

As Introduced

131st General Assembly

Regular Session

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H. B. No. 141

Representatives Hambley, Boyce

**Cosponsors: Representatives Blessing, Brown, Celebrezze, Duffey, Grossman,
Leland, Lepore-Hagan, Patterson, Ramos**

A BILL

To amend sections 5.224, 101.54, 103.03, 105.41, 1
107.40, 111.08, 123.28, 127.16, 135.451, 145.01, 2
149.091, 149.11, 149.30, 149.301, 149.302, 3
149.303, 149.304, 149.305, 149.306, 149.307, 4
149.308, 149.31, 149.321, 149.38, 149.381, 5
149.52, 149.53, 149.54, 149.56, 317.08, 1347.01, 6
1347.12, 1506.31, 1506.32, 1506.33, 1506.34, 7
1506.35, 1506.36, 1520.02, 1520.03, 1541.01, 8
3301.10, 3311.0510, 4301.40, 4303.181, 4303.182, 9
4503.95, 5122.31, 5122.46, 5122.47, 5123.31, 10
5123.89, 5511.05, 5533.01, and 5747.113 of the 11
Revised Code to change the name of the Ohio 12
Historical Society to the Ohio History 13
Connection. 14

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

Section 1. That sections 5.224, 101.54, 103.03, 105.41, 15
107.40, 111.08, 123.28, 127.16, 135.451, 145.01, 149.091, 16
149.11, 149.30, 149.301, 149.302, 149.303, 149.304, 149.305, 17
149.306, 149.307, 149.308, 149.31, 149.321, 149.38, 149.381, 18

149.52, 149.53, 149.54, 149.56, 317.08, 1347.01, 1347.12, 19
1506.31, 1506.32, 1506.33, 1506.34, 1506.35, 1506.36, 1520.02, 20
1520.03, 1541.01, 3301.10, 3311.0510, 4301.40, 4303.181, 21
4303.182, 4503.95, 5122.31, 5122.46, 5122.47, 5123.31, 5123.89, 22
5511.05, 5533.01, and 5747.113 of the Revised Code be amended to 23
read as follows: 24

Sec. 5.224. The first day of March is designated as "Ohio 25
statehood day," in recognition of the date in 1803 when Ohio 26
became a state. In addition to those duties imposed on the Ohio 27
~~historical society~~ history connection under section 149.30 of 28
the Revised Code, and those duties imposed on the superintendent 29
of public instruction under section 3301.12 of the Revised Code, 30
the ~~society~~ Ohio history connection shall, throughout the state, 31
and the superintendent shall, in all school districts, encourage 32
and promote the celebration of "Ohio statehood day." 33

Sec. 101.54. The clerk of the senate and the clerk of the 34
house of representatives shall keep a daily journal of the 35
proceedings of the clerk's house of the general assembly, which 36
shall be read and corrected in the clerk's presence. After the 37
reading, correction, and approval of the journal, it shall be 38
attested by the clerk and recorded. The recorded journals shall 39
be deposited with the Ohio ~~historical society~~ history connection 40
and be the true journals. The original daily journal, as kept, 41
corrected, approved, and attested, shall be used by the clerk to 42
print the journals. 43

Sec. 103.03. The director of the legislative service 44
commission shall arrange with the proper officials of the Ohio 45
state university, the Ohio ~~state archaeological and historical~~ 46
~~society~~ history connection, the supreme court law library, and 47
the Ohio state library, for the use of general books and 48

references in their custody, and the proper officials of the 49
Ohio state university, the Ohio ~~state archaeological and~~ 50
~~historical society~~history connection, and the Ohio state library 51
are hereby directed to lend to the commission for the use of 52
said commission such books and documents as ~~he~~ the director may 53
require. The director is also authorized to give or lend to the 54
proper officials of the Ohio state university, the Ohio ~~state~~ 55
~~archaeological and historical society~~history connection, and the 56
Ohio state library, any books and documents which are not 57
required by ~~him~~ the director. 58

Sec. 105.41. (A) There is hereby created in the 59
legislative branch of government the capitol square review and 60
advisory board, consisting of twelve members as follows: 61

(1) Two members of the senate, appointed by the president 62
of the senate, both of whom shall not be members of the same 63
political party; 64

(2) Two members of the house of representatives, appointed 65
by the speaker of the house of representatives, both of whom 66
shall not be members of the same political party; 67

(3) Four members appointed by the governor, with the 68
advice and consent of the senate, not more than three of whom 69
shall be members of the same political party, one of whom shall 70
be the chief of staff of the governor's office, one of whom 71
shall represent the Ohio arts council, one of whom shall 72
represent the Ohio ~~historical society~~history connection, and one 73
of whom shall represent the public at large; 74

(4) One member, who shall be a former president of the 75
senate, appointed by the current president of the senate. If the 76
current president of the senate, in the current president's 77

discretion, decides for any reason not to make the appointment 78
or if no person is eligible or available to serve, the seat 79
shall remain vacant. 80

(5) One member, who shall be a former speaker of the house 81
of representatives, appointed by the current speaker of the 82
house of representatives. If the current speaker of the house of 83
representatives, in the current speaker's discretion, decides 84
for any reason not to make the appointment or if no person is 85
eligible or available to serve, the seat shall remain vacant. 86

(6) The clerk of the senate and the clerk of the house of 87
representatives. 88

(B) Terms of office of each appointed member of the board 89
shall be for three years, except that members of the general 90
assembly appointed to the board shall be members of the board 91
only so long as they are members of the general assembly and the 92
chief of staff of the governor's office shall be a member of the 93
board only so long as the appointing governor remains in office. 94
Each member shall hold office from the date of the member's 95
appointment until the end of the term for which the member was 96
appointed. In case of a vacancy occurring on the board, the 97
president of the senate, the speaker of the house of 98
representatives, or the governor, as the case may be, shall in 99
the same manner prescribed for the regular appointment to the 100
commission, fill the vacancy by appointing a member. Any member 101
appointed to fill a vacancy occurring prior to the expiration of 102
the term for which the member's predecessor was appointed shall 103
hold office for the remainder of the term. Any appointed member 104
shall continue in office subsequent to the expiration date of 105
the member's term until the member's successor takes office, or 106
until a period of sixty days has elapsed, whichever occurs 107

first. 108

(C) The board shall hold meetings in a manner and at times 109
prescribed by the rules adopted by the board. A majority of the 110
board constitutes a quorum, and no action shall be taken by the 111
board unless approved by at least six members or by at least 112
seven members if a person is appointed under division (A) (4) or 113
(5) of this section. At its first meeting, the board shall adopt 114
rules for the conduct of its business and the election of its 115
officers, and shall organize by selecting a chairperson and 116
other officers as it considers necessary. Board members shall 117
serve without compensation but shall be reimbursed for actual 118
and necessary expenses incurred in the performance of their 119
duties. 120

(D) The board may do any of the following: 121

(1) Employ or hire on a consulting basis professional, 122
technical, and clerical employees as are necessary for the 123
performance of its duties. All employees of the board are in the 124
unclassified service and serve at the pleasure of the board. For 125
purposes of section 4117.01 of the Revised Code, employees of 126
the board shall be considered employees of the general assembly, 127
except that employees who are covered by a collective bargaining 128
agreement on September 29, 2011, shall remain subject to the 129
agreement until the agreement expires on its terms, and the 130
agreement shall not be extended or renewed. Upon expiration of 131
the agreement, the employees are considered employees of the 132
general assembly for purposes of section 4117.01 of the Revised 133
Code and are in the unclassified service and serve at the 134
pleasure of the board. 135

(2) Hold public hearings at times and places as determined 136
by the board; 137

(3) Adopt, amend, or rescind rules necessary to accomplish 138
the duties of the board as set forth in this section; 139

(4) Sponsor, conduct, and support such social events as 140
the board may authorize and consider appropriate for the 141
employees of the board, employees and members of the general 142
assembly, employees of persons under contract with the board or 143
otherwise engaged to perform services on the premises of capitol 144
square, or other persons as the board may consider appropriate. 145
Subject to the requirements of Chapter 4303. of the Revised 146
Code, the board may provide beer, wine, and intoxicating liquor, 147
with or without charge, for those events and may use funds only 148
from the sale of goods and services fund to purchase the beer, 149
wine, and intoxicating liquor the board provides; 150

(5) Purchase a warehouse in which to store items of the 151
capitol collection trust and, whenever necessary, equipment or 152
other property of the board. 153

(E) The board shall do all of the following: 154

(1) Have sole authority to coordinate and approve any 155
improvements, additions, and renovations that are made to the 156
capitol square. The improvements shall include, but not be 157
limited to, the placement of monuments and sculpture on the 158
capitol grounds. 159

(2) Subject to section 3353.07 of the Revised Code, 160
operate the capitol square, and have sole authority to regulate 161
all uses of the capitol square. The uses shall include, but not 162
be limited to, the casual and recreational use of the capitol 163
square. 164

(3) Employ, fix the compensation of, and prescribe the 165
duties of the executive director of the board and other 166

employees the board considers necessary for the performance of 167
its powers and duties; 168

(4) Establish and maintain the capitol collection trust. 169
The capitol collection trust shall consist of furniture, 170
antiques, and other items of personal property that the board 171
shall store in suitable facilities until they are ready to be 172
displayed in the capitol square. 173

(5) Perform repair, construction, contracting, purchasing, 174
maintenance, supervisory, and operating activities the board 175
determines are necessary for the operation and maintenance of 176
the capitol square; 177

(6) Maintain and preserve the capitol square, in 178
accordance with guidelines issued by the United States secretary 179
of the interior for application of the secretary's standards for 180
rehabilitation adopted in 36 C.F.R. part 67; 181

(7) Plan and develop a center at the capitol building for 182
the purpose of educating visitors about the history of Ohio, 183
including its political, economic, and social development and 184
the design and erection of the capitol building and its grounds. 185

(F) (1) The board shall lease capital facilities improved 186
by the department of administrative services or financed by the 187
treasurer of state pursuant to Chapter 154. of the Revised Code 188
for the use of the board, and may enter into any other 189
agreements with the department, the Ohio public facilities 190
commission, or any other authorized governmental agency 191
ancillary to improvement, financing, or leasing of those capital 192
facilities, including, but not limited to, any agreement 193
required by the applicable bond proceedings authorized by 194
Chapter 154. of the Revised Code. Any lease of capital 195

facilities authorized by this section shall be governed by 196
Chapter 154. of the Revised Code. 197

(2) Fees, receipts, and revenues received by the board 198
from the state underground parking garage constitute available 199
receipts as defined in section 154.24 of the Revised Code, and 200
may be pledged to the payment of bond service charges on 201
obligations issued by the treasurer of state pursuant to Chapter 202
154. of the Revised Code to improve, finance, or purchase 203
capital facilities useful to the board. The treasurer of state 204
may, with the consent of the board, provide in the bond 205
proceedings for a pledge of all or a portion of those fees, 206
receipts, and revenues as the treasurer of state determines. The 207
treasurer of state may provide in the bond proceedings or by 208
separate agreement with the board for the transfer of those 209
fees, receipts, and revenues to the appropriate bond service 210
fund or bond service reserve fund as required to pay the bond 211
service charges when due, and any such provision for the 212
transfer of those fees, receipts, and revenues shall be 213
controlling notwithstanding any other provision of law 214
pertaining to those fees, receipts, and revenues. 215

(3) All moneys received by the treasurer of state on 216
account of the board and required by the applicable bond 217
proceedings or by separate agreement with the board to be 218
deposited, transferred, or credited to the bond service fund or 219
bond service reserve fund established by the bond proceedings 220
shall be transferred by the treasurer of state to such fund, 221
whether or not it is in the custody of the treasurer of state, 222
without necessity for further appropriation. 223

(G) (1) Except as otherwise provided in division (G) (2) of 224
this section, all fees, receipts, and revenues received by the 225

board from the state underground parking garage shall be 226
deposited into the state treasury to the credit of the 227
underground parking garage operating fund, which is hereby 228
created, to be used for the purposes specified in division (F) 229
of this section and for the operation and maintenance of the 230
garage. All investment earnings of the fund shall be credited to 231
the fund. 232

(2) There is hereby created the parking garage automated 233
equipment fund, which shall be in the custody of the treasurer 234
of state but shall not be part of the state treasury. Money in 235
the fund shall be used to purchase the automated teller machine 236
quality dollar bills needed for operation of the parking garage 237
automated equipment. The fund shall consist of fees, receipts, 238
or revenues received by the board from the state underground 239
parking garage; provided, however, that the total amount 240
deposited into the fund at any one time shall not exceed ten 241
thousand dollars. All investment earnings of the fund shall be 242
credited to the fund. 243

(H) All donations received by the board shall be deposited 244
into the state treasury to the credit of the capitol square 245
renovation gift fund, which is hereby created. The fund shall be 246
used by the board as follows: 247

(1) To provide part or all of the funding related to 248
construction, goods, or services for the renovation of the 249
capitol square; 250

(2) To purchase art, antiques, and artifacts for display 251
at the capitol square; 252

(3) To award contracts or make grants to organizations for 253
educating the public regarding the historical background and 254

governmental functions of the capitol square. Chapters 125., 255
127., and 153. and section 3517.13 of the Revised Code do not 256
apply to purchases made exclusively from the fund, 257
notwithstanding anything to the contrary in those chapters or 258
that section. All investment earnings of the fund shall be 259
credited to the fund. 260

(I) Except as provided in divisions (G), (H), and (J) of 261
this section, all fees, receipts, and revenues received by the 262
board shall be deposited into the state treasury to the credit 263
of the sale of goods and services fund, which is hereby created. 264
Money credited to the fund shall be used solely to pay costs of 265
the board other than those specified in divisions (F) and (G) of 266
this section. All investment earnings of the fund shall be 267
credited to the fund. 268

(J) There is hereby created in the state treasury the 269
capitol square improvement fund, to be used by the board to pay 270
construction, renovation, and other costs related to the capitol 271
square for which money is not otherwise available to the board. 272
Whenever the board determines that there is a need to incur 273
those costs and that the unencumbered, unobligated balance to 274
the credit of the underground parking garage operating fund 275
exceeds the amount needed for the purposes specified in division 276
(F) of this section and for the operation and maintenance of the 277
garage, the board may request the director of budget and 278
management to transfer from the underground parking garage 279
operating fund to the capitol square improvement fund the amount 280
needed to pay such construction, renovation, or other costs. The 281
director then shall transfer the amount needed from the excess 282
balance of the underground parking garage operating fund. 283

(K) As the operation and maintenance of the capitol square 284

constitute essential government functions of a public purpose, 285
the board shall not be required to pay taxes or assessments upon 286
the square, upon any property acquired or used by the board 287
under this section, or upon any income generated by the 288
operation of the square. 289

(L) As used in this section, "capitol square" means the 290
capitol building, senate building, capitol atrium, capitol 291
grounds, the state underground parking garage, and the warehouse 292
owned by the board. 293

(M) The capitol annex shall be known as the senate 294
building. 295

(N) Any person may possess a firearm in a motor vehicle in 296
the state underground parking garage at the state capitol 297
building, if the person's possession of the firearm in the motor 298
vehicle is not in violation of section 2923.16 of the Revised 299
Code or any other provision of the Revised Code. Any person may 300
store or leave a firearm in a locked motor vehicle that is 301
parked in the state underground parking garage at the state 302
capitol building, if the person's transportation and possession 303
of the firearm in the motor vehicle while traveling to the 304
garage was not in violation of section 2923.16 of the Revised 305
Code or any other provision of the Revised Code. 306

Sec. 107.40. (A) There is hereby created the governor's 307
residence advisory commission. The commission shall provide for 308
the preservation, restoration, acquisition, and conservation of 309
all decorations, objects of art, chandeliers, china, silver, 310
statues, paintings, furnishings, accouterments, and other 311
aesthetic materials that have been acquired, donated, loaned, or 312
otherwise obtained by the state for the governor's residence and 313
that have been approved by the commission. In addition, the 314

commission shall provide for the maintenance of plants that have 315
been acquired, donated, loaned, or otherwise obtained by the 316
state for the governor's residence and that have been approved 317
by the commission. 318

(B) The commission shall be responsible for the care, 319
provision, repair, and placement of furnishings and other 320
objects and accessories of the grounds and public areas of the 321
first story of the governor's residence and for the care and 322
placement of plants on the grounds. In exercising this 323
responsibility, the commission shall preserve and seek to 324
further establish all of the following: 325

(1) The authentic ambiance and decor of the historic era 326
during which the governor's residence was constructed; 327

(2) The grounds as a representation of Ohio's natural 328
ecosystems; 329

(3) The heritage garden for all of the following purposes: 330

(a) To preserve, sustain, and encourage the use of native 331
flora throughout the state; 332

(b) To replicate the state's physiographic regions, plant 333
communities, and natural landscapes; 334

(c) To serve as an educational garden that demonstrates 335
the artistic, industrial, political, horticultural, and geologic 336
history of the state through the use of plants; 337

(d) To serve as a reservoir of rare species of plants from 338
the physiographic regions of the state. 339

These duties shall not affect the obligation of the 340
department of administrative services to provide for and adopt 341
policies and procedures regarding the use, general maintenance, 342

and operating expenses of the governor's residence. 343

(C) The commission shall consist of eleven members. One 344
member shall be the director of administrative services or the 345
director's designee, who shall serve during the director's term 346
of office and shall serve as chairperson. One member shall be 347
the director of the Ohio ~~historical society~~ history connection 348
or the director's designee, who shall serve during the 349
director's term of office and shall serve as vice-chairperson. 350
One member shall represent the Columbus landmarks foundation. 351
One member shall represent the Bexley historical society. One 352
member shall be the mayor of the city of Bexley, who shall serve 353
during the mayor's term of office. One member shall be the chief 354
executive officer of the Franklin park conservatory joint 355
recreation district, who shall serve during the term of 356
employment as chief executive officer. The remaining five 357
members shall be appointed by the governor with the advice and 358
consent of the senate. The five members appointed by the 359
governor shall be persons with knowledge of Ohio history, 360
architecture, decorative arts, or historic preservation, and one 361
of those members shall have knowledge of landscape architecture, 362
garden design, horticulture, and plants native to this state. 363

(D) Of the initial appointees, the representative of the 364
Columbus landmarks foundation shall serve for a term expiring 365
December 31, 1996, and the representative of the Bexley 366
historical society shall serve for a term expiring December 31, 367
1997. Of the five members appointed by the governor, three shall 368
serve for terms ending December 31, 1998, and two shall serve 369
for terms ending December 31, 1999. Thereafter, each term shall 370
be for four years, commencing on the first day of January and 371
ending on the last day of December. The member having knowledge 372
of landscape architecture, garden design, horticulture, and 373

plants native to this state initially shall be appointed upon 374
the first vacancy on the commission occurring on or after June 375
30, 2006. 376

Each member shall hold office from the date of the 377
member's appointment until the end of the term for which the 378
member was appointed. Any member appointed to fill a vacancy 379
occurring prior to the end of the term for which the member's 380
predecessor was appointed shall hold office for the remainder of 381
the term. Any member shall continue in office subsequent to the 382
expiration of the term until the member's successor takes 383
office. 384

(E) Six members of the commission constitute a quorum, and 385
the affirmative vote of six members is required for approval of 386
any action by the commission. 387

(F) After each initial member of the commission has been 388
appointed, the commission shall meet and select one member as 389
secretary and another as treasurer. Organizational meetings of 390
the commission shall be held at the time and place designated by 391
call of the chairperson. Meetings of the commission may be held 392
anywhere in the state and shall be in compliance with Chapters 393
121. and 149. of the Revised Code. The commission may adopt, 394
pursuant to section 111.15 of the Revised Code, rules necessary 395
to carry out the purposes of this section. 396

(G) Members of the commission shall serve without 397
remuneration, but shall be compensated for actual and necessary 398
expenses incurred in the performance of their official duties. 399

(H) All expenses incurred in carrying out this section are 400
payable solely from money accrued under this section or 401
appropriated for these purposes by the general assembly, and the 402

commission shall incur no liability or obligation beyond such 403
money. 404

(I) Except as otherwise provided in this division, the 405
commission may accept any payment for the use of the governor's 406
residence or may accept any donation, gift, bequest, or devise 407
for the governor's residence or as an endowment for the 408
maintenance and care of the garden on the grounds of the 409
governor's residence in furtherance of its duties. The 410
commission shall not accept any donation, gift, bequest, or 411
devise from a person, individual, or member of an individual's 412
immediate family if the person or individual is receiving 413
payments under a contract with the state or a state agency for 414
the purchase of supplies, services, or equipment or for the 415
construction, reconstruction, improvement, enlargement, 416
alteration, repair, painting, or decoration of a public 417
improvement, except for payments received under an employment 418
contract or a collective bargaining agreement. Any revenue 419
received by the commission shall be deposited into the 420
governor's residence fund, which is hereby established in the 421
state treasury, for use by the commission in accordance with the 422
performance of its duties. All investment earnings of the fund 423
shall be credited to the fund. Title to all property acquired by 424
the commission shall be taken in the name of the state and shall 425
be held for the use and benefit of the commission. 426

(J) Nothing in this section limits the ability of a person 427
or other entity to purchase decorations, objects of art, 428
chandeliers, china, silver, statues, paintings, furnishings, 429
accouterments, plants, or other aesthetic materials for 430
placement in the governor's residence or on the grounds of the 431
governor's residence or donation to the commission. No such 432
object or plant, however, shall be placed on the grounds or 433

public areas of the first story of the governor's residence 434
without the consent of the commission. 435

(K) The heritage garden established under this section 436
shall be officially known as "the heritage garden at the Ohio 437
governor's residence." 438

(L) As used in this section, "heritage garden" means the 439
botanical garden of native plants established at the governor's 440
residence. 441

Sec. 111.08. The secretary of state shall have charge of 442
and safely keep the laws and resolutions passed by the general 443
assembly and such other papers and documents as are required to 444
be deposited in ~~his~~ the secretary of state's office. The Ohio 445
~~historical society~~ history connection shall have charge of and 446
safely keep the following original documents: Ohio Constitution 447
of 1802; Ohio Constitution of 1851; proposed Ohio Constitution 448
of 1875; design and the letters of patent and assignment of 449
patent for the state flag; S.J.R. 13 (1873); S.J.R. 53 (1875); 450
S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); S.J.R. 28 451
(1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 (1902); 452
H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); S.J.R. 16 453
(1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition form (2) 454
(1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 (1923); 455
H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); petition 456
form (2) (1933); S.J.R. 57 (1936); petition form (1936); H.J.R. 457
14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 (1947); 458
petition form (1947); H.J.R. 24 (1947); H.J.R. 48 (1947). 459

Sec. 123.28. As used in this section and in section 460
123.281 of the Revised Code: 461

(A) "Culture" means any of the following: 462

(1) Visual, musical, dramatic, graphic, design, and other 463
arts, including, but not limited to, architecture, dance, 464
literature, motion pictures, music, painting, photography, 465
sculpture, and theater, and the provision of training or 466
education in these arts; 467

(2) The presentation or making available, in museums or 468
other indoor or outdoor facilities, of principles of science and 469
their development, use, or application in business, industry, or 470
commerce or of the history, heritage, development, presentation, 471
and uses of the arts described in division (A) (1) of this 472
section and of transportation; 473

(3) The preservation, presentation, or making available of 474
features of archaeological, architectural, environmental, or 475
historical interest or significance in a state historical 476
facility or a local historical facility. 477

(B) "Cultural organization" means either of the following: 478

(1) A governmental agency or Ohio nonprofit corporation, 479
including the Ohio ~~historical society~~history connection, that 480
provides programs or activities in areas directly concerned with 481
culture; 482

(2) A regional arts and cultural district as defined in 483
section 3381.01 of the Revised Code. 484

(C) "Cultural project" means all or any portion of an Ohio 485
cultural facility for which the general assembly has made an 486
appropriation or has specifically authorized the spending of 487
money or the making of rental payments relating to the financing 488
of construction. 489

(D) "Cooperative contract" means a contract between the 490
Ohio facilities construction commission and a cultural 491

organization providing the terms and conditions of the 492
cooperative use of an Ohio cultural facility. 493

(E) "Costs of operation" means amounts required to manage 494
an Ohio cultural facility that are incurred following the 495
completion of construction of its cultural project, provided 496
that both of the following apply: 497

(1) Those amounts either: 498

(a) Have been committed to a fund dedicated to that 499
purpose; 500

(b) Equal the principal of any endowment fund, the income 501
from which is dedicated to that purpose. 502

(2) The commission and the cultural organization have 503
executed an agreement with respect to either of those funds. 504

(F) "Governmental agency" means a municipal corporation, 505
county, township, or school district, a port authority created 506
under Chapter 4582. of the Revised Code, any other political 507
subdivision or special district in this state established by or 508
pursuant to law, or any combination of these entities; except 509
where otherwise indicated, the United States or any department, 510
division, or agency of the United States, or any agency, 511
commission, or authority established pursuant to an interstate 512
compact or agreement. 513

(G) "Local contributions" means the value of an asset 514
provided by or on behalf of a cultural organization from sources 515
other than the state, the value and nature of which shall be 516
approved by the Ohio facilities construction commission, in its 517
sole discretion. "Local contributions" may include the value of 518
the site where a cultural project is to be constructed. All 519
"local contributions," except a contribution attributable to 520

such a site, shall be for the costs of construction of a 521
cultural project or the creation or expansion of an endowment 522
for the costs of operation of a cultural facility. 523

(H) "Local historical facility" means a site or facility, 524
other than a state historical facility, of archaeological, 525
architectural, environmental, or historical interest or 526
significance, or a facility, including a storage facility, 527
appurtenant to the operations of such a site or facility, that 528
is owned by a cultural organization and is used for or in 529
connection with cultural activities, including the presentation 530
or making available of culture to the public. 531

(I) "Manage," "operate," or "management" means the 532
provision of, or the exercise of control over the provision of, 533
activities: 534

(1) Relating to culture for an Ohio cultural facility, 535
including as applicable, but not limited to, providing for 536
displays, exhibitions, specimens, and models; booking of 537
artists, performances, or presentations; scheduling; and hiring 538
or contracting for directors, curators, technical and scientific 539
staff, ushers, stage managers, and others directly related to 540
the cultural activities in the facility; but not including 541
general building services; 542

