671
within which to notify the administrator that the employer 22672
wishes to contest the citation. If the employer notifies the 22673
administrator within the fourteen days that the employer wishes 22674
to contest the citation, or if within fourteen days after the 22675
issuance of a citation a public employee or public employee 22676
representative files notice that the time period fixed in the 22677
citation for the abatement of the violation is unreasonable, the 22678
administrator shall hold an adjudication hearing in accordance 22679
with Chapter 119. of the Revised Code. 22680

(H) In establishing the time limits in which a public 22681
employer must abate a violation under this section, the 22682
administrator shall consider the costs to the public employer, 22683
the size and financial resources of the public employer, the 22684
severity of the violation, the technological feasibility of the 22685
public employer's ability to comply with requirements of the 22686
citation, the possible present and future detriment to the 22687
health and safety of any public employee for failure of the 22688
public employer to comply with requirements of the citation, and 22689
such other factors as the administrator determines appropriate. 22690
The administrator may, after considering the above factors, 22691
permit the public employer to comply with the citation over a 22692

period of up to two years and may extend that period an 22693
additional one year, as the administrator determines 22694
appropriate. 22695

(I) Any public employer may request the administrator to 22696
conduct an employment risk reduction inspection of the public 22697
employer's place of employment. The administrator or the 22698
administrator's designee shall conduct the inspection within a 22699
reasonable amount of time following the request. Neither the 22700
administrator nor any other person may use any information 22701
obtained from the inspection for a period not to exceed three 22702
years in any proceeding for a violation of this chapter or any 22703
rule or order issued thereunder nor in any other action in any 22704
court in this state. 22705

Sec. 4167.11. (A) In order to further the purposes of this 22706
chapter, the administrator of ~~workers' compensation~~ worker 22707
safety and rehabilitation shall develop and maintain, for public 22708
employers and public employees, an effective program of 22709
collection, compilation, and analysis of employment risk 22710
reduction statistics. 22711

(B) To implement and maintain division (A) of this 22712
section, the administrator, with the advice and consent of the 22713
~~bureau of workers' compensation~~ office of worker safety and 22714
rehabilitation board of directors, shall adopt rules in 22715
accordance with Chapter 119. of the Revised Code that extend to 22716
all of the following: 22717

(1) Requiring each public employer to make, keep, and 22718
preserve, and make available to the administrator, reports and 22719
records regarding the public employer's activities, as 22720
determined by the rule that are necessary or appropriate for the 22721
enforcement of this chapter or for developing information 22722

regarding the causes and prevention of occupational accidents 22723
and illnesses. The rule shall prescribe which of these reports 22724
and records shall or may be furnished to public employees and 22725
public employee representatives. 22726

(2) Requiring every public employer, through posting of 22727
notices or other appropriate means, to keep their public 22728
employees informed of public employees' rights and obligations 22729
under this chapter, including the provisions of applicable Ohio 22730
employment risk reduction standards; 22731

(3) Requiring public employers to maintain accurate 22732
records of public employee exposure to potentially toxic 22733
materials, carcinogenic materials, and harmful physical agents 22734
that are required to be monitored or measured under rules 22735
adopted under the guidelines of division (C) of section 4167.07 22736
of the Revised Code. The rule shall provide public employees or 22737
public employee representatives an opportunity to observe the 22738
monitoring or measuring, and to have access on request to the 22739
records thereof, and may provide public employees or public 22740
employee representatives an opportunity to participate in and to 22741
undertake their own monitoring or measuring. The rules also 22742
shall permit each current or former public employee to have 22743
access to the records that indicate their own exposure to toxic 22744
materials, carcinogenic materials, or harmful agents. 22745

(C) The administrator shall obtain any information under 22746
division (B) of this section with a minimum burden upon the 22747
public employer and shall, to the maximum extent feasible, 22748
reduce unnecessary duplication of efforts in obtaining the 22749
information. 22750

Sec. 4167.12. All information reported to or otherwise 22751
obtained by the administrator of ~~workers' compensation worker~~ 22752

safety and rehabilitation or the administrator's designee in 22753
connection with any investigation, inspection, or proceeding 22754
under this chapter that reveals a trade secret of any person is 22755
confidential, except that the information may be disclosed to 22756
other agents or authorized representatives of the administrator 22757
concerned with fulfilling the requirements of this chapter, or 22758
when relevant, to any proceeding under this chapter. In any 22759
proceeding, the administrator or the court shall issue orders as 22760
appropriate to protect the confidentiality of trade secrets. 22761

Sec. 4167.14. (A) Any court of common pleas has 22762
jurisdiction, upon petition of the administrator of ~~workers'~~ 22763
~~compensation~~ worker safety and rehabilitation, to restrain any 22764
conditions or practices in any places of employment that present 22765
a danger that could reasonably be expected to cause death or 22766
serious harm or contribute significantly to occupationally 22767
related illness immediately or before the imminence of the 22768
danger can be eliminated through the enforcement procedures 22769
provided in this chapter. Any order issued under this section 22770
may require that steps be taken as necessary to avoid, correct, 22771
or remove the imminent danger and prohibit the employment or 22772
presence of any individual in locations or under conditions 22773
where the imminent danger exists, except individuals whose 22774
presence is necessary to avoid, correct, or remove the imminent 22775
danger. 22776

(B) Upon the filing of a petition under division (A) of 22777
this section, the court of common pleas may grant injunctive 22778
relief or a temporary restraining order pending the outcome of 22779
an enforcement proceeding pursuant to this chapter, except that 22780
no temporary restraining order issued without notice is 22781
effective for a period longer than five calendar days. 22782

(C) If the administrator or the administrator's designee 22783
responsible for inspections determines that the imminent danger 22784
as described in division (A) of this section is such that 22785
immediate action is necessary, and further determines that there 22786
is not sufficient time in light of the nature, severity, and 22787
imminence of the danger to seek and obtain a temporary 22788
restraining order or injunction, the administrator or the 22789
administrator's designee immediately shall file a petition with 22790
the court under division (A) of this section and issue an order 22791
requiring action to be taken as is necessary to avoid, correct, 22792
or remove the imminent danger. 22793

The administrator, with the advice and consent of the 22794
~~bureau of workers' compensation~~ office of worker safety and 22795
rehabilitation board of directors, shall adopt rules, in 22796
accordance with Chapter 119. of the Revised Code, to permit a 22797
public employer expeditious informal reconsideration of any 22798
order issued by the administrator under this division. Unless 22799
the administrator reverses an order pursuant to the informal 22800
reconsideration, the order remains in effect pending the court's 22801
determination under this section. If the administrator modifies 22802
an order pursuant to the informal reconsideration, the 22803
administrator shall provide the court with whom the 22804
administrator filed the petition under this section with a copy 22805
of the modified order. The modified order remains in effect 22806
pending the court's determination under this section. 22807

Sec. 4167.15. Any public employer, public employee, or 22808
public employee representative affected by an order, rule, or 22809
Ohio employment risk reduction standard proposed, adopted, or 22810
otherwise issued pursuant to this chapter, may request, within 22811
fourteen days after the proposal, adoption, or issuance of the 22812
order, rule, or standard, a hearing from the administrator of 22813

~~workers' compensation, worker safety and rehabilitation.~~ The 22814
administrator, within fourteen days after receipt of a request 22815
for a hearing, shall appoint a hearing officer to make a 22816
determination as to the request. The hearing officer, within 22817
fourteen days after the hearing officer's appointment, shall 22818
hold a hearing in accordance with Chapter 119. of the Revised 22819
Code and, within fourteen days after the hearing, render a 22820
decision. A public employer, public employee, or public employee 22821
representative may appeal the decision of the hearing officer to 22822
the administrator, provided that the appeal is made within 22823
thirty days after the hearing officer issues the decision. The 22824
decision of the hearing officer is final unless appealed to the 22825
administrator within the time period set in this section or 22826
unless the administrator, on the administrator's own motion, 22827
modifies or reverses the decision within that time period. If a 22828
party fails to appeal the decision of the hearing officer, the 22829
decision of the hearing officer is not, for purposes of section 22830
4167.16 of the Revised Code, a final order of the administrator 22831
and is not appealable to court as provided in section 4167.16 of 22832
the Revised Code, except that if the party fails to appeal the 22833
decision of the hearing officer, and the administrator modifies 22834
or reverses the decision under this section, the decision of the 22835
administrator is appealable to court pursuant to section 4167.16 22836
of the Revised Code. 22837

Sec. 4167.16. (A) Any party who is adversely affected by a 22838
final order of the administrator of ~~workers' compensation-worker~~ 22839
safety and rehabilitation issued pursuant to division (G) of 22840
section 4167.10 or section 4167.15 of the Revised Code, and who 22841
has exhausted all administrative appeals from such order may 22842
appeal the order, within thirty days after the issuance of a 22843
final order, to the court of common pleas of Franklin county or 22844

to the court of common pleas of the county in which the alleged 22845
violation occurred. If the court finds an undue hardship to the 22846
appellant will result from the enforcement of the order pending 22847
determination of the appeal, the court may grant a suspension of 22848
the order and fix the terms thereof. 22849

(B) (1) The court shall conduct a hearing on the appeal 22850
filed under division (A) of this section and shall give 22851
preference to all proceedings under this section over all other 22852
civil cases, irrespective of the position of the proceedings on 22853
the calendar of the court. The hearing shall proceed as in the 22854
case of a civil action, and the court shall determine the rights 22855
of the parties in accordance with the laws applicable to the 22856
action. 22857

(2) The court shall affirm the order of the administrator 22858
if it finds, upon consideration of the record as a whole, and 22859
additional evidence as the court has admitted, that the order is 22860
supported by reliable, probative, and substantial evidence and 22861
is in accordance with law. In absence of that finding, the court 22862
shall reverse, vacate, or modify the order or make such other 22863
ruling as is supported by reliable, probative, and substantial 22864
evidence and is in accordance with law. The judgment of the 22865
court is final and conclusive, unless reversed, vacated, or 22866
modified on appeal. Any party may appeal as provided in Chapter 22867
2505. of the Revised Code. 22868

(C) No person who has failed to exhaust all of the 22869
administrative appeals provided in this chapter may file an 22870
appeal of a final order of the administrator under division (A) 22871
of this section. 22872

Sec. 4167.17. (A) If a public employer, public employee, 22873
or public employee representative willfully fails to comply with 22874

any final order of the administrator of ~~workers' compensation-~~ 22875
worker safety and rehabilitation issued pursuant to this 22876
chapter, the administrator may apply to the court of common 22877
pleas of Franklin county or the court of common pleas of the 22878
county in which the violation occurred, for an injunction, 22879
restraining order, or any other appropriate relief compelling 22880
the public employer, public employee, or public employee 22881
representative to comply with such order. The court shall order 22882
such relief as it considers appropriate and shall, in addition, 22883
impose a civil penalty of not more than five hundred dollars per 22884
day per violation and not to exceed a total of ten thousand 22885
dollars per violation. 22886

(B) The administrator shall not seek to enforce this 22887
chapter, or any Ohio employment risk reduction standard, rule, 22888
or order adopted or issued pursuant thereto, in any manner that 22889
derogates from the immunity offered to a public employer by 22890
variances obtained under this chapter, or by variations, 22891
tolerance, or exemption allowed a public employer for reasons of 22892
national defense by the United States secretary of labor 22893
pursuant to section 16 of the "Occupational Safety and Health 22894
Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as amended. 22895

Sec. 4167.19. (A) A public employer, other than a state 22896
agency, may apply to the administrator of ~~workers' compensation-~~ 22897
worker safety and rehabilitation for an order exempting the 22898
public employer from compliance with this chapter, except as 22899
provided in division (K) of this section, if the public employer 22900
satisfies both of the following criteria: 22901

(1) The public employer is a member of a group that 22902
qualifies for a group rating plan pursuant to division (A) (4) of 22903
section 4123.29 of the Revised Code or the public employer's 22904

premium rate is at least fifty per cent less than the base rate 22905
for its workers' compensation premiums; 22906

(2) The public employer establishes and maintains a safety 22907
committee with both public employees and representatives of the 22908
public employer as members if the public employer does not 22909
qualify for a group rating plan. A public employer that employs 22910
five or fewer public employees need not have a safety committee. 22911

(B) The application shall be on a form prescribed by the 22912
administrator and shall be transmitted to the administrator by 22913
certified mail, return receipt requested. The application shall 22914
contain a certification of all of the following: 22915

(1) The public employer has adopted an ordinance or 22916
resolution requesting an exemption from this chapter; 22917

(2) At least ten working days prior to passage of an 22918
ordinance or resolution described in division (B) (1) of this 22919
section, the public employer has informed its public employees 22920
of the application by giving a copy of the application to the 22921
public employee representative, if any; 22922

(3) The public employer has informed its public employees 22923
by posting a statement for thirty consecutive days giving a 22924
summary of the application and specifying where a copy of the 22925
application may be examined at the place or places where notices 22926
to public employees are normally posted, and by any other 22927
appropriate means of public employee notification; 22928

(4) The public employer has informed its public employees 22929
of their rights to a hearing under section 4167.15 of the 22930
Revised Code. 22931

The certification also shall contain a description of how 22932
public employees have been informed of the application and of 22933

their rights to a hearing. 22934

(C) Except as provided in this section, the administrator 22935
shall issue an order providing for an exemption if the public 22936
employer meets the requirements of division (A) of this section 22937
and files an application that meets the requirements of division 22938
(B) of this section. 22939

(D) The administrator shall not grant an exemption under 22940
division (C) of this section until after the superintendent of 22941
the division of safety and hygiene in the ~~bureau of workers'~~ 22942
~~compensation~~ office of worker safety and rehabilitation conducts 22943
an employment risk reduction inspection of the public employer's 22944
place of employment to determine the presence of any hazardous 22945
or unsafe conditions. The administrator shall not cite the 22946
public employer for a violation of this chapter during this 22947
inspection. 22948