(2) Relating to sports and athletic events for an Ohio 543
sports facility, including as applicable, but not limited to, 544
providing for booking of athletes, teams, and events; 545
scheduling; and hiring or contracting for staff, ushers, 546
managers, and others directly related to the sports and athletic 547
events in the facility; but not including general building 548
services. 549

(J) "Ohio cultural facility" means any of the following:	550
(1) The theaters located in the state office tower at 77 South High street in Columbus;	551 552
(2) Any cultural facility in this state that is managed directly by, or is subject to a cooperative or management contract with, the Ohio facilities construction commission.	553 554 555
(3) A state historical facility or a local historical facility.	556 557
(K) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.	558 559 560 561
(L) "State historical facility" means a site or facility that has all of the following characteristics:	562 563
(1) It is created, supervised, operated, protected, maintained, and promoted by the Ohio historical society <u>history connection</u> pursuant to the society's <u>Ohio history connection's</u> performance of public functions under sections 149.30 and 149.302 of the Revised Code.	564 565 566 567 568
(2) Its title must reside wholly or in part with the state, the society <u>Ohio history connection</u> , or both the state and the society <u>Ohio history connection</u> .	569 570 571
(3) It is managed directly by or is subject to a cooperative or management contract with the Ohio facilities construction commission and is used for or in connection with cultural activities, including the presentation or making available of culture to the public.	572 573 574 575 576
(M) "Ohio sports facility" means all or a portion of a	577

stadium, arena, tennis facility, motorsports complex, or other 578
capital facility in this state. A primary purpose of the 579
facility shall be to provide a site or venue for the 580
presentation to the public of motorsports events, professional 581
tennis tournaments, or events of one or more major or minor 582
league professional athletic or sports teams that are associated 583
with the state or with a city or region of the state. The 584
facility shall be, in the case of a motorsports complex, owned 585
by the state or governmental agency, or in all other instances, 586
owned by or located on real property owned by the state or a 587
governmental agency, and includes all parking facilities, 588
walkways, and other auxiliary facilities, equipment, 589
furnishings, and real and personal property and interests and 590
rights therein, that may be appropriate for or used for or in 591
connection with the facility or its operation, for capital costs 592
of which state funds are spent pursuant to this section and 593
section 123.281 of the Revised Code. A facility constructed as 594
an Ohio sports facility may be both an Ohio cultural facility 595
and an Ohio sports facility. 596

(N) "Motorsports" means sporting events in which motor 597
vehicles are driven on a clearly demarcated tracked surface. 598

Sec. 127.16. (A) Upon the request of either a state agency 599
or the director of budget and management and after the 600
controlling board determines that an emergency or a sufficient 601
economic reason exists, the controlling board may approve the 602
making of a purchase without competitive selection as provided 603
in division (B) of this section. 604

(B) Except as otherwise provided in this section, no state 605
agency, using money that has been appropriated to it directly, 606
shall: 607

(1) Make any purchase from a particular supplier, that 608
would amount to fifty thousand dollars or more when combined 609
with both the amount of all disbursements to the supplier during 610
the fiscal year for purchases made by the agency and the amount 611
of all outstanding encumbrances for purchases made by the agency 612
from the supplier, unless the purchase is made by competitive 613
selection or with the approval of the controlling board; 614

(2) Lease real estate from a particular supplier, if the 615
lease would amount to seventy-five thousand dollars or more when 616
combined with both the amount of all disbursements to the 617
supplier during the fiscal year for real estate leases made by 618
the agency and the amount of all outstanding encumbrances for 619
real estate leases made by the agency from the supplier, unless 620
the lease is made by competitive selection or with the approval 621
of the controlling board. 622

(C) Any person who authorizes a purchase in violation of 623
division (B) of this section shall be liable to the state for 624
any state funds spent on the purchase, and the attorney general 625
shall collect the amount from the person. 626

(D) Nothing in division (B) of this section shall be 627
construed as: 628

(1) A limitation upon the authority of the director of 629
transportation as granted in sections 5501.17, 5517.02, and 630
5525.14 of the Revised Code; 631

(2) Applying to medicaid provider agreements under the 632
medicaid program; 633

(3) Applying to the purchase of examinations from a sole 634
supplier by a state licensing board under Title XLVII of the 635
Revised Code; 636

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the opportunities for Ohioans with disabilities agency of services, or supplies, that are provided to persons with disabilities, or to purchases made by the agency in connection with the eligibility determinations it makes for applicants of programs administered by the social

security administration;	667
(9) Applying to payments by the department of medicaid under section 5164.85 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	668 669 670 671
(10) Applying to any agency of the legislative branch of the state government;	672 673
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	674 675 676
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	677 678 679 680
(13) Applying to dues or fees paid for membership in an organization or association;	681 682
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	683 684
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	685 686 687 688
(16) Applying to purchases of tickets for passenger air transportation;	689 690
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	691 692 693

(18) Applying to the judicial branch of state government;	694
(19) Applying to purchases of liquor for resale by the division of liquor control;	695 696
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	697 698 699
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	700 701 702 703
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	704 705 706
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio historical society <u>history connection</u> ;	707 708 709
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	710 711 712 713
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	714 715 716
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	717 718 719 720 721

(27) Applying to contracts entered into by the department 722
of developmental disabilities under section 5123.18 of the 723
Revised Code; 724

(28) Applying to payments made by the department of mental 725
health and addiction services under a physician recruitment 726
program authorized by section 5119.185 of the Revised Code; 727

(29) Applying to contracts entered into with persons by 728
the director of commerce for unclaimed funds collection and 729
remittance efforts as provided in division (F) of section 169.03 730
of the Revised Code. The director shall keep an itemized 731
accounting of unclaimed funds collected by those persons and 732
amounts paid to them for their services. 733

(30) Applying to purchases made by a state institution of 734
higher education in accordance with the terms of a contract 735
between the vendor and an inter-university purchasing group 736
comprised of purchasing officers of state institutions of higher 737
education; 738

(31) Applying to the department of medicaid's purchases of 739
health assistance services under the children's health insurance 740
program; 741

(32) Applying to payments by the attorney general from the 742
reparations fund to hospitals and other emergency medical 743
facilities for performing medical examinations to collect 744
physical evidence pursuant to section 2907.28 of the Revised 745
Code; 746

(33) Applying to contracts with a contracting authority or 747
administrative receiver under division (B) of section 5126.056 748
of the Revised Code; 749

(34) Applying to purchases of goods and services by the 750

department of veterans services in accordance with the terms of 751
contracts entered into by the United States department of 752
veterans affairs; 753

(35) Applying to payments by the superintendent of the 754
bureau of criminal identification and investigation to the 755
federal bureau of investigation for criminal records checks 756
pursuant to section 109.572 of the Revised Code; 757

(36) Applying to contracts entered into by the department 758
of medicaid under section 5164.47 of the Revised Code; 759

(37) Applying to contracts entered into under section 760
5160.12 of the Revised Code; 761

(38) Applying to payments to the Ohio ~~historical society~~ 762
history connection from other state agencies. 763

(E) When determining whether a state agency has reached 764
the cumulative purchase thresholds established in divisions (B) 765
(1) and (2) of this section, all of the following purchases by 766
such agency shall not be considered: 767

(1) Purchases made through competitive selection or with 768
controlling board approval; 769

(2) Purchases listed in division (D) of this section; 770

(3) For the purposes of the threshold of division (B) (1) 771
of this section only, leases of real estate. 772

(F) As used in this section, "competitive selection," 773
"purchase," "supplies," and "services" have the same meanings as 774
in section 125.01 of the Revised Code. 775

Sec. 135.451. The Ohio ~~historical society~~ history 776
connection and the capitol square review and advisory board 777

shall be eligible to pay any of their moneys into the Ohio 778
subdivision's fund, to be invested by the treasurer of state in 779
the same manner and subject to the same terms and conditions as 780
public moneys of subdivisions paid into the fund under section 781
135.45 of the Revised Code. 782

Sec. 145.01. As used in this chapter: 783

(A) "Public employee" means: 784

(1) Any person holding an office, not elective, under the 785
state or any county, township, municipal corporation, park 786
district, conservancy district, sanitary district, health 787
district, metropolitan housing authority, state retirement 788
board, Ohio ~~historical society~~history connection, public 789
library, county law library, union cemetery, joint hospital, 790
institutional commissary, state university, or board, bureau, 791
commission, council, committee, authority, or administrative 792
body as the same are, or have been, created by action of the 793
general assembly or by the legislative authority of any of the 794
units of local government named in division (A)(1) of this 795
section, or employed and paid in whole or in part by the state 796
or any of the authorities named in division (A)(1) of this 797
section in any capacity not covered by section 742.01, 3307.01, 798
3309.01, or 5505.01 of the Revised Code. 799

(2) A person who is a member of the public employees 800
retirement system and who continues to perform the same or 801
similar duties under the direction of a contractor who has 802
contracted to take over what before the date of the contract was 803
a publicly operated function. The governmental unit with which 804
the contract has been made shall be deemed the employer for the 805
purposes of administering this chapter. 806

(3) Any person who is an employee of a public employer, 807
notwithstanding that the person's compensation for that 808
employment is derived from funds of a person or entity other 809
than the employer. Credit for such service shall be included as 810
total service credit, provided that the employee makes the 811
payments required by this chapter, and the employer makes the 812
payments required by sections 145.48 and 145.51 of the Revised 813
Code. 814

(4) A person who elects in accordance with section 145.015 815
of the Revised Code to remain a contributing member of the 816
public employees retirement system. 817

(5) A person who is an employee of the legal rights 818
service on September 30, 2012, and continues to be employed by 819
the nonprofit entity established under Section 319.20 of Am. 820
Sub. H.B. 153 of the 129th general assembly. The nonprofit 821
entity is the employer for the purpose of this chapter. 822

In all cases of doubt, the public employees retirement 823
board shall determine under section 145.036, 145.037, or 145.038 824
of the Revised Code whether any person is a public employee, and 825
its decision is final. 826

(B) "Member" means any public employee, other than a 827
public employee excluded or exempted from membership in the 828
retirement system by section 145.03, 145.031, 145.032, 145.033, 829
145.034, 145.035, or 145.38 of the Revised Code. "Member" 830
includes a PERS retirant who becomes a member under division (C) 831
of section 145.38 of the Revised Code. "Member" also includes a 832
disability benefit recipient. 833

(C) "Head of the department" means the elective or 834
appointive head of the several executive, judicial, and 835

administrative departments, institutions, boards, and 836
commissions of the state and local government as the same are 837
created and defined by the laws of this state or, in case of a 838
charter government, by that charter. 839

(D) "Employer" or "public employer" means the state or any 840
county, township, municipal corporation, park district, 841
conservancy district, sanitary district, health district, 842
metropolitan housing authority, state retirement board, Ohio 843
~~historical society~~history connection, public library, county law 844
library, union cemetery, joint hospital, institutional 845
commissary, state medical university, state university, or 846
board, bureau, commission, council, committee, authority, or 847
administrative body as the same are, or have been, created by 848
action of the general assembly or by the legislative authority 849
of any of the units of local government named in this division 850
not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of 851
the Revised Code. In addition, "employer" means the employer of 852
any public employee. 853

(E) "Prior military service" also means all service 854
credited for active duty with the armed forces of the United 855
States as provided in section 145.30 of the Revised Code. 856

(F) "Contributor" means any person who has an account in 857
the employees' savings fund created by section 145.23 of the 858
Revised Code. When used in the sections listed in division (B) 859
of section 145.82 of the Revised Code, "contributor" includes 860
any person participating in a PERS defined contribution plan. 861

(G) "Beneficiary" or "beneficiaries" means the estate or a 862
person or persons who, as the result of the death of a member, 863
contributor, or retirant, qualify for or are receiving some 864
right or benefit under this chapter. 865

(H) (1) "Total service credit," except as provided in 866
section 145.37 of the Revised Code, means all service credited 867
to a member of the retirement system since last becoming a 868
member, including restored service credit as provided by section 869
145.31 of the Revised Code; credit purchased under sections 870
145.293 and 145.299 of the Revised Code; all the member's 871
military service credit computed as provided in this chapter; 872
all service credit established pursuant to section 145.297 of 873
the Revised Code; and any other service credited under this 874
chapter. For the exclusive purpose of satisfying the service 875
credit requirement and of determining eligibility for benefits 876
under sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, 877
and 145.361 of the Revised Code, "five or more years of total 878
service credit" means sixty or more calendar months of 879
contributing service in this system. 880

(2) "One and one-half years of contributing service 881
credit," as used in division (B) of section 145.45 of the 882
Revised Code, also means eighteen or more calendar months of 883
employment by a municipal corporation that formerly operated its 884
own retirement plan for its employees or a part of its 885
employees, provided that all employees of that municipal 886
retirement plan who have eighteen or more months of such 887
employment, upon establishing membership in the public employees 888
retirement system, shall make a payment of the contributions 889
they would have paid had they been members of this system for 890
the eighteen months of employment preceding the date membership 891
was established. When that payment has been made by all such 892
employee members, a corresponding payment shall be paid into the 893
employers' accumulation fund by that municipal corporation as 894
the employer of the employees. 895

(3) Where a member also is a member of the state teachers 896

retirement system or the school employees retirement system, or 897
both, except in cases of retirement on a combined basis pursuant 898
to section 145.37 of the Revised Code or as provided in section 899
145.383 of the Revised Code, service credit for any period shall 900
be credited on the basis of the ratio that contributions to the 901
public employees retirement system bear to total contributions 902
in all state retirement systems. 903

(4) Not more than one year of credit may be given for any 904
period of twelve months. 905

(5) "Ohio service credit" means credit for service that 906
was rendered to the state or any of its political subdivisions 907
or any employer. 908

(I) "Regular interest" means interest at any rates for the 909
respective funds and accounts as the public employees retirement 910
board may determine from time to time. 911

(J) "Accumulated contributions" means the sum of all 912
amounts credited to a contributor's individual account in the 913
employees' savings fund together with any interest credited to 914
the contributor's account under section 145.471 or 145.472 of 915
the Revised Code. 916

(K) (1) "Final average salary" means the greater of the 917
following: 918

(a) The sum of the member's earnable salaries for the 919
appropriate number of calendar years of contributing service, 920
determined under section 145.017 of the Revised Code, in which 921
the member's earnable salary was highest, divided by the same 922
number of calendar years or, if the member has fewer than the 923
appropriate number of calendar years of contributing service, 924
the total of the member's earnable salary for all years of 925

contributing service divided by the number of calendar years of 926
the member's contributing service; 927

(b) The sum of a member's earnable salaries for the 928
appropriate number of consecutive months, determined under 929
section 145.017 of the Revised Code, that were the member's last 930
months of service, up to and including the last month, divided 931
by the appropriate number of years or, if the time between the 932
first and final months of service is less than the appropriate 933
number of consecutive months, the total of the member's earnable 934
salary for all months of contributing service divided by the 935
number of years between the first and final months of 936
contributing service, including any fraction of a year, except 937
that the member's final average salary shall not exceed the 938
member's highest earnable salary for any twelve consecutive 939
months. 940

(2) If contributions were made in only one calendar year, 941
"final average salary" means the member's total earnable salary. 942

(L) "Annuity" means payments for life derived from 943
contributions made by a contributor and paid from the annuity 944
and pension reserve fund as provided in this chapter. All 945
annuities shall be paid in twelve equal monthly installments. 946

(M) "Annuity reserve" means the present value, computed 947
upon the basis of the mortality and other tables adopted by the 948
board, of all payments to be made on account of any annuity, or 949
benefit in lieu of any annuity, granted to a retirant as 950
provided in this chapter. 951

(N) (1) "Disability retirement" means retirement as 952
provided in section 145.36 of the Revised Code. 953

(2) "Disability allowance" means an allowance paid on 954

account of disability under section 145.361 of the Revised Code. 955

(3) "Disability benefit" means a benefit paid as 956
disability retirement under section 145.36 of the Revised Code, 957
as a disability allowance under section 145.361 of the Revised 958
Code, or as a disability benefit under section 145.37 of the 959
Revised Code. 960

(4) "Disability benefit recipient" means a member who is 961
receiving a disability benefit. 962

(O) "Age and service retirement" means retirement as 963
provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, 964
and 145.46 and former section 145.34 of the Revised Code. 965

(P) "Pensions" means annual payments for life derived from 966
contributions made by the employer that at the time of 967
retirement are credited into the annuity and pension reserve 968
fund from the employers' accumulation fund and paid from the 969
annuity and pension reserve fund as provided in this chapter. 970
All pensions shall be paid in twelve equal monthly installments. 971

(Q) "Retirement allowance" means the pension plus that 972
portion of the benefit derived from contributions made by the 973
member. 974

(R) (1) Except as otherwise provided in division (R) of 975
this section, "earnable salary" means all salary, wages, and 976
other earnings paid to a contributor by reason of employment in 977
a position covered by the retirement system. The salary, wages, 978
and other earnings shall be determined prior to determination of 979
the amount required to be contributed to the employees' savings 980
fund under section 145.47 of the Revised Code and without regard 981
to whether any of the salary, wages, or other earnings are 982
treated as deferred income for federal income tax purposes. 983

"Earnable salary" includes the following:	984
(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;	985 986 987
(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;	988 989 990 991 992
(c) Allowances paid by the employer for maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;	993 994 995 996
(d) Fees and commissions paid under section 507.09 of the Revised Code;	997 998
(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;	999 1000 1001 1002
(f) Amounts included pursuant to former division (K) (3) and former division (Y) of this section and section 145.2916 of the Revised Code.	1003 1004 1005
(2) "Earnable salary" does not include any of the following:	1006 1007
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor	1008 1009 1010 1011

receives a salary; 1012

(b) Amounts paid by the employer to provide life 1013
insurance, sickness, accident, endowment, health, medical, 1014
hospital, dental, or surgical coverage, or other insurance for 1015
the contributor or the contributor's family, or amounts paid by 1016
the employer to the contributor in lieu of providing the 1017
insurance; 1018

(c) Incidental benefits, including lodging, food, laundry, 1019
parking, or services furnished by the employer, or use of the 1020
employer's property or equipment, or amounts paid by the 1021
employer to the contributor in lieu of providing the incidental 1022
benefits; 1023

(d) Reimbursement for job-related expenses authorized by 1024
the employer, including moving and travel expenses and expenses 1025
related to professional development; 1026

(e) Payments for accrued but unused sick leave, personal 1027
leave, or vacation that are made at any time other than in the 1028
year in which the sick leave, personal leave, or vacation was 1029
accrued; 1030

(f) Payments made to or on behalf of a contributor that 1031
are in excess of the annual compensation that may be taken into 1032
account by the retirement system under division (a) (17) of 1033
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 1034
2085, 26 U.S.C.A. 401(a) (17), as amended; 1035

(g) Payments made under division (B), (C), or (E) of 1036
section 5923.05 of the Revised Code, Section 4 of Substitute 1037
Senate Bill No. 3 of the 119th general assembly, Section 3 of 1038
Amended Substitute Senate Bill No. 164 of the 124th general 1039
assembly, or Amended Substitute House Bill No. 405 of the 124th 1040

general assembly; 1041

(h) Anything of value received by the contributor that is 1042
based on or attributable to retirement or an agreement to 1043
retire, except that payments made on or before January 1, 1989, 1044
that are based on or attributable to an agreement to retire 1045
shall be included in earnable salary if both of the following 1046
apply: 1047

(i) The payments are made in accordance with contract 1048
provisions that were in effect prior to January 1, 1986; 1049

(ii) The employer pays the retirement system an amount 1050
specified by the retirement board equal to the additional 1051
liability resulting from the payments. 1052

(i) The portion of any amount included in section 145.2916 1053
of the Revised Code that represents employer contributions. 1054

(3) The retirement board shall determine by rule whether 1055
any compensation not enumerated in division (R) of this section 1056
is earnable salary, and its decision shall be final. 1057

(S) "Pension reserve" means the present value, computed 1058
upon the basis of the mortality and other tables adopted by the 1059
board, of all payments to be made on account of any retirement 1060
allowance or benefit in lieu of any retirement allowance, 1061
granted to a member or beneficiary under this chapter. 1062

(T) "Contributing service" means both of the following: 1063

(1) All service credited to a member of the system since 1064
January 1, 1935, for which contributions are made as required by 1065
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 1066
year subsequent to 1934, credit for any service shall be allowed 1067
in accordance with section 145.016 of the Revised Code. 1068

(2) Service credit received by election of the member under section 145.814 of the Revised Code.	1069 1070
(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.	1071 1072 1073
(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, and 145.46 and former section 145.34 of the Revised Code.	1074 1075 1076 1077
(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.	1078 1079
(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.	1080 1081 1082 1083
(Y) "Five years of service credit," for the exclusive purpose of satisfying the service credit requirements and of determining eligibility under section 145.33 or 145.332 of the Revised Code, means employment covered under this chapter or under a former retirement plan operated, recognized, or endorsed by the employer prior to coverage under this chapter or under a combination of the coverage.	1084 1085 1086 1087 1088 1089 1090
(Z) "Deputy sheriff" means any person who is commissioned and employed as a full-time peace officer by the sheriff of any county, and has been so employed since on or before December 31, 1965; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training	1091 1092 1093 1094 1095 1096 1097

school as required by section 109.77 of the Revised Code; or any 1098
person deputized by the sheriff of any county and employed 1099
pursuant to section 2301.12 of the Revised Code as a criminal 1100
bailiff or court constable who has received a certificate 1101
attesting to the person's satisfactory completion of the peace 1102
officer training school as required by section 109.77 of the 1103
Revised Code. 1104

(AA) "Township constable or police officer in a township 1105
police department or district" means any person who is 1106
commissioned and employed as a full-time peace officer pursuant 1107
to Chapter 505. or 509. of the Revised Code, who has received a 1108
certificate attesting to the person's satisfactory completion of 1109
the peace officer training school as required by section 109.77 1110
of the Revised Code. 1111

(BB) "Drug agent" means any person who is either of the 1112
following: 1113

(1) Employed full time as a narcotics agent by a county 1114
narcotics agency created pursuant to section 307.15 of the 1115
Revised Code and has received a certificate attesting to the 1116
satisfactory completion of the peace officer training school as 1117
required by section 109.77 of the Revised Code; 1118

(2) Employed full time as an undercover drug agent as 1119
defined in section 109.79 of the Revised Code and is in 1120
compliance with section 109.77 of the Revised Code. 1121

(CC) "Department of public safety enforcement agent" means 1122
a full-time employee of the department of public safety who is 1123
designated under section 5502.14 of the Revised Code as an 1124
enforcement agent and who is in compliance with section 109.77 1125
of the Revised Code. 1126

(DD) "Natural resources law enforcement staff officer" 1127
means a full-time employee of the department of natural 1128
resources who is designated a natural resources law enforcement 1129
staff officer under section 1501.013 of the Revised Code and is 1130
in compliance with section 109.77 of the Revised Code. 1131

(EE) "Park officer" means a full-time employee of the 1132
department of natural resources who is designated a park officer 1133
under section 1541.10 of the Revised Code and is in compliance 1134
with section 109.77 of the Revised Code. 1135

(FF) "Forest officer" means a full-time employee of the 1136
department of natural resources who is designated a forest 1137
officer under section 1503.29 of the Revised Code and is in 1138
compliance with section 109.77 of the Revised Code. 1139

(GG) "Preserve officer" means a full-time employee of the 1140
department of natural resources who is designated a preserve 1141
officer under section 1517.10 of the Revised Code and is in 1142
compliance with section 109.77 of the Revised Code. 1143

(HH) "Wildlife officer" means a full-time employee of the 1144
department of natural resources who is designated a wildlife 1145
officer under section 1531.13 of the Revised Code and is in 1146
compliance with section 109.77 of the Revised Code. 1147

(II) "State watercraft officer" means a full-time employee 1148
of the department of natural resources who is designated a state 1149
watercraft officer under section 1547.521 of the Revised Code 1150
and is in compliance with section 109.77 of the Revised Code. 1151

(JJ) "Park district police officer" means a full-time 1152
employee of a park district who is designated pursuant to 1153
section 511.232 or 1545.13 of the Revised Code and is in 1154
compliance with section 109.77 of the Revised Code. 1155

(KK) "Conservancy district officer" means a full-time 1156
employee of a conservancy district who is designated pursuant to 1157
section 6101.75 of the Revised Code and is in compliance with 1158
section 109.77 of the Revised Code. 1159

(LL) "Municipal police officer" means a member of the 1160
organized police department of a municipal corporation who is 1161
employed full time, is in compliance with section 109.77 of the 1162
Revised Code, and is not a member of the Ohio police and fire 1163
pension fund. 1164

(MM) "Veterans' home police officer" means any person who 1165
is employed at a veterans' home as a police officer pursuant to 1166
section 5907.02 of the Revised Code and is in compliance with 1167
section 109.77 of the Revised Code. 1168

(NN) "Special police officer for a mental health 1169
institution" means any person who is designated as such pursuant 1170
to section 5119.08 of the Revised Code and is in compliance with 1171
section 109.77 of the Revised Code. 1172

(OO) "Special police officer for an institution for the 1173
developmentally disabled" means any person who is designated as 1174
such pursuant to section 5123.13 of the Revised Code and is in 1175
compliance with section 109.77 of the Revised Code. 1176

(PP) "State university law enforcement officer" means any 1177
person who is employed full time as a state university law 1178
enforcement officer pursuant to section 3345.04 of the Revised 1179
Code and who is in compliance with section 109.77 of the Revised 1180
Code. 1181

(QQ) "House sergeant at arms" means any person appointed 1182
by the speaker of the house of representatives under division 1183
(B) (1) of section 101.311 of the Revised Code who has arrest 1184

authority under division (E) (1) of that section. 1185

(RR) "Assistant house sergeant at arms" means any person 1186
appointed by the house sergeant at arms under division (C) (1) of 1187
section 101.311 of the Revised Code. 1188

(SS) "Regional transit authority police officer" means a 1189
person who is employed full time as a regional transit authority 1190
police officer under division (Y) of section 306.35 of the 1191
Revised Code and is in compliance with section 109.77 of the 1192
Revised Code. 1193