(E) The superintendent shall provide a copy of the report 22949
of the inspection conducted pursuant to division (D) of this 22950
section and any findings to the public employer. Within six 22951
months after receipt of the report, the public employer shall 22952
submit the report to the administrator, if the public employer 22953
wishes to proceed with the exemption request. If the report does 22954
not contain a description of any hazardous or unsafe conditions, 22955
the administrator shall grant the public employer an exemption 22956
from this chapter, except as provided in division (K) of this 22957
section. If the report contains a description of any hazardous 22958
or unsafe conditions, the public employer shall submit to the 22959
administrator a plan that describes how it intends to remedy, 22960
within a one-year period of time, the hazardous or unsafe 22961
conditions. 22962

Within thirty days after receipt of the plan from the 22963

public employer, the administrator may approve or disapprove the 22964
plan as submitted. If the administrator approves the plan as 22965
submitted, the administrator shall grant the public employer an 22966
exemption from this chapter, except as provided in division (K) 22967
of this section. 22968

If the administrator disapproves the plan, the 22969
administrator shall return it and the reasons for its rejection 22970
to the public employer. The public employer may submit a revised 22971
plan, which corrects the deficiencies for which the original 22972
plan was rejected, within thirty days after receipt of the 22973
disapproved plan from the administrator. The administrator has 22974
thirty days after receipt of the revised plan to review it, and 22975
if it remedies the administrator's objections, to approve it and 22976
grant the exemption. The public employer shall be exempted from 22977
this chapter, except as provided in division (K) of this 22978
section, if the administrator fails to act within the thirty-day 22979
period. 22980

(F) Within ten working days after completing 22981
implementation of the plan, the public employer shall certify to 22982
the administrator, by certified mail, return receipt requested, 22983
that the hazardous or unsafe conditions have been abated. 22984

If a public employer fails to complete the plan within the 22985
one-year period of time, the administrator may do either of the 22986
following: 22987

(1) Terminate the exemption; 22988

(2) Grant to the public employer a sixty-day extension to 22989
the one-year period of time, provided that the administrator 22990
determines that the public employer is making significant 22991
progress in completing implementation of the plan. 22992

The administrator shall terminate the exemption of a public employer who does not complete implementation of the plan within the sixty-day extension granted by the administrator under division (F) (2) of this section.

(G) The administrator shall inspect a public employer's place of employment immediately after either of the following occur:

(1) A public employee of the public employer is killed due to an incident that is related to the public employee's employment;

(2) Three or more public employees of the public employer are hospitalized due to an incident that is related to the public employees' employment.

After reviewing the inspection report, the administrator may require the public employer to submit to the administrator, within a reasonable amount of time as determined by the administrator, a plan that describes how the public employer intends to remedy any conditions described in the report that the administrator determines need to be remedied.

Nothing in this division constitutes the granting of a new exemption for purposes of determining the seven-year expiration date pursuant to division (H) of this section.

(H) Except as provided in division (F) of this section, an exemption granted pursuant to this section expires seven years after the date of its issuance. A public employer may apply for a subsequent exemption in the same manner provided in this section for the grant of an original exemption.

(I) Each public employer granted an exemption under this section may request the superintendent of the division of safety

and hygiene in the ~~bureau of workers' compensation office of~~ 23022
worker safety and rehabilitation to conduct a safety inspection 23023
of the public employer's place of employment any time during the 23024
exemption period. Based on this inspection, the superintendent 23025
shall note any hazards or unsafe conditions and recommend 23026
abatement of these hazards and unsafe conditions. The 23027
superintendent shall provide a copy of the report of the 23028
inspection conducted pursuant to this division and any resulting 23029
recommendations to the public employer. The administrator shall 23030
not cite the public employer for a violation of this chapter due 23031
to a hazardous or unsafe condition identified by the 23032
superintendent pursuant to this inspection. 23033

(J) Notwithstanding any other provision of this chapter, a 23034
public employer who meets the requirements of division (A) of 23035
this section and files an application that meets the 23036
requirements of division (B) of this section is not subject to 23037
this chapter, except section 4167.06 of the Revised Code and 23038
division (G) of this section, after the date on which the public 23039
employer meets the requirements of division (A) of this section 23040
and files an application that meets the requirements of division 23041
(B) of this section until the administrator determines whether 23042
to grant the exemption under this section. 23043

(K) Nothing in this section limits, or shall be construed 23044
as limiting, a public employee's rights as provided in section 23045
4167.06 of the Revised Code. Nothing in this section limits, or 23046
shall be construed as limiting, a public employer's right to 23047
adopt reasonable safety rules and require a public employee's 23048
compliance with those rules. 23049

A public employer who is granted an exemption under this 23050
section shall not be exempt from divisions (G), (H), and (I) of 23051

this section. 23052

Sec. 4167.27. (A) The administrator of ~~workers'~~ 23053
~~compensation~~ worker safety and rehabilitation shall adopt a rule 23054
and Ohio employment risk reduction standard for the prevention 23055
of exposure incidents. The initial rule and standard shall be 23056
adopted not later than one hundred eighty days after October 5, 23057
2000. 23058

(B) The administrator shall provide advice to public 23059
employers with regard to their implementation of the 23060
requirements established by the rule and standard adopted under 23061
this section and the requirements of section 4167.28 of the 23062
Revised Code. 23063

Sec. 4582.18. Bonds of a port authority issued pursuant to 23064
sections 4582.01 to 4582.17 of the Revised Code are lawful 23065
investments of banks and trust companies with approval of the 23066
superintendent of banks, of savings and loan associations, of 23067
the bond retirement funds or the sinking funds of municipal 23068
corporations, boards of education, port authorities, and 23069
counties, of the administrator of ~~workers' compensation~~ worker 23070
safety and rehabilitation, of the retirement board of the state 23071
teachers retirement system, of the retirement board of the state 23072
public school employees retirement system, of the retirement 23073
board of the public employees retirement system, and of domestic 23074
life insurance companies and domestic insurance companies other 23075
than life, and shall be acceptable as security for the deposit 23076
of public moneys. 23077

Sec. 4582.44. Bonds of a port authority and port authority 23078
revenue bonds issued pursuant to sections 4582.22 to 4582.59 of 23079
the Revised Code are lawful investments of banks, societies for 23080
savings, trust companies, savings and loan associations, deposit 23081

guaranty associations, trustees, fiduciaries, trustees or other 23082
officers having charge of the bond retirement funds or sinking 23083
funds of port authorities and political subdivisions, and taxing 23084
districts of this state, the commissioners of the sinking fund 23085
of this state, the administrator of ~~workers' compensation~~ worker 23086
safety and rehabilitation, the state teachers retirement system, 23087
the school employees retirement system, the public employees 23088
retirement system, the Ohio police and fire pension fund, and 23089
insurance companies, including domestic life insurance companies 23090
and domestic insurance companies other than life, and are 23091
acceptable as security for the deposit of public moneys. 23092

Sec. 4729.80. (A) If the state board of pharmacy 23093
establishes and maintains a drug database pursuant to section 23094
4729.75 of the Revised Code, the board is authorized or required 23095
to provide information from the database in accordance with the 23096
following: 23097

(1) On receipt of a request from a designated 23098
representative of a government entity responsible for the 23099
licensure, regulation, or discipline of health care 23100
professionals with authority to prescribe, administer, or 23101
dispense drugs, the board may provide to the representative 23102
information from the database relating to the professional who 23103
is the subject of an active investigation being conducted by the 23104
government entity. 23105

(2) On receipt of a request from a federal officer, or a 23106
state or local officer of this or any other state, whose duties 23107
include enforcing laws relating to drugs, the board shall 23108
provide to the officer information from the database relating to 23109
the person who is the subject of an active investigation of a 23110
drug abuse offense, as defined in section 2925.01 of the Revised 23111

Code, being conducted by the officer's employing government 23112
entity. 23113

(3) Pursuant to a subpoena issued by a grand jury, the 23114
board shall provide to the grand jury information from the 23115
database relating to the person who is the subject of an 23116
investigation being conducted by the grand jury. 23117

(4) Pursuant to a subpoena, search warrant, or court order 23118
in connection with the investigation or prosecution of a 23119
possible or alleged criminal offense, the board shall provide 23120
information from the database as necessary to comply with the 23121
subpoena, search warrant, or court order. 23122

(5) On receipt of a request from a prescriber or the 23123
prescriber's delegate approved by the board, the board shall 23124
provide to the prescriber a report of information from the 23125
database relating to a patient who is either a current patient 23126
of the prescriber or a potential patient of the prescriber based 23127
on a referral of the patient to the prescriber, if all of the 23128
following conditions are met: 23129

(a) The prescriber certifies in a form specified by the 23130
board that it is for the purpose of providing medical treatment 23131
to the patient who is the subject of the request; 23132

(b) The prescriber has not been denied access to the 23133
database by the board. 23134

(6) On receipt of a request from a pharmacist or the 23135
pharmacist's delegate approved by the board, the board shall 23136
provide to the pharmacist information from the database relating 23137
to a current patient of the pharmacist, if the pharmacist 23138
certifies in a form specified by the board that it is for the 23139
purpose of the pharmacist's practice of pharmacy involving the 23140

patient who is the subject of the request and the pharmacist has 23141
not been denied access to the database by the board. 23142

(7) On receipt of a request from an individual seeking the 23143
individual's own database information in accordance with the 23144
procedure established in rules adopted under section 4729.84 of 23145
the Revised Code, the board may provide to the individual the 23146
individual's own database information. 23147

(8) On receipt of a request from a medical director or a 23148
pharmacy director of a managed care organization that has 23149
entered into a contract with the department of medicaid under 23150
section 5167.10 of the Revised Code and a data security 23151
agreement with the board required by section 5167.14 of the 23152
Revised Code, the board shall provide to the medical director or 23153
the pharmacy director information from the database relating to 23154
a medicaid recipient enrolled in the managed care organization, 23155
including information in the database related to prescriptions 23156
for the recipient that were not covered or reimbursed under a 23157
program administered by the department of medicaid. 23158

(9) On receipt of a request from the medicaid director, 23159
the board shall provide to the director information from the 23160
database relating to a recipient of a program administered by 23161
the department of medicaid, including information in the 23162
database related to prescriptions for the recipient that were 23163
not covered or paid by a program administered by the department. 23164

(10) On receipt of a request from a medical director of a 23165
managed care organization that has entered into a contract with 23166
the administrator of ~~workers' compensation~~ worker safety and 23167
rehabilitation under division (B) (4) of section 4121.44 of the 23168
Revised Code and a data security agreement with the board 23169
required by section 4121.447 of the Revised Code, the board 23170

shall provide to the medical director information from the 23171
database relating to a claimant under Chapter 4121., 4123., 23172
4127., or 4131. of the Revised Code assigned to the managed care 23173
organization, including information in the database related to 23174
prescriptions for the claimant that were not covered or 23175
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 23176
Revised Code, if the administrator of ~~workers' compensation~~ 23177
worker safety and rehabilitation confirms, upon request from the 23178
board, that the claimant is assigned to the managed care 23179
organization. 23180

(11) On receipt of a request from the administrator of 23181
~~workers' compensation~~ worker safety and rehabilitation, the 23182
board shall provide to the administrator information from the 23183
database relating to a claimant under Chapter 4121., 4123., 23184
4127., or 4131. of the Revised Code, including information in 23185
the database related to prescriptions for the claimant that were 23186
not covered or reimbursed under Chapter 4121., 4123., 4127., or 23187
4131. of the Revised Code. 23188

(12) On receipt of a request from a prescriber or the 23189
prescriber's delegate approved by the board, the board shall 23190
provide to the prescriber information from the database relating 23191
to a patient's mother, if the prescriber certifies in a form 23192
specified by the board that it is for the purpose of providing 23193
medical treatment to a newborn or infant patient diagnosed as 23194
opioid dependent and the prescriber has not been denied access 23195
to the database by the board. 23196

(13) On receipt of a request from the director of health, 23197
the board shall provide to the director information from the 23198
database relating to the duties of the director or the 23199
department of health in implementing the Ohio violent death 23200

reporting system established under section 3701.93 of the Revised Code. 23201
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(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state. 23203
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(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met: 23210
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(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code. 23216
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(b) The retail dispensary or delegate has not been denied access to the database by the board. 23219
23220

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes. 23221
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The board may provide records of an individual's requests for database information to the following: 23227
23228

(1) A designated representative of a government entity 23229

that is responsible for the licensure, regulation, or discipline 23230
of health care professionals with authority to prescribe, 23231
administer, or dispense drugs who is involved in an active 23232
criminal or disciplinary investigation being conducted by the 23233
government entity of the individual who submitted the requests 23234
for database information; 23235

(2) A federal officer, or a state or local officer of this 23236
or any other state, whose duties include enforcing laws relating 23237
to drugs and who is involved in an active investigation being 23238
conducted by the officer's employing government entity of the 23239
individual who submitted the requests for database information. 23240

(C) Information contained in the database and any 23241
information obtained from it is confidential and is not a public 23242
record. Information contained in the records of requests for 23243
information from the database is confidential and is not a 23244
public record. Information contained in the database that does 23245
not identify a person, including any licensee or registrant of 23246
the board or other entity, may be released in summary, 23247
statistical, or aggregate form. 23248

(D) Information contained in the database may be provided 23249
only as expressly permitted in law, including any information 23250
contained in the database that relates to any person, including 23251
any licensee or registrant of the board or other entity. 23252