(TT) "State highway patrol police officer" means a special 1194
police officer employed full time and designated by the 1195
superintendent of the state highway patrol pursuant to section 1196
5503.09 of the Revised Code or a person serving full time as a 1197
special police officer pursuant to that section on a permanent 1198
basis on October 21, 1997, who is in compliance with section 1199
109.77 of the Revised Code. 1200

(UU) "Municipal public safety director" means a person who 1201
serves full time as the public safety director of a municipal 1202
corporation with the duty of directing the activities of the 1203
municipal corporation's police department and fire department. 1204

(VV) Notwithstanding section 2901.01 of the Revised Code, 1205
"PERS law enforcement officer" means a sheriff or any of the 1206
following whose primary duties are to preserve the peace, 1207
protect life and property, and enforce the laws of this state: a 1208
deputy sheriff, township constable or police officer in a 1209
township police department or district, drug agent, department 1210
of public safety enforcement agent, natural resources law 1211
enforcement staff officer, park officer, forest officer, 1212
preserve officer, wildlife officer, state watercraft officer, 1213

park district police officer, conservancy district officer, 1214
veterans' home police officer, special police officer for a 1215
mental health institution, special police officer for an 1216
institution for the developmentally disabled, state university 1217
law enforcement officer, municipal police officer, house 1218
sergeant at arms, assistant house sergeant at arms, regional 1219
transit authority police officer, or state highway patrol police 1220
officer. "PERS law enforcement officer" also includes a person 1221
serving as a municipal public safety director at any time during 1222
the period from September 29, 2005, to March 24, 2009, if the 1223
duties of that service were to preserve the peace, protect life 1224
and property, and enforce the laws of this state. 1225

(WW) "Hamilton county municipal court bailiff" means a 1226
person appointed by the clerk of courts of the Hamilton county 1227
municipal court under division (A)(3) of section 1901.32 of the 1228
Revised Code who is employed full time as a bailiff or deputy 1229
bailiff, who has received a certificate attesting to the 1230
person's satisfactory completion of the peace officer basic 1231
training described in division (D)(1) of section 109.77 of the 1232
Revised Code. 1233

(XX) "PERS public safety officer" means a Hamilton county 1234
municipal court bailiff, or any of the following whose primary 1235
duties are other than to preserve the peace, protect life and 1236
property, and enforce the laws of this state: a deputy sheriff, 1237
township constable or police officer in a township police 1238
department or district, drug agent, department of public safety 1239
enforcement agent, natural resources law enforcement staff 1240
officer, park officer, forest officer, preserve officer, 1241
wildlife officer, state watercraft officer, park district police 1242
officer, conservancy district officer, veterans' home police 1243
officer, special police officer for a mental health institution, 1244

special police officer for an institution for the 1245
developmentally disabled, state university law enforcement 1246
officer, municipal police officer, house sergeant at arms, 1247
assistant house sergeant at arms, regional transit authority 1248
police officer, or state highway patrol police officer. "PERS 1249
public safety officer" also includes a person serving as a 1250
municipal public safety director at any time during the period 1251
from September 29, 2005, to March 24, 2009, if the duties of 1252
that service were other than to preserve the peace, protect life 1253
and property, and enforce the laws of this state. 1254

(YY) "Fiduciary" means a person who does any of the 1255
following: 1256

(1) Exercises any discretionary authority or control with 1257
respect to the management of the system or with respect to the 1258
management or disposition of its assets; 1259

(2) Renders investment advice for a fee, direct or 1260
indirect, with respect to money or property of the system; 1261

(3) Has any discretionary authority or responsibility in 1262
the administration of the system. 1263

(ZZ) "Actuary" means an individual who satisfies all of 1264
the following requirements: 1265

(1) Is a member of the American academy of actuaries; 1266

(2) Is an associate or fellow of the society of actuaries; 1267

(3) Has a minimum of five years' experience in providing 1268
actuarial services to public retirement plans. 1269

(AAA) "PERS defined benefit plan" means the plan described 1270
in sections 145.201 to 145.79 of the Revised Code. 1271

(BBB) "PERS defined contribution plans" means the plan or	1272
plans established under section 145.81 of the Revised Code.	1273
Sec. 149.091. (A) The secretary of state shall compile,	1274
publish, and distribute the session laws either annually or	1275
biennially in a paper or electronic format. The annual or	1276
biennial publication shall contain all enrolled acts and joint	1277
resolutions, a subject index, a table indicating Revised Code	1278
sections affected, and the secretary of state's certificate that	1279
the laws, as compiled and distributed, are true copies of the	1280
original enrolled acts or joint resolutions in the secretary of	1281
state's office.	1282
(B) (1) The secretary of state may distribute the paper or	1283
electronic format of the session laws free of charge to the	1284
following persons or entities:	1285
(a) Each county auditor.	1286
(b) Each county law library.	1287
(c) Other public officials upon request of the public	1288
official.	1289
(2) The secretary of state shall distribute the paper or	1290
electronic format of the session laws free of charge to the	1291
following persons or entities:	1292
(a) The clerk of the house of representatives.	1293
(b) The clerk of the senate.	1294
(c) The legislative service commission.	1295
(d) The Ohio supreme court.	1296
(e) The document division of the library of congress.	1297
(f) The state library.	1298

(g) The Ohio historical society <u>history connection</u> .	1299
The secretary of state shall retain a paper or electronic format of the session laws.	1300 1301
(C) The session laws may be sold in a paper or electronic format to individuals or entities not specified in division (B) of this section. The price shall not exceed the actual cost of producing and distributing the session laws in a paper or electronic format.	1302 1303 1304 1305 1306
Sec. 149.11. Any department, division, bureau, board, or commission of the state government issuing a report, pamphlet, document, or other publication intended for general public use and distribution, which publication is reproduced by duplicating processes such as mimeograph, multigraph, planograph, rotaprint, or multilith, or printed internally or through a contract awarded to any person, company, or the state printing division of the department of administrative services, shall cause to be delivered to the state library one hundred copies of the publication, subject to the provisions of section 125.42 of the Revised Code.	1307 1308 1309 1310 1311 1312 1313 1314 1315 1316 1317
The state library board shall distribute the publications so received as follows:	1318 1319
(A) Retain two copies in the state library;	1320
(B) Send two copies to the document division of the library of congress;	1321 1322
(C) Send one copy to the Ohio historical society <u>history connection</u> and to each public or college library in the state designated by the state library board to be a depository for state publications. In designating which libraries shall be depositories, the board shall select those libraries that can	1323 1324 1325 1326 1327

best preserve those publications and that are so located 1328
geographically as will make the publications conveniently 1329
accessible to residents in all areas of the state. 1330

(D) Send one copy to each state in exchange for like 1331
publications of that state. 1332

The provisions of this section do not apply to any 1333
publication of the general assembly or to the publications 1334
described in sections 149.07, 149.08, 149.091, and 149.17 of the 1335
Revised Code, except that the secretary of state shall forward 1336
to the document division of the library of congress two copies 1337
of all journals, two copies of the session laws as provided for 1338
in section 149.091 of the Revised Code, and two copies of all 1339
appropriation laws in separate form. 1340

Sec. 149.30. The Ohio ~~historical society~~history 1341
connection, chartered by this state as a corporation not for 1342
profit to promote a knowledge of history and archaeology, 1343
especially of Ohio, and operated continuously in the public 1344
interest since 1885, may perform public functions as prescribed 1345
by law. 1346

The general assembly may appropriate money to the Ohio 1347
~~historical society~~history connection each biennium to carry out 1348
the public functions of the ~~society~~Ohio history connection as 1349
enumerated in this section. An appropriation by the general 1350
assembly to the ~~society~~Ohio history connection constitutes an 1351
offer to contract with the ~~society~~Ohio history connection to 1352
carry out those public functions for which appropriations are 1353
made. An acceptance by the ~~society~~Ohio history connection of 1354
the appropriated funds constitutes an acceptance by the ~~society~~Ohio history connection 1355
Ohio history connection of the offer and is considered an 1356
agreement by the ~~society~~Ohio history connection to perform 1357

those functions in accordance with the terms of the 1358
appropriation and the law and to expend the funds only for the 1359
purposes for which appropriated. The governor may request on 1360
behalf of the ~~society~~Ohio history connection, and the 1361
controlling board may release, additional funds to the ~~society~~- 1362
Ohio history connection for survey, salvage, repair, or 1363
rehabilitation of an emergency nature for which funds have not 1364
been appropriated, and acceptance by the ~~society~~Ohio history 1365
connection of those funds constitutes an agreement on the part 1366
of the ~~society~~Ohio history connection to expend those funds 1367
only for the purpose for which released by the controlling 1368
board. 1369

The ~~society~~Ohio history connection shall faithfully 1370
expend and apply all moneys received from the state to the uses 1371
and purposes directed by law and for necessary administrative 1372
expenses. If the general assembly appropriates money to the 1373
~~society~~Ohio history connection for grants or subsidies to other 1374
entities for their site-related programs, the ~~society~~Ohio 1375
history connection, except for good cause, shall distribute the 1376
money within ninety days of accepting a grant or subsidy 1377
application for the money. 1378

The ~~society~~Ohio history connection shall perform the 1379
public function of sending notice by certified mail to the owner 1380
of any property at the time it is listed on the national 1381
register of historic places. The ~~society~~Ohio history connection 1382
shall accurately record all expenditures of such funds in 1383
conformity with generally accepted accounting principles. 1384

The auditor of state shall audit all funds and fiscal 1385
records of the ~~society~~Ohio history connection. 1386

The public functions to be performed by the Ohio 1387

~~historical society~~ history connection shall include all of the 1388
following: 1389

(A) Creating, supervising, operating, protecting, 1390
maintaining, and promoting for public use a system of state 1391
memorials, titles to which may reside wholly or in part with 1392
this state or wholly or in part with the ~~society~~ Ohio history 1393
connection as provided in and in conformity to appropriate acts 1394
and resolves of the general assembly, and leasing for renewable 1395
periods of two years or less, with the advice and consent of the 1396
attorney general and the director of administrative services, 1397
lands and buildings owned by the state which are in the care, 1398
custody, and control of the ~~society~~ Ohio history connection, all 1399
of which shall be maintained and kept for public use at 1400
reasonable hours; 1401

(B) Making alterations and improvements, marking, and 1402
constructing, reconstructing, protecting, or restoring 1403
structures, earthworks, and monuments in its care, and equipping 1404
such facilities with appropriate educational maintenance 1405
facilities; 1406

(C) Serving as the archives administration for the state 1407
and its political subdivisions as provided in sections 149.31 to 1408
149.42 of the Revised Code; 1409

(D) Administering a state historical museum, to be the 1410
headquarters of the society and its principal museum and 1411
library, which shall be maintained and kept for public use at 1412
reasonable hours; 1413

(E) Establishing a marking system to identify all 1414
designated historic and archaeological sites within the state 1415
and marking or causing to be marked historic sites and 1416

communities considered by the society to be historically or 1417
archaeologically significant; 1418

(F) Publishing books, pamphlets, periodicals, and other 1419
publications about history, archaeology, and natural science and 1420
offering one copy of each regular periodical issue to all public 1421
libraries in this state at a reasonable price, which shall not 1422
exceed one hundred ten per cent more than the total cost of 1423
publication; 1424

(G) Engaging in research in history, archaeology, and 1425
natural science and providing historical information upon 1426
request to all state agencies; 1427

(H) Collecting, preserving, and making available by all 1428
appropriate means and under approved safeguards all manuscript, 1429
print, or near-print library collections and all historical 1430
objects, specimens, and artifacts which pertain to the history 1431
of Ohio and its people, including the following original 1432
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 1433
proposed Ohio Constitution of 1875; design and the letters of 1434
patent and assignment of patent for the state flag; S.J.R. 13 1435
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 1436
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 1437
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 1438
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 1439
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 1440
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 1441
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 1442
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 1443
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 1444
(1947); and H.J.R. 48 (1947); 1445

(I) Encouraging and promoting the organization and 1446

development of county and local historical societies; 1447

(J) Providing to Ohio schools such materials as the 1448
~~society~~ Ohio history connection may prepare to facilitate the 1449
instruction of Ohio history at a reasonable price, which shall 1450
not exceed one hundred ten per cent more than the total cost of 1451
preparation and delivery; 1452

(K) Providing advisory and technical assistance to local 1453
societies for the preservation and restoration of historic and 1454
archaeological sites; 1455

(L) Devising uniform criteria for the designation of 1456
historic and archaeological sites throughout the state and 1457
advising local historical societies of the criteria and their 1458
application; 1459

(M) Taking inventory, in cooperation with the Ohio arts 1460
council, the Ohio archaeological council, and the archaeological 1461
society of Ohio, of significant designated and undesignated 1462
state and local sites and keeping an active registry of all 1463
designated sites within the state; 1464

(N) Contracting with the owners or persons having an 1465
interest in designated historic or archaeological sites or 1466
property adjacent or contiguous to those sites, or acquiring, by 1467
purchase, gift, or devise, easements in those sites or in 1468
property adjacent or contiguous to those sites, in order to 1469
control or restrict the use of those historic or archaeological 1470
sites or adjacent or contiguous property for the purpose of 1471
restoring or preserving the historical or archaeological 1472
significance or educational value of those sites; 1473

(O) Constructing a monument honoring Governor James A. 1474
Rhodes, which shall stand on the northeast quadrant of the 1475

grounds surrounding the capitol building. The monument shall be 1476
constructed with private funds donated to the Ohio ~~historical-~~ 1477
~~society-history connection~~ and designated for this purpose. No 1478
public funds shall be expended to construct this monument. The 1479
department of administrative services shall cooperate with the 1480
Ohio ~~historical society-history connection~~ in carrying out this 1481
function and shall maintain the monument in a manner compatible 1482
with the grounds of the capitol building. 1483

(P) Commissioning a portrait of each departing governor, 1484
which shall be displayed in the capitol building. The Ohio 1485
~~historical society-history connection~~ may accept private 1486
contributions designated for this purpose and, at the discretion 1487
of its board of trustees, also may apply for the same purpose 1488
funds appropriated by the general assembly to the ~~society-Ohio~~ 1489
history connection pursuant to this section. 1490

(Q) Submitting an annual report of its activities, 1491
programs, and operations to the governor within two months after 1492
the close of each fiscal year of the state. 1493

The ~~society-Ohio history connection~~ shall not sell, 1494
mortgage, transfer, or dispose of historical or archaeological 1495
sites to which it has title and in which the state has monetary 1496
interest except by action of the general assembly. 1497

In consideration of the public functions performed by the 1498
Ohio ~~historical society-history connection~~ for the state, 1499
employees of the ~~society-Ohio history connection~~ shall be 1500
considered public employees within the meaning of section 145.01 1501
of the Revised Code. 1502

Sec. 149.301. (A) There is hereby created the Ohio 1503
historic site preservation advisory board, to consist of 1504

seventeen members appointed by the governor with the advice and 1505
consent of the senate. Terms of office shall be for three years, 1506
commencing on the fifteenth day of January and ending on the 1507
fourteenth day of January. Each member shall hold office from 1508
the date of the member's appointment until the end of the term 1509
for which the member was appointed. Vacancies shall be filled by 1510
appointments by the governor with the advice and consent of the 1511
senate. Any member appointed to fill a vacancy occurring prior 1512
to the expiration of the term for which the member's predecessor 1513
was appointed shall hold office for the remainder of such term. 1514
Any member shall continue in office subsequent to the expiration 1515
date of the member's term until the member's successor takes 1516
office, or until a period of sixty days has elapsed, whichever 1517
occurs first. 1518

(B) The members of the advisory board shall include, but 1519
shall not be limited to, at least one individual chosen from 1520
each of the following groups: 1521

- (1) Historians; 1522
- (2) Archaeologists; 1523
- (3) Architectural historians; 1524
- (4) Architects; 1525
- (5) Historical architects; 1526
- (6) American Indians. 1527

(C) The advisory board may include, but shall not be 1528
limited to, individuals chosen from the following organizations 1529
and fields: 1530

- (1) Professional planners; 1531

- (2) Recreation and resources council; 1532
- (3) Ohio travel council; 1533
- (4) Department of administrative services; 1534
- (5) Ohio arts council; 1535
- (6) Ohio archaeological council; 1536
- (7) Patriotic and veterans' organizations; 1537
- (8) Local historical societies; 1538
- (9) Department of natural resources; 1539
- (10) Professional engineers; 1540
- (11) Attorneys at law. 1541

The advisory board shall assist the Ohio ~~historical~~ 1542
~~society in the society's~~ history connection with its site 1543
preservation program, suggest legislation necessary to the 1544
~~society's~~ Ohio history connection's preservation program 1545
including the location, designation, restoration, preservation, 1546
and maintenance of state historic and archaeological sites and 1547
artifacts, and shall encourage the designation of suitable sites 1548
on the national register of historic places and under related 1549
federal programs. The advisory board shall provide general 1550
advice, guidance, and professional recommendations to the state 1551
historic preservation officer in conducting the comprehensive 1552
statewide survey, preparing the state historic preservation 1553
plan, and carrying out the other duties and responsibilities of 1554
the state historic preservation office. Members of the advisory 1555
board shall serve without compensation. 1556

A majority of the members of the advisory board shall be 1557
recognized professionals in the disciplines of history, 1558

archaeology, architectural history, architecture, and historical 1559
architecture. 1560

Sec. 149.302. (A) The Ohio ~~historical society~~history 1561
connection, in addition to its other functions, shall establish 1562
a museum in the vicinity of Wilberforce to be known as the 1563
national museum of Afro-American history and culture. For this 1564
purpose the ~~society~~Ohio history connection may accept donations 1565
of money, property, and personal services, apply for and receive 1566
federal assistance, acquire real property or any estate, right, 1567
or interest therein, construct buildings, access roads, parking 1568
areas, and other appropriate facilities for museum visitors, and 1569
exercise any powers incidental to such purpose. The ~~society~~Ohio 1570
history connection shall establish the museum in consultation 1571
with the national museum of Afro-American history and culture 1572
planning committee established in section 149.303 of the Revised 1573
Code. The ~~society~~Ohio history connection shall consult with the 1574
committee before selecting a museum site and before acquiring or 1575
accepting any real property for such purpose. It shall consult 1576
with the committee on the design, plans, and specifications for 1577
the construction or modification of any buildings and other 1578
museum visitation facilities. The ~~society~~Ohio history 1579
connection, in cooperation and consultation with the committee, 1580
shall establish an acquisition policy for the museum. 1581

Donations of money received under this section shall be 1582
placed in a separate fund within the accounts of the Ohio 1583
~~historical society~~history connection to be used solely for the 1584
necessary expenses of the ~~society~~Ohio history connection 1585
incurred in the performance of its duties under this section. 1586

(B) After the Ohio ~~historical society~~history connection 1587
establishes the national museum of Afro-American history and 1588

culture, the ~~society~~ Ohio history connection shall convey title 1589
to the museum and its contents to a private, nonprofit 1590
organization which shall operate and maintain the museum. The 1591
~~society~~ Ohio history connection shall determine the conditions 1592
of the conveyance, and the conveyance and the conditions of the 1593
conveyance are subject to approval by the national museum of 1594
Afro-American history and culture planning committee. The 1595
~~society~~ Ohio history connection shall operate and maintain the 1596
museum until the museum and its contents are conveyed as 1597
provided in this section. Any historical items or artifacts 1598
donated to the ~~society~~ Ohio history connection, or to the 1599
private, nonprofit organization to which the ~~society~~ Ohio 1600
history connection has conveyed the museum and its contents, for 1601
placement in the museum, shall remain at the museum as part of 1602
its permanent collection. The organization to which the ~~society~~ 1603
Ohio history connection has conveyed the museum and its contents 1604
shall consult with the committee concerning the operation and 1605
maintenance of the museum. 1606

(C) Any instrument by which real property is acquired 1607
pursuant to this section shall identify the agency of the state 1608
that has the use and benefit of the real property as specified 1609
in section 5301.012 of the Revised Code. 1610

Sec. 149.303. (A) (1) There is hereby created the national 1611
museum of Afro-American history and culture planning committee 1612
to advise the Ohio ~~historical society~~ history connection in the 1613
performance of its duties pursuant to section 149.302 of the 1614
Revised Code. The committee shall consist of sixteen voting 1615
members appointed by the governor with the advice and consent of 1616
the senate, and the nonvoting members appointed under division 1617
(A) (2) of this section. Each of the following organizations 1618
shall submit to the governor a list of three nominees, and the 1619

governor shall appoint one member from each such list:	1620
(a) Association for the study of Afro-American life and history;	1621 1622
(b) Central state university;	1623
(c) Congressional black caucus;	1624
(d) Greene county historical society;	1625
(e) National association for the advancement of colored people;	1626 1627
(f) National council of Negro women;	1628
(g) National newspaper publishers association;	1629
(h) National urban league;	1630
(i) Ohio historical society <u>history connection</u> ;	1631
(j) Organization of American historians;	1632
(k) Society of American archivists;	1633
(l) Wilberforce university.	1634
The governor shall appoint the remaining four voting members from the public at large.	1635 1636
As the term of a member appointed from a list of nominees submitted by an organization under divisions (A) (1) (a) to (l) of this section expires, the governor shall make an appointment from a list of nominations submitted by the same organization that submitted the nominations from which the outgoing member was appointed.	1637 1638 1639 1640 1641 1642
(2) One member of the house of representatives designated by the speaker of the house of representatives and one member of	1643 1644

the senate designated by the president of the senate shall serve 1645
as nonvoting members of the committee. 1646

(3) As the term of a member expires, the member's 1647
successor shall be appointed by the governor, with the advice 1648
and consent of the senate. Such terms shall be for four years, 1649
commencing on the first day of February and ending on the 1650
thirty-first day of January. Each member shall hold office from 1651
the date of appointment until the end of the term for which the 1652
member was appointed. In the event of the death, removal, 1653
resignation, or incapacity of a member, the governor, with the 1654
advice and consent of the senate, shall appoint a successor in 1655
the same manner specified in this section for the appointment of 1656
members to full terms. Any member appointed to fill a vacancy 1657
occurring prior to the end of the term for which the member's 1658
predecessor was appointed shall hold office for the remainder of 1659
such term. Any member shall continue in office subsequent to the 1660
expiration date of the member's term until a successor takes 1661
office, or until a period of sixty days has elapsed, whichever 1662
occurs first. The governor may remove any appointed member for 1663
misfeasance, nonfeasance, or malfeasance in office. 1664

(B) (1) From its membership, the committee shall select a 1665
chairperson and vice-chairperson. All members of the committee 1666
shall serve without compensation, but may be reimbursed for 1667
their actual and necessary expenses incurred in the performance 1668
of their official duties. The expenses of the committee shall be 1669
paid out of the appropriated subsidy to the Ohio ~~historical-~~ 1670
~~society~~history connection. 1671

(2) The committee shall hold at least one regular meeting 1672
in each quarter of each calendar year, and shall keep a record 1673
of its proceedings, which shall be open to the public for 1674

inspection. Special meetings may be called by the chairperson, 1675
and shall be called upon a written request therefor signed by 1676
five or more members. A written notice of the time and place of 1677
each meeting shall be sent to each member. A majority of the 1678
members of the committee shall constitute a quorum. 1679

(3) The Ohio ~~historical society~~ history connection may 1680
provide any necessary staff or services required by the advisory 1681
committee in the performance of its duties. Compensation for 1682
such services shall be paid out of the appropriated subsidy to 1683
the ~~society~~ Ohio history connection. 1684

(C) The committee may accept donations of historical items 1685
and artifacts for placement in the national museum of Afro- 1686
American history and culture, and shall house such items and 1687
artifacts at the Ohio ~~historical society~~ history connection 1688
until the museum is established. After the establishment of the 1689
museum, the committee shall convey all such donated items and 1690
artifacts to the private, nonprofit organization to which the 1691
Ohio ~~historical society~~ history connection has conveyed the 1692
museum and its contents, as provided in section 149.302 of the 1693
Revised Code. All such historical items and artifacts so 1694
conveyed shall remain at the museum as part of its permanent 1695
collection. The committee shall advise the private, nonprofit 1696
organization to which the ~~society~~ Ohio history connection has 1697
conveyed the museum and its contents, concerning the operation 1698
and maintenance of the museum. 1699

Sec. 149.304. Any person owning or in possession of an 1700
Ohio homestead or tract of land which has been owned or in the 1701
possession of ~~his~~ the person's family for one hundred years or 1702
more may apply to the Ohio ~~historical society~~ history connection 1703
to list the homestead or tract of land in a register to be 1704

maintained by the ~~society~~Ohio history connection. The ~~society~~ 1705
Ohio history connection shall provide forms for such 1706
applications and shall submit applications received to the Ohio 1707
historic site preservation advisory board, which shall rule on 1708
the authenticity of the homestead or ownership or possession of 1709
the tract of land according to criteria it shall establish and 1710
make public. 1711

Upon authentication of the homestead or tract of land by 1712
the board, the ~~society~~Ohio history connection shall list the 1713
homestead or tract of land on its register and provide the 1714
applicant with a plaque of suitable design determined by the 1715
~~society~~Ohio history connection to be affixed to the homestead 1716
or tract of land. The plaque shall identify the homestead or 1717
tract of land as an historic homestead and specify that it is 1718
one hundred years or more old as of the date of recognition. If 1719
the date or year of construction of the homestead or purchase of 1720
tract of land is known, that date or year may appear on the 1721
plaque in lieu of the fact that the homestead or tract of land 1722
is one hundred years or more old. The plaque shall not bear the 1723
name of any member of the ~~society~~Ohio history connection, board, 1724
or any other public official, but may carry an appropriate 1725
emblem to be determined by the ~~society~~Ohio history connection. 1726

All costs of administering the historic homestead register 1727
program, including maintenance of the register, research into 1728
the authenticity of the homestead or tract of land, plaque, and 1729
plaque design, and mailing costs, shall be determined by the 1730
~~society~~Ohio history connection and shall be borne by the 1731
applicant. 1732

The applicant shall be responsible for displaying the 1733
plaque on the homestead or tract of land in a suitable manner, 1734

and shall bear all costs of such display. 1735

The ~~society~~ Ohio history connection may arrange to present 1736
plaques to applicants so desiring at the ~~society's~~ Ohio history
connection's annual meeting. 1737
1738

Sec. 149.305. (A) The Ohio ~~historical society~~ history
connection, in addition to its other public functions, shall 1739
cooperate with the Ohio African-American hall of fame governing 1740
board established in section 149.306 of the Revised Code to 1741
establish the Ohio African-American hall of fame. 1742
1743

(B) The purpose of the hall of fame shall be to provide 1744
recognition to African-Americans who have made significant 1745
contributions to the state. The governing board shall select the 1746
persons to be inducted into the hall of fame and conduct an 1747
annual induction ceremony in the city of Columbus. 1748

(C) (1) Portraits of and biographical information regarding 1749
persons inducted into the hall of fame shall initially be housed 1750
and displayed in an appropriate space located within the Ohio 1751
historical center in Columbus, Ohio. The ~~society~~ Ohio history
connection shall consult with the governing board regarding the 1752
manner and location in which the portraits and biographical 1753
information shall be housed and displayed. 1754
1755

(2) Central state university also shall serve as a 1756
repository of information regarding persons inducted into the 1757
hall of fame. The university shall consult with the governing 1758
board regarding the manner and location in which the information 1759
shall be housed and displayed. 1760

(D) The ~~society~~ Ohio history connection and the governing 1761
board shall cooperate in the selection of a permanent hall of 1762
fame site. Before any real property is acquired or accepted for 1763

that purpose, they shall consult with the governing board on the 1764
design, plans, and specifications for the construction or 1765
modification of any buildings or other visitation facilities for 1766
the hall of fame. The ~~society~~Ohio history connection, in 1767
cooperation and consultation with the governing board, shall 1768
establish an acquisition policy for the hall of fame. 1769

(E) There is hereby created the African-American hall of 1770
fame fund, which shall be in the custody of the treasurer of 1771
state but shall not be part of the state treasury. All donations 1772
of money, grants, and other assistance received for purposes of 1773
the hall of fame shall be deposited into the fund. Money in the 1774
fund shall be used for the expenses of the ~~society~~Ohio history
connection incurred in the performance of its duties under this 1775
section and for the expenses of the hall of fame, including the 1776
reimbursement of members of the governing board. The treasurer 1777
of state shall invest any portion of the fund not needed for 1778
immediate use in the same manner as, and subject to all 1779
provisions of law with respect to the investment of, state 1780
funds. The treasurer of state shall disburse money from the fund 1781
on order of the ~~society~~Ohio history connection. 1782
1783

(F) After the ~~society~~Ohio history connection and 1784
governing board select a permanent site for the hall of fame, 1785
they shall establish a private, nonprofit organization that 1786
shall acquire title to, operate, and maintain the hall of fame. 1787
The ~~society~~Ohio history connection shall operate and maintain 1788
the hall of fame until the hall of fame and its contents are 1789
conveyed to the private, nonprofit organization. 1790

The ~~society~~Ohio history connection may accept donations 1791
of historical items and artifacts for placement in the hall of 1792
fame and shall house those items and artifacts at the Ohio 1793

historical center in Columbus, Ohio. After a permanent hall of fame site is selected, the ~~society~~ Ohio history connection shall cooperate with the private, nonprofit organization to loan those items and artifacts for interpretive purposes of the hall of fame.