(E) A pharmacist or prescriber shall not be held liable in 23253
damages to any person in any civil action for injury, death, or 23254
loss to person or property on the basis that the pharmacist or 23255
prescriber did or did not seek or obtain information from the 23256
database. 23257

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of 23258

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| the Revised Code: | 23259 |
| (A) (1) "Clinical laboratory services" means either of the following: | 23260 23261 |
| (a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health; | 23262 23263 23264 23265 |
| (b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body. | 23266 23267 23268 |
| (2) "Clinical laboratory services" does not include the mere collection or preparation of specimens. | 23269 23270 |
| (B) "Designated health services" means any of the following: | 23271 23272 |
| (1) Clinical laboratory services; | 23273 |
| (2) Home health care services; | 23274 |
| (3) Outpatient prescription drugs. | 23275 |
| (C) "Fair market value" means the value in arms-length transactions, consistent with general market value and: | 23276 23277 |
| (1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use; | 23278 23279 23280 |
| (2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee. | 23281 23282 23283 23284 |
| (D) "Governmental health care program" means any program | 23285 |

providing health care benefits that is administered by the 23286
federal government, this state, or a political subdivision of 23287
this state, including the medicare program, health care coverage 23288
for public employees, health care benefits administered by the 23289
~~bureau of workers' compensation~~ office of worker safety and 23290
rehabilitation, and the medicaid program. 23291

(E) (1) "Group practice" means a group of two or more 23292
holders of certificates under this chapter legally organized as 23293
a partnership, professional corporation or association, limited 23294
liability company, foundation, nonprofit corporation, faculty 23295
practice plan, or similar group practice entity, including an 23296
organization comprised of a nonprofit medical clinic that 23297
contracts with a professional corporation or association of 23298
physicians to provide medical services exclusively to patients 23299
of the clinic in order to comply with section 1701.03 of the 23300
Revised Code and including a corporation, limited liability 23301
company, partnership, or professional association described in 23302
division (B) of section 4731.226 of the Revised Code formed for 23303
the purpose of providing a combination of the professional 23304
services of optometrists who are licensed, certificated, or 23305
otherwise legally authorized to practice optometry under Chapter 23306
4725. of the Revised Code, chiropractors who are licensed, 23307
certificated, or otherwise legally authorized to practice 23308
chiropractic or acupuncture under Chapter 4734. of the Revised 23309
Code, psychologists who are licensed, certificated, or otherwise 23310
legally authorized to practice psychology under Chapter 4732. of 23311
the Revised Code, registered or licensed practical nurses who 23312
are licensed, certificated, or otherwise legally authorized to 23313
practice nursing under Chapter 4723. of the Revised Code, 23314
pharmacists who are licensed, certificated, or otherwise legally 23315
authorized to practice pharmacy under Chapter 4729. of the 23316

Revised Code, physical therapists who are licensed, 23317
certificated, or otherwise legally authorized to practice 23318
physical therapy under sections 4755.40 to 4755.56 of the 23319
Revised Code, occupational therapists who are licensed, 23320
certificated, or otherwise legally authorized to practice 23321
occupational therapy under sections 4755.04 to 4755.13 of the 23322
Revised Code, mechanotherapists who are licensed, certificated, 23323
or otherwise legally authorized to practice mechanotherapy under 23324
section 4731.151 of the Revised Code, and doctors of medicine 23325
and surgery, osteopathic medicine and surgery, or podiatric 23326
medicine and surgery who are licensed, certificated, or 23327
otherwise legally authorized for their respective practices 23328
under this chapter, and licensed professional clinical 23329
counselors, licensed professional counselors, independent social 23330
workers, social workers, independent marriage and family 23331
therapists, or marriage and family therapists who are licensed, 23332
certificated, or otherwise legally authorized for their 23333
respective practices under Chapter 4757. of the Revised Code to 23334
which all of the following apply: 23335

(a) Each physician who is a member of the group practice 23336
provides substantially the full range of services that the 23337
physician routinely provides, including medical care, 23338
consultation, diagnosis, or treatment, through the joint use of 23339
shared office space, facilities, equipment, and personnel. 23340

(b) Substantially all of the services of the members of 23341
the group are provided through the group and are billed in the 23342
name of the group and amounts so received are treated as 23343
receipts of the group. 23344

(c) The overhead expenses of and the income from the 23345
practice are distributed in accordance with methods previously 23346

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| determined by members of the group. | 23347 |
| (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. | 23348 23349 23350 |
| (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. | 23351 23352 23353 23354 23355 23356 23357 |
| (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. | 23358 23359 23360 |
| (G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. | 23361 23362 |
| (H) A "referral" includes both of the following: | 23363 |
| (1) A request by a holder of a 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; | 23364 23365 23366 23367 23368 |
| (2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services. | 23369 23370 23371 |
| (I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. | 23372 23373 |
| Sec. 4762.12. In the case of a patient with a claim under | 23374 |

Chapter 4121. or 4123. of the Revised Code, a supervising 23375
physician or chiropractor is eligible to be reimbursed for 23376
referring the patient to an oriental medicine practitioner or 23377
acupuncturist or for prescribing oriental medicine or 23378
acupuncture for the patient only if the physician has attained 23379
knowledge in the treatment of patients with oriental medicine or 23380
acupuncture, or the chiropractor has attained knowledge in the 23381
treatment of patients with acupuncture, as demonstrated by 23382
successful completion of a relevant course of study administered 23383
by a college of medicine, osteopathic medicine, podiatric 23384
medicine, or chiropractic acceptable to the ~~bureau of workers'~~ 23385
~~compensation~~ office of worker safety and rehabilitation or 23386
administered by another entity acceptable to the ~~bureau~~ office. 23387

Sec. 4981.19. All bonds issued under sections 4981.11 to 23388
4981.26 of the Revised Code are lawful investments of banks, 23389
societies for savings, savings and loan associations, deposit 23390
guarantee associations, trust companies, trustees, fiduciaries, 23391
insurance companies, including domestic for life and domestic 23392
not for life, trustees or other officers having charge of 23393
sinking and bond retirement or other special funds of political 23394
subdivisions and taxing districts of this state, the 23395
commissioners of the sinking fund of the state, the 23396
administrator of ~~workers' compensation~~ worker safety and 23397
rehabilitation, the state teachers retirement system, the public 23398
employees retirement system, the school employees retirement 23399
system, and the Ohio police and fire pension fund, 23400
notwithstanding any other provision of the Revised Code or rules 23401
adopted pursuant thereto by any governmental agency of the state 23402
with respect to investments by them, and are acceptable as 23403
security for the deposit of public moneys. 23404

Sec. 5101.181. (A) As used in this section and section 23405

5101.182 of the Revised Code, "public assistance" means any or 23406
all of the following: 23407

- (1) Ohio works first; 23408
- (2) Prevention, retention, and contingency; 23409
- (3) Disability financial assistance; 23410
- (4) General assistance provided prior to July 17, 1995, 23411
under former Chapter 5113. of the Revised Code. 23412

(B) As part of the procedure for the determination of 23413
overpayment to a recipient of public assistance under Chapter 23414
5107., 5108., or 5115. of the Revised Code, the director of job 23415
and family services may furnish quarterly the name and social 23416
security number of each individual who receives public 23417
assistance to the director of administrative services, the 23418
administrator of ~~the bureau of workers' compensation~~ worker 23419
safety and rehabilitation, and each of the state's retirement 23420
boards. Within fourteen days after receiving the name and social 23421
security number of an individual who receives public assistance, 23422
the director of administrative services, administrator, or board 23423
shall inform the auditor of state as to whether such individual 23424
is receiving wages or benefits, the amount of any wages or 23425
benefits being received, the social security number, and the 23426
address of the individual. The director of administrative 23427
services, administrator, boards, and any agent or employee of 23428
those officials and boards shall comply with the rules of the 23429
director of job and family services restricting the disclosure 23430
of information regarding recipients of public assistance. Any 23431
person who violates this provision shall thereafter be 23432
disqualified from acting as an agent or employee or in any other 23433
capacity under appointment or employment of any state board, 23434

commission, or agency. 23435

(C) The auditor of state may enter into a reciprocal 23436
agreement with the director of job and family services or 23437
comparable officer of any other state for the exchange of names, 23438
current or most recent addresses, or social security numbers of 23439
persons receiving public assistance under Title IV-A of the 23440
"Social Security Act," 42 U.S.C. 601 et seq. 23441

(D) The auditor of state shall retain, for not less than 23442
two years, at least one copy of all information received under 23443
this section and sections 145.27, 742.41, 3307.20, 3309.22, 23444
4123.27, 5101.182, and 5505.04 of the Revised Code. 23445

(E) The auditor shall review the information described in 23446
division (D) of this section to determine whether overpayments 23447
were made to recipients of public assistance under Chapters 23448
5107., 5108., and 5115. of the Revised Code. The auditor of 23449
state shall initiate action leading to prosecution, where 23450
warranted, of recipients who received overpayments by forwarding 23451
the name of each recipient who received overpayment, together 23452
with other pertinent information, to the director of job and 23453
family services, the attorney general, and the county director 23454
of job and family services and county prosecutor of the county 23455
through which public assistance was received. 23456

(F) The auditor of state and the attorney general or their 23457
designees may examine any records, whether in computer or 23458
printed format, in the possession of the director of job and 23459
family services or any county director of job and family 23460
services. They shall provide safeguards which restrict access to 23461
such records to purposes directly connected with an audit or 23462
investigation, prosecution, or criminal or civil proceeding 23463
conducted in connection with the administration of the programs 23464

and shall comply with section 5101.27 of the Revised Code and 23465
rules adopted by the director of job and family services 23466
restricting the disclosure of information regarding recipients 23467
of public assistance. Any person who violates this provision 23468
shall thereafter be disqualified from acting as an agent or 23469
employee or in any other capacity under appointment or 23470
employment of any state board, commission, or agency. 23471

(G) Costs incurred by the auditor of state in carrying out 23472
the auditor of state's duties under this section shall be borne 23473
by the auditor of state. 23474

Sec. 5101.36. Any application for public assistance gives 23475
a right of subrogation to the department of job and family 23476
services for any workers' compensation benefits payable to a 23477
person who is subject to a support order, as defined in section 23478
3119.01 of the Revised Code, on behalf of the applicant, to the 23479
extent of any public assistance payments made on the applicant's 23480
behalf. If the director of job and family services, in 23481
consultation with a child support enforcement agency and the 23482
administrator of ~~the bureau of workers' compensation~~ worker 23483
safety and rehabilitation, determines that a person responsible 23484
for support payments to a recipient of public assistance is 23485
receiving workers' compensation, the director shall notify the 23486
administrator of the amount of the benefit to be paid to the 23487
department of job and family services. 23488

For purposes of this section, "public assistance" means 23489
Ohio works first provided under Chapter 5107. of the Revised 23490
Code; prevention, retention, and contingency benefits and 23491
services provided under Chapter 5108. of the Revised Code; or 23492
disability financial assistance provided under Chapter 5115. of 23493
the Revised Code. 23494

Sec. 5107.52. (A) There is hereby established, as a work 23495
activity under Ohio works first, the subsidized employment 23496
program, under which private and government employers receive 23497
payments from appropriations to the department of job and family 23498
services for a portion of the costs of salaries, wages, and 23499
benefits those employers pay to or on behalf of employees who 23500
are participants of the subsidized employment program at the 23501
time of employment. 23502

(B) The director of job and family services may 23503
redetermine rates of payments to employers under this section 23504
annually. 23505

(C) A state agency or political subdivision may create or 23506
fill vacant full-time and part-time positions, including 23507
classified and unclassified positions for those positions that 23508
are included in the civil service under Chapter 124. of the 23509
Revised Code, for or with participants of the subsidized 23510
employment program. The director shall specify in rules adopted 23511
under section 5107.05 of the Revised Code the maximum amount of 23512
time the department will subsidize the positions. After the 23513
subsidy expires, the agency or subdivision may hire the 23514
participant for an unclassified position or as an employee in 23515
the classified civil service. The director of administrative 23516
services may adopt rules in accordance with Chapter 119. of the 23517
Revised Code governing this division. 23518

(D) Participants of the subsidized employment program for 23519
whom payments are made under this section: 23520

(1) Shall be considered regular employees of the employer, 23521
entitled to the same employment benefits and opportunities for 23522
advancement and affiliation with employee organizations that are 23523
available to other regular employees of the employer, and the 23524

employer shall pay premiums to the ~~bureau of workers'~~ 23525
~~compensation office of worker safety and rehabilitation on~~ 23526
account of employees for whom payments are made; 23527

(2) Shall be paid at the same rate as other employees 23528
doing similar work for the employer. 23529

(E) An agreement for employment of a subsidized employment 23530
program participant by a private employer shall require that the 23531
participant be given preference for any unsubsidized full-time 23532
position with the employer that becomes available after the 23533
participant completes any probationary or training period 23534
specified in the agreement. 23535

Sec. 5107.54. (A) There is hereby established, as a work 23536
activity under Ohio works first, the work experience program. A 23537
participant of Ohio works first placed in the program shall 23538
receive work experience from private and government entities. 23539

Participants of Ohio works first assigned to the work 23540
experience program are not employees of the department of job 23541
and family services or a county department of job and family 23542
services. The operation of the work experience program does not 23543
constitute the operation of an employment agency by the 23544
department of job and family services or a county department of 23545
job and family services. 23546

(B) County departments of job and family services shall 23547
develop work projects to which participants of Ohio works first 23548
are assigned under the work experience program. Work projects 23549
may include assignments with private and government entities. 23550
Examples of work projects a county department may develop 23551
include unpaid internships, refurbishing publicly assisted 23552
housing, and having a participant volunteer to work at the head 23553

start agency in which the participant's minor child is enrolled. 23554
Each county department shall make a list of the work projects 23555
available to the public. 23556

(C) Unless a county department of job and family services 23557
pays the premiums for the entity, a private or government entity 23558
with which a participant of Ohio works first is placed in the 23559
work experience program shall pay premiums to the ~~bureau of~~ 23560
~~workers' compensation office of worker safety and rehabilitation~~ 23561
on account of the participant. 23562

Sec. 5145.163. (A) As used in this section: 23563

(1) "Customer model enterprise" means an enterprise 23564
conducted under a federal prison industries enhancement 23565
certification program in which a private party participates in 23566
the enterprise only as a purchaser of goods and services. 23567

(2) "Employer model enterprise" means an enterprise 23568
conducted under a federal prison industries enhancement 23569
certification program in which a private party participates in 23570
the enterprise as an operator of the enterprise. 23571

(3) "Injury" means a diagnosable injury to an inmate 23572
supported by medical findings that it was sustained in the 23573
course of and arose out of authorized work activity that was an 23574
integral part of the inmate's participation in the Ohio penal 23575
industries program. 23576

(4) "Inmate" means any person who is committed to the 23577
custody of the department of rehabilitation and correction and 23578
who is participating in an Ohio penal industries program that is 23579
under the federal prison industries enhancement certification 23580
program. 23581

(5) "Federal prison industries enhancement certification 23582

program" means the program authorized pursuant to 18 U.S.C. 23583
1761. 23584

(6) "Loss of earning capacity" means an impairment of the 23585
body of an inmate to a degree that makes the inmate unable to 23586
return to work activity under the Ohio penal industries program 23587
and results in a reduction of compensation earned by the inmate 23588
at the time the injury occurred. 23589

(B) Every inmate shall be covered by a policy of 23590
disability insurance to provide benefits for loss of earning 23591
capacity due to an injury and for medical treatment of the 23592
injury following the inmate's release from prison. If the 23593
enterprise for which the inmate works is a customer model 23594
enterprise, Ohio penal industries shall purchase the policy. If 23595
the enterprise for which the inmate works is an employer model 23596
enterprise, the private participant shall purchase the policy. 23597
The person required to purchase the policy shall submit proof of 23598
coverage to the prison labor advisory board before the 23599
enterprise begins operation. 23600

(C) Within ninety days after an inmate sustains an injury, 23601
the inmate may file a disability claim with the person required 23602
to purchase the policy of disability insurance. Upon the request 23603
of the insurer, the inmate shall be medically examined, and the 23604
insurer shall determine the inmate's entitlement to disability 23605
benefits based on the medical examination. The inmate shall 23606
accept or reject an award within thirty days after a 23607
determination of the inmate's entitlement to the award. If the 23608
inmate accepts the award, the benefits shall be paid upon the 23609
inmate's release from prison. The amount of disability benefits 23610
payable to the inmate shall be reduced by sick leave benefits or 23611
other compensation for lost pay made by Ohio penal industries to 23612

the inmate due to an injury that rendered the inmate unable to 23613
work. An inmate shall not receive disability benefits for 23614
injuries occurring as the result of a fight, assault, horseplay, 23615
purposely self-inflicted injury, use of alcohol or controlled 23616
substances, misuse of prescription drugs, or other activity that 23617
is prohibited by the department's or institution's inmate 23618
conduct rules or the work rules of the private participant in 23619
the enterprise. 23620

(D) Inmates are not employees of the department of 23621
rehabilitation and correction or the private participant in an 23622
enterprise. 23623

(E) An inmate is ineligible to receive compensation or 23624
benefits under Chapter 4121., 4123., 4127., or 4131. of the 23625
Revised Code for any injury, death, or occupational disease 23626
received in the course of, and arising out of, participation in 23627
the Ohio penal industries program. Any claim for an injury 23628
arising from an inmate's participation in the program is 23629
specifically excluded from the jurisdiction of the Ohio ~~bureau~~ 23630
~~of workers' compensation office of worker safety and~~ 23631
rehabilitation and the industrial commission of Ohio. 23632

(F) Any disability benefit award accepted by an inmate 23633
under this section shall be the inmate's exclusive remedy 23634
against the insurer, the private participant in an enterprise, 23635
and the state. If an inmate rejects an award or a disability 23636
claim is denied, the inmate may bring an action in the court of 23637
claims within the appropriate period of limitations. 23638

(G) If any inmate who is paid disability benefits under 23639
this section is reincarcerated, the benefits shall immediately 23640
cease but shall resume upon the inmate's subsequent release from 23641
incarceration. 23642

Sec. 5525.18. No contract shall be entered into by the 23643
director of transportation, if the bidder awarded the contract 23644
is a foreign corporation, until the secretary of state has 23645
certified that the corporation is authorized to do business in 23646
this state, and, if the bidder awarded the contract is a person 23647
or partnership nonresident of the state, until the person or 23648
partnership has filed with the secretary of state a power of 23649
attorney designating the secretary of state as its agent for the 23650
purpose of accepting service of summons in any action brought in 23651
this state against the person, firm, or corporation relating to 23652
the contract, or under the highway laws or under Chapter 4123. 23653
of the Revised Code. No estimate shall be paid to any contractor 23654
by the director until the administrator of ~~workers' compensation~~ 23655
worker safety and rehabilitation has certified that the 23656
contractor has complied with every condition of Chapter 4123. of 23657
the Revised Code, and all acts amendatory thereof and 23658
supplementary thereto. The certificate of compliance shall be 23659
valid for fifteen days following the period for which the 23660
employer has paid an advance premium, and shall warrant and 23661
require the payment of all estimates dated during the fifteen- 23662
day period, other than final estimates, unless the certificate 23663
is revoked by the administrator. Upon the request of any 23664
contractor upon state highway work, or person, firm, or 23665
corporation intending to engage in contracting upon such work, 23666
the administrator, upon the receipt of any premium due, shall 23667
forward the certificate to the director. 23668

Sec. 5528.54. (A) The commissioners of the sinking fund 23669
are authorized to issue and sell, as provided in this section 23670
and in amounts from time to time authorized by the general 23671
assembly, general obligations of this state for the purpose of 23672
financing or assisting in the financing of the costs of 23673

projects. The full faith and credit, revenues, and taxing power 23674
of the state are and shall be pledged to the timely payment of 23675
bond service charges on outstanding obligations, all in 23676
accordance with Section 2m of Article VIII, Ohio Constitution, 23677
and sections 5528.51 to 5528.53 of the Revised Code, and so long 23678
as such obligations are outstanding there shall be levied and 23679
collected excises, taxes, and other revenues in amounts 23680
sufficient to pay the bond service charges on such obligations 23681
and costs relating to credit enhancement facilities. 23682

(B) Not more than two hundred twenty million dollars 23683
principal amount of obligations, plus the principal amount of 23684
obligations that in any prior fiscal years could have been, but 23685
were not issued within that two-hundred-twenty-million-dollar 23686
fiscal year limit, may be issued in any fiscal year, and not 23687
more than one billion two hundred million dollars principal 23688
amount of obligations may be outstanding at any one time, all 23689
determined as provided in sections 5528.51 to 5528.53 of the 23690
Revised Code. 23691

(C) The state may participate in financing projects by 23692
grants, loans, or contributions to local government entities. 23693

(D) Each issue of obligations shall be authorized by 23694
resolution of the commissioners. The bond proceedings shall 23695
provide for the principal amount or maximum principal amount of 23696
obligations of an issue, and shall provide for or authorize the 23697
manner for determining the principal maturity or maturities, not 23698
exceeding the earlier of thirty years from the date of issuance 23699
of the particular obligations or thirty years from the date the 23700
debt represented by the particular obligations was originally 23701
contracted, the interest rate or rates, the date of and the 23702
dates of payment of interest on the obligations, their 23703

denominations, and the establishment within or outside the state 23704
of a place or places of payment of bond service charges. 23705
Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code 23706
are applicable to the obligations. The purpose of the 23707
obligations may be stated in the bond proceedings as "financing 23708
or assisting in the financing of highway capital improvement 23709
projects as provided in Section 2m of Article VIII, Ohio 23710
Constitution." 23711

(E) The proceeds of the obligations, except for any 23712
portion to be deposited into special funds, or into escrow funds 23713
for the purpose of refunding outstanding obligations, all as may 23714
be provided in the bond proceedings, shall be deposited into the 23715
highway capital improvement fund established by section 5528.53 23716
of the Revised Code. 23717

(F) The commissioners may appoint or provide for the 23718
appointment of paying agents, bond registrars, securities 23719
depositories, and transfer agents, and may retain the services 23720
of financial advisers and accounting experts, and retain or 23721
contract for the services of marketing, remarketing, indexing, 23722
and administrative agents, other consultants, and independent 23723
contractors, including printing services, as are necessary in 23724
the judgment of the commissioners to carry out sections 5528.51 23725
to 5528.53 of the Revised Code. Financing costs are payable, as 23726
provided in the bond proceedings, from the proceeds of the 23727
obligations, from special funds, or from other moneys available 23728
for the purpose. 23729

(G) The bond proceedings, including any trust agreement, 23730
may contain additional provisions customary or appropriate to 23731
the financing or to the obligations or to particular obligations 23732
including, but not limited to: 23733

- (1) The redemption of obligations prior to maturity at the option of the state or of the holder or upon the occurrence of certain conditions at such price or prices and under such terms and conditions as are provided in the bond proceedings; 23734
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- (2) The form of and other terms of the obligations; 23738
- (3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of otherwise applicable provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to particular funds or moneys, and provided that any bank or trust company that acts as a depository of any moneys in special funds may furnish such indemnifying bonds or may pledge such securities as required by the commissioners; 23739
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- (4) Any or every provision of the bond proceedings binding upon the commissioners and such state agency or local government entities, 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; 23748
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- (5) The maintenance of each pledge, any trust agreement, or other instrument composing part of the bond proceedings until the state has fully paid or provided for the payment of the bond service charges on the obligations or met other stated conditions; 23755
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- (6) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the commissioners made as part of a contract under which the 23760
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obligations were issued or secured, the enforcement of such 23763
payments or agreements by mandamus, suit in equity, action at 23764
law, or any combination of the foregoing; 23765

(7) The rights and remedies of the holders of obligations 23766
and of the trustee under any trust agreement, and provisions for 23767
protecting and enforcing them, including limitations on rights 23768
of individual holders of obligations; 23769

(8) The replacement of any obligations that become 23770
mutilated or are destroyed, lost, or stolen; 23771

(9) Provision for the funding, refunding, or advance 23772
refunding or other provision for payment of obligations that 23773
will then no longer be outstanding for purposes of sections 23774
5528.51 to 5528.56 of the Revised Code or of the bond 23775
proceedings; 23776

(10) Any provision that may be made in bond proceedings or 23777
a trust agreement, including provision for amendment of the bond 23778
proceedings; 23779

(11) Any other or additional agreements with the holders 23780
of the obligations relating to any of the foregoing; 23781

(12) Such other provisions as the commissioners determine, 23782
including limitations, conditions, or qualifications relating to 23783
any of the foregoing. 23784

(H) The great seal of the state or a facsimile of that 23785
seal may be affixed to or printed on the obligations. The 23786
obligations requiring signatures by the commissioners shall be 23787
signed by or bear the facsimile signatures of two or more of the 23788
commissioners as provided in the bond proceedings. Any 23789
obligations may be signed by the person who, on the date of 23790
execution, is the authorized signer although on the date of such 23791

obligations such person was not a commissioner. In case the 23792
individual whose signature or a facsimile of whose signature 23793
appears on any obligation ceases to be a commissioner before 23794
delivery of the obligation, such signature or facsimile is 23795
nevertheless valid and sufficient for all purposes as if that 23796
individual had remained the member until such delivery, and in 23797
case the seal to be affixed to or printed on obligations has 23798
been changed after the seal has been affixed to or a facsimile 23799
of the seal has been printed on the obligations, that seal or 23800
facsimile seal shall continue to be sufficient as to those 23801
obligations and obligations issued in substitution or exchange 23802
therefor. 23803

(I) The obligations are negotiable instruments and 23804
securities under Chapter 1308. of the Revised Code, subject to 23805
the provisions of the bond proceedings as to registration. 23806
Obligations may be issued in coupon or in fully registered form, 23807
or both, as the commissioners determine. Provision may be made 23808
for the registration of any obligations with coupons attached as 23809
to principal alone or as to both principal and interest, their 23810
exchange for obligations so registered, and for the conversion 23811
or reconversion into obligations with coupons attached of any 23812
obligations registered as to both principal and interest, and 23813
for reasonable charges for such registration, exchange, 23814
conversion, and reconversion. Pending preparation of definitive 23815
obligations, the commissioners may issue interim receipts or 23816
certificates which shall be exchanged for such definitive 23817
obligations. 23818

(J) Obligations may be sold at public sale or at private 23819
sale, and at such price at, above, or below par, as determined 23820
by the commissioners in the bond proceedings. 23821

(K) In the discretion of the commissioners, obligations 23822
may be secured additionally by a trust agreement between the 23823
state and a corporate trustee which may be any trust company or 23824
bank having a place of business within the state. Any trust 23825
agreement may contain the resolution authorizing the issuance of 23826
the obligations, any provisions that may be contained in the 23827
bond proceedings, and other provisions that are customary or 23828
appropriate in an agreement of the type. 23829