Any historical items or artifacts donated to the private, nonprofit organization for placement in the hall of fame shall remain the property of the hall of fame as part of its permanent collection.

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

Sec. 149.306. (A) There is hereby created the Ohio African-American hall of fame governing board to raise funds for the Ohio African-American hall of fame, to commission a business plan for implementation of the hall of fame, to advise the Ohio ~~historical society~~ history connection in the performance of its duties under section 149.305 of the Revised Code, and to select and induct persons into the hall of fame pursuant to that section. The board shall consist of thirteen voting members who have demonstrated interest in preserving African-American history. The members shall be appointed as follows:

(1) Three members appointed by the governor;

(2) Two members appointed by the speaker of the house of representatives;

(3) Two members appointed by the president of the senate;

(4) Two members appointed by the chair of the Ohio legislative black caucus;

(5) One member appointed by the national museum of Afro- 1823
American history and culture planning committee; 1824

(6) One member appointed by the board of directors of the 1825
national underground railroad freedom center; 1826

(7) One member appointed by the board of trustees of the 1827
Ohio ~~historical society~~history connection; 1828

(8) One member appointed by the board of trustees of the 1829
Ohioana library association. 1830

(B) Initial appointments to the governing board shall be 1831
made within ninety days after ~~the effective date of this section~~ 1832
December 30, 2004. Of the initial appointments, the term of one 1833
member appointed by the governor, one member appointed by the 1834
speaker of the house of representatives, one member appointed by 1835
the president of the senate, one member appointed by the chair 1836
of the Ohio legislative black caucus, the member appointed by 1837
the board of directors of the national underground railroad 1838
freedom center, and the member appointed by the board of 1839
trustees of the Ohioana library association shall be for a term 1840
ending one year after ~~the effective date of this section~~ 1841
December 30, 2004. The initial terms of all other members shall 1842
be for a term ending two years after ~~the effective date of this~~ 1843
~~section~~ December 30, 2004. Thereafter, terms for all members 1844
shall be for two years, with each term ending on the same day of 1845
the same month as did the term that it succeeds. Each member 1846
shall hold office from the date of the member's appointment 1847
until the end of the term for which the member was appointed. 1848
Members may be reappointed. Vacancies shall be filled in the 1849
manner provided for original appointments. Any member appointed 1850
to fill a vacancy occurring prior to the expiration date of the 1851
term for which the member's predecessor was appointed shall hold 1852

office as a member for the remainder of that term. A member 1853
shall continue in office subsequent to the expiration date of 1854
the member's term until the member's successor takes office or 1855
until a period of sixty days has elapsed, whichever occurs 1856
first. 1857

(C) All members of the governing board shall serve without 1858
compensation, but shall be reimbursed for their actual and 1859
necessary expenses incurred in the performance of their official 1860
duties. The expenses of the governing board shall be paid out of 1861
the African-American hall of fame fund created under section 1862
149.305 of the Revised Code. 1863

(D) The governing board shall elect a chairperson from its 1864
membership. It shall meet at least four times per year and shall 1865
keep a record of its proceedings, which shall be open to the 1866
public for inspection. A written notice of the time and place of 1867
each meeting shall be sent to each member. A majority of the 1868
members of the governing board shall constitute a quorum. 1869

(E) The Ohio ~~historical society~~ history connection may 1870
provide any necessary staff or services required by the 1871
governing board in the performance of its duties. Compensation 1872
for those services shall be paid out of the African-American 1873
hall of fame fund. 1874

(F) The governing board may accept donations of historical 1875
items and artifacts for placement in the hall of fame and shall 1876
house those items and artifacts at the Ohio historical center in 1877
Columbus, Ohio, until a permanent hall of fame site is selected 1878
under section 149.305 of the Revised Code. After a permanent 1879
hall of fame site is selected, the governing board shall convey 1880
all donated items and artifacts to the private, nonprofit 1881
organization established under that section. All historical 1882

items and artifacts so conveyed shall remain the property of the 1883
hall of fame as part of its permanent collection. The governing 1884
board shall advise the private, nonprofit organization 1885
concerning the operation and maintenance of the hall of fame. 1886

(G) The governing board is not subject to sections 101.82 1887
to 101.87 of the Revised Code. 1888

Sec. 149.307. There is hereby created in the state 1889
treasury the Ohio history license plate contribution fund. The 1890
fund shall consist of the contributions that are paid to the 1891
registrar of motor vehicles by applicants who choose to obtain 1892
"Ohio history" license plates pursuant to section 4503.95 of the 1893
Revised Code. 1894

The contributions deposited in the fund shall be used by 1895
the Ohio ~~historical society~~ history connection to provide grants 1896
to historical organizations located in this state. An 1897
organization that receives a grant under this section shall use 1898
the grant only to host exhibits and increase access to its 1899
collection by the public. 1900

The ~~society~~ Ohio history connection shall establish and 1901
administer all aspects of the grant program, including 1902
eligibility requirements for receiving a grant under the 1903
program. 1904

Not later than the last business day of January of each 1905
year, the ~~society~~ Ohio history connection shall prepare and 1906
submit to the general assembly a written report, detailing all 1907
aspects of the grant program during the immediately preceding 1908
calendar year. 1909

Sec. 149.308. There is hereby created in the state 1910
treasury the Ohio ~~historical society~~ history connection income 1911

tax contribution fund, which shall consist of money contributed 1912
to it under section 5747.113 of the Revised Code for taxable 1913
years beginning on or after January 1, 2011, and of 1914
contributions made directly to it. Any person may contribute 1915
directly to the fund in addition to or independently of the 1916
income tax refund contribution system established in section 1917
5747.113 of the Revised Code. 1918

The Ohio ~~historical society~~ history connection shall use 1919
money credited to the fund in furtherance of the public 1920
functions with which the ~~society~~ Ohio history connection is 1921
charged under section 149.30 of the Revised Code. 1922

Sec. 149.31. (A) The Ohio ~~historical society~~ history 1923
connection, in addition to its other functions, shall function 1924
as the state archives administration for the state and its 1925
political subdivisions. 1926

It shall be the function of the state archives 1927
administration to preserve government archives, documents, and 1928
records of historical value that may come into its possession 1929
from public or private sources. 1930

The archives administration shall evaluate, preserve, 1931
arrange, service repair, or make other disposition of, including 1932
transfer to public libraries, county historical societies, state 1933
universities, or other public or quasi-public institutions, 1934
agencies, or corporations, those public records of the state and 1935
its political subdivisions that may come into its possession 1936
under this section. Those public records shall be transferred by 1937
written agreement only, and only to public or quasi-public 1938
institutions, agencies, or corporations capable of meeting 1939
accepted archival standards for housing and use. 1940

The archives administration shall be headed by a trained 1941
archivist designated by the Ohio ~~historical society~~ history 1942
connection and shall make its services available to county, 1943
municipal, township, school district, library, and special 1944
taxing district records commissions upon request. The archivist 1945
shall be designated as the "state archivist." 1946

(B) The archives administration may purchase or procure 1947
for itself, or authorize the board of trustees of an archival 1948
institution to purchase or procure, from an insurance company 1949
licensed to do business in this state policies of insurance 1950
insuring the administration or the members of the board and 1951
their officers, employees, and agents against liability on 1952
account of damage or injury to persons and property resulting 1953
from any act or omission of the board members, officers, 1954
employees, and agents in their official capacity. 1955

(C) Notwithstanding any other provision of the Revised 1956
Code to the contrary, the archives administration may establish 1957
a fee schedule, which may include the cost of labor, for 1958
researching, retrieving, copying, and mailing copies of public 1959
records in the state archives. Revisions to the fee schedule 1960
shall be subject to approval by the board of trustees of the 1961
Ohio ~~historical society~~ history connection. 1962

Sec. 149.321. There is hereby created the war of 1812 1963
bicentennial commission, which for administrative purposes shall 1964
be a part of northwest state community college. The commission 1965
shall consist of the following members: 1966

(A) One member of the house of representatives, appointed 1967
by the speaker of the house of representatives; 1968

(B) One member of the senate, appointed by the president 1969

of the senate;	1970
(C) The adjutant general or the adjutant general's designee;	1971 1972
(D) The superintendent of public instruction or the superintendent's designee;	1973 1974
(E) The director of commerce or the director's designee;	1975
(F) The chief of the division of travel and tourism or the chief's designee;	1976 1977
(G) One member to represent the northwest state community college, appointed by the president of the college;	1978 1979
(H) One member to represent the national museum of Afro-American history and culture, appointed by the museum's director;	1980 1981 1982
(I) One member of the Ohio humanities council, appointed by the council's executive director;	1983 1984
(J) One member of the Ohio historical society <u>history connection</u> , appointed by the society's <u>Ohio history connection's</u> executive director;	1985 1986 1987
(K) The superintendent of Perry's victory and international peace memorial;	1988 1989
(L) One member of a Native-American community historically associated with Ohio and the war of 1812, appointed by the governor; and	1990 1991 1992
(M) Six members who are Ohio residents and who have a demonstrated interest in history and a substantial knowledge and appreciation of the war of 1812, appointed by the governor.	1993 1994 1995
The commission shall select a chair and vice-chair from	1996

among its members. 1997

The commission shall hold its first meeting not later than 1998
December 31, 2009, and shall meet at least twice each year 1999
thereafter. 2000

Commission members shall serve without compensation, but 2001
shall be reimbursed for reasonable and necessary travel expenses 2002
incurred in the performance of their duties. 2003

The commission may create, and appoint members to, an 2004
advisory board of persons with demonstrated interest in various 2005
aspects of the war of 1812. 2006

The commission is not subject to sections 101.82 to 101.87 2007
of the Revised Code. 2008

Sec. 149.38. (A) Except as otherwise provided in section 2009
307.847 of the Revised Code, there is hereby created in each 2010
county a county records commission, composed of a member of the 2011
board of county commissioners as chairperson, the prosecuting 2012
attorney, the auditor, the recorder, and the clerk of the court 2013
of common pleas. The commission shall appoint a secretary, who 2014
may or may not be a member of the commission and who shall serve 2015
at the pleasure of the commission. The commission may employ an 2016
archivist or records manager to serve under its direction. The 2017
commission shall meet at least once every six months and upon 2018
the call of the chairperson. 2019

(B) (1) The functions of the county records commission 2020
shall be to provide rules for retention and disposal of records 2021
of the county, and to review applications for one-time disposal 2022
of obsolete records and schedules of records retention and 2023
disposition submitted by county offices. The commission may 2024
dispose of records pursuant to the procedure outlined in this 2025

section. The commission, at any time, may review any schedule it 2026
has previously approved and, for good cause shown, may revise 2027
that schedule, subject to division (D) of this section. 2028

(2) (a) As used in division (B) (2) of this section, "paper 2029
case records" means written reports of child abuse or neglect, 2030
written records of investigations, or other written records 2031
required to be prepared under section 2151.421, 5101.13, 2032
5153.166, or 5153.17 of the Revised Code. 2033

(b) A county public children services agency may submit to 2034
the county records commission applications for one-time 2035
disposal, or schedules of records retention and disposition, of 2036
paper case records that have been entered into permanently 2037
maintained and retrievable fields in the state automated child 2038
welfare information system established under section 5101.13 of 2039
the Revised Code or entered into other permanently maintained 2040
and retrievable electronic files. The county records commission 2041
may dispose of the paper case records pursuant to the procedure 2042
outlined in this section. 2043

(C) (1) When the county records commission has approved any 2044
county application for one-time disposal of obsolete records or 2045
any schedule of records retention and disposition, the 2046
commission shall send that application or schedule to the Ohio 2047
~~historical society~~ history connection for its review. The Ohio 2048
~~historical society~~ history connection shall review the 2049
application or schedule within a period of not more than sixty 2050
days after its receipt of it. During the sixty-day review 2051
period, the Ohio ~~historical society~~ history connection may 2052
select for its custody from the application for one-time 2053
disposal of obsolete records any records it considers to be of 2054
continuing historical value, and shall denote upon any schedule 2055

of records retention and disposition any records for which the 2056
Ohio ~~historical society~~ history connection will require a 2057
certificate of records disposal prior to their disposal. 2058

(2) Upon completion of its review, the Ohio ~~historical-~~ 2059
~~society~~ history connection shall forward the application for 2060
one-time disposal of obsolete records or the schedule of records 2061
retention and disposition to the auditor of state for the 2062
auditor's approval or disapproval. The auditor of state shall 2063
approve or disapprove the application or schedule within a 2064
period of not more than sixty days after receipt of it. 2065

(3) Before public records are to be disposed of pursuant 2066
to an approved schedule of records retention and disposition, 2067
the county records commission shall inform the Ohio ~~historical-~~ 2068
~~society~~ history connection of the disposal through the 2069
submission of a certificate of records disposal for only the 2070
records required by the schedule to be disposed of and shall 2071
give the ~~society~~ Ohio history connection the opportunity for a 2072
period of fifteen business days to select for its custody those 2073
records, from the certificate submitted, that it considers to be 2074
of continuing historical value. Upon the expiration of the 2075
fifteen-business-day period, the county records commission also 2076
shall notify the public libraries, county historical society, 2077
state universities, and other public or quasi-public 2078
institutions, agencies, or corporations in the county that have 2079
provided the commission with their name and address for these 2080
notification purposes, that the commission has informed the Ohio 2081
~~historical society~~ history connection of the records disposal 2082
and that the notified entities, upon written agreement with the 2083
Ohio ~~historical society~~ history connection pursuant to section 2084
149.31 of the Revised Code, may select records of continuing 2085
historical value, including records that may be distributed to 2086

any of the notified entities under section 149.31 of the Revised Code. Any notified entity that notifies the county records commission of its intent to review and select records of continuing historical value from certificates of records disposal is responsible for the cost of any notice given and for the transportation of those records.

(D) The rules of the county records commission shall include a rule that requires any receipts, checks, vouchers, or other similar records pertaining to expenditures from the delinquent tax and assessment collection fund created in section 321.261 of the Revised Code, from the real estate assessment fund created in section 325.31 of the Revised Code, or from amounts allocated for the furtherance of justice to the county sheriff under section 325.071 of the Revised Code or to the prosecuting attorney under section 325.12 of the Revised Code to be retained for at least four years.

(E) No person shall knowingly violate the rule adopted under division (D) of this section. Whoever violates that rule is guilty of a misdemeanor of the first degree.

Sec. 149.381. (A) As used in this section, "records commission" means a records commission created under section 149.39 of the Revised Code, a school district records commission and an educational service center records commission created under section 149.41 of the Revised Code, a library records commission created under section 149.411 of the Revised Code, a special taxing district records commission created under section 149.412 of the Revised Code, and a township records commission created under section 149.42 of the Revised Code.

(B) When a records commission has approved an application for one-time disposal of obsolete records or any schedule of

records retention and disposition, the records commission shall 2117
send that application or schedule to the Ohio ~~historical society~~ 2118
history connection for its review. The Ohio ~~historical society~~ 2119
history connection shall review the application or schedule 2120
within a period of not more than sixty days after its receipt of 2121
it. During the sixty-day review period, the Ohio ~~historical~~ 2122
~~society~~ history connection may select for its custody from the 2123
application for one-time disposal of obsolete records any 2124
records it considers to be of continuing historical value, and 2125
shall denote upon any schedule of records retention and 2126
disposition the records for which the Ohio ~~historical society~~ 2127
history connection will require a certificate of records 2128
disposal prior to their disposal. 2129

(C) Upon completion of its review, the Ohio ~~historical~~ 2130
~~society~~ history connection shall forward the application for 2131
one-time disposal of obsolete records or the schedule of records 2132
retention and disposition to the auditor of state for the 2133
auditor of state's approval or disapproval. The auditor of state 2134
shall approve or disapprove the application or schedule within a 2135
period of not more than sixty days after receipt of it. 2136

(D) Before public records are to be disposed of pursuant 2137
to an approved schedule of records retention and disposition, 2138
the records commission shall inform the Ohio ~~historical society~~ 2139
history connection of the disposal through the submission of a 2140
certificate of records disposal for only the records required by 2141
the schedule to be disposed of, and shall give the ~~society~~ Ohio 2142
history connection the opportunity for a period of fifteen 2143
business days to select for its custody those public records, 2144
from the certificate submitted, that it considers to be of 2145
continuing historical value. 2146

(E) The Ohio ~~historical society~~ history connection may not review or select for its custody any of the following:

(1) Records the release of which is prohibited by section 149.432 of the Revised Code.

(2) Records containing personally identifiable information concerning any pupil attending a public school other than directory information, as defined in section 3319.321 of the Revised Code, without the written consent of the parent, guardian, or custodian of each such pupil who is less than eighteen years of age, or without the written consent of each pupil who is eighteen years of age or older.

(3) Records the release of which would, according to the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, disqualify a school or other educational institution from receiving federal funds.

Sec. 149.52. As used in this section, "archaeological site" means any mounds, earthworks, burial or settlement sites, or other place where evidence of prehistoric or early historic settlement or occupation lies on or below the surface of the ground.

The Ohio ~~historical society~~ history connection may accept articles dedicating as preserves real property upon which significant archaeological sites are located, if funds and services are available for their preservation and protection.

An archaeological preserve is established when articles of dedication have been filed by or at the direction of the owner of site, or a governmental agency having ownership or control thereof, in the office of the county recorder of the county in which the site is located.

Articles of dedication shall be executed by the owner of 2176
the land in the same manner and with the same effect as a deed 2177
or conveyance of an interest in real property and shall be 2178
irrevocable except as provided in this section. The county 2179
recorder may not accept articles of dedication for recording 2180
unless they have been accepted by the director of the Ohio 2181
~~historical society~~ history connection. The articles shall be 2182
recorded in the official records of the county recorder. The 2183
director may not accept articles of dedication unless they 2184
contain terms restricting the use of the property which 2185
adequately provide for its preservation and protection, for 2186
restoration where appropriate, and for archaeological research 2187
and study. Whenever possible and consistent with such purposes, 2188
the articles shall provide for public access in order that the 2189
maximum benefit be obtained. 2190

Articles of dedication may contain provisions for the 2191
management, custody, and transfer to the state or the ~~society~~ 2192
Ohio history connection of real property or any estate, or right 2193
therein, provisions defining the rights of the owner or 2194
operating agency and of the ~~society~~ Ohio history connection and 2195
its agents, and such other provisions as may be necessary or 2196
advisable to carry out the uses and purposes for which the 2197
property is dedicated. They may contain conditions under which 2198
the owner and the ~~society~~ Ohio history connection may agree to 2199
rescind the articles. 2200

The attorney general, upon request of the director, may 2201
bring an action for injunction in any court of competent 2202
jurisdiction to enforce the terms of articles of dedication. 2203

The director may make or accept amendments of any articles 2204
of dedication upon terms and conditions that are consistent with 2205

the purposes for which the preserve is dedicated. If the fee 2206
simple interest in the property is not held by the ~~society~~ Ohio 2207
history connection, no amendments shall be made without the 2208
written consent of the owner. Each amendment shall be recorded 2209
in the same manner as the articles of dedication. 2210

Archaeological preserves dedicated under this section 2211
shall not be taken for any other use or purpose except another 2212
public use or purpose after a finding by a court of common pleas 2213
of the existence of an imperative and unavoidable public 2214
necessity for such other public use or purpose. 2215

All departments, agencies, units, instrumentalities, and 2216
political subdivisions of the state, including counties, 2217
townships, municipal corporations, park districts, conservancy 2218
districts, universities, colleges, and school districts, may 2219
dedicate real property under their jurisdiction as 2220
archaeological preserves in accordance with this section. 2221

No person shall violate any terms or conditions of the 2222
articles of dedication of an archaeological preserve. No person 2223
shall sell, offer for sale, or possess any artifacts or skeletal 2224
remains removed without privilege to do so from an 2225
archaeological preserve dedicated under this section. Whoever 2226
violates this section is guilty of a misdemeanor of the second 2227
degree. Whoever violates or threatens to violate this section 2228
may be enjoined from violation. 2229

Sec. 149.53. All departments, agencies, units, 2230
instrumentalities, and political subdivisions of the state shall 2231
cooperate with the Ohio ~~historical society~~ history connection 2232
and the Ohio historic site preservation advisory board in the 2233
preservation of archaeological and historic sites and in 2234
recovery of scientific information from such sites, and for such 2235

purposes shall, whenever practical, by contract or otherwise 2236
provide for archaeological and historic survey and salvage work 2237
during the planning phases, before work on a public improvement 2238
begins or at other appropriate times; and require that 2239
contractors performing work on public improvements cooperate 2240
with archaeological and historic survey and salvage efforts and 2241
notify the ~~society~~ Ohio history connection or the board about 2242
archaeological discoveries. The director of the ~~society~~ Ohio 2243
history connection shall determine the disposition of artifacts 2244
and skeletal remains discovered on state lands. 2245

Sec. 149.54. In order to ensure that archaeological survey 2246
and salvage work on public lands, dedicated archaeological 2247
preserves, and registered state archaeological landmarks is 2248
conducted in a scientific manner, the director of the Ohio 2249
~~historical society~~ history connection shall, in consultation 2250
with the Ohio archaeological council and the archaeological 2251
society of Ohio, adopt and may amend or rescind rules, in 2252
accordance with Chapter 119. of the Revised Code, prescribing 2253
minimum education, training, and experience requirements for 2254
personnel in charge of or otherwise engaging in archaeological 2255
survey and salvage work, and prescribing scientific methods for 2256
undertaking such activities. 2257

No person shall engage in archaeological survey or salvage 2258
work on any land that is owned, controlled, or administered by 2259
the state or any political subdivision of the state, or at any 2260
archaeological preserve, dedicated under section 149.52 of the 2261
Revised Code, without first obtaining the written permission of 2262
the director. To obtain permission, the applicant shall submit 2263
written application to the director, which application shall 2264
indicate the proposed location, the qualifications of personnel 2265
who will be engaged in the archaeological survey or salvage 2266

work, the proposed methods of survey or salvage, and such other 2267
information as the director requires by rule. 2268

The director shall deny the applicant permission to engage 2269
in archaeological survey or salvage work at the proposed 2270
location if the applicant's proposed undertaking will not comply 2271
with the rules adopted under this section. The director shall by 2272
written order approve or deny permission to disturb the site. If 2273
the director decides to deny permission, the order shall state 2274
the reasons for denial, and the director shall afford the 2275
applicant an adjudication hearing under Chapter 119. of the 2276
Revised Code. The requirements of this section and of any rule 2277
adopted pursuant to this section shall not apply to any 2278
department, agency, unit, instrumentality, or political 2279
subdivision of the state. 2280

Whoever violates this section is guilty of a misdemeanor 2281
of the second degree. Whoever violates or threatens to violate 2282
this section may be enjoined from violation. 2283

Sec. 149.56. (A) As used in this section, "abandoned 2284
property" has the same meaning as in section 1506.30 of the 2285
Revised Code. 2286