(L) Except to the extent that their rights are restricted 23830
by the bond proceedings, any holder of obligations, or a trustee 23831
under the bond proceedings may by any suitable form of legal 23832
proceedings protect and enforce any rights under the laws of 23833
this state or granted by the bond proceedings. Such rights 23834
include the right to compel the performance of all duties of the 23835
commissioners and the state. Each duty of the commissioners and 23836
its employees, and of each state agency and local government 23837
entity and its officers, members, or employees, undertaken 23838
pursuant to the bond proceedings, is hereby established as a 23839
duty of the commissioners, and of each such agency, local 23840
government entity, officer, member, or employee having authority 23841
to perform such duty, specifically enjoined by the law and 23842
resulting from an office, trust, or station within the meaning 23843
of section 2731.01 of the Revised Code. The persons who are at 23844
the time the commissioners of the sinking fund, or its 23845
employees, are not liable in their personal capacities on any 23846
obligations or any agreements of or with the commissioners 23847
relating to obligations or under the bond proceedings. 23848

(M) Obligations are lawful investments for banks, 23849
societies for savings, savings and loan associations, deposit 23850
guarantee associations, trust companies, trustees, fiduciaries, 23851
insurance companies, including domestic for life and domestic 23852

not for life, trustees or other officers having charge of 23853
sinking and bond retirement or other special funds of political 23854
subdivisions and taxing districts of this state, the 23855
commissioners of the sinking fund, the administrator of ~~workers'~~ 23856
~~compensation~~ worker safety and rehabilitation, subject to the 23857
approval of the ~~workers' compensation~~ office of worker safety 23858
and rehabilitation board of directors and the industrial 23859
commission, the state teachers retirement system, the public 23860
employees retirement system, the school employees retirement 23861
system, and the Ohio police and fire pension fund, 23862
notwithstanding any other provisions of the Revised Code or 23863
rules adopted pursuant thereto by any state agency with respect 23864
to investments by them, and are also acceptable as security for 23865
the deposit of public moneys. 23866

(N) Unless otherwise provided in any applicable bond 23867
proceedings, moneys to the credit of or in the special funds 23868
established by or pursuant to this section may be invested by or 23869
on behalf of the commissioners only in notes, bonds, or other 23870
direct obligations of the United States or of any agency or 23871
instrumentality thereof, in obligations of this state or any 23872
political subdivision of this state, in certificates of deposit 23873
of any national bank located in this state and any bank, as 23874
defined in section 1101.01 of the Revised Code, subject to 23875
inspection by the superintendent of financial institutions, in 23876
the Ohio subdivision's fund established pursuant to section 23877
135.45 of the Revised Code, in no-front-end-load money market 23878
mutual funds consisting exclusively of direct obligations of the 23879
United States or of an agency or instrumentality thereof, and in 23880
repurchase agreements, including those issued by any fiduciary, 23881
secured by direct obligations of the United States or an agency 23882
or instrumentality thereof, and in common trust funds 23883

established in accordance with section 1109.20 of the Revised 23884
Code and consisting exclusively of direct obligations of the 23885
United States or of an agency or instrumentality thereof, 23886
notwithstanding division (A)(4) of that section. The income from 23887
investments shall be credited to such special funds or otherwise 23888
as the commissioners determine in the bond proceedings, and the 23889
investments may be sold or exchanged at such times as the 23890
commissioners determine or authorize. 23891

(O) Unless otherwise provided in any applicable bond 23892
proceedings, moneys to the credit of or in a special fund shall 23893
be disbursed on the order of the commissioners, provided that no 23894
such order is required for the payment from the bond service 23895
fund or other special fund when due of bond service charges or 23896
required payments under credit enhancement facilities. 23897

(P) The commissioners may covenant in the bond 23898
proceedings, and any such covenants shall be controlling 23899
notwithstanding any other provision of law, that the state and 23900
the applicable officers and agencies of the state, including the 23901
general assembly, shall, so long as any obligations are 23902
outstanding in accordance with their terms, maintain statutory 23903
authority for and cause to be charged and collected taxes, 23904
excises, and other receipts of the state so that the receipts to 23905
the bond service fund shall be sufficient in amounts to meet 23906
bond service charges and for the establishment and maintenance 23907
of any reserves and other requirements, including payment of 23908
financing costs, provided for in the bond proceedings. 23909

(Q) The obligations, and the transfer of, and the 23910
interest, interest equivalent, and other income and accreted 23911
amounts from, including any profit made on the sale, exchange, 23912
or other disposition of, the obligations shall at all times be 23913

free from taxation, direct or indirect, within the state. 23914

(R) This section applies only with respect to obligations 23915
issued and delivered prior to September 30, 2000. 23916

Sec. 5531.10. (A) As used in this chapter: 23917

(1) "Bond proceedings" means the resolution, order, trust 23918
agreement, indenture, lease, lease-purchase agreements, and 23919
other agreements, amendments and supplements to the foregoing, 23920
or any one or more or combination thereof, authorizing or 23921
providing for the terms and conditions applicable to, or 23922
providing for the security or liquidity of, obligations issued 23923
pursuant to this section, and the provisions contained in such 23924
obligations. 23925

(2) "Bond service charges" means principal, including 23926
mandatory sinking fund requirements for retirement of 23927
obligations, and interest, and redemption premium, if any, 23928
required to be paid by the state on obligations. 23929

(3) "Bond service fund" means the applicable fund and 23930
accounts therein created for and pledged to the payment of bond 23931
service charges, which may be, or may be part of, the state 23932
infrastructure bank revenue bond service fund created by 23933
division (R) of this section including all moneys and 23934
investments, and earnings from investments, credited and to be 23935
credited thereto. 23936

(4) "Issuing authority" means the treasurer of state, or 23937
the officer who by law performs the functions of the treasurer 23938
of state. 23939

(5) "Obligations" means bonds, notes, or other evidence of 23940
obligation including interest coupons pertaining thereto, issued 23941
pursuant to this section. 23942

(6) "Pledged receipts" means moneys accruing to the state 23943
from the lease, lease-purchase, sale, or other disposition, or 23944
use, of qualified projects, and from the repayment, including 23945
interest, of loans made from proceeds received from the sale of 23946
obligations; accrued interest received from the sale of 23947
obligations; income from the investment of the special funds; 23948
any gifts, grants, donations, and pledges, and receipts 23949
therefrom, available for the payment of bond service charges; 23950
and any amounts in the state infrastructure bank pledged to the 23951
payment of such charges. If the amounts in the state 23952
infrastructure bank are insufficient for the payment of such 23953
charges, "pledged receipts" also means moneys that are 23954
apportioned by the United States secretary of transportation 23955
under United States Code, Title XXIII, as amended, or any 23956
successor legislation, or under any other federal law relating 23957
to aid for highways, and that are to be received as a grant by 23958
the state, to the extent the state is not prohibited by state or 23959
federal law from using such moneys and the moneys are pledged to 23960
the payment of such bond service charges. 23961

(7) "Special funds" or "funds" means, except where the 23962
context does not permit, the bond service fund, and any other 23963
funds, including reserve funds, created under the bond 23964
proceedings, and the state infrastructure bank revenue bond 23965
service fund created by division (R) of this section to the 23966
extent provided in the bond proceedings, including all moneys 23967
and investments, and earnings from investment, credited and to 23968
be credited thereto. 23969

(8) "State infrastructure project" means any public 23970
transportation project undertaken by the state, including, but 23971
not limited to, all components of any such project, as described 23972
in division (D) of section 5531.09 of the Revised Code. 23973

(9) "District obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued to finance a qualified project by a transportation improvement district created pursuant to section 5540.02 of the Revised Code, of which the principal, including mandatory sinking fund requirements for retirement of such obligations, and interest and redemption premium, if any, are payable by the department of transportation.

(B) The issuing authority, after giving written notice to the director of budget and management and upon the certification by the director of transportation to the issuing authority of the amount of moneys or additional moneys needed either for state infrastructure projects or to provide financial assistance for any of the purposes for which the state infrastructure bank may be used under section 5531.09 of the Revised Code, or needed for capitalized interest, funding reserves, and paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the bond proceedings, shall as provided in the bond proceedings be credited to the infrastructure bank obligations fund of the state infrastructure

bank created by section 5531.09 of the Revised Code and 24005
disbursed as provided in the bond proceedings for such 24006
obligations. The issuing authority may appoint trustees, paying 24007
agents, transfer agents, and authenticating agents, and may 24008
retain the services of financial advisors, accounting experts, 24009
and attorneys, and retain or contract for the services of 24010
marketing, remarketing, indexing, and administrative agents, 24011
other consultants, and independent contractors, including 24012
printing services, as are necessary in the issuing authority's 24013
judgment to carry out this section. The costs of such services 24014
are payable from funds of the state infrastructure bank or as 24015
otherwise provided in the bond proceedings. 24016

(C) The holders or owners of such obligations shall have 24017
no right to have moneys raised by taxation by the state of Ohio 24018
obligated or pledged, and moneys so raised shall not be 24019
obligated or pledged, for the payment of bond service charges. 24020
The right of such holders and owners to the payment of bond 24021
service charges is limited to all or that portion of the pledged 24022
receipts and those special funds pledged thereto pursuant to the 24023
bond proceedings for such obligations in accordance with this 24024
section, and each such obligation shall bear on its face a 24025
statement to that effect. Moneys received as repayment of loans 24026
made by the state infrastructure bank pursuant to section 24027
5531.09 of the Revised Code shall not be considered moneys 24028
raised by taxation by the state of Ohio regardless of the source 24029
of the moneys. 24030

(D) Obligations shall be authorized by order of the 24031
issuing authority and the bond proceedings shall provide for the 24032
purpose thereof and the principal amount or amounts, and shall 24033
provide for or authorize the manner or agency for determining 24034
the principal maturity or maturities, not exceeding twenty-five 24035

years from the date of issuance or, with respect to obligations 24036
issued to finance a transportation facility pursuant to a 24037
public-private agreement, not exceeding forty-five years from 24038
the date of issuance, the interest rate or rates or the maximum 24039
interest rate, the date of the obligations and the dates of 24040
payment of interest thereon, their denomination, and the 24041
establishment within or without the state of a place or places 24042
of payment of bond service charges. Sections 9.98 to 9.983 of 24043
the Revised Code are applicable to obligations issued under this 24044
section. The purpose of such obligations may be stated in the 24045
bond proceedings in terms describing the general purpose or 24046
purposes to be served. The bond proceedings also shall provide, 24047
subject to the provisions of any other applicable bond 24048
proceedings, for the pledge of all, or such part as the issuing 24049
authority may determine, of the pledged receipts and the 24050
applicable special fund or funds to the payment of bond service 24051
charges, which pledges may be made either prior or subordinate 24052
to other expenses, claims, or payments, and may be made to 24053
secure the obligations on a parity with obligations theretofore 24054
or thereafter issued, if and to the extent provided in the bond 24055
proceedings. The pledged receipts and special funds so pledged 24056
and thereafter received by the state immediately are subject to 24057
the lien of such pledge without any physical delivery thereof or 24058
further act, and the lien of any such pledges is valid and 24059
binding against all parties having claims of any kind against 24060
the state or any governmental agency of the state, irrespective 24061
of whether such parties have notice thereof, and shall create a 24062
perfected security interest for all purposes of Chapter 1309. of 24063
the Revised Code, without the necessity for separation or 24064
delivery of funds or for the filing or recording of the bond 24065
proceedings by which such pledge is created or any certificate, 24066
statement, or other document with respect thereto; and the 24067

pledge of such pledged receipts and special funds is effective 24068
and the money therefrom and thereof may be applied to the 24069
purposes for which pledged without necessity for any act of 24070
appropriation. Every pledge, and every covenant and agreement 24071
made with respect thereto, made in the bond proceedings may 24072
therein be extended to the benefit of the owners and holders of 24073
obligations authorized by this section, and to any trustee 24074
therefor, for the further security of the payment of the bond 24075
service charges. 24076

For purposes of this division, "transportation facility" 24077
and "public-private agreement" have the same meanings as in 24078
section 5501.70 of the Revised Code. 24079

(E) The bond proceedings may contain additional provisions 24080
as to: 24081

(1) The redemption of obligations prior to maturity at the 24082
option of the issuing authority at such price or prices and 24083
under such terms and conditions as are provided in the bond 24084
proceedings; 24085

(2) Other terms of the obligations; 24086

(3) Limitations on the issuance of additional obligations; 24087

(4) The terms of any trust agreement or indenture securing 24088
the obligations or under which the same may be issued; 24089

(5) The deposit, investment, and application of special 24090
funds, and the safeguarding of moneys on hand or on deposit, 24091
without regard to Chapter 131. or 135. of the Revised Code, but 24092
subject to any special provisions of this section with respect 24093
to particular funds or moneys, provided that any bank or trust 24094
company which acts as depository of any moneys in the special 24095
funds may furnish such indemnifying bonds or may pledge such 24096

securities as required by the issuing authority; 24097

(6) Any or every provision of the bond proceedings being 24098
binding upon such officer, board, commission, authority, agency, 24099
department, or other person or body as may from time to time 24100
have the authority under law to take such actions as may be 24101
necessary to perform all or any part of the duty required by 24102
such provision; 24103

(7) Any provision that may be made in a trust agreement or 24104
indenture; 24105

(8) Any other or additional agreements with the holders of 24106
the obligations, or the trustee therefor, relating to the 24107
obligations or the security therefor, including the assignment 24108
of mortgages or other security relating to financial assistance 24109
for qualified projects under section 5531.09 of the Revised 24110
Code. 24111

(F) The obligations may have the great seal of the state 24112
or a facsimile thereof affixed thereto or printed thereon. The 24113
obligations and any coupons pertaining to obligations shall be 24114
signed or bear the facsimile signature of the issuing authority. 24115
Any obligations or coupons may be executed by the person who, on 24116
the date of execution, is the proper issuing authority although 24117
on the date of such bonds or coupons such person was not the 24118
issuing authority. In case the issuing authority whose signature 24119
or a facsimile of whose signature appears on any such obligation 24120
or coupon ceases to be the issuing authority before delivery 24121
thereof, such signature or facsimile nevertheless is valid and 24122
sufficient for all purposes as if the former issuing authority 24123
had remained the issuing authority until such delivery; and in 24124
case the seal to be affixed to obligations has been changed 24125
after a facsimile of the seal has been imprinted on such 24126

obligations, such facsimile seal shall continue to be sufficient 24127
as to such obligations and obligations issued in substitution or 24128
exchange therefor. 24129

(G) All obligations are negotiable instruments and 24130
securities under Chapter 1308. of the Revised Code, subject to 24131
the provisions of the bond proceedings as to registration. The 24132
obligations may be issued in coupon or in registered form, or 24133
both, as the issuing authority determines. Provision may be made 24134
for the registration of any obligations with coupons attached 24135
thereto as to principal alone or as to both principal and 24136
interest, their exchange for obligations so registered, and for 24137
the conversion or reconversion into obligations with coupons 24138
attached thereto of any obligations registered as to both 24139
principal and interest, and for reasonable charges for such 24140
registration, exchange, conversion, and reconversion. 24141

(H) Obligations may be sold at public sale or at private 24142
sale, as determined in the bond proceedings. 24143

(I) Pending preparation of definitive obligations, the 24144
issuing authority may issue interim receipts or certificates 24145
which shall be exchanged for such definitive obligations. 24146

(J) In the discretion of the issuing authority, 24147
obligations may be secured additionally by a trust agreement or 24148
indenture between the issuing authority and a corporate trustee 24149
which may be any trust company or bank possessing corporate 24150
trust powers that has a place of business within or without the 24151
state. Any such agreement or indenture may contain the order 24152
authorizing the issuance of the obligations, any provisions that 24153
may be contained in any bond proceedings, and other provisions 24154
which are customary or appropriate in an agreement or indenture 24155
of such type, including, but not limited to: 24156

| | |
|------------------------------------------------------------------|-------|
| (1) Maintenance of each pledge, trust agreement, | 24157 |
| indenture, or other instrument comprising part of the bond | 24158 |
| proceedings until the state has fully paid the bond service | 24159 |
| charges on the obligations secured thereby, or provision | 24160 |
| therefor has been made; | 24161 |
| (2) In the event of default in any payments required to be | 24162 |
| made by the bond proceedings, or any other agreement of the | 24163 |
| issuing authority made as a part of the contract under which the | 24164 |
| obligations were issued, enforcement of such payments or | 24165 |
| agreement by mandamus, the appointment of a receiver, suit in | 24166 |
| equity, action at law, or any combination of the foregoing; | 24167 |
| (3) The rights and remedies of the holders of obligations | 24168 |
| and of the trustee, and provisions for protecting and enforcing | 24169 |
| them, including limitations on the rights of individual holders | 24170 |
| of obligations; | 24171 |
| (4) The replacement of any obligations that become | 24172 |
| mutilated or are destroyed, lost, or stolen; | 24173 |
| (5) Such other provisions as the trustee and the issuing | 24174 |
| authority agree upon, including limitations, conditions, or | 24175 |
| qualifications relating to any of the foregoing. | 24176 |
| (K) Any holder of obligations or a trustee under the bond | 24177 |
| proceedings, except to the extent that the holder's or trustee's | 24178 |
| rights are restricted by the bond proceedings, may by any | 24179 |
| suitable form of legal proceedings, protect and enforce any | 24180 |
| rights under the laws of this state or granted by such bond | 24181 |
| proceedings. Such rights include the right to compel the | 24182 |
| performance of all duties of the issuing authority and the | 24183 |
| director of transportation required by the bond proceedings or | 24184 |
| sections 5531.09 and 5531.10 of the Revised Code; to enjoin | 24185 |

unlawful activities; and in the event of default with respect to 24186
the payment of any bond service charges on any obligations or in 24187
the performance of any covenant or agreement on the part of the 24188
issuing authority or the director of transportation in the bond 24189
proceedings, to apply to a court having jurisdiction of the 24190
cause to appoint a receiver to receive and administer the 24191
pledged receipts and special funds, other than those in the 24192
custody of the treasurer of state, which are pledged to the 24193
payment of the bond service charges on such obligations or which 24194
are the subject of the covenant or agreement, with full power to 24195
pay, and to provide for payment of bond service charges on, such 24196
obligations, and with such powers, subject to the direction of 24197
the court, as are accorded receivers in general equity cases, 24198
excluding any power to pledge additional revenues or receipts or 24199
other income or moneys of the state or local governmental 24200
entities, or agencies thereof, to the payment of such principal 24201
and interest and excluding the power to take possession of, 24202
mortgage, or cause the sale or otherwise dispose of any project 24203
facilities. 24204

Each duty of the issuing authority and the issuing 24205
authority's officers and employees, and of each state or local 24206
governmental agency and its officers, members, or employees, 24207
undertaken pursuant to the bond proceedings or any loan, loan 24208
guarantee, lease, lease-purchase agreement, or other agreement 24209
made under authority of section 5531.09 of the Revised Code, and 24210
in every agreement by or with the issuing authority, is hereby 24211
established as a duty of the issuing authority, and of each such 24212
officer, member, or employee having authority to perform such 24213
duty, specifically enjoined by the law resulting from an office, 24214
trust, or station within the meaning of section 2731.01 of the 24215
Revised Code. 24216

The person who is at the time the issuing authority, or 24217
the issuing authority's officers or employees, are not liable in 24218
their personal capacities on any obligations issued by the 24219
issuing authority or any agreements of or with the issuing 24220
authority. 24221

(L) The issuing authority may authorize and issue 24222
obligations for the refunding, including funding and retirement, 24223
and advance refunding with or without payment or redemption 24224
prior to maturity, of any obligations previously issued by the 24225
issuing authority or district obligations. Such refunding 24226
obligations may be issued in amounts sufficient for payment of 24227
the principal amount of the prior obligations or district 24228
obligations, any redemption premiums thereon, principal 24229
maturities of any such obligations or district obligations 24230
maturing prior to the redemption of the remaining obligations or 24231
district obligations on a parity therewith, interest accrued or 24232
to accrue to the maturity dates or dates of redemption of such 24233
obligations or district obligations, and any expenses incurred 24234
or to be incurred in connection with such issuance and such 24235
refunding, funding, and retirement. Subject to the bond 24236
proceedings therefor, the portion of proceeds of the sale of 24237
refunding obligations issued under this division to be applied 24238
to bond service charges on the prior obligations or district 24239
obligations shall be credited to an appropriate account held by 24240
the trustee for such prior or new obligations or to the 24241
appropriate account in the bond service fund for such 24242
obligations or district obligations. Obligations authorized 24243
under this division shall be deemed to be issued for those 24244
purposes for which such prior obligations or district 24245
obligations were issued and are subject to the provisions of 24246
this section pertaining to other obligations, except as 24247

otherwise provided in this section. The last maturity of 24248
obligations authorized under this division shall not be later 24249
than the latest permitted maturity of the original securities 24250
issued for the original purpose. 24251

(M) The authority to issue obligations under this section 24252
includes authority to issue obligations in the form of bond 24253
anticipation notes and to renew the same from time to time by 24254
the issuance of new notes. The holders of such notes or interest 24255
coupons pertaining thereto shall have a right to be paid solely 24256
from the pledged receipts and special funds that may be pledged 24257
to the payment of the bonds anticipated, or from the proceeds of 24258
such bonds or renewal notes, or both, as the issuing authority 24259
provides in the order authorizing such notes. Such notes may be 24260
additionally secured by covenants of the issuing authority to 24261
the effect that the issuing authority and the state will do such 24262
or all things necessary for the issuance of such bonds or 24263
renewal notes in the appropriate amount, and apply the proceeds 24264
thereof to the extent necessary, to make full payment of the 24265
principal of and interest on such notes at the time or times 24266
contemplated, as provided in such order. For such purpose, the 24267
issuing authority may issue bonds or renewal notes in such 24268
principal amount and upon such terms as may be necessary to 24269
provide funds to pay when required the principal of and interest 24270
on such notes, notwithstanding any limitations prescribed by or 24271
for purposes of this section. Subject to this division, all 24272
provisions for and references to obligations in this section are 24273
applicable to notes authorized under this division. 24274

The issuing authority in the bond proceedings authorizing 24275
the issuance of bond anticipation notes shall set forth for such 24276
bonds an estimated interest rate and a schedule of principal 24277
payments for such bonds and the annual maturity dates thereof. 24278

(N) Obligations issued under this section are lawful 24279
investments for banks, societies for savings, savings and loan 24280
associations, deposit guarantee associations, trust companies, 24281
trustees, fiduciaries, insurance companies, including domestic 24282
for life and domestic not for life, trustees or other officers 24283
having charge of sinking and bond retirement or other special 24284
funds of political subdivisions and taxing districts of this 24285
state, the commissioners of the sinking fund of the state, the 24286
administrator of ~~workers' compensation~~ worker safety and 24287
rehabilitation, the state teachers retirement system, the public 24288
employees retirement system, the school employees retirement 24289
system, and the Ohio police and fire pension fund, 24290
notwithstanding any other provisions of the Revised Code or 24291
rules adopted pursuant thereto by any agency of the state with 24292
respect to investments by them, and are also acceptable as 24293
security for the deposit of public moneys. 24294

(O) Unless otherwise provided in any applicable bond 24295
proceedings, moneys to the credit of or in the special funds 24296
established by or pursuant to this section may be invested by or 24297
on behalf of the issuing authority only in notes, bonds, or 24298
other obligations of the United States, or of any agency or 24299
instrumentality of the United States, obligations guaranteed as 24300
to principal and interest by the United States, obligations of 24301
this state or any political subdivision of this state, and 24302
certificates of deposit of any national bank located in this 24303
state and any bank, as defined in section 1101.01 of the Revised 24304
Code, subject to inspection by the superintendent of financial 24305
institutions. If the law or the instrument creating a trust 24306
pursuant to division (J) of this section expressly permits 24307
investment in direct obligations of the United States or an 24308
agency of the United States, unless expressly prohibited by the 24309

instrument, such moneys also may be invested in no-front-end- 24310
load money market mutual funds consisting exclusively of 24311
obligations of the United States or an agency of the United 24312
States and in repurchase agreements, including those issued by 24313
the fiduciary itself, secured by obligations of the United 24314
States or an agency of the United States; and in collective 24315
investment funds as defined in division (A) of section 1111.01 24316
of the Revised Code and consisting exclusively of any such 24317
securities. The income from such investments shall be credited 24318
to such funds as the issuing authority determines, and such 24319
investments may be sold at such times as the issuing authority 24320
determines or authorizes. 24321

(P) Provision may be made in the applicable bond 24322
proceedings for the establishment of separate accounts in the 24323
bond service fund and for the application of such accounts only 24324
to the specified bond service charges on obligations pertinent 24325
to such accounts and bond service fund and for other accounts 24326
therein within the general purposes of such fund. Unless 24327
otherwise provided in any applicable bond proceedings, moneys to 24328
the credit of or in the several special funds established 24329
pursuant to this section shall be disbursed on the order of the 24330
treasurer of state, provided that no such order is required for 24331
the payment from the bond service fund when due of bond service 24332
charges on obligations. 24333

(Q) (1) The issuing authority may pledge all, or such 24334
portion as the issuing authority determines, of the pledged 24335
receipts to the payment of bond service charges on obligations 24336
issued under this section, and for the establishment and 24337
maintenance of any reserves, as provided in the bond 24338
proceedings, and make other provisions therein with respect to 24339
pledged receipts as authorized by this chapter, which provisions 24340

are controlling notwithstanding any other provisions of law 24341
pertaining thereto. 24342

(2) An action taken under division (Q) (2) of this section 24343
does not limit the generality of division (Q) (1) of this 24344
section, and is subject to division (C) of this section and, if 24345
and to the extent otherwise applicable, Section 13 of Article 24346
VIII, Ohio Constitution. The bond proceedings may contain a 24347
covenant that, in the event the pledged receipts primarily 24348
pledged and required to be used for the payment of bond service 24349
charges on obligations issued under this section, and for the 24350
establishment and maintenance of any reserves, as provided in 24351
the bond proceedings, are insufficient to make any such payment 24352
in full when due, or to maintain any such reserve, the director 24353
of transportation shall so notify the governor, and shall 24354
determine to what extent, if any, the payment may be made or 24355
moneys may be restored to the reserves from lawfully available 24356
moneys previously appropriated for that purpose to the 24357
department of transportation. The covenant also may provide that 24358
if the payments are not made or the moneys are not immediately 24359
and fully restored to the reserves from such moneys, the 24360
director shall promptly submit to the governor and to the 24361
director of budget and management a written request for either 24362
or both of the following: 24363

(a) That the next biennial budget submitted by the 24364
governor to the general assembly include an amount to be 24365
appropriated from lawfully available moneys to the department 24366
for the purpose of and sufficient for the payment in full of 24367
bond service charges previously due and for the full 24368
replenishment of the reserves; 24369

(b) That the general assembly be requested to increase 24370

appropriations from lawfully available moneys for the department 24371
in the current biennium sufficient for the purpose of and for 24372
the payment in full of bond service charges previously due and 24373
to come due in the biennium and for the full replenishment of 24374
the reserves. 24375

The director of transportation shall include with such 24376
requests a recommendation that the payment of the bond service 24377
charges and the replenishment of the reserves be made in the 24378
interest of maximizing the benefits of the state infrastructure 24379
bank. Any such covenant shall not obligate or purport to 24380
obligate the state to pay the bond service charges on such bonds 24381
or notes or to deposit moneys in a reserve established for such 24382
payments other than from moneys that may be lawfully available 24383
and appropriated for that purpose during the then-current 24384
biennium. 24385