(B) The Ohio ~~historical society~~ history connection shall 2287
establish a program to locate, identify, and evaluate abandoned 2288
property and other resources in Lake Erie. The ~~society~~ Ohio 2289
history connection, in accordance with the authority granted 2290
under section 149.30 of the Revised Code, may list any abandoned 2291
property it finds to have historical significance on its Ohio 2292
archaeological inventory or Ohio historical inventory as the 2293
director of the ~~society~~ Ohio history connection considers 2294
appropriate. In determining whether an item has historical 2295
significance, the director shall follow the criteria of the 2296

national register of historic places established in 36 C.F.R. 2297
60. The director shall notify the director of natural resources 2298
of any abandoned property found to have historical significance. 2299
The ~~society~~ Ohio history connection may use the services of 2300
volunteers to locate, identify, and evaluate abandoned property 2301
in Lake Erie. The director shall approve any volunteer programs 2302
and may recruit, train, and supervise the services of 2303
volunteers. 2304

(C) The moneys credited to the Ohio ~~historical society~~ 2305
history connection under division (C) of section 1506.35 of the 2306
Revised Code and any appropriations, contributions, gifts, and 2307
federal grants made to the Ohio ~~historical society~~ history 2308
connection for the purposes of this section and the applicable 2309
provisions of sections 1506.30 to 1506.36 of the Revised Code 2310
shall be placed in a separate fund within the accounts of the 2311
Ohio ~~historical society~~ history connection, together with moneys 2312
credited to that fund under divisions (D) (2) and (3) of section 2313
1506.33 of the Revised Code, to be used solely to implement and 2314
administer this section and the duties assigned the ~~society~~ Ohio 2315
history connection under sections 1506.30 to 1506.36 of the 2316
Revised Code. 2317

Sec. 317.08. (A) The county recorder shall record all 2318
instruments in one general record series to be known as the 2319
"official records." The county recorder shall record in the 2320
official records all of the following instruments that are 2321
presented for recording, upon payment of the fees prescribed by 2322
law: 2323

(1) Deeds and other instruments of writing for the 2324
absolute and unconditional sale or conveyance of lands, 2325
tenements, and hereditaments; 2326

(2) Notices as provided in sections 5301.47 to 5301.56 of the Revised Code;	2327 2328
(3) Judgments or decrees in actions brought under section 5303.01 of the Revised Code;	2329 2330
(4) Declarations and bylaws, and all amendments to declarations and bylaws, as provided in Chapter 5311. of the Revised Code;	2331 2332 2333
(5) Affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code;	2334 2335
(6) Certificates as provided in section 5311.17 of the Revised Code;	2336 2337
(7) Articles dedicating archaeological preserves accepted by the director of the Ohio historical society <u>history connection</u> under section 149.52 of the Revised Code;	2338 2339 2340
(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;	2341 2342 2343
(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	2344 2345
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	2346 2347 2348 2349
(11) Instruments or orders described in division (B) (2) (b) of section 5301.56 of the Revised Code;	2350 2351
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	2352 2353

(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	2354 2355 2356
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C) (3) (a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	2357 2358 2359 2360 2361 2362 2363
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	2364 2365
(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	2366 2367
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	2368 2369 2370
(18) Agreements entered into under section 1506.44 of the Revised Code;	2371 2372
(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;	2373 2374 2375 2376 2377
(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to them within one year of the date of the contracts;	2378 2379 2380 2381

(21) Options to purchase real estate, including	2382
supplements, modifications, and amendments of the options, but	2383
no option of that nature shall be recorded if it does not state	2384
a specific day and year of expiration of its validity;	2385
(22) Any tax certificate sold under section 5721.33 of the	2386
Revised Code, or memorandum of it, that is presented for filing	2387
of record;	2388
(23) Powers of attorney, including all memoranda of trust,	2389
as described in division (A) of section 5301.255 of the Revised	2390
Code, that do not describe specific real property;	2391
(24) Plats and maps of town lots, of the subdivision of	2392
town lots, and of other divisions or surveys of lands, any	2393
center line survey of a highway located within the county, the	2394
plat of which shall be furnished by the director of	2395
transportation or county engineer, and all drawings and	2396
amendments to drawings, as provided in Chapter 5311. of the	2397
Revised Code;	2398
(25) Leases, memoranda of leases, and supplements,	2399
modifications, and amendments of leases and memoranda of leases;	2400
(26) Declarations executed pursuant to section 2133.02 of	2401
the Revised Code and durable powers of attorney for health care	2402
executed pursuant to section 1337.12 of the Revised Code;	2403
(27) Unemployment compensation liens, internal revenue tax	2404
liens, and other liens in favor of the United States as	2405
described in division (A) of section 317.09 of the Revised Code,	2406
personal tax liens, mechanic's liens, agricultural product	2407
liens, notices of liens, certificates of satisfaction or partial	2408
release of estate tax liens, discharges of recognizances, excise	2409
and franchise tax liens on corporations, broker's liens, and	2410

liens provided for in section 1513.33, 1513.37, 3752.13, 2411
4141.23, 5111.022, or 5311.18 of the Revised Code; and 2412

(28) Corrupt activity lien notices filed pursuant to 2413
section 2923.36 of the Revised Code and medicaid fraud lien 2414
notices filed pursuant to section 2933.75 of the Revised Code. 2415

(B) All instruments or memoranda of instruments entitled 2416
to record shall be recorded in the order in which they are 2417
presented for recording. 2418

The recording of an option to purchase real estate, 2419
including any supplement, modification, and amendment of the 2420
option, under this section shall serve as notice to any 2421
purchaser of an interest in the real estate covered by the 2422
option only during the period of the validity of the option as 2423
stated in the option. 2424

(C) In addition to the official records, a county recorder 2425
may elect to keep a separate set of records that contain the 2426
instruments listed in division (A) (24) of this section. 2427

(D) As part of the official records, the county recorder 2428
shall keep a separate set of records containing all transfers, 2429
conveyances, or assignments of any type of tangible or 2430
intangible personal property or any rights or interests in that 2431
property if and to the extent that any person wishes to record 2432
that personal property transaction and if the applicable 2433
instrument is acknowledged before a notary public. If the 2434
transferor is a natural person, the notice of personal property 2435
transfer shall be recorded in the county in this state in which 2436
the transferor maintains the transferor's principal residence. 2437
If the transferor is not a natural person, the notice of 2438
personal property transfer shall be recorded in the county in 2439

this state in which the transferor maintains its principal place 2440
of business. If the transferor does not maintain a principal 2441
residence or a principal place of business in this state and the 2442
transfer is to a trustee of a legacy trust formed pursuant to 2443
Chapter 5816. of the Revised Code, the notice of personal 2444
property transfer shall be recorded in the county in this state 2445
where that trustee maintains a principal residence or principal 2446
place of business. In all other instances, the notice of 2447
personal property transfer shall be recorded in the county in 2448
this state where the property described in the notice is 2449
located. 2450

Sec. 1347.01. As used in this chapter, except as otherwise 2451
provided: 2452

(A) "State agency" means the office of any elected state 2453
officer and any agency, board, commission, department, division, 2454
or educational institution of the state. 2455

(B) "Local agency" means any municipal corporation, school 2456
district, special purpose district, or township of the state or 2457
any elected officer or board, bureau, commission, department, 2458
division, institution, or instrumentality of a county. 2459

(C) "Special purpose district" means any geographic or 2460
political jurisdiction that is created by statute to perform a 2461
limited and specific function, and includes, but is not limited 2462
to, library districts, conservancy districts, metropolitan 2463
housing authorities, park districts, port authorities, regional 2464
airport authorities, regional transit authorities, regional 2465
water and sewer districts, sanitary districts, soil and water 2466
conservation districts, and regional planning agencies. 2467

(D) "Maintains" means state or local agency ownership of, 2468

control over, responsibility for, or accountability for systems 2469
and includes, but is not limited to, state or local agency 2470
depositing of information with a data processing center for 2471
storage, processing, or dissemination. An agency "maintains" all 2472
systems of records that are required by law to be kept by the 2473
agency. 2474

(E) "Personal information" means any information that 2475
describes anything about a person, or that indicates actions 2476
done by or to a person, or that indicates that a person 2477
possesses certain personal characteristics, and that contains, 2478
and can be retrieved from a system by, a name, identifying 2479
number, symbol, or other identifier assigned to a person. 2480

(F) "System" means any collection or group of related 2481
records that are kept in an organized manner and that are 2482
maintained by a state or local agency, and from which personal 2483
information is retrieved by the name of the person or by some 2484
identifying number, symbol, or other identifier assigned to the 2485
person. "System" includes both records that are manually stored 2486
and records that are stored using electronic data processing 2487
equipment. "System" does not include collected archival records 2488
in the custody of or administered under the authority of the 2489
Ohio ~~historical society~~history connection, published 2490
directories, reference materials or newsletters, or routine 2491
information that is maintained for the purpose of internal 2492
office administration, the use of which would not adversely 2493
affect a person. 2494

(G) "Interconnection of systems" means a linking of 2495
systems that belong to more than one agency, or to an agency and 2496
other organizations, which linking of systems results in a 2497
system that permits each agency or organization involved in the 2498

linking to have unrestricted access to the systems of the other 2499
agencies and organizations. 2500

(H) "Combination of systems" means a unification of 2501
systems that belong to more than one agency, or to an agency and 2502
another organization, into a single system in which the records 2503
that belong to each agency or organization may or may not be 2504
obtainable by the others. 2505

Sec. 1347.12. (A) As used in this section: 2506

(1) "Agency of a political subdivision" means each 2507
organized body, office, or agency established by a political 2508
subdivision for the exercise of any function of the political 2509
subdivision, except that "agency of a political subdivision" 2510
does not include an agency that is a covered entity as defined 2511
in 45 C.F.R. 160.103, as amended. 2512

(2) (a) "Breach of the security of the system" means 2513
unauthorized access to and acquisition of computerized data that 2514
compromises the security or confidentiality of personal 2515
information owned or licensed by a state agency or an agency of 2516
a political subdivision and that causes, reasonably is believed 2517
to have caused, or reasonably is believed will cause a material 2518
risk of identity theft or other fraud to the person or property 2519
of a resident of this state. 2520

(b) For purposes of division (A) (2) (a) of this section: 2521

(i) Good faith acquisition of personal information by an 2522
employee or agent of the state agency or agency of the political 2523
subdivision for the purposes of the agency is not a breach of 2524
the security of the system, provided that the personal 2525
information is not used for an unlawful purpose or subject to 2526
further unauthorized disclosure. 2527

(ii) Acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant to a subpoena, order, or duty of a regulatory state agency, is not a breach of the security of the system.

(3) "Consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

(a) Public record information;

(b) Credit account information from persons who furnish that information regularly and in the ordinary course of business.

(4) "Encryption" means the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key.

(5) "Individual" means a natural person.

(6) (a) "Personal information" means, notwithstanding section 1347.01 of the Revised Code, an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any one or more of the following data elements, when the data elements are not encrypted, redacted, or altered by any method or technology in such a manner that the data elements are unreadable:

(i) Social security number;

(ii) Driver's license number or state identification card number;	2557 2558
(iii) Account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.	2559 2560 2561 2562
(b) "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or any of the following media that are widely distributed:	2563 2564 2565 2566
(i) Any news, editorial, or advertising statement published in any bona fide newspaper, journal, or magazine, or broadcast over radio or television;	2567 2568 2569
(ii) Any gathering or furnishing of information or news by any bona fide reporter, correspondent, or news bureau to news media described in division (A) (6) (b) (i) of this section;	2570 2571 2572
(iii) Any publication designed for and distributed to members of any bona fide association or charitable or fraternal nonprofit corporation;	2573 2574 2575
(iv) Any type of media similar in nature to any item, entity, or activity identified in division (A) (6) (b) (i), (ii), or (iii) of this section.	2576 2577 2578
(7) "Political subdivision" has the same meaning as in section 2744.01 of the Revised Code.	2579 2580
(8) "Record" means any information that is stored in an electronic medium and is retrievable in perceivable form. "Record" does not include any publicly available directory containing information an individual voluntarily has consented	2581 2582 2583 2584

to have publicly disseminated or listed, such as name, address, 2585
or telephone number. 2586

(9) "Redacted" means altered or truncated so that no more 2587
than the last four digits of a social security number, driver's 2588
license number, state identification card number, account 2589
number, or credit or debit card number is accessible as part of 2590
the data. 2591

(10) "State agency" has the same meaning as in section 2592
1.60 of the Revised Code, except that "state agency" does not 2593
include an agency that is a covered entity as defined in 45 2594
C.F.R. 160.103, as amended. 2595

(11) "System" means, notwithstanding section 1347.01 of 2596
the Revised Code, any collection or group of related records 2597
that are kept in an organized manner, that are maintained by a 2598
state agency or an agency of a political subdivision, and from 2599
which personal information is retrieved by the name of the 2600
individual or by some identifying number, symbol, or other 2601
identifier assigned to the individual. "System" does not include 2602
any collected archival records in the custody of or administered 2603
under the authority of the Ohio ~~historical society~~history 2604
connection, any published directory, any reference material or 2605
newsletter, or any routine information that is maintained for 2606
the purpose of internal office administration of the agency, if 2607
the use of the directory, material, newsletter, or information 2608
would not adversely affect an individual and if there has been 2609
no unauthorized external breach of the directory, material, 2610
newsletter, or information. 2611

(B) (1) Any state agency or agency of a political 2612
subdivision that owns or licenses computerized data that 2613
includes personal information shall disclose any breach of the 2614

security of the system, following its discovery or notification 2615
of the breach of the security of the system, to any resident of 2616
this state whose personal information was, or reasonably is 2617
believed to have been, accessed and acquired by an unauthorized 2618
person if the access and acquisition by the unauthorized person 2619
causes or reasonably is believed will cause a material risk of 2620
identity theft or other fraud to the resident. The disclosure 2621
described in this division may be made pursuant to any provision 2622
of a contract entered into by the state agency or agency of a 2623
political subdivision with any person or another state agency or 2624
agency of a political subdivision prior to the date the breach 2625
of the security of the system occurred if that contract does not 2626
conflict with any provision of this section. For purposes of 2627
this section, a resident of this state is an individual whose 2628
principal mailing address as reflected in the records of the 2629
state agency or agency of a political subdivision is in this 2630
state. 2631

(2) The state agency or agency of a political subdivision 2632
shall make the disclosure described in division (B) (1) of this 2633
section in the most expedient time possible but not later than 2634
forty-five days following its discovery or notification of the 2635
breach in the security of the system, subject to the legitimate 2636
needs of law enforcement activities described in division (D) of 2637
this section and consistent with any measures necessary to 2638
determine the scope of the breach, including which residents' 2639
personal information was accessed and acquired, and to restore 2640
the reasonable integrity of the data system. 2641

(C) Any state agency or agency of a political subdivision 2642
that, on behalf of or at the direction of another state agency 2643
or agency of a political subdivision, is the custodian of or 2644
stores computerized data that includes personal information 2645

shall notify that other state agency or agency of a political 2646
subdivision of any breach of the security of the system in an 2647
expeditious manner, if the personal information was, or 2648
reasonably is believed to have been, accessed and acquired by an 2649
unauthorized person and if the access and acquisition by the 2650
unauthorized person causes or reasonably is believed will cause 2651
a material risk of identity theft or other fraud to a resident 2652
of this state. 2653

(D) The state agency or agency of a political subdivision 2654
may delay the disclosure or notification required by division 2655
(B), (C), or (F) of this section if a law enforcement agency 2656
determines that the disclosure or notification will impede a 2657
criminal investigation or jeopardize homeland or national 2658
security, in which case, the state agency or agency of a 2659
political subdivision shall make the disclosure or notification 2660
after the law enforcement agency determines that disclosure or 2661
notification will not compromise the investigation or jeopardize 2662
homeland or national security. 2663

(E) For purposes of this section, a state agency or agency 2664
of a political subdivision may disclose or make a notification 2665
by any of the following methods: 2666

(1) Written notice; 2667

(2) Electronic notice, if the state agency's or agency of 2668
a political subdivision's primary method of communication with 2669
the resident to whom the disclosure must be made is by 2670
electronic means; 2671

(3) Telephone notice; 2672

(4) Substitute notice in accordance with this division, if 2673
the state agency or agency of a political subdivision required 2674

to disclose demonstrates that the agency does not have 2675
sufficient contact information to provide notice in a manner 2676
described in division (E) (1), (2), or (3) of this section, or 2677
that the cost of providing disclosure or notice to residents to 2678
whom disclosure or notification is required would exceed two 2679
hundred fifty thousand dollars, or that the affected class of 2680
subject residents to whom disclosure or notification is required 2681
exceeds five hundred thousand persons. Substitute notice under 2682
this division shall consist of all of the following: 2683

(a) Electronic mail notice if the state agency or agency 2684
of a political subdivision has an electronic mail address for 2685
the resident to whom the disclosure must be made; 2686

(b) Conspicuous posting of the disclosure or notice on the 2687
state agency's or agency of a political subdivision's web site, 2688
if the agency maintains one; 2689

(c) Notification to major media outlets, to the extent 2690
that the cumulative total of the readership, viewing audience, 2691
or listening audience of all of the outlets so notified equals 2692
or exceeds seventy-five per cent of the population of this 2693
state. 2694

(5) Substitute notice in accordance with this division, if 2695
the state agency or agency of a political subdivision required 2696
to disclose demonstrates that the agency has ten employees or 2697
fewer and that the cost of providing the disclosures or notices 2698
to residents to whom disclosure or notification is required will 2699
exceed ten thousand dollars. Substitute notice under this 2700
division shall consist of all of the following: 2701

(a) Notification by a paid advertisement in a local 2702
newspaper that is distributed in the geographic area in which 2703

the state agency or agency of a political subdivision is 2704
located, which advertisement shall be of sufficient size that it 2705
covers at least one-quarter of a page in the newspaper and shall 2706
be published in the newspaper at least once a week for three 2707
consecutive weeks; 2708

(b) Conspicuous posting of the disclosure or notice on the 2709
state agency's or agency of a political subdivision's web site, 2710
if the agency maintains one; 2711

(c) Notification to major media outlets in the geographic 2712
area in which the state agency or agency of a political 2713
subdivision is located. 2714

(F) If a state agency or agency of a political subdivision 2715
discovers circumstances that require disclosure under this 2716
section to more than one thousand residents of this state 2717
involved in a single occurrence of a breach of the security of 2718
the system, the state agency or agency of a political 2719
subdivision shall notify, without unreasonable delay, all 2720
consumer reporting agencies that compile and maintain files on 2721
consumers on a nationwide basis of the timing, distribution, and 2722
content of the disclosure given by the state agency or agency of 2723
a political subdivision to the residents of this state. In no 2724
case shall a state agency or agency of a political subdivision 2725
that is required to make a notification required by this 2726
division delay any disclosure or notification required by 2727
division (B) or (C) of this section in order to make the 2728
notification required by this division. 2729

(G) The attorney general, pursuant to sections 1349.191 2730
and 1349.192 of the Revised Code, may conduct an investigation 2731
and bring a civil action upon an alleged failure by a state 2732
agency or agency of a political subdivision to comply with the 2733

requirements of this section. 2734

Sec. 1506.31. (A) In order to provide special protection 2735
for abandoned property and features and formations in Lake Erie 2736
having historical, archaeological, recreational, ecological, 2737
geological, environmental, educational, scenic, or scientific 2738
value, the director of natural resources, with the approval of 2739
the director of the Ohio ~~historical society~~history connection, 2740
may adopt rules in accordance with Chapter 119. of the Revised 2741
Code establishing Lake Erie submerged lands preserves. A 2742
preserve may be established for any area of submerged lands that 2743
contains a single watercraft or aircraft of historical value, 2744
two or more watercraft or aircraft constituting abandoned 2745
property, or other features of archaeological, historical, 2746
recreational, ecological, environmental, educational, scenic, 2747
scientific, or geological value other than sand, gravel, stone, 2748
and other minerals and substances authorized to be taken and 2749
removed in accordance with section 1505.07 of the Revised Code. 2750

Any rule adopted under this division shall describe the 2751
area included in the preserve so designated and the abandoned 2752
property or features of archaeological, historical, 2753
recreational, ecological, geological, environmental, 2754
educational, scenic, or scientific value found in the preserve. 2755
Each preserve shall encompass the designated area and within 2756
that area shall extend upward to and include the surface of the 2757
water. Any number of preserves may be designated; however, an 2758
individual preserve shall not exceed three hundred square miles 2759
in area and the total area of all submerged lands designated as 2760
preserves shall not exceed ten per cent of the total submerged 2761
lands of Lake Erie. 2762

(B) When establishing a preserve under division (A) of 2763

this section, the directors of natural resources and the Ohio 2764
~~historical society~~ history connection shall consider all of the 2765
following factors: 2766

(1) Whether creating the preserve is necessary to protect 2767
either abandoned property or significant underwater features 2768
possessing historical, archaeological, recreational, geological, 2769
ecological, environmental, educational, scenic, or scientific 2770
value; 2771

(2) The extent of local public and private support for 2772
creation of the preserve; 2773

(3) If the purpose of the preserve is to be recreational, 2774
the extent to which preserve support facilities such as roads, 2775
marinas, charter services, hotels, medical hyperbaric 2776
facilities, and rescue agencies have been developed in or are 2777
planned for the coastal area that is nearest the proposed 2778
preserve; 2779

(4) Whether creating the preserve will conflict with 2780
existing or potential removals of sand, gravel, stone, or other 2781
minerals or substances authorized to be taken and removed in 2782
accordance with section 1505.07 of the Revised Code. 2783

(C) The director of natural resources, with the approval 2784
of the director of the Ohio ~~historical society~~ history 2785
connection, may establish policies and may adopt rules in 2786
accordance with Chapter 119. of the Revised Code governing 2787
access to and the use of any preserve established under division 2788
(A) of this section. The director of natural resources shall 2789
limit or prohibit access to abandoned property in a preserve 2790
only if one of the following conditions is met: 2791

(1) The site of the abandoned property is biologically or 2792

ecologically sensitive or is hazardous to human safety.	2793
(2) Any abandoned property of significant historical value in the preserve is extremely fragile and in danger of collapsing.	2794 2795 2796
(3) Any abandoned property of historical value in the preserve is suffering extensive deterioration or attrition due to prior unregulated access.	2797 2798 2799
(4) The director of natural resources has agreed to limit access during the term of a permit issued under section 1506.32 of the Revised Code at the request of the holder of the permit who is recovering, altering, salvaging, or destroying abandoned property in the preserve in accordance with the permit.	2800 2801 2802 2803 2804
Sec. 1506.32. (A) Except as otherwise provided in division (B) of this section, any person who wishes to recover, alter, salvage, or destroy any abandoned property that is located on, in, or in the immediate vicinity of and associated with a submerged watercraft or aircraft in Lake Erie shall obtain a permit to do so from the director of natural resources that also has been approved by the director of the Ohio historical <u>society</u> <u>history connection</u> . A permit shall authorize the operation on, in, or in the immediate vicinity of and associated with only the submerged watercraft or aircraft named in the permit and shall expire one year after its date of issuance. To apply for a permit, a person shall file an application on a form prescribed by the director of natural resources that contains all of the following information:	2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818
(1) The name and address of the applicant;	2819
(2) The name, if known, of the watercraft or aircraft on, in, or around which the operation is proposed and a current	2820 2821

photograph or drawing of the watercraft or aircraft, if 2822
available; 2823

(3) The location of the abandoned property to be 2824
recovered, altered, salvaged, or destroyed and the depth of 2825
water in which it may be found; 2826

(4) A description of each item to be recovered, altered, 2827
salvaged, or destroyed; 2828

(5) The method to be used in the operation; 2829

(6) The proposed disposition of any abandoned property 2830
recovered, including the location at which it will be available 2831
for inspection by the director of the Ohio ~~historical society~~ 2832
history connection for the purposes of division (C) of section 2833
1506.33 of the Revised Code; 2834

(7) Any other information that the director of natural 2835
resources or the director of the Ohio ~~historical society~~ history 2836
connection considers necessary. 2837

(B) A person may recover, alter, salvage, or destroy 2838
abandoned property from Lake Erie that is located outside a Lake 2839
Erie submerged lands preserve established under rules adopted 2840
under section 1506.31 of the Revised Code without obtaining a 2841
permit under this section if the abandoned property is not 2842
attached to or located on, in, or in the immediate vicinity of 2843
and associated with a submerged watercraft or aircraft and if 2844
the abandoned property is recoverable by hand without mechanical 2845
or other assistance. 2846

(C) Immediately after receiving a permit application, the 2847
director of natural resources shall send a copy of it to the 2848
director of the Ohio ~~historical society~~ history connection who 2849
shall review it for approval pursuant to division (D) of this 2850

section. If the director of natural resources determines that an
application submitted under division (A) of this section is
incomplete, ~~he~~ the director of natural resources shall so notify
the applicant in writing and shall specify the additional
information that is needed. If the director of the Ohio
~~historical society~~ history connection needs further
information, ~~he~~ the director of the Ohio history connection shall
notify the director of natural resources, who shall notify the
applicant in accordance with this division. The applicant may
resubmit the application following receipt of the notice.

(D) The director of the Ohio ~~historical society~~ history
connection shall approve, conditionally approve, or disapprove
an application. If ~~he~~ the director determines that the abandoned
property to be recovered, altered, salvaged, or destroyed has
historical value in itself or in conjunction with other
abandoned property in its vicinity, ~~he~~ the director may
conditionally approve or disapprove the application. If ~~he~~ the
director conditionally approves an application, ~~he~~ the director
may impose conditions on the permit in accordance with division
(E) of this section. The director of the Ohio ~~historical society~~
history connection shall notify the director of natural
resources of ~~his~~ the approval, conditional approval, or
disapproval within fifty days after receiving the application.
If the director of the Ohio ~~historical society~~ history
connection does not respond within fifty days as prescribed in
this division, the application is deemed approved by ~~him~~ the
director.