(R) There is hereby created the state infrastructure bank 24386
revenue bond service fund, which shall be in the custody of the 24387
treasurer of state but shall not be a part of the state 24388
treasury. All moneys received by or on account of the issuing 24389
authority or state agencies and required by the applicable bond 24390
proceedings, consistent with this section, to be deposited, 24391
transferred, or credited to the bond service fund, and all other 24392
moneys transferred or allocated to or received for the purposes 24393
of the fund, shall be deposited and credited to such fund and to 24394
any separate accounts therein, subject to applicable provisions 24395
of the bond proceedings, but without necessity for any act of 24396
appropriation. The state infrastructure bank revenue bond 24397
service fund is a trust fund and is hereby pledged to the 24398
payment of bond service charges to the extent provided in the 24399
applicable bond proceedings, and payment thereof from such fund 24400
shall be made or provided for by the treasurer of state in 24401

accordance with such bond proceedings without necessity for any 24402
act of appropriation. 24403

(S) The obligations issued pursuant to this section, the 24404
transfer thereof, and the income therefrom, including any profit 24405
made on the sale thereof, shall at all times be free from 24406
taxation within this state. 24407

Sec. 5537.08. (A) The Ohio turnpike and infrastructure 24408
commission may provide by resolution for the issuance, at one 24409
time or from time to time, of revenue bonds of the state for the 24410
purpose of paying all or any part of the cost of any one or more 24411
turnpike projects or infrastructure projects. The bond service 24412
charges shall be payable solely from pledged revenues pledged 24413
for such payment pursuant to the applicable bond proceedings. 24414
The bonds of each issue shall be dated, shall bear interest at a 24415
rate or rates or at variable rates, and shall mature or be 24416
payable at such time or times, with a final maturity not to 24417
exceed forty years from their date or dates, all as determined 24418
by the commission in the bond proceedings. The commission shall 24419
determine the form of the bonds, including any interest coupons 24420
to be attached thereto, and shall fix the denomination or 24421
denominations of the bonds and the place or places of payment of 24422
bond service charges. 24423

(B) The bonds shall be signed by the chairperson or vice- 24424
chairperson of the commission or by the facsimile signature of 24425
that officer, the official seal of the commission or a facsimile 24426
thereof shall be affixed thereto or printed thereon and attested 24427
by the secretary-treasurer of the commission, which may be by 24428
facsimile signature, and any coupons attached thereto shall bear 24429
the facsimile signature of the chairperson or vice-chairperson 24430
of the commission. In case any officer whose signature, or a 24431

facsimile of whose signature, appears on any bonds or coupons 24432
ceases to be such officer before delivery of bonds, such 24433
signature or facsimile shall nevertheless be valid and 24434
sufficient for all purposes the same as if the officer had 24435
remained in office until such delivery. 24436

(C) Subject to the bond proceedings and provisions for 24437
registration, the bonds shall have all the qualities and 24438
incidents of negotiable instruments under Title XIII of the 24439
Revised Code. The bonds may be issued in such form or forms as 24440
the commission determines, including without limitation coupon, 24441
book entry, and fully registered form, and provision may be made 24442
for the registration of any coupon bonds as to principal alone 24443
and also as to both principal and interest, and for the exchange 24444
of bonds between forms. The commission may sell such bonds by 24445
competitive bid on the best bid after advertisement or request 24446
for bids or by private sale in the manner, and for the price, it 24447
determines to be for the best interest of the state. 24448

(D) The proceeds of the bonds of each issue shall be used 24449
solely for the payment of the costs of the turnpike project or 24450
projects for which such bonds were issued, or for the payment of 24451
the costs of the infrastructure project or projects as approved 24452
by the commission under section 5537.18 of the Revised Code. The 24453
proceeds shall be disbursed in such manner and under such 24454
restrictions as the commission provides in the applicable bond 24455
proceedings. 24456

(E) Prior to the preparation of definitive bonds, the 24457
commission may, under like restrictions, issue interim receipts 24458
or temporary bonds or bond anticipation notes, with or without 24459
coupons, exchangeable for definitive bonds when such bonds have 24460
been executed and are available for delivery. The commission may 24461

provide for the replacement of any mutilated, stolen, destroyed, 24462
or lost bonds. Bonds may be issued by the commission under this 24463
chapter without obtaining the consent of any state agency, and 24464
without any other proceedings or the happening of any other 24465
conditions or things than those proceedings, conditions, or 24466
things that are specifically required by this chapter or those 24467
proceedings. 24468

(F) Sections 9.98 to 9.983 of the Revised Code apply to 24469
the bonds. 24470

(G) The bond proceedings shall provide, subject to the 24471
provisions of any other applicable bond proceedings, for the 24472
pledge to the payment of bond service charges and of any costs 24473
of or relating to credit enhancement facilities of all, or such 24474
part as the commission may determine, of the pledged revenues 24475
and the applicable special fund or funds, which pledges may be 24476
made to secure the bonds on a parity with bonds theretofore or 24477
thereafter issued if and to the extent provided in the bond 24478
proceedings. Every pledge, and every covenant and agreement with 24479
respect thereto, made in the bond proceedings may in the bond 24480
proceedings be extended to the benefit of the owners and holders 24481
of bonds and to any trustee and any person providing a credit 24482
enhancement facility for those bonds, for the further security 24483
for the payment of the bond service charges and credit 24484
enhancement facility costs. 24485

(H) The bond proceedings may contain additional provisions 24486
as to: 24487

(1) The redemption of bonds prior to maturity at the 24488
option of the commission or of the bondholders or upon the 24489
occurrence of certain stated conditions, and at such price or 24490
prices and under such terms and conditions as are provided in 24491

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| the bond proceedings; | 24492 |
| (2) Other terms of the bonds; | 24493 |
| (3) Limitations on the issuance of additional bonds; | 24494 |
| (4) The terms of any trust agreement securing the bonds or under which the same may be issued; | 24495 24496 |
| (5) Any or every provision of the bond proceedings being binding upon the commission and state agencies, or other person 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; | 24497 24498 24499 24500 24501 |
| (6) Any provision that may be made in a trust agreement; | 24502 |
| (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. | 24503 24504 24505 24506 |
| (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 commission and state agencies 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 commission 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 | 24507 24508 24509 24510 24511 24512 24513 24514 24515 24516 24517 24518 24519 24520 |

which are pledged to the payment of the bond service charges on 24521
such bonds or which are the subject of the covenant or 24522
agreement, with full power to pay, and to provide for payment 24523
of, bond service charges on such bonds, and with such powers, 24524
subject to the direction of the court, as are accorded receivers 24525
in general equity cases, excluding any power to pledge 24526
additional revenues or receipts or other income, funds, or 24527
moneys of the commission or state agencies to the payment of 24528
such bond service charges and excluding the power to take 24529
possession of, mortgage, or cause the sale or otherwise dispose 24530
of any turnpike project or other property of the commission. 24531

(J) Each duty of the commission and the commission's 24532
officers and employees, undertaken pursuant to the bond 24533
proceedings, is hereby established as a duty of the commission, 24534
and of each such officer, member, or employee having authority 24535
to perform the duty, specifically enjoined by law resulting from 24536
an office, trust, or station within the meaning of section 24537
2731.01 of the Revised Code. 24538

(K) The commission's officers or employees are not liable 24539
in their personal capacities on any bonds issued by the 24540
commission or any agreements of or with the commission relating 24541
to those bonds. 24542

(L) The bonds are lawful investments for banks, savings 24543
and loan associations, credit union share guaranty corporations, 24544
trust companies, trustees, fiduciaries, insurance companies, 24545
including domestic for life and domestic not for life, trustees 24546
or other officers having charge of sinking and bond retirement 24547
or other funds of the state or its political subdivisions and 24548
taxing districts, the commissioners of the sinking fund of the 24549
state, the administrator of ~~workers' compensation~~ worker safety 24550

and rehabilitation, the state teachers retirement system, the 24551
public employees retirement system, the school employees 24552
retirement system, and the Ohio police and fire pension fund, 24553
notwithstanding any other provisions of the Revised Code or 24554
rules adopted pursuant thereto by any state agency with respect 24555
to investments by them, and are also acceptable as security for 24556
the repayment of the deposit of public moneys. 24557

(M) Provision may be made in the applicable bond 24558
proceedings for the establishment of separate accounts in the 24559
bond service fund and for the application of such accounts only 24560
to the specified bond service charges pertinent to such accounts 24561
and bond service fund, and for other accounts therein within the 24562
general purposes of such fund. 24563

(N) The commission may pledge all, or such portion as it 24564
determines, of the pledged revenues to the payment of bond 24565
service charges, and for the establishment and maintenance of 24566
any reserves and special funds, as provided in the bond 24567
proceedings, and make other provisions therein with respect to 24568
pledged revenues, revenues, and net revenues as authorized by 24569
this chapter, which provisions are controlling notwithstanding 24570
any other provisions of law pertaining thereto. 24571

Sec. 5540.06. (A) The board of trustees of a 24572
transportation improvement district may provide by resolution 24573
for the issuance, at one time or from time to time, of bonds of 24574
the district for the purpose of paying all or any part of the 24575
cost of any one or more projects. The bond service charges shall 24576
be payable solely from pledged revenues pledged for such payment 24577
pursuant to the applicable bond proceedings. The bonds of each 24578
issue shall be dated, shall bear interest at a rate or rates or 24579
at variable rates, and shall mature or be payable at such time 24580

or times, with a final maturity not to exceed thirty years from 24581
their date or dates, all as determined by the board in the bond 24582
proceedings. The board shall determine the form of the bonds, 24583
including any interest coupons to be attached thereto, and shall 24584
fix the denomination or denominations of the bonds and the place 24585
or places of payment of bond service charges. 24586

(B) The bonds shall be signed by the chairperson or vice- 24587
chairperson of the board or by the facsimile signature of that 24588
officer, the official seal of the district or a facsimile 24589
thereof may be affixed thereto or printed thereon and attested 24590
by the secretary-treasurer of the district, which may be by 24591
facsimile signature, and any coupons attached thereto shall bear 24592
the facsimile signature of the chairperson or vice-chairperson 24593
of the board. In case any officer whose signature, or a 24594
facsimile of whose signature, appears on any bonds or coupons 24595
ceases to be such officer before delivery of the bonds, such 24596
signature or facsimile shall nevertheless be valid and 24597
sufficient for all purposes the same as if the officer had 24598
remained in office until such delivery. 24599

(C) Subject to the bond proceedings and provisions for 24600
registration, the bonds shall have all the qualities and 24601
incidents of negotiable instruments under Title XIII of the 24602
Revised Code. The bonds may be issued in such form or forms as 24603
the board determines, including without limitation coupon, book 24604
entry, and fully registered form, and provision may be made for 24605
the registration of any coupon bonds as to principal alone and 24606
also as to both principal and interest, and for the exchange of 24607
bonds between forms. The board may sell such bonds by 24608
competitive bid on the best bid after advertisement or request 24609
for bids or by private sale in the manner, and for the price, it 24610
determines to be for the best interest of the district. 24611

(D) The proceeds of the bonds of each issue shall be used 24612
solely for the payment of the costs of the project or projects 24613
for which the bonds were issued, and shall be disbursed in such 24614
manner and under such restrictions as the board provides in the 24615
bond proceedings. 24616

(E) Prior to the preparation of definitive bonds, the 24617
board may, under like restrictions, issue interim receipts or 24618
temporary bonds or bond anticipation notes, with or without 24619
coupons, exchangeable for definitive bonds when such bonds have 24620
been executed and are available for delivery. The board may 24621
provide for the replacement of any mutilated, stolen, destroyed, 24622
or lost bonds. 24623

(F) Sections 9.98 to 9.983 of the Revised Code apply to 24624
the bonds. 24625

(G) The bond proceedings shall provide, subject to the 24626
provisions of any other applicable bond proceedings, for the 24627
pledge to the payment of bond service charges and of any costs 24628
of or relating to credit enhancement facilities of all, or such 24629
part as the board may determine, of the pledged revenues and the 24630
applicable special fund or funds, which pledges may be made to 24631
secure the bonds on a parity with bonds theretofore or 24632
thereafter issued if and to the extent provided in the bond 24633
proceedings. Every pledge, and every covenant and agreement with 24634
respect thereto, made in the bond proceedings may in the bond 24635
proceedings be extended to the benefit of the owners and holders 24636
of bonds and to any trustee and any person providing a credit 24637
enhancement facility for those bonds, for the further security 24638
for the payment of the bond service charges and credit 24639
enhancement facility costs. 24640

(H) The bond proceedings may contain additional provisions 24641

| | |
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| as to: | 24642 |
| (1) The redemption of bonds prior to maturity at the option of the board or of the bondholders or upon the occurrence of certain stated conditions, and at such price or prices and under such terms and conditions as are provided in the bond proceedings; | 24643 24644 24645 24646 24647 |
| (2) Other terms of the bonds; | 24648 |
| (3) Limitations on the issuance of additional bonds; | 24649 |
| (4) The terms of any trust agreement securing the bonds or under which the same may be issued; | 24650 24651 |
| (5) Any or every provision of the bond proceedings being binding upon the board and state agencies, or other person 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; | 24652 24653 24654 24655 24656 |
| (6) Any provision that may be made in a trust agreement; | 24657 |
| (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. | 24658 24659 24660 24661 |
| (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 | 24662 24663 24664 24665 24666 24667 24668 24669 |

the event of default with respect to the payment of any bond 24670
service charges on any bonds or in the performance of any 24671
covenant or agreement on the part of the board contained in the 24672
bond proceedings, to apply to a court having jurisdiction of the 24673
cause to appoint a receiver to receive and administer the 24674
revenues and the pledged revenues which are pledged to the 24675
payment of the bond service charges on such bonds or that are 24676
the subject of the covenant or agreement, with full power to 24677
pay, and to provide for payment of, bond service charges on such 24678
bonds, and with such powers, subject to the direction of the 24679
court, as are accorded receivers in general equity cases, 24680
excluding any power to pledge additional revenue or receipts or 24681
other income, funds, or moneys of the board to the payment of 24682
such bond service charges and excluding the power to take 24683
possession of, mortgage, or cause the sale or otherwise dispose 24684
of any project or other property of the board. 24685

(J) Each duty of the board and the board's officers and 24686
employees, undertaken pursuant to the bond proceedings, is 24687
hereby established as a duty of the board, and of each such 24688
officer, member, or employee having authority to perform the 24689
duty, specifically enjoined by law resulting from an office, 24690
trust, or station within the meaning of section 2731.01 of the 24691
Revised Code. 24692

(K) The board's officers or employees are not liable in 24693
their personal capacities on any bonds issued by the board or 24694
any agreements of or with the board relating to those bonds. 24695

(L) The bonds are lawful investments for banks, savings 24696
and loan associations, credit union share guaranty corporations, 24697
trust companies, trustees, fiduciaries, insurance companies, 24698
including domestic for life and domestic not for life, trustees 24699

or other officers having charge of sinking and bond retirement 24700
or other funds of the state or its political subdivisions and 24701
taxing districts, the commissioners of the sinking fund of the 24702
state, the administrator of ~~workers' compensation~~ worker safety 24703
and rehabilitation, the state teachers retirement system, the 24704
public employees retirement system, the school employees 24705
retirement system, and the Ohio police and fire pension fund, 24706
notwithstanding any other provisions of the Revised Code or 24707
rules adopted pursuant thereto by any state agency with respect 24708
to investments by them, and also are acceptable as security for 24709
the repayment of the deposit of public moneys. 24710

(M) Provision may be made in the applicable bond 24711
proceedings for the establishment of separate accounts in the 24712
bond service fund and for the application of such accounts only 24713
to the specified bond service charges pertinent to such accounts 24714
and bond service fund, and for other accounts therein within the 24715
general purposes of such fund. 24716

(N) The board may pledge all, or such portion as it 24717
determines, of the pledged revenues to the payment of bond 24718
service charges, and for the establishment and maintenance of 24719
any reserves and special funds, as provided in the bond 24720
proceedings, and make other provisions therein with respect to 24721
pledged revenues, revenues, and net revenues as authorized by 24722
this chapter, which provisions shall be controlling 24723
notwithstanding any other provisions of law pertaining thereto. 24724

Sec. 5703.21. (A) Except as provided in divisions (B) and 24725
(C) of this section, no agent of the department of taxation, 24726
except in the agent's report to the department or when called on 24727
to testify in any court or proceeding, shall divulge any 24728
information acquired by the agent as to the transactions, 24729

property, or business of any person while acting or claiming to 24730
act under orders of the department. Whoever violates this 24731
provision shall thereafter be disqualified from acting as an 24732
officer or employee or in any other capacity under appointment 24733
or employment of the department. 24734

(B) (1) For purposes of an audit pursuant to section 117.15 24735
of the Revised Code, or an audit of the department pursuant to 24736
Chapter 117. of the Revised Code, or an audit, pursuant to that 24737
chapter, the objective of which is to express an opinion on a 24738
financial report or statement prepared or issued pursuant to 24739
division (A) (7) or (9) of section 126.21 of the Revised Code, 24740
the officers and employees of the auditor of state charged with 24741
conducting the audit shall have access to and the right to 24742
examine any state tax returns and state tax return information 24743
in the possession of the department to the extent that the 24744
access and examination are necessary for purposes of the audit. 24745
Any information acquired as the result of that access and 24746
examination shall not be divulged for any purpose other than as 24747
required for the audit or unless the officers and employees are 24748
required to testify in a court or proceeding under compulsion of 24749
legal process. Whoever violates this provision shall thereafter 24750
be disqualified from acting as an officer or employee or in any 24751
other capacity under appointment or employment of the auditor of 24752
state. 24753

(2) For purposes of an internal audit pursuant to section 24754
126.45 of the Revised Code, the officers and employees of the 24755
office of internal audit in the office of budget and management 24756
charged with directing the internal audit shall have access to 24757
and the right to examine any state tax returns and state tax 24758
return information in the possession of the department to the 24759
extent that the access and examination are necessary for 24760

purposes of the internal audit. Any information acquired as the
result of that access and examination shall not be divulged for
any purpose other than as required for the internal audit or
unless the officers and employees are required to testify in a
court or proceeding under compulsion of legal process. Whoever
violates this provision shall thereafter be disqualified from
acting as an officer or employee or in any other capacity under
appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal
Revenue Code, any federal tax returns or federal tax information
that the department has acquired from the internal revenue
service, through federal and state statutory authority, may be
disclosed to the auditor of state or the office of internal
audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an
agent of the department of taxation may share information with
the division of state fire marshal that the agent finds during
the course of an investigation.

(C) Division (A) of this section does not prohibit any of
the following:

(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;

(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;

(3) Disclosing to the motor vehicle repair board any

information in the possession of the department that is 24790
necessary for the board to verify the existence of an 24791
applicant's valid vendor's license and current state tax 24792
identification number under section 4775.07 of the Revised Code; 24793

(4) Providing information to the administrator of ~~workers'~~ 24794
~~compensation~~ worker safety and rehabilitation pursuant to 24795
sections 4123.271 and 4123.591 of the Revised Code; 24796

(5) Providing to the attorney general information the 24797
department obtains under division (J) of section 1346.01 of the 24798
Revised Code; 24799

(6) Permitting properly authorized officers, employees, or 24800
agents of a municipal corporation from inspecting reports or 24801
information pursuant to rules adopted under section 5745.16 of 24802
the Revised Code; 24803

(7) Providing information regarding the name, account 24804
number, or business address of a holder of a vendor's license 24805
issued pursuant to section 5739.17 of the Revised Code, a holder 24806
of a direct payment permit issued pursuant to section 5739.031 24807
of the Revised Code, or a seller having a use tax account 24808
maintained pursuant to section 5741.17 of the Revised Code, or 24809
information regarding the active or inactive status of a 24810
vendor's license, direct payment permit, or seller's use tax 24811
account; 24812

(8) Releasing invoices or invoice information furnished 24813
under section 4301.433 of the Revised Code pursuant to that 24814
section; 24815

(9) Providing to a county auditor notices or documents 24816
concerning or affecting the taxable value of property in the 24817
county auditor's county. Unless authorized by law to disclose 24818

documents so provided, the county auditor shall not disclose 24819
such documents; 24820

(10) Providing to a county auditor sales or use tax return 24821
or audit information under section 333.06 of the Revised Code; 24822

(11) Subject to section 4301.441 of the Revised Code, 24823
disclosing to the appropriate state agency information in the 24824
possession of the department of taxation that is necessary to 24825
verify a permit holder's gallonage or noncompliance with taxes 24826
levied under Chapter 4301. or 4305. of the Revised Code; 24827

(12) Disclosing to the department of natural resources 24828
information in the possession of the department of taxation that 24829
is necessary for the department of taxation to verify the 24830
taxpayer's compliance with section 5749.02 of the Revised Code 24831
or to allow the department of natural resources to enforce 24832
Chapter 1509. of the Revised Code; 24833

(13) Disclosing to the department of job and family 24834
services, industrial commission, and ~~bureau of workers'~~ 24835
~~compensation office of worker safety and rehabilitation~~ 24836
information in the possession of the department of taxation 24837
solely for the purpose of identifying employers that misclassify 24838
employees as independent contractors or that fail to properly 24839
report and pay employer tax liabilities. The department of 24840
taxation shall disclose only such information that is necessary 24841
to verify employer compliance with law administered by those 24842
agencies. 24843

(14) Disclosing to the Ohio casino control commission 24844
information in the possession of the department of taxation that 24845
is necessary to verify a casino operator's compliance with 24846
section 5747.063 or 5753.02 of the Revised Code and sections 24847

related thereto; 24848

(15) Disclosing to the state lottery commission 24849
information in the possession of the department of taxation that 24850
is necessary to verify a lottery sales agent's compliance with 24851
section 5747.064 of the Revised Code. 24852

(16) Disclosing to the development services agency 24853
information in the possession of the department of taxation that 24854
is necessary to ensure compliance with the laws of this state 24855
governing taxation and to verify information reported to the 24856
development services agency for the purpose of evaluating 24857
potential tax credits, grants, or loans. Such information shall 24858
not include information received from the internal revenue 24859
service the disclosure of which is prohibited by section 6103 of 24860
the Internal Revenue Code. No officer, employee, or agent of the 24861
development services agency shall disclose any information 24862
provided to the development services agency by the department of 24863
taxation under division (C)(16) of this section except when 24864
disclosure of the information is necessary for, and made solely 24865
for the purpose of facilitating, the evaluation of potential tax 24866
credits, grants, or loans. 24867

(17) Disclosing to the department of insurance information 24868
in the possession of the department of taxation that is 24869
necessary to ensure a taxpayer's compliance with the 24870
requirements with any tax credit administered by the development 24871
services agency and claimed by the taxpayer against any tax 24872
administered by the superintendent of insurance. No officer, 24873
employee, or agent of the department of insurance shall disclose 24874
any information provided to the department of insurance by the 24875
department of taxation under division (C)(17) of this section. 24876

Sec. 6121.15. All water development revenue bonds issued 24877

under this chapter are lawful investments of banks, societies 24878
for savings, savings and loan associations, deposit guarantee 24879
associations, trust companies, trustees, fiduciaries, insurance 24880
companies, including domestic for life and domestic not for 24881
life, trustees or other officers having charge of sinking and 24882
bond retirement or other special funds of political subdivisions 24883
and taxing districts of this state, the commissioners of the 24884
sinking fund of the state, the administrator of ~~workers'~~ 24885
~~compensation~~ worker safety and rehabilitation, the state 24886
teachers retirement system, the public employees retirement 24887
system, the school employees retirement system, and the Ohio 24888
police and fire pension fund, and are acceptable as security for 24889
the deposit of public moneys. 24890

Sec. 6123.15. All development revenue bonds issued under 24891
this chapter are lawful investments of banks, societies for 24892
savings, savings and loan associations, deposit guarantee 24893
associations, trust companies, trustees, fiduciaries, insurance 24894
companies, including domestic for life and domestic not for 24895
life, trustees or other officers having charge of sinking and 24896
bond retirement or other special funds of political subdivisions 24897
and taxing districts of this state, the commissioners of the 24898
sinking fund of the state, the administrator of ~~workers'~~ 24899
~~compensation~~ worker safety and rehabilitation, the state 24900
teachers retirement system, the public employees retirement 24901
system, the school employees retirement system, and the Ohio 24902
police and fire pension fund, and are acceptable as security for 24903
the deposit of public moneys. 24904

Section 2. That existing sections 9.239, 9.315, 101.532, 24905
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4123.84, 4123.85, 4123.86, 4123.88, 4123.90, 4123.91, 4123.92, 24944
4123.93, 4123.931, 4123.94, 4123.96, 4125.01, 4125.02, 4125.03, 24945
4125.05, 4125.051, 4125.06, 4125.07, 4127.02, 4127.03, 4127.06, 24946
4127.07, 4127.08, 4131.01, 4131.02, 4131.03, 4131.04, 4131.05, 24947
4131.06, 4131.11, 4131.12, 4131.13, 4131.14, 4131.15, 4131.16, 24948
4141.43, 4163.03, 4167.02, 4167.06, 4167.07, 4167.08, 4167.09, 24949
4167.10, 4167.11, 4167.12, 4167.14, 4167.15, 4167.16, 4167.17, 24950
4167.19, 4167.27, 4582.18, 4582.44, 4729.80, 4731.65, 4762.12, 24951
4981.19, 5101.181, 5101.36, 5107.52, 5107.54, 5145.163, 5525.18, 24952
5528.54, 5531.10, 5537.08, 5540.06, 5703.21, 6121.15, and 24953
6123.15 of the Revised Code are hereby repealed. 24954

Section 3. The General Assembly, applying the principle 24955
stated in division (B) of section 1.52 of the Revised Code that 24956
amendments are to be harmonized if reasonably capable of 24957
simultaneous operation, finds that the following sections, 24958
presented in this act as composites of the sections as amended 24959
by the acts indicated, are the resulting versions of the 24960
sections in effect prior to the effective date of the sections 24961
as presented in this act: 24962

Section 119.12 of the Revised Code as amended by both Am. 24963
Sub. H.B. 52 and Am. Sub. H.B. 64 of the 132nd General Assembly. 24964

Section 4121.12 of the Revised Code as amended by Sub. 24965
H.B. 123, Am. Sub. H.B. 153, and Sub. S.B. 171 of the 129th 24966
General Assembly. 24967

Section 4121.125 of the Revised Code as amended by Sub. 24968
H.B. 123, Am. Sub. H.B. 153, and Sub. S.B. 171 of the 129th 24969
General Assembly. 24970

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| Section 4. Sections 4123.412, 4123.413, and 4123.58 of the | 24971 |
| Revised Code, as amended by this act, apply to awards of | 24972 |
| compensation for permanent and total disability made on or after | 24973 |
| the following dates: | 24974 |
| (A) For an employee whose injury or occupational disease | 24975 |
| arises from employment with a private employer as defined in | 24976 |
| section 4123.01 of the Revised Code, July 1, 2018; | 24977 |
| (B) For an employee whose injury or occupational disease | 24978 |
| arises from employment with a public employer as defined in | 24979 |
| section 4123.01 of the Revised Code, January 1, 2019. | 24980 |