(E) The director of natural resources shall approve,
conditionally approve, or disapprove an application. If ~~he~~ the
director determines that the abandoned property to be recovered,
altered, salvaged, or destroyed has substantial recreational,

ecological, environmental, educational, scenic, or scientific 2882
value in itself or in conjunction with other abandoned property 2883
or resources in its vicinity or that the operation will not 2884
comply with any policies established or rules adopted under 2885
section 1506.31 of the Revised Code governing access to and use 2886
of the Lake Erie submerged lands preserve, if any, in which the 2887
operation is proposed, ~~he~~ the director may conditionally approve 2888
or disapprove the application. 2889

(F) Not later than sixty days after a complete application 2890
is submitted under this section, the director of natural 2891
resources shall approve, conditionally approve, or disapprove 2892
the application. The director of natural resources shall not 2893
approve or conditionally approve an application until it has 2894
been approved or conditionally approved by the director of the 2895
Ohio ~~historical society~~ history connection under division (D) of 2896
this section. If either director conditionally approves an 2897
application, ~~he~~ the director of natural resources shall impose 2898
on the permit such conditions as ~~he~~ the director considers 2899
reasonable and necessary to protect the public trust and general 2900
interests, including conditions that provide any of the 2901
following: 2902

(1) Protection and preservation of the abandoned property 2903
to be recovered and of any recreational value of the area in 2904
which the operation is proposed; 2905

(2) Assurance of reasonable public access to the abandoned 2906
property after recovery; 2907

(3) Conformity with any policies established or rules 2908
adopted under section 1506.31 of the Revised Code governing 2909
access to and use of the Lake Erie submerged lands preserve, if 2910
any, in which the operation is proposed; 2911

(4) Prohibition of injury, harm, or damage to the 2912
applicable submerged lands or to abandoned property not 2913
authorized for recovery, alteration, salvage, or destruction 2914
during and after the proposed operation; 2915

(5) Prohibition against the discharge of debris from the 2916
watercraft, aircraft, or salvage equipment or limitation of the 2917
amount of debris that may be so discharged; 2918

(6) A requirement that the permit holder submit a specific 2919
plan for recovery, alteration, salvage, or destruction to the 2920
director of natural resources prior to commencing the operation. 2921
The plan may include a discussion of measures that will be taken 2922
to ensure the safety of individuals who will recover, alter, 2923
salvage, or destroy or assist in the recovery, alteration, 2924
salvage, or destruction of the abandoned property and to 2925
prevent, minimize, or mitigate potential adverse effects on any 2926
abandoned property that is to be recovered or salvaged, any 2927
abandoned property that is not to be recovered, altered, 2928
salvaged, or destroyed, and surrounding geographic features. 2929

(G) A permit holder may renew the permit by making 2930
application to the director of natural resources at least sixty 2931
days before the expiration date of the permit. The director of 2932
natural resources shall not issue a permit to another person to 2933
recover, alter, salvage, or destroy abandoned property that is 2934
the subject of a permit for which a renewal is sought unless the 2935
director of natural resources or the director of the Ohio 2936
~~historical society~~ history connection disapproves the permit 2937
renewal. The director of natural resources or the director of 2938
the Ohio ~~historical society~~ history connection may conditionally 2939
approve or disapprove a permit renewal application in accordance 2940
with division (D), (E), or (F) of this section or if the permit 2941

holder has not made reasonable progress in undertaking the 2942
operation authorized by the original permit. 2943

(H) Any person may appeal to the director of natural 2944
resources a decision under this section approving, disapproving, 2945
or approving conditionally a permit application or renewal 2946
application in accordance with Chapter 119. of the Revised Code. 2947

(I) The director of natural resources shall not issue and 2948
the director of the Ohio ~~historical society~~ history connection 2949
shall not approve a permit under this section to recover, alter, 2950
salvage, or destroy abandoned property from Lake Erie that is 2951
located within a Lake Erie submerged lands preserve established 2952
under any rules adopted under section 1506.31 of the Revised 2953
Code unless the operation is for historical or scientific 2954
purposes or will not adversely affect the historical, cultural, 2955
recreational, or ecological integrity of the preserve as a 2956
whole. 2957

(J) The director of natural resources may adopt rules in 2958
accordance with Chapter 119. of the Revised Code and establish 2959
and observe such policies regarding the public availability and 2960
use of applications submitted and permits issued under this 2961
section as will meet the legitimate requirements of the person 2962
who submits an application or to whom a permit is issued. Unless 2963
the director of natural resources determines that revealing the 2964
location of abandoned property to which a permit or permit or 2965
renewal application applies is necessary to protect the 2966
abandoned property or the public health, safety, and welfare, 2967
the director of natural resources and the director of the Ohio 2968
~~historical society~~ history connection shall keep confidential 2969
and shall not release to any person the location of such 2970
abandoned property: 2971

(1) During the time the application or renewal application is being processed;	2972 2973
(2) During the term of the permit or a permit renewal;	2974
(3) Except as provided in division (J) (4) of this section, for two years following the denial of a permit or renewal application;	2975 2976 2977
(4) During the appeal of any denial of a permit or renewal application and for two years following the entry of any final order or judgment in the most recent appeal of the denial.	2978 2979 2980
At the request of a permit holder, the director of natural resources may limit access to the site of abandoned property for which the permit was issued during the term of the permit.	2981 2982 2983
(K) Except as provided in division (B) of this section, no person shall recover, alter, salvage, or destroy abandoned property in Lake Erie having a fair market value of one hundred dollars or more unless the person has a permit issued for that purpose under this section.	2984 2985 2986 2987 2988
Sec. 1506.33. (A) Except as otherwise provided in divisions (B) and (D) of this section, the ownership of and title to all abandoned property that is submerged in Lake Erie are in the state, which holds title in trust for the benefit of the people of the state.	2989 2990 2991 2992 2993
(B) Any person who recovers or salvages abandoned property from Lake Erie without a permit as provided in division (B) of section 1506.32 of the Revised Code shall file a written report with the director of the Ohio historical society <u>history connection</u> not later than thirty days after the recovery or salvage if both of the following apply:	2994 2995 2996 2997 2998 2999

(1) The property is valued at more than ten dollars; 3000

(2) The property has been abandoned for more than thirty 3001
years. 3002

The report shall list all such abandoned property that was 3003
recovered or salvaged and shall describe its location at the 3004
time of recovery or salvage. 3005

The person shall give the director or ~~his~~ the director's 3006
authorized representative an opportunity to examine the property 3007
for ninety days after the report is filed. If the director 3008
determines that the abandoned property does not have historical 3009
value, ~~he~~ the director shall release it to the person who 3010
recovered or salvaged it. 3011

(C) Any person who recovers or salvages abandoned property 3012
from Lake Erie in accordance with a permit issued under section 3013
1506.32 of the Revised Code shall file a written report with the 3014
director not later than ten days after the recovery or salvage. 3015
The report shall list the abandoned property that was recovered 3016
or salvaged and shall describe its location at the time of 3017
recovery or salvage. 3018

The person shall give the director or ~~his~~ the director's 3019
authorized representative an opportunity to examine the property 3020
for ninety days after the report is filed. The property shall 3021
not be removed from this state during that period without 3022
written approval from the director. If the property is removed 3023
from the state without the director's written approval, the 3024
attorney general, upon the request of the director, shall bring 3025
an action for its recovery. 3026

(D) (1) If the director determines that any abandoned 3027
property listed in a report filed under division (C) of this 3028

section has historical value, ~~he~~ the director shall not release 3029
it to the permit holder. 3030

(2) If the director determines that any abandoned property 3031
so listed does not have historical value and if the abandoned 3032
property does not consist of coins, currency, or both that were 3033
intended for distribution as payroll, the director shall release 3034
the abandoned property to the permit holder. The permit holder 3035
shall remit to the treasurer of state an amount equal to ten per 3036
cent of the value of the abandoned property. The treasurer shall 3037
credit fifty per cent of the moneys so received to the fund 3038
provided for in section 149.56 of the Revised Code and fifty per 3039
cent to the Lake Erie submerged lands preserves fund created in 3040
section 1506.35 of the Revised Code. 3041

(3) If the director determines that any abandoned property 3042
so listed does not have historical value and if the abandoned 3043
property consists of coins, currency, or both that were intended 3044
for distribution as payroll, ~~he~~ the director shall release at 3045
least sixty per cent, but not more than eighty per cent, of the 3046
abandoned property to the permit holder. The director may sell 3047
or otherwise transfer ownership of and title to any abandoned 3048
property retained by ~~him~~ the director under division (D) (3) of 3049
this section. Proceeds from any such sale shall be credited to 3050
the fund provided for in section 149.56 of the Revised Code. 3051

Sec. 1506.34. (A) The director of natural resources, with 3052
the approval of the director of the Ohio ~~historical-~~ 3053
~~society~~ history connection, shall establish policies and may 3054
adopt rules necessary to implement and administer sections 3055
1506.30 to 1506.36 of the Revised Code. Not less than forty-five 3056
days prior to adopting a rule under this section or section 3057
1506.31 of the Revised Code, the director of natural resources 3058

shall send a copy of the proposed rule to the director of the 3059
Ohio ~~historical society~~history connection, who shall promptly 3060
review it. Not more than thirty days after receiving the 3061
proposed rule, the director of the Ohio ~~historical society~~ 3062
history connection shall return the rule to the director of 3063
natural resources together with the former director's written 3064
approval or disapproval of the proposed rule. If the director of 3065
the Ohio ~~historical society~~history connection disapproves the 3066
rule, the director shall explain the reasons for the disapproval 3067
and any amendments to the rule the director considers necessary 3068
to obtain the director's approval. The director of natural 3069
resources shall not adopt a rule under those sections that has 3070
not been approved by the director of the Ohio ~~historical~~ 3071
~~society~~history connection. If the director of the Ohio 3072
~~historical society~~history connection does not respond within 3073
thirty days as prescribed in this section, the rule is deemed 3074
approved by the director. 3075

(B) The director of natural resources shall inform the 3076
public of the requirements of sections 1506.30 to 1506.36 of the 3077
Revised Code and any policies established and rules adopted 3078
under them. In complying with this section, the director may 3079
establish or conduct educational programs or seminars, print and 3080
distribute informational pamphlets, and provide detailed 3081
information to organizations that conduct scuba diving training 3082
programs. 3083

(C) The director of natural resources may hire or contract 3084
with a marine archaeologist, a marine historian, a marine 3085
surveyor, or any combination of these persons for the purposes 3086
of implementing and administering sections 1506.30 to 1506.36 of 3087
the Revised Code and any rules adopted under them. 3088

Sec. 1506.35. (A) The director of natural resources may 3089
suspend or revoke, in accordance with Chapter 119. of the 3090
Revised Code, a permit issued under section 1506.32 of the 3091
Revised Code if the permit holder has done either of the 3092
following: 3093

(1) Failed to comply with sections 1506.30 to 1506.36 of 3094
the Revised Code, any rules adopted under those sections, or any 3095
provision or condition of the holder's permit; 3096

(2) Damaged abandoned property other than in accordance 3097
with the provisions or conditions of the permit. 3098

(B) Any motor vehicle, as defined in section 4501.01 of 3099
the Revised Code, watercraft, as defined in section 1547.01 of 3100
the Revised Code, mechanical or other assistance, scuba gear, 3101
sonar equipment, or other equipment used by any person in the 3102
course of committing a third or subsequent violation of division 3103
(K) of section 1506.32 of the Revised Code shall be considered 3104
contraband for the purposes of Chapter 2981. of the Revised 3105
Code, except that proceeds from the sale of such contraband 3106
shall be disposed of in the following order: 3107

(1) To the payment of the costs incurred in the forfeiture 3108
proceedings under Chapter 2981. of the Revised Code; 3109

(2) To the payment of the balance due on any security 3110
interest preserved under division (F) of section 2981.04 of the 3111
Revised Code; 3112

(3) To the payment of any costs incurred by the seizing 3113
agency under Chapter 2981. of the Revised Code in connection 3114
with the storage, maintenance, security, and forfeiture of the 3115
contraband; 3116

(4) Fifty per cent of the remaining money to the credit of 3117

the Lake Erie submerged lands preserves fund created in division 3118
(C) of this section, and fifty per cent of the remaining money 3119
to the Ohio ~~historical society~~ history connection for deposit 3120
into the fund created pursuant to division (C) of section 149.56 3121
of the Revised Code. 3122

(C) There is hereby created in the state treasury the Lake 3123
Erie submerged lands preserves fund. The fund shall be composed 3124
of moneys credited to it under division (B) (4) of this section 3125
and division (D) (2) of section 1506.33 of the Revised Code, all 3126
appropriations, contributions, and gifts made to it, and any 3127
federal grants received by the department of natural resources 3128
for the purposes of sections 1506.30 to 1506.36 of the Revised 3129
Code. The director shall use the moneys in the Lake Erie 3130
submerged lands preserves fund solely to implement and 3131
administer sections 1506.30 to 1506.36 of the Revised Code. 3132

(D) The director may request the attorney general to, and 3133
the attorney general shall, bring a civil action in any court of 3134
competent jurisdiction for any of the following purposes: 3135

(1) To enforce compliance with or restrain violation of 3136
sections 1506.30 to 1506.36 of the Revised Code, any rules 3137
adopted under those sections, or any permit issued under section 3138
1506.32 of the Revised Code; 3139

(2) To enjoin the further removal of abandoned property or 3140
archaeological material from Lake Erie; 3141

(3) To order the restoration of an area affected by a 3142
violation of sections 1506.30 to 1506.36 of the Revised Code or 3143
of a permit issued under section 1506.32 of the Revised Code to 3144
its prior condition. 3145

Any action under this division is a civil action governed 3146

by the Rules of Civil Procedure. 3147

(E) A peace officer of a county, township, or municipal 3148
corporation, and a preserve officer, wildlife officer, park 3149
officer, or watercraft officer designated under section 1517.10, 3150
1531.13, 1541.10, or 1547.521 of the Revised Code, as 3151
applicable, may enforce compliance with sections 1506.30 to 3152
1506.36 of the Revised Code, any rules adopted under those 3153
sections, and any permit issued under section 1506.32 of the 3154
Revised Code and may make arrests for violation of those laws, 3155
rules, and permits. 3156

Sec. 1506.36. Sections 1506.30 to 1506.35 of the Revised 3157
Code do not limit the right of: 3158

(A) Any person to engage in recreational diving in Lake 3159
Erie, except at a site of abandoned property to which the 3160
director of natural resources has limited access during the term 3161
of a permit pursuant to division (J) of section 1506.32 of the 3162
Revised Code; 3163

(B) Any person to own any abandoned property submerged in 3164
Lake Erie that was recovered before ~~the effective date of this~~ 3165
~~section~~ March 2, 1992, or released to the person under division 3166
(B) or (D) of section 1506.33 of the Revised Code; 3167

(C) The department of natural resources or the Ohio 3168
~~historical society~~ history connection to recover or contract for 3169
the recovery of abandoned property in Lake Erie; 3170

(D) Any person to take and remove sand, gravel, stone, or 3171
other minerals or substances from and under the bed of Lake Erie 3172
in accordance with section 1505.07 of the Revised Code. 3173

Sec. 1520.02. (A) The director of natural resources has 3174
exclusive authority to administer, manage, and establish 3175

policies governing canal lands. 3176

(B) (1) The director may sell, lease, exchange, give, or 3177
grant all or part of the state's interest in any canal lands in 3178
accordance with section 1501.01 of the Revised Code. The 3179
director may stipulate that an appraisal or survey need not be 3180
conducted for, and may establish any terms or conditions that 3181
the director determines appropriate for, any such conveyance. 3182

Prior to proposing the conveyance of any canal lands, the 3183
director shall consider the local government needs and economic 3184
development potential with respect to the canal lands and the 3185
recreational, ecological, and historical value of the canal 3186
lands. In addition, the conveyance of canal lands shall be 3187
conducted in accordance with the director's policies governing 3188
the protection and conservation of canal lands established under 3189
this section. 3190

(2) With regard to canal lands, the chief of the division 3191
of parks and recreation, with the approval of the director, may 3192
sell, lease, or transfer minerals or mineral rights when the 3193
chief, with the approval of the director, determines that the 3194
sale, lease, or transfer is in the best interest of the state. 3195
Consideration for minerals and mineral rights shall be by rental 3196
or on a royalty basis as prescribed by the chief, with the 3197
approval of the director, and payable as prescribed by contract. 3198
Moneys collected under division (B) (2) of this section shall be 3199
paid into the state treasury to the credit of the canal lands 3200
fund created in section 1520.05 of the Revised Code. 3201

(C) The director may transfer to the Ohio ~~historical-~~ 3202
~~society~~ history connection any equipment, maps, and records used 3203
on or related to canal lands that are of historical interest and 3204
that are not needed by the director to administer this chapter. 3205

(D) If the director determines that any canal lands are a necessary part of a county's drainage or ditch system and are not needed for any purpose of the department of natural resources, the director may sell, grant, or otherwise convey those canal lands to that county in accordance with division (B) of this section. The board of county commissioners shall accept the transfer of canal lands.

(E) Notwithstanding any other section of the Revised Code, the county auditor shall transfer any canal lands conveyed under this section, and the county recorder shall record the deed for those lands in accordance with section 317.12 of the Revised Code.

Sec. 1520.03. (A) The director of natural resources may appropriate real property in accordance with Chapter 163. of the Revised Code for the purpose of administering this chapter.

(B) (1) The director shall operate and maintain all canals and canal reservoirs owned by the state except those canals that are operated by the Ohio ~~historical society~~ history connection on July 1, 1989.

(2) On behalf of the director, the division of parks and recreation shall have the care and control of all canals and canal reservoirs owned by the state, the water in them, and canal lands and shall protect, operate, and maintain them and keep them in repair. The chief of the division of parks and recreation may remove obstructions from or on them and shall make any alterations or changes in or to them and construct any feeders, dikes, reservoirs, dams, locks, or other works, devices, or improvements in or on them that are necessary in the discharge of the chief's duties.

In accordance with Chapter 119. of the Revised Code, the 3235
chief may adopt, amend, and rescind rules that are necessary for 3236
the administration of this division. 3237

(C) The director may sell or lease water from any canal or 3238
canal reservoir that the director operates and maintains only to 3239
the extent that the water is in excess of the quantity that is 3240
required for navigation, recreation, and wildlife purposes. With 3241
the approval of the director, the chief may adopt, amend, and 3242
rescind rules in accordance with Chapter 119. of the Revised 3243
Code necessary to administer this division. 3244

The withdrawal of water from any canal or canal reservoir 3245
for domestic use is exempt from this division. However, the 3246
director may require water conservation measures for water that 3247
is withdrawn from any canal or canal reservoir for domestic use 3248
during drought conditions or other emergencies declared by the 3249
governor. 3250

(D) No person shall take or divert water from any canal or 3251
canal reservoir operated and maintained by the director except 3252
in accordance with division (C) of this section. 3253

(E) At the request of the director, the attorney general 3254
may commence a civil action for civil penalties and injunctions, 3255
in a court of common pleas, against any person who has violated 3256
or is violating division (D) of this section. The court of 3257
common pleas in which an action for injunctive relief is filed 3258
has jurisdiction to and shall grant preliminary and permanent 3259
injunctive relief upon a showing that the person against whom 3260
the action is brought has violated or is violating that 3261
division. 3262

Upon a finding of a violation, the court shall assess a 3263

civil penalty of not more than one thousand dollars for each day 3264
of each violation if the violator is an individual who took or 3265
diverted the water in question for residential or agricultural 3266
use. The court shall assess a civil penalty of not more than 3267
five thousand dollars for each day of each violation if the 3268
violator is any other person who took or diverted the water in 3269
question for industrial or commercial use excluding agricultural 3270
use. Moneys from civil penalties assessed under this division 3271
shall be paid into the state treasury to the credit of the canal 3272
lands fund created in section 1520.05 of the Revised Code. 3273

Any action under this division is a civil action, governed 3274
by the rules of civil procedure and other rules of practice and 3275
procedure applicable to civil actions. 3276

(F) As used in this section, "person" means any agency of 3277
this state, any political subdivision of this state or of the 3278
United States, or any legal entity defined as a person under 3279
section 1.59 of the Revised Code. 3280

Sec. 1541.01. The division of parks and recreation shall 3281
create, supervise, operate, protect, and maintain a system of 3282
state parks and promote the use thereof by the public. Within 3283
thirty days after August 11, 1949, all state properties, the 3284
major function of which is park in nature, shall be so 3285
classified and transferred to the department of natural 3286
resources, except roadside parks of the department of 3287
transportation and lands of the Ohio ~~state archaeological and~~ 3288
~~historical society~~history connection. 3289

The chief of the division of parks and recreation, with 3290
the approval of the director of natural resources, shall 3291
determine policies and programs for the division, including the 3292
power to make and enforce rules for the government of state 3293

parks in accordance with sections 119.01 to 119.13 of the Revised Code. Such chief shall select such number of technical and administrative assistants as ~~he~~ the chief deems necessary, with the approval of the director of natural resources, and fix their compensation in accordance with sections 1501.05, 124.14, 124.15, 124.152, and 124.18 of the Revised Code.

Sec. 3301.10. The superintendent of public instruction shall be a member of the board of trustees of the Ohio ~~archaeological and historical society~~ history connection, in addition to the members constituting such board.

Sec. 3311.0510. (A) If all of the client school districts of an educational service center have terminated their agreements with the service center under division (D) of section 3313.843 of the Revised Code, upon the latest effective date of the terminations, the governing board of that service center shall be abolished and such service center shall be dissolved by order of the superintendent of public instruction. The superintendent's order shall provide for the equitable division and disposition of the assets, property, debts, and obligations of the service center among the school districts that were client school districts of the service center for the service center's last fiscal year of operation. The superintendent's order shall provide that the tax duplicate of each of those school districts shall be bound for and assume the district's equitable share of the outstanding indebtedness of the service center. The superintendent's order is final and is not appealable.

Immediately upon the abolishment of the service center governing board pursuant to this section, the superintendent of public instruction shall appoint a qualified individual to

administer the dissolution of the service center and to 3324
implement the terms of the superintendent's dissolution order. 3325

Prior to distributing assets to any school district under 3326
this section, but after paying in full other debts and 3327
obligations of the service center under this section, the 3328
superintendent of public instruction may assess against the 3329
remaining assets of the service center the amount of the costs 3330
incurred by the department of education in performing the 3331
superintendent's duties under this division, including the fees, 3332
if any, owed to the individual appointed to administer the 3333
superintendent's dissolution order. Any excess cost incurred by 3334
the department under this division shall be divided equitably 3335
among the school districts that were client school districts of 3336
the service center for the service center's last fiscal year of 3337
operation. Each district's share of that excess cost shall be 3338
bound against the tax duplicate of that district. 3339

(B) A final audit of the former service center shall be 3340
performed in accordance with procedures established by the 3341
auditor of state. 3342

(C) The public records of an educational service center 3343
that is dissolved under this section shall be transferred in 3344
accordance with this division. Public records maintained by the 3345
service center in connection with services provided by the 3346
service center to local school districts of which the territory 3347
of the service center is or previously was made up shall be 3348
transferred to each of the respective local school districts. 3349
Public records maintained by the service center in connection 3350
with services provided to client school districts shall be 3351
transferred to each of the respective client school districts. 3352
All other public records maintained by the service center at the 3353

time the service center ceases operations shall be transferred 3354
to the Ohio ~~historical society~~ history connection for analysis 3355
and disposition by the ~~society~~ Ohio history connection in its 3356
capacity as archives administrator for the state and its 3357
political subdivisions pursuant to division (C) of section 3358
149.30 and section 149.31 of the Revised Code. 3359

(D) As used in this section, "client school district" 3360
means a city, exempted village, or local school district that 3361
has entered into an agreement under section 3313.843 or 3313.845 3362
of the Revised Code to receive any services from an educational 3363
service center. 3364

Sec. 4301.40. (A) No local option election held pursuant 3365
to sections 4301.32 to 4301.39 of the Revised Code shall affect 3366
or prohibit the following: 3367

(1) The transportation, possession, or consumption of 3368
intoxicating liquors within the precinct in which the election 3369
is held, or sales in the precinct under B-3, E, or G permits; 3370

(2) The sale of intoxicating liquors, at a permit premises 3371
located at any publicly owned airport, as defined in section 3372
4563.01 of the Revised Code, at which commercial airline 3373
companies operate regularly scheduled flights on which space is 3374
available to the public, provided the permit holder operates 3375
pursuant to the authority of a liquor permit issued pursuant to 3376
Chapter 4303. of the Revised Code. 3377

(B) (1) As used in this division: 3378

(a) "Ohio ~~historical society~~ history connection area" 3379
means the Ohio Historical Center and Ohio village, both located 3380
contiguous to the State fairgrounds. 3381

(b) "State fairgrounds" means the property that is held by 3382

the state for the purpose of conducting fairs, expositions, and 3383
exhibits and all other contiguous property that is owned, 3384
maintained, or managed by the Ohio expositions commission under 3385
section 991.03 of the Revised Code. 3386

(2) No local option election held under sections 4301.32 3387
to 4301.41 and 4305.14 of the Revised Code, or held under the 3388
provisions for local option elections and the election on the 3389
question of the repeal of Section 9 of Article XV, Ohio 3390
Constitution, in section 4303.29 of the Revised Code, whether 3391
held before, on, or after ~~the effective date of this amendment~~ 3392
April 9, 2001, prohibits or otherwise affects the sale of beer 3393
or intoxicating liquor in or at the Ohio ~~historical society~~ 3394
history connection area or the state fairgrounds under a permit 3395
issued under ~~chapter~~ Chapter 4303. of the Revised Code. 3396

Sec. 4303.181. (A) Permit D-5a may be issued either to the 3397
owner or operator of a hotel or motel that is required to be 3398
licensed under section 3731.03 of the Revised Code, that 3399
contains at least fifty rooms for registered transient guests or 3400
is owned by a state institution of higher education as defined 3401
in section 3345.011 of the Revised Code or a private college or 3402
university, and that qualifies under the other requirements of 3403
this section, or to the owner or operator of a restaurant 3404
specified under this section, to sell beer and any intoxicating 3405
liquor at retail, only by the individual drink in glass and from 3406
the container, for consumption on the premises where sold, and 3407
to registered guests in their rooms, which may be sold by means 3408
of a controlled access alcohol and beverage cabinet in 3409
accordance with division (B) of section 4301.21 of the Revised 3410
Code; and to sell the same products in the same manner and 3411
amounts not for consumption on the premises as may be sold by 3412
holders of D-1 and D-2 permits. The premises of the hotel or 3413

motel shall include a retail food establishment or a food 3414
service operation licensed pursuant to Chapter 3717. of the 3415
Revised Code that operates as a restaurant for purposes of this 3416
chapter and that is affiliated with the hotel or motel and 3417
within or contiguous to the hotel or motel, and that serves food 3418
within the hotel or motel, but the principal business of the 3419
owner or operator of the hotel or motel shall be the 3420
accommodation of transient guests. In addition to the privileges 3421
authorized in this division, the holder of a D-5a permit may 3422
exercise the same privileges as the holder of a D-5 permit. 3423

The owner or operator of a hotel, motel, or restaurant who 3424
qualified for and held a D-5a permit on August 4, 1976, may, if 3425
the owner or operator held another permit before holding a D-5a 3426
permit, either retain a D-5a permit or apply for the permit 3427
formerly held, and the division of liquor control shall issue 3428
the permit for which the owner or operator applies and formerly 3429
held, notwithstanding any quota. 3430

A D-5a permit shall not be transferred to another 3431
location. No quota restriction shall be placed on the number of 3432
D-5a permits that may be issued. 3433

The fee for this permit is two thousand three hundred 3434
forty-four dollars. 3435

(B) Permit D-5b may be issued to the owner, operator, 3436
tenant, lessee, or occupant of an enclosed shopping center to 3437
sell beer and intoxicating liquor at retail, only by the 3438
individual drink in glass and from the container, for 3439
consumption on the premises where sold; and to sell the same 3440
products in the same manner and amount not for consumption on 3441
the premises as may be sold by holders of D-1 and D-2 permits. 3442
In addition to the privileges authorized in this division, the 3443

holder of a D-5b permit may exercise the same privileges as a 3444
holder of a D-5 permit. 3445

A D-5b permit shall not be transferred to another 3446
location. 3447

One D-5b permit may be issued at an enclosed shopping 3448
center containing at least two hundred twenty-five thousand, but 3449
less than four hundred thousand, square feet of floor area. 3450

Two D-5b permits may be issued at an enclosed shopping 3451
center containing at least four hundred thousand square feet of 3452
floor area. No more than one D-5b permit may be issued at an 3453
enclosed shopping center for each additional two hundred 3454
thousand square feet of floor area or fraction of that floor 3455
area, up to a maximum of five D-5b permits for each enclosed 3456
shopping center. The number of D-5b permits that may be issued 3457
at an enclosed shopping center shall be determined by 3458
subtracting the number of D-3 and D-5 permits issued in the 3459
enclosed shopping center from the number of D-5b permits that 3460
otherwise may be issued at the enclosed shopping center under 3461
the formulas provided in this division. Except as provided in 3462
this section, no quota shall be placed on the number of D-5b 3463
permits that may be issued. Notwithstanding any quota provided 3464
in this section, the holder of any D-5b permit first issued in 3465
accordance with this section is entitled to its renewal in 3466
accordance with section 4303.271 of the Revised Code. 3467

The holder of a D-5b permit issued before April 4, 1984, 3468
whose tenancy is terminated for a cause other than nonpayment of 3469
rent, may return the D-5b permit to the division of liquor 3470
control, and the division shall cancel that permit. Upon 3471
cancellation of that permit and upon the permit holder's payment 3472
of taxes, contributions, premiums, assessments, and other debts 3473

owing or accrued upon the date of cancellation to this state and 3474
its political subdivisions and a filing with the division of a 3475
certification of that payment, the division shall issue to that 3476
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 3477
as that person requests. The division shall issue the D-5 3478
permit, or the D-1, D-2, and D-3 permits, even if the number of 3479
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 3480
corporation or in the unincorporated area of the township where 3481
that person's proposed premises is located equals or exceeds the 3482
maximum number of such permits that can be issued in that 3483
municipal corporation or in the unincorporated area of that 3484
township under the population quota restrictions contained in 3485
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 3486
permit so issued shall not be transferred to another location. 3487
If a D-5b permit is canceled under the provisions of this 3488
paragraph, the number of D-5b permits that may be issued at the 3489
enclosed shopping center for which the D-5b permit was issued, 3490
under the formula provided in this division, shall be reduced by 3491
one if the enclosed shopping center was entitled to more than 3492
one D-5b permit under the formula. 3493

The fee for this permit is two thousand three hundred 3494
forty-four dollars. 3495

(C) Permit D-5c may be issued to the owner or operator of 3496
a retail food establishment or a food service operation licensed 3497
pursuant to Chapter 3717. of the Revised Code that operates as a 3498
restaurant for purposes of this chapter and that qualifies under 3499
the other requirements of this section to sell beer and any 3500
intoxicating liquor at retail, only by the individual drink in 3501
glass and from the container, for consumption on the premises 3502
where sold, and to sell the same products in the same manner and 3503
amounts not for consumption on the premises as may be sold by 3504

holders of D-1 and D-2 permits. In addition to the privileges 3505
authorized in this division, the holder of a D-5c permit may 3506
exercise the same privileges as the holder of a D-5 permit. 3507

To qualify for a D-5c permit, the owner or operator of a 3508
retail food establishment or a food service operation licensed 3509
pursuant to Chapter 3717. of the Revised Code that operates as a 3510
restaurant for purposes of this chapter, shall have operated the 3511
restaurant at the proposed premises for not less than twenty- 3512
four consecutive months immediately preceding the filing of the 3513
application for the permit, have applied for a D-5 permit no 3514
later than December 31, 1988, and appear on the division's quota 3515
waiting list for not less than six months immediately preceding 3516
the filing of the application for the permit. In addition to 3517
these requirements, the proposed D-5c permit premises shall be 3518
located within a municipal corporation and further within an 3519
election precinct that, at the time of the application, has no 3520
more than twenty-five per cent of its total land area zoned for 3521
residential use. 3522

A D-5c permit shall not be transferred to another 3523
location. No quota restriction shall be placed on the number of 3524
such permits that may be issued. 3525

Any person who has held a D-5c permit for at least two 3526
years may apply for a D-5 permit, and the division of liquor 3527
control shall issue the D-5 permit notwithstanding the quota 3528
restrictions contained in section 4303.29 of the Revised Code or 3529
in any rule of the liquor control commission. 3530

The fee for this permit is one thousand five hundred 3531
sixty-three dollars. 3532

(D) Permit D-5d may be issued to the owner or operator of 3533

a retail food establishment or a food service operation licensed 3534
pursuant to Chapter 3717. of the Revised Code that operates as a 3535
restaurant for purposes of this chapter and that is located at 3536
an airport operated by a board of county commissioners pursuant 3537
to section 307.20 of the Revised Code, at an airport operated by 3538
a port authority pursuant to Chapter 4582. of the Revised Code, 3539
or at an airport operated by a regional airport authority 3540
pursuant to Chapter 308. of the Revised Code. The holder of a D- 3541
5d permit may sell beer and any intoxicating liquor at retail, 3542
only by the individual drink in glass and from the container, 3543
for consumption on the premises where sold, and may sell the 3544
same products in the same manner and amounts not for consumption 3545
on the premises where sold as may be sold by the holders of D-1 3546
and D-2 permits. In addition to the privileges authorized in 3547
this division, the holder of a D-5d permit may exercise the same 3548
privileges as the holder of a D-5 permit. 3549

A D-5d permit shall not be transferred to another 3550
location. No quota restrictions shall be placed on the number of 3551
such permits that may be issued. 3552

The fee for this permit is two thousand three hundred 3553
forty-four dollars. 3554

(E) Permit D-5e may be issued to any nonprofit 3555
organization that is exempt from federal income taxation under 3556
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 3557
501(c)(3), as amended, or that is a charitable organization 3558
under any chapter of the Revised Code, and that owns or operates 3559
a riverboat that meets all of the following: 3560

(1) Is permanently docked at one location; 3561

(2) Is designated as an historical riverboat by the Ohio 3562

~~historical society~~history connection; 3563

(3) Contains not less than fifteen hundred square feet of 3564
floor area; 3565

(4) Has a seating capacity of fifty or more persons. 3566

The holder of a D-5e permit may sell beer and intoxicating 3567
liquor at retail, only by the individual drink in glass and from 3568
the container, for consumption on the premises where sold. 3569

A D-5e permit shall not be transferred to another 3570
location. No quota restriction shall be placed on the number of 3571
such permits that may be issued. The population quota 3572
restrictions contained in section 4303.29 of the Revised Code or 3573
in any rule of the liquor control commission shall not apply to 3574
this division, and the division shall issue a D-5e permit to any 3575
applicant who meets the requirements of this division. However, 3576
the division shall not issue a D-5e permit if the permit 3577
premises or proposed permit premises are located within an area 3578
in which the sale of spirituous liquor by the glass is 3579
prohibited. 3580

The fee for this permit is one thousand two hundred 3581
nineteen dollars. 3582

(F) Permit D-5f may be issued to the owner or operator of 3583
a retail food establishment or a food service operation licensed 3584
under Chapter 3717. of the Revised Code that operates as a 3585
restaurant for purposes of this chapter and that meets all of 3586
the following: 3587

(1) It contains not less than twenty-five hundred square 3588
feet of floor area. 3589

(2) It is located on or in, or immediately adjacent to, 3590

the shoreline of, a navigable river. 3591

(3) It provides docking space for twenty-five boats. 3592

(4) It provides entertainment and recreation, provided 3593
that not less than fifty per cent of the business on the permit 3594
premises shall be preparing and serving meals for a 3595
consideration. 3596

In addition, each application for a D-5f permit shall be 3597
accompanied by a certification from the local legislative 3598
authority that the issuance of the D-5f permit is not 3599
inconsistent with that political subdivision's comprehensive 3600
development plan or other economic development goal as 3601
officially established by the local legislative authority. 3602

The holder of a D-5f permit may sell beer and intoxicating 3603
liquor at retail, only by the individual drink in glass and from 3604
the container, for consumption on the premises where sold. 3605

A D-5f permit shall not be transferred to another 3606
location. 3607

The division of liquor control shall not issue a D-5f 3608
permit if the permit premises or proposed permit premises are 3609
located within an area in which the sale of spirituous liquor by 3610
the glass is prohibited. 3611

A fee for this permit is two thousand three hundred forty- 3612
four dollars. 3613

As used in this division, "navigable river" means a river 3614
that is also a "navigable water" as defined in the "Federal 3615
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 3616

(G) Permit D-5g may be issued to a nonprofit corporation 3617
that is either the owner or the operator of a national 3618

professional sports museum. The holder of a D-5g permit may sell 3619
beer and any intoxicating liquor at retail, only by the 3620
individual drink in glass and from the container, for 3621
consumption on the premises where sold. The holder of a D-5g 3622
permit shall sell no beer or intoxicating liquor for consumption 3623
on the premises where sold after two-thirty a.m. A D-5g permit 3624
shall not be transferred to another location. No quota 3625
restrictions shall be placed on the number of D-5g permits that 3626
may be issued. The fee for this permit is one thousand eight 3627
hundred seventy-five dollars. 3628

(H) (1) Permit D-5h may be issued to any nonprofit 3629
organization that is exempt from federal income taxation under 3630
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 3631
501(c) (3), as amended, that owns or operates any of the 3632
following: 3633

(a) A fine arts museum, provided that the nonprofit 3634
organization has no less than one thousand five hundred bona 3635
fide members possessing full membership privileges; 3636

(b) A community arts center. As used in division (H) (1) (b) 3637
of this section, "community arts center" means a facility that 3638
provides arts programming to the community in more than one arts 3639
discipline, including, but not limited to, exhibits of works of 3640
art and performances by both professional and amateur artists. 3641

(c) A community theater, provided that the nonprofit 3642
organization is a member of the Ohio arts council and the 3643
American community theatre association and has been in existence 3644
for not less than ten years. As used in division (H) (1) (c) of 3645
this section, "community theater" means a facility that contains 3646
at least one hundred fifty seats and has a primary function of 3647
presenting live theatrical performances and providing 3648

recreational opportunities to the community. 3649

(2) The holder of a D-5h permit may sell beer and any 3650
intoxicating liquor at retail, only by the individual drink in 3651
glass and from the container, for consumption on the premises 3652
where sold. The holder of a D-5h permit shall sell no beer or 3653
intoxicating liquor for consumption on the premises where sold 3654
after one a.m. A D-5h permit shall not be transferred to another 3655
location. No quota restrictions shall be placed on the number of 3656
D-5h permits that may be issued. 3657

(3) The fee for a D-5h permit is one thousand eight 3658
hundred seventy-five dollars. 3659

(I) Permit D-5i may be issued to the owner or operator of 3660
a retail food establishment or a food service operation licensed 3661
under Chapter 3717. of the Revised Code that operates as a 3662
restaurant for purposes of this chapter and that meets all of 3663
the following requirements: 3664

(1) It is located in a municipal corporation or a township 3665
with a population of one hundred thousand or less. 3666

(2) It has inside seating capacity for at least one 3667
hundred forty persons. 3668

(3) It has at least four thousand square feet of floor 3669
area. 3670

(4) It offers full-course meals, appetizers, and 3671
sandwiches. 3672

(5) Its receipts from beer and liquor sales, excluding 3673
wine sales, do not exceed twenty-five per cent of its total 3674
gross receipts. 3675

(6) It has at least one of the following characteristics: 3676

(a) The value of its real and personal property exceeds 3677
seven hundred twenty-five thousand dollars. 3678

(b) It is located on property that is owned or leased by 3679
the state or a state agency, and its owner or operator has 3680
authorization from the state or the state agency that owns or 3681
leases the property to obtain a D-5i permit. 3682

The holder of a D-5i permit may sell beer and any 3683
intoxicating liquor at retail, only by the individual drink in 3684
glass and from the container, for consumption on the premises 3685
where sold, and may sell the same products in the same manner 3686
and amounts not for consumption on the premises where sold as 3687
may be sold by the holders of D-1 and D-2 permits. The holder of 3688
a D-5i permit shall sell no beer or intoxicating liquor for 3689
consumption on the premises where sold after two-thirty a.m. In 3690
addition to the privileges authorized in this division, the 3691
holder of a D-5i permit may exercise the same privileges as the 3692
holder of a D-5 permit. 3693

A D-5i permit shall not be transferred to another 3694
location. The division of liquor control shall not renew a D-5i 3695
permit unless the retail food establishment or food service 3696
operation for which it is issued continues to meet the 3697
requirements described in divisions (I) (1) to (6) of this 3698
section. No quota restrictions shall be placed on the number of 3699
D-5i permits that may be issued. The fee for the D-5i permit is 3700
two thousand three hundred forty-four dollars. 3701

(J) Permit D-5j may be issued to the owner or the operator 3702
of a retail food establishment or a food service operation 3703
licensed under Chapter 3717. of the Revised Code to sell beer 3704
and intoxicating liquor at retail, only by the individual drink 3705
in glass and from the container, for consumption on the premises 3706

where sold and to sell beer and intoxicating liquor in the same 3707
manner and amounts not for consumption on the premises where 3708
sold as may be sold by the holders of D-1 and D-2 permits. The 3709
holder of a D-5j permit may exercise the same privileges, and 3710
shall observe the same hours of operation, as the holder of a D- 3711
5 permit. 3712

The D-5j permit shall be issued only within a community 3713
entertainment district that is designated under section 4301.80 3714
of the Revised Code and that meets one of the following 3715
qualifications: 3716

(1) It is located in a municipal corporation with a 3717
population of at least one hundred thousand. 3718

(2) It is located in a municipal corporation with a 3719
population of at least twenty thousand, and either of the 3720
following applies: 3721

(a) It contains an amusement park the rides of which have 3722
been issued a permit by the department of agriculture under 3723
Chapter 1711. of the Revised Code. 3724

(b) Not less than fifty million dollars will be invested 3725
in development and construction in the community entertainment 3726
district's area located in the municipal corporation. 3727

(3) It is located in a township with a population of at 3728
least forty thousand. 3729

(4) It is located in a township with a population of at 3730
least twenty thousand, and not less than seventy million dollars 3731
will be invested in development and construction in the 3732
community entertainment district's area located in the township. 3733

(5) It is located in a municipal corporation with a 3734

population between ten thousand and twenty thousand, and both of 3735
the following apply: 3736

(a) The municipal corporation was incorporated as a 3737
village prior to calendar year 1860 and currently has a historic 3738
downtown business district. 3739

(b) The municipal corporation is located in the same 3740
county as another municipal corporation with at least one 3741
community entertainment district. 3742

(6) It is located in a municipal corporation with a 3743
population of at least ten thousand, and not less than seventy 3744
million dollars will be invested in development and construction 3745
in the community entertainment district's area located in the 3746
municipal corporation. 3747

(7) It is located in a municipal corporation with a 3748
population of at least five thousand, and not less than one 3749
hundred million dollars will be invested in development and 3750
construction in the community entertainment district's area 3751
located in the municipal corporation. 3752

The location of a D-5j permit may be transferred only 3753
within the geographic boundaries of the community entertainment 3754
district in which it was issued and shall not be transferred 3755
outside the geographic boundaries of that district. 3756

Not more than one D-5j permit shall be issued within each 3757
community entertainment district for each five acres of land 3758
located within the district. Not more than fifteen D-5j permits 3759
may be issued within a single community entertainment district. 3760
Except as otherwise provided in division (J)(4) of this section, 3761
no quota restrictions shall be placed upon the number of D-5j 3762
permits that may be issued. 3763

The fee for a D-5j permit is two thousand three hundred 3764
forty-four dollars. 3765

(K) (1) Permit D-5k may be issued to any nonprofit 3766
organization that is exempt from federal income taxation under 3767
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 3768
501(c) (3), as amended, that is the owner or operator of a 3769
botanical garden recognized by the American association of 3770
botanical gardens and arboreta, and that has not less than 3771
twenty-five hundred bona fide members. 3772

(2) The holder of a D-5k permit may sell beer and any 3773
intoxicating liquor at retail, only by the individual drink in 3774
glass and from the container, on the premises where sold. 3775

(3) The holder of a D-5k permit shall sell no beer or 3776
intoxicating liquor for consumption on the premises where sold 3777
after one a.m. 3778

(4) A D-5k permit shall not be transferred to another 3779
location. 3780

(5) No quota restrictions shall be placed on the number of 3781
D-5k permits that may be issued. 3782

(6) The fee for the D-5k permit is one thousand eight 3783
hundred seventy-five dollars. 3784

(L) (1) Permit D-5l may be issued to the owner or the 3785
operator of a retail food establishment or a food service 3786
operation licensed under Chapter 3717. of the Revised Code to 3787
sell beer and intoxicating liquor at retail, only by the 3788
individual drink in glass and from the container, for 3789
consumption on the premises where sold and to sell beer and 3790
intoxicating liquor in the same manner and amounts not for 3791
consumption on the premises where sold as may be sold by the 3792

holders of D-1 and D-2 permits. The holder of a D-51 permit may 3793
exercise the same privileges, and shall observe the same hours 3794
of operation, as the holder of a D-5 permit. 3795

(2) The D-51 permit shall be issued only to a premises to 3796
which all of the following apply: 3797

(a) The premises has gross annual receipts from the sale 3798
of food and meals that constitute not less than seventy-five per 3799
cent of its total gross annual receipts. 3800

(b) The premises is located within a revitalization 3801
district that is designated under section 4301.81 of the Revised 3802
Code. 3803

(c) The premises is located in a municipal corporation or 3804
township in which the number of D-5 permits issued equals or 3805
exceeds the number of those permits that may be issued in that 3806
municipal corporation or township under section 4303.29 of the 3807
Revised Code. 3808

(d) The premises meets any of the following 3809
qualifications: 3810

(i) It is located in a county with a population of one 3811
hundred twenty-five thousand or less according to the population 3812
estimates certified by the development services agency for 3813
calendar year 2006. 3814

(ii) It is located in the municipal corporation that has 3815
the largest population in a county when the county has a 3816
population between two hundred fifteen thousand and two hundred 3817
twenty-five thousand according to the population estimates 3818
certified by the development services agency for calendar year 3819
2006. Division (L) (2) (d) (ii) of this section applies only to a 3820
municipal corporation that is wholly located in a county. 3821

(iii) It is located in the municipal corporation that has 3822
the largest population in a county when the county has a 3823
population between one hundred forty thousand and one hundred 3824
forty-one thousand according to the population estimates 3825
certified by the development services agency for calendar year 3826
2006. Division (L) (2) (d) (iii) of this section applies only to a 3827
municipal corporation that is wholly located in a county. 3828

(3) The location of a D-51 permit may be transferred only 3829
within the geographic boundaries of the revitalization district 3830
in which it was issued and shall not be transferred outside the 3831
geographic boundaries of that district. 3832

(4) Not more than one D-51 permit shall be issued within 3833
each revitalization district for each five acres of land located 3834
within the district. Not more than fifteen D-51 permits may be 3835
issued within a single revitalization district. Except as 3836
otherwise provided in division (L) (4) of this section, no quota 3837
restrictions shall be placed upon the number of D-51 permits 3838
that may be issued. 3839

(5) No D-51 permit shall be issued to an adult 3840
entertainment establishment as defined in section 2907.39 of the 3841
Revised Code. 3842

(6) The fee for a D-51 permit is two thousand three 3843
hundred forty-four dollars. 3844

(M) Permit D-5m may be issued to either the owner or the 3845
operator of a retail food establishment or food service 3846
operation licensed under Chapter 3717. of the Revised Code that 3847
operates as a restaurant for purposes of this chapter and that 3848
is located in, or affiliated with, a center for the preservation 3849
of wild animals as defined in section 4301.404 of the Revised 3850

Code, to sell beer and any intoxicating liquor at retail, only 3851
by the glass and from the container, for consumption on the 3852
premises where sold, and to sell the same products in the same 3853
manner and amounts not for consumption on the premises as may be 3854
sold by the holders of D-1 and D-2 permits. In addition to the 3855
privileges authorized by this division, the holder of a D-5m 3856
permit may exercise the same privileges as the holder of a D-5 3857
permit. 3858

A D-5m permit shall not be transferred to another 3859
location. No quota restrictions shall be placed on the number of 3860
D-5m permits that may be issued. The fee for a permit D-5m is 3861
two thousand three hundred forty-four dollars. 3862

(N) Permit D-5n shall be issued to either a casino 3863
operator or a casino management company licensed under Chapter 3864
3772. of the Revised Code that operates a casino facility under 3865
that chapter, to sell beer and any intoxicating liquor at 3866
retail, only by the individual drink in glass and from the 3867
container, for consumption on the premises where sold, and to 3868
sell the same products in the same manner and amounts not for 3869
consumption on the premises as may be sold by the holders of D-1 3870
and D-2 permits. In addition to the privileges authorized by 3871
this division, the holder of a D-5n permit may exercise the same 3872
privileges as the holder of a D-5 permit. A D-5n permit shall 3873
not be transferred to another location. Only one D-5n permit may 3874
be issued per casino facility and not more than four D-5n 3875
permits shall be issued in this state. The fee for a permit D-5n 3876
shall be twenty thousand dollars. The holder of a D-5n permit 3877
may conduct casino gaming on the permit premises notwithstanding 3878
any provision of the Revised Code or Administrative Code. 3879

(O) Permit D-5o may be issued to the owner or operator of 3880

a retail food establishment or a food service operation licensed 3881
under Chapter 3717. of the Revised Code that operates as a 3882
restaurant for purposes of this chapter and that is located 3883
within a casino facility for which a D-5n permit has been 3884
issued. The holder of a D-5o permit may sell beer and any 3885
intoxicating liquor at retail, only by the individual drink in 3886
glass and from the container, for consumption on the premises 3887
where sold, and may sell the same products in the same manner 3888
and amounts not for consumption on the premises where sold as 3889
may be sold by the holders of D-1 and D-2 permits. In addition 3890
to the privileges authorized by this division, the holder of a 3891
D-5o permit may exercise the same privileges as the holder of a 3892
D-5 permit. A D-5o permit shall not be transferred to another 3893
location. No quota restrictions shall be placed on the number of 3894
such permits that may be issued. The fee for this permit is two 3895
thousand three hundred forty-four dollars. 3896

Sec. 4303.182. (A) Except as otherwise provided in 3897
divisions (B) to (J) of this section, permit D-6 shall be issued 3898
to the holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, 3899
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 3900
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale 3901
under that permit as follows: 3902

(1) Between the hours of ten a.m. and midnight on Sunday 3903
if sale during those hours has been approved under question (C) 3904
(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 3905
Code, under question (B) (2) of section 4301.355 of the Revised 3906
Code, or under section 4301.356 of the Revised Code and has been 3907
authorized under section 4301.361, 4301.364, 4301.365, or 3908
4301.366 of the Revised Code, under the restrictions of that 3909
authorization; 3910

(2) Between the hours of eleven a.m. and midnight on 3911
Sunday, if sale during those hours has been approved on or 3912
~~after the effective date of this amendment~~ October 16, 2009, 3913
under question (B) (1), (2), or (3) of section 4301.351 or 3914
4301.354 of the Revised Code, under question (B) (2) of section 3915
4301.355 of the Revised Code, or under section 4301.356 of the 3916
Revised Code and has been authorized under section 4301.361, 3917
4301.364, 4301.365, or 4301.366 of the Revised Code, under the 3918
restrictions of that authorization; 3919

(3) Between the hours of eleven a.m. and midnight on 3920
Sunday if sale between the hours of one p.m. and midnight was 3921
approved before ~~the effective date of this amendment~~ October 16, 3922
2009, under question (B) (1), (2), or (3) of section 4301.351 or 3923
4301.354 of the Revised Code, under question (B) (2) of section 3924
4301.355 of the Revised Code, or under section 4301.356 of the 3925
Revised Code and has been authorized under section 4301.361, 3926
4301.364, 4301.365, or 4301.366 of the Revised Code, under the 3927
other restrictions of that authorization. 3928

(B) Permit D-6 shall be issued to the holder of any 3929
permit, including a D-4a and D-5d permit, authorizing the sale 3930
of intoxicating liquor issued for a premises located at any 3931
publicly owned airport, as defined in section 4563.01 of the 3932
Revised Code, at which commercial airline companies operate 3933
regularly scheduled flights on which space is available to the 3934
public, to allow sale under such permit between the hours of ten 3935
a.m. and midnight on Sunday, whether or not that sale has been 3936
authorized under section 4301.361, 4301.364, 4301.365, or 3937
4301.366 of the Revised Code. 3938

(C) Permit D-6 shall be issued to the holder of a D-5a 3939
permit, and to the holder of a D-3 or D-3a permit who is the 3940

owner or operator of a hotel or motel that is required to be 3941
licensed under section 3731.03 of the Revised Code, that 3942
contains at least fifty rooms for registered transient guests, 3943
and that has on its premises a retail food establishment or a 3944
food service operation licensed pursuant to Chapter 3717. of the 3945
Revised Code that operates as a restaurant for purposes of this 3946
chapter and is affiliated with the hotel or motel and within or 3947
contiguous to the hotel or motel and serving food within the 3948
hotel or motel, to allow sale under such permit between the 3949
hours of ten a.m. and midnight on Sunday, whether or not that 3950
sale has been authorized under section 4301.361, 4301.364, 3951
4301.365, or 4301.366 of the Revised Code. 3952

(D) The holder of a D-6 permit that is issued to a sports 3953
facility may make sales under the permit between the hours of 3954
eleven a.m. and midnight on any Sunday on which a professional 3955
baseball, basketball, football, hockey, or soccer game is being 3956
played at the sports facility. As used in this division, "sports 3957
facility" means a stadium or arena that has a seating capacity 3958
of at least four thousand and that is owned or leased by a 3959
professional baseball, basketball, football, hockey, or soccer 3960
franchise or any combination of those franchises. 3961

(E) Permit D-6 shall be issued to the holder of any permit 3962
that authorizes the sale of beer or intoxicating liquor and that 3963
is issued to a premises located in or at the Ohio ~~historical-~~ 3964
~~society-history~~ connection area or the state fairgrounds, as 3965
defined in division (B) of section 4301.40 of the Revised Code, 3966
to allow sale under that permit between the hours of ten a.m. 3967
and midnight on Sunday, whether or not that sale has been 3968
authorized under section 4301.361, 4301.364, 4301.365, or 3969
4301.366 of the Revised Code. 3970

(F) Permit D-6 shall be issued to the holder of any permit 3971
that authorizes the sale of intoxicating liquor and that is 3972
issued to an outdoor performing arts center to allow sale under 3973
that permit between the hours of one p.m. and midnight on 3974
Sunday, whether or not that sale has been authorized under 3975
section 4301.361 of the Revised Code. A D-6 permit issued under 3976
this division is subject to the results of an election, held 3977
after the D-6 permit is issued, on question (B) (4) as set forth 3978
in section 4301.351 of the Revised Code. Following the end of 3979
the period during which an election may be held on question (B) 3980
(4) as set forth in that section, sales of intoxicating liquor 3981
may continue at an outdoor performing arts center under a D-6 3982
permit issued under this division, unless an election on that 3983
question is held during the permitted period and a majority of 3984
the voters voting in the precinct on that question vote "no." 3985

As used in this division, "outdoor performing arts center" 3986
means an outdoor performing arts center that is located on not 3987
less than eight hundred acres of land and that is open for 3988
performances from the first day of April to the last day of 3989
October of each year. 3990

(G) Permit D-6 shall be issued to the holder of any permit 3991
that authorizes the sale of beer or intoxicating liquor and that 3992
is issued to a golf course owned by the state, a conservancy 3993
district, a park district created under Chapter 1545. of the 3994
Revised Code, or another political subdivision to allow sale 3995
under that permit between the hours of ten a.m. and midnight on 3996
Sunday, whether or not that sale has been authorized under 3997
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 3998
Code. 3999

(H) Permit D-6 shall be issued to the holder of a D-5g 4000

permit to allow sale under that permit between the hours of ten 4001
a.m. and midnight on Sunday, whether or not that sale has been 4002
authorized under section 4301.361, 4301.364, 4301.365, or 4003
4301.366 of the Revised Code. 4004

(I) Permit D-6 shall be issued to the holder of any D 4005
permit for a premises that is licensed under Chapter 3717. of 4006
the Revised Code and that is located at a ski area to allow sale 4007
under the D-6 permit between the hours of ten a.m. and midnight 4008
on Sunday, whether or not that sale has been authorized under 4009
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 4010
Code. 4011

As used in this division, "ski area" means a ski area as 4012
defined in section 4169.01 of the Revised Code, provided that 4013
the passenger tramway operator at that area is registered under 4014
section 4169.03 of the Revised Code. 4015

(J) Permit D-6 shall be issued to the holder of any permit 4016
that is described in division (A) of this section for a permit 4017
premises that is located in a community entertainment district, 4018
as defined in section 4301.80 of the Revised Code, that was 4019
approved by the legislative authority of a municipal corporation 4020
under that section between October 1 and October 15, 2005, to 4021
allow sale under the permit between the hours of ten a.m. and 4022
midnight on Sunday, whether or not that sale has been authorized 4023
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 4024
Revised Code. 4025

(K) If the restriction to licensed premises where the sale 4026
of food and other goods and services exceeds fifty per cent of 4027
the total gross receipts of the permit holder at the premises is 4028
applicable, the division of liquor control may accept an 4029
affidavit from the permit holder to show the proportion of the 4030

permit holder's gross receipts derived from the sale of food and 4031
other goods and services. If the liquor control commission 4032
determines that affidavit to have been false, it shall revoke 4033
the permits of the permit holder at the premises concerned. 4034

(L) The fee for the D-6 permit is five hundred dollars 4035
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D- 4036
3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D- 4037
5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 4038
permit. The fee for the D-6 permit is four hundred dollars when 4039
it is issued to the holder of a C-2 permit. 4040

Sec. 4503.95. (A) The owner or lessee of any passenger 4041
car, noncommercial motor vehicle, recreational vehicle, or other 4042
vehicle of a class approved by the registrar of motor vehicles 4043
may apply to the registrar for the registration of the vehicle 4044
and issuance of "Ohio history" license plates. The application 4045
for "Ohio history" license plates may be combined with a request 4046
for a special reserved license plate under section 4503.40 or 4047
4503.42 of the Revised Code. Upon receipt of the completed 4048
application and compliance with division (B) of this section, 4049
the registrar shall issue to the applicant the appropriate 4050
vehicle registration and a set of "Ohio history" license plates 4051
with a validation sticker or a validation sticker alone when 4052
required by section 4503.191 of the Revised Code. In addition to 4053
the letters and numbers ordinarily inscribed thereon, "Ohio 4054
history" license plates shall be inscribed with words and 4055
markings selected and designed by the Ohio ~~historical society~~ 4056
history connection and approved by the registrar. "Ohio history" 4057
license plates shall bear county identification stickers that 4058
identify the county of registration by name or number. 4059

(B) "Ohio history" license plates and validation stickers 4060

shall be issued upon payment of the regular license tax as 4061
prescribed under section 4503.04 of the Revised Code, any 4062
applicable motor vehicle tax levied under Chapter 4504. of the 4063
Revised Code, a bureau of motor vehicles administrative fee of 4064
ten dollars, the contribution specified in division (C) of this 4065
section, and compliance with all other applicable laws relating 4066
to the registration of motor vehicles. If the application for 4067
"Ohio history" license plates is combined with a request for a 4068
special reserved license plate under section 4503.40 or 4503.42 4069
of the Revised Code, the license plates and validation sticker 4070
shall be issued upon payment of the contribution, fees, and 4071
taxes contained in this division and the additional fee 4072
prescribed under section 4503.40 or 4503.42 of the Revised Code. 4073

(C) For each application for registration and registration 4074
renewal submitted under this section, the registrar shall 4075
collect a contribution of twenty dollars. The registrar shall 4076
transmit this contribution to the treasurer of state for deposit 4077
in the Ohio history license plate contribution fund created in 4078
section 149.307 of the Revised Code. 4079

The registrar shall deposit the ten-dollar bureau 4080
administrative fee, the purpose of which is to compensate the 4081
bureau for additional services required in issuing "Ohio 4082
history" license plates, in the state bureau of motor vehicles 4083
fund created in section 4501.25 of the Revised Code. 4084

Sec. 5122.31. (A) All certificates, applications, records, 4085
and reports made for the purpose of this chapter and sections 4086
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 4087
Code, other than court journal entries or court docket entries, 4088
and directly or indirectly identifying a patient or former 4089
patient or person whose hospitalization or commitment has been 4090

sought under this chapter, shall be kept confidential and shall 4091
not be disclosed by any person except: 4092

(1) If the person identified, or the person's legal 4093
guardian, if any, or if the person is a minor, the person's 4094
parent or legal guardian, consents, and if the disclosure is in 4095
the best interests of the person, as may be determined by the 4096
court for judicial records and by the chief clinical officer for 4097
medical records; 4098

(2) When disclosure is provided for in this chapter or 4099
Chapters 340. or 5119. of the Revised Code or in accordance with 4100
other provisions of state or federal law authorizing such 4101
disclosure; 4102

(3) That hospitals, boards of alcohol, drug addiction, and 4103
mental health services, and community mental health services 4104
providers may release necessary medical information to insurers 4105
and other third-party payers, including government entities 4106
responsible for processing and authorizing payment, to obtain 4107
payment for goods and services furnished to the patient; 4108

(4) Pursuant to a court order signed by a judge; 4109

(5) That a patient shall be granted access to the 4110
patient's own psychiatric and medical records, unless access 4111
specifically is restricted in a patient's treatment plan for 4112
clear treatment reasons; 4113

(6) That hospitals and other institutions and facilities 4114
within the department of mental health and addiction services 4115
may exchange psychiatric records and other pertinent information 4116
with other hospitals, institutions, and facilities of the 4117
department, and with community mental health services providers 4118
and boards of alcohol, drug addiction, and mental health 4119

services with which the department has a current agreement for 4120
patient care or services. Records and information that may be 4121
released pursuant to this division shall be limited to 4122
medication history, physical health status and history, 4123
financial status, summary of course of treatment in the 4124
hospital, summary of treatment needs, and a discharge summary, 4125
if any. 4126

(7) That hospitals within the department and other 4127
institutions and facilities within the department may exchange 4128
psychiatric records and other pertinent information with payers 4129
and other providers of treatment and health services if the 4130
purpose of the exchange is to facilitate continuity of care for 4131
a patient or for the emergency treatment of an individual; 4132

(8) That a patient's family member who is involved in the 4133
provision, planning, and monitoring of services to the patient 4134
may receive medication information, a summary of the patient's 4135
diagnosis and prognosis, and a list of the services and 4136
personnel available to assist the patient and the patient's 4137
family, if the patient's treating physician determines that the 4138
disclosure would be in the best interests of the patient. No 4139
such disclosure shall be made unless the patient is notified 4140
first and receives the information and does not object to the 4141
disclosure. 4142

(9) That community mental health services providers may 4143
exchange psychiatric records and certain other information with 4144
the board of alcohol, drug addiction, and mental health services 4145
and other services providers in order to provide services to a 4146
person involuntarily committed to a board. Release of records 4147
under this division shall be limited to medication history, 4148
physical health status and history, financial status, summary of 4149

course of treatment, summary of treatment needs, and discharge 4150
summary, if any. 4151

(10) That information may be disclosed to the executor or 4152
the administrator of an estate of a deceased patient when the 4153
information is necessary to administer the estate; 4154

(11) That records in the possession of the Ohio ~~historical-~~ 4155
~~society-history connection~~ may be released to the closest living 4156
relative of a deceased patient upon request of that relative; 4157

(12) That records pertaining to the patient's diagnosis, 4158
course of treatment, treatment needs, and prognosis shall be 4159
disclosed and released to the appropriate prosecuting attorney 4160
if the patient was committed pursuant to section 2945.38, 4161
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 4162
to the attorney designated by the board for proceedings pursuant 4163
to involuntary commitment under this chapter. 4164

(13) That the department of mental health and addiction 4165
services may exchange psychiatric hospitalization records, other 4166
mental health treatment records, and other pertinent information 4167
with the department of rehabilitation and correction and with 4168
the department of youth services to ensure continuity of care 4169
for inmates or offenders who are receiving mental health 4170
services in an institution of the department of rehabilitation 4171
and correction or the department of youth services and may 4172
exchange psychiatric hospitalization records, other mental 4173
health treatment records, and other pertinent information with 4174
boards of alcohol, drug addiction, and mental health services 4175
and community mental health services providers to ensure 4176
continuity of care for inmates or offenders who are receiving 4177
mental health services in an institution and are scheduled for 4178
release within six months. The department shall not disclose 4179

those records unless the inmate or offender is notified, 4180
receives the information, and does not object to the disclosure. 4181
The release of records under this division is limited to records 4182
regarding an inmate's or offender's medication history, physical 4183
health status and history, summary of course of treatment, 4184
summary of treatment needs, and a discharge summary, if any. 4185

(B) Before records are disclosed pursuant to divisions (A) 4186
(3), (6), and (9) of this section, the custodian of the records 4187
shall attempt to obtain the patient's consent for the 4188
disclosure. No person shall reveal the contents of a medical 4189
record of a patient except as authorized by law. 4190

(C) The managing officer of a hospital who releases 4191
necessary medical information under division (A) (3) of this 4192
section to allow an insurance carrier or other third party payor 4193
to comply with section 5121.43 of the Revised Code shall neither 4194
be subject to criminal nor civil liability. 4195

Sec. 5122.46. The Ohio ~~historical society~~ history 4196
connection and each state agency shall, at the request of the 4197
department of mental health and addiction services, provide the 4198
department access to records and information in the possession 4199
of the ~~historical society~~ Ohio history connection or state 4200
agency for purposes of creating compilations. 4201

Sec. 5122.47. The department of mental health and 4202
addiction services shall deposit a copy of each compilation with 4203
the Ohio ~~historical society~~ history connection and the state 4204
library as soon as a compilation is completed. The department 4205
shall not disclose any record or information used to create a 4206
compilation except as provided in sections 149.43 and 5122.31 of 4207
the Revised Code. 4208

Sec. 5123.31. (A) The department of developmental 4209
disabilities shall keep a record showing the name, residence, 4210
sex, age, nativity, occupation, condition, and date of entrance 4211
or commitment of every resident in the institutions governed by 4212
it, the date, cause, and terms of discharge and the condition of 4213
such person at the time of leaving, and also a record of all 4214
transfers from one institution to another, and, if such person 4215
dies while in the care or custody of the department, the date 4216
and cause of death. These and such other facts as the department 4217
requires shall be furnished by the managing officer of each 4218
institution within ten days after the commitment, entrance, 4219
death, or discharge of a resident. 4220

Except as provided in division (C) of this section, the 4221
department shall maintain the records described in this division 4222
in its office. The department shall make the records accessible 4223
only to its employees, except by the consent of the department 4224
or the order of the judge of a court of record. 4225

(B) In case of an accident or injury or peculiar death of 4226
an institution resident the managing officer shall make a 4227
special report to the department within twenty-four hours 4228
thereafter, giving the circumstances as fully as possible. 4229

(C) After a period of time determined by the department, 4230
the records described in division (A) of this section may be 4231
deposited with the Ohio ~~historical society~~history connection. 4232
Neither the records nor the information contained in them shall 4233
be disclosed by the ~~historical society~~Ohio history connection, 4234
except as provided in section 5123.89 of the Revised Code. 4235

Sec. 5123.89. (A) As used in this section: 4236

(1) "Family" means a parent, brother, sister, spouse, son, 4237

daughter, grandparent, aunt, uncle, or cousin. 4238

(2) "Payment" means activities undertaken by a service 4239
provider or government entity to obtain or provide reimbursement 4240
for services provided to a person. 4241

(3) "Treatment" means the provision of services to a 4242
person, including the coordination or management of services 4243
provided to the person. 4244

(B) All certificates, applications, records, and reports 4245
made for the purpose of this chapter, other than court journal 4246
entries or court docket entries, which directly or indirectly 4247
identify a resident or former resident of an institution for the 4248
mentally retarded or person whose institutionalization has been 4249
sought under this chapter shall be kept confidential and shall 4250
not be disclosed by any person except in the following 4251
situations: 4252

(1) It is the judgment of the court for judicial records, 4253
and the managing officer for institution records, that 4254
disclosure is in the best interest of the person identified, and 4255
that person or that person's guardian or, if that person is a 4256
minor, that person's parent or guardian consents. 4257

(2) Disclosure is provided for in other sections of this 4258
chapter. 4259

(3) It is the judgment of the managing officer for 4260
institution records that disclosure to a mental health facility 4261
is in the best interest of the person identified. 4262

(4) Disclosure is of a record deposited with the Ohio 4263
~~historical society~~ history connection pursuant to division (C) 4264
of section 5123.31 of the Revised Code and the disclosure is 4265
made to the closest living relative of the person identified, on 4266

the relative's request. 4267

(5) Disclosure is needed for the treatment of a person who 4268
is a resident or former resident of an institution for the 4269
mentally retarded or a person whose institutionalization has 4270
been sought under this chapter or is needed for the payment of 4271
services provided to the person. 4272

(C) The department of developmental disabilities shall 4273
adopt rules with respect to the systematic and periodic 4274
destruction of residents' records. 4275

(D) Upon the death of a resident or former resident of an 4276
institution for the mentally retarded or a person whose 4277
institutionalization was sought under this chapter, the managing 4278
officer of an institution shall provide access to the 4279
certificates, applications, records, and reports made for the 4280
purposes of this chapter to the resident's, former resident's, 4281
or person's guardian if the guardian makes a written request. If 4282
a deceased resident, former resident, or person whose 4283
institutionalization was sought under this chapter did not have 4284
a guardian at the time of death, the managing officer shall 4285
provide access to the certificates, applications, records, and 4286
reports made for purposes of this chapter to a member of the 4287
person's family, upon that family member's written request. 4288

(E) No person shall reveal the contents of a record of a 4289
resident except as authorized by this chapter. 4290

Sec. 5511.05. The director of transportation may 4291
establish, construct, reconstruct, improve, repair, and maintain 4292
roads leading from a state highway to any state park, including 4293
all such parks and properties under the control and custody of 4294
the department of natural resources and the Ohio ~~historical~~ 4295

~~society~~history connection, or roads leading from a state highway 4296
to any state property used for military purposes, or any road 4297
which leads along the side of or through school lands which are 4298
owned by the state. The director shall confer with the authority 4299
in control of any such park or property before deciding upon the 4300
location and character of any such improvement. The director may 4301
add such roads to the state highway system. Such additional 4302
mileage is in addition to and not subject to section 5511.01 of 4303
the Revised Code. 4304

The director may establish, construct, reconstruct, 4305
improve, repair, and maintain roads within the boundary of any 4306
state park, including all such parks and properties under the 4307
control and custody of the department of natural resources and 4308
the Ohio ~~historical society~~history connection or used for 4309
military purposes, provided the officer or board which has 4310
control of or supervision over such property first requests in 4311
writing the establishment, construction, reconstruction, 4312
improvement, repair, and maintenance of such road. Thereafter 4313
the director may cause to be prepared the necessary engineering 4314
plans and specifications for construction and reconstruction, 4315
which plans and specifications shall be subject to the approval 4316
of the officer or board which has control of or supervision over 4317
such property. Such roads shall be maintained in a manner agreed 4318
upon between the director and such officer or board. 4319

The director may install and maintain suitable, uniform 4320
markers designating intersections with and accesses to state 4321
recreational trails, where trails established pursuant to 4322
Chapter 1519. of the Revised Code intersect with a state 4323
highway. ~~He~~The director may cooperate with the director of 4324
natural resources in providing appropriate means for such trails 4325
to cross highways. 4326

The costs of such establishment, construction, 4327
installation, reconstruction, improvement, repair, and 4328
maintenance shall be paid from highway operating funds. 4329

Sec. 5533.01. The director of transportation and the 4330
director of the Ohio ~~State archaeological and historical~~ 4331
~~society~~history connection, by agreement, may erect suitable 4332
markers on all state and federal highways, at points crossed by 4333
Morgan's raiders in 1863. 4334

Sec. 5747.113. (A) Any taxpayer claiming a refund under 4335
section 5747.11 of the Revised Code who wishes to contribute any 4336
part of the taxpayer's refund to the natural areas and preserves 4337
fund created in section 1517.11 of the Revised Code, the nongame 4338
and endangered wildlife fund created in section 1531.26 of the 4339
Revised Code, the military injury relief fund created in section 4340
5101.98 of the Revised Code, the Ohio ~~historical society~~history 4341
connection income tax contribution fund created in section 4342
149.308 of the Revised Code, the breast and cervical cancer 4343
project income tax contribution fund created in section 3701.601 4344
of the Revised Code, or all of those funds may designate on the 4345
taxpayer's income tax return the amount that the taxpayer wishes 4346
to contribute to the fund or funds. A designated contribution is 4347
irrevocable upon the filing of the return and shall be made in 4348
the full amount designated if the refund found due the taxpayer 4349
upon the initial processing of the taxpayer's return, after any 4350
deductions including those required by section 5747.12 of the 4351
Revised Code, is greater than or equal to the designated 4352
contribution. If the refund due as initially determined is less 4353
than the designated contribution, the contribution shall be made 4354
in the full amount of the refund. The tax commissioner shall 4355
subtract the amount of the contribution from the amount of the 4356
refund initially found due the taxpayer and shall certify the 4357

difference to the director of budget and management and 4358
treasurer of state for payment to the taxpayer in accordance 4359
with section 5747.11 of the Revised Code. For the purpose of any 4360
subsequent determination of the taxpayer's net tax payment, the 4361
contribution shall be considered a part of the refund paid to 4362
the taxpayer. 4363

(B) The tax commissioner shall provide a space on the 4364
income tax return form in which a taxpayer may indicate that the 4365
taxpayer wishes to make a donation in accordance with this 4366
section. The tax commissioner shall also print in the 4367
instructions accompanying the income tax return form a 4368
description of the purposes for which the natural areas and 4369
preserves fund, the nongame and endangered wildlife fund, the 4370
military injury relief fund, the Ohio ~~historical society~~ history 4371
connection income tax contribution fund, and the breast and 4372
cervical cancer project income tax contribution fund were 4373
created and the use of moneys from the income tax refund 4374
contribution system established in this section. No person shall 4375
designate on the person's income tax return any part of a refund 4376
claimed under section 5747.11 of the Revised Code as a 4377
contribution to any fund other than the natural areas and 4378
preserves fund, the nongame and endangered wildlife fund, the 4379
military injury relief fund, the Ohio ~~historical society~~ history 4380
connection income tax contribution fund, or the breast and 4381
cervical cancer project income tax contribution fund. 4382

(C) The money collected under the income tax refund 4383
contribution system established in this section shall be 4384
deposited by the tax commissioner into the natural areas and 4385
preserves fund, the nongame and endangered wildlife fund, the 4386
military injury relief fund, the Ohio ~~historical society~~ history 4387
connection income tax contribution fund, and the breast and 4388

cervical cancer project income tax contribution fund in the 4389
amounts designated on the tax returns. 4390

(D) No later than the thirtieth day of September each 4391
year, the tax commissioner shall determine the total amount 4392
contributed to each fund under this section during the preceding 4393
eight months, any adjustments to prior months, and the cost to 4394
the department of taxation of administering the income tax 4395
refund contribution system during that eight-month period. The 4396
commissioner shall make an additional determination no later 4397
than the thirty-first day of January of each year of the total 4398
amount contributed to each fund under this section during the 4399
preceding four calendar months, any adjustments to prior years 4400
made during that four-month period, and the cost to the 4401
department of taxation of administering the income tax 4402
contribution system during that period. The cost of 4403
administering the income tax contribution system shall be 4404
certified by the tax commissioner to the director of budget and 4405
management, who shall transfer an amount equal to one-fifth of 4406
such administrative costs from each of the five funds to the 4407
income tax contribution fund, which is hereby created, provided 4408
that the moneys that the department receives to pay the cost of 4409
administering the income tax refund contribution system in any 4410
year shall not exceed two and one-half per cent of the total 4411
amount contributed under that system during that year. 4412

(E) If the total amount contributed to a fund under this 4413
section in each of two consecutive calendar years is less than 4414
one hundred fifty thousand dollars, no person may designate a 4415
contribution to that fund for any taxable year ending after the 4416
last day of that two-year period. In such a case, the tax 4417
commissioner shall remove the space dedicated to the fund on the 4418
income tax return and the description of the fund in the 4419

instructions accompanying the income tax return. 4420

(F) The general assembly may authorize taxpayer refund 4421
contributions to no more than six funds under the income tax 4422
refund contribution system established in this section. If the 4423
general assembly authorizes income tax refund contributions to a 4424
fund other than the natural areas and preserves fund, the 4425
nongame and endangered wildlife fund, the military injury relief 4426
fund, the Ohio ~~historical society~~history connection income tax 4427
contribution fund, or the breast and cervical cancer project 4428
income tax contribution fund, such contributions may be 4429
authorized only for a period of two calendar years. 4430

With the exception of the Ohio ~~historical society~~history 4431
connection income tax contribution fund, the general assembly 4432
may authorize income tax refund contributions to a fund only if 4433
all the money in the fund will be expended or distributed by a 4434
state agency as defined in section 1.60 of the Revised Code. 4435

(G) (1) The director of natural resources, in January of 4436
every odd-numbered year, shall report to the general assembly on 4437
the effectiveness of the income tax refund contribution system 4438
as it pertains to the natural areas and preserves fund and the 4439
nongame and endangered wildlife fund. The report shall include 4440
the amount of money contributed to each fund in each of the 4441
previous five years, the amount of money contributed directly to 4442
each fund in addition to or independently of the income tax 4443
refund contribution system in each of the previous five years, 4444
and the purposes for which the money was expended. 4445

(2) The director of job and family services, the director 4446
of the Ohio ~~historical society~~history connection, and the 4447
director of health, in January of every odd-numbered year, each 4448
shall report to the general assembly on the effectiveness of the 4449

income tax refund contribution system as it pertains to the 4450
military injury relief fund, the Ohio ~~historical society~~ history 4451
connection income tax contribution fund, and the breast and 4452
cervical cancer project income tax contribution fund, 4453
respectively. The report shall include the amount of money 4454
contributed to the fund in each of the previous five years, the 4455
amount of money contributed directly to the fund in addition to 4456
or independently of the income tax refund contribution system in 4457
each of the previous five years, and the purposes for which the 4458
money was expended. 4459

Section 2. That existing sections 5.224, 101.54, 103.03, 4460
105.41, 107.40, 111.08, 123.28, 127.16, 135.451, 145.01, 4461
149.091, 149.11, 149.30, 149.301, 149.302, 149.303, 149.304, 4462
149.305, 149.306, 149.307, 149.308, 149.31, 149.321, 149.38, 4463
149.381, 149.52, 149.53, 149.54, 149.56, 317.08, 1347.01, 4464
1347.12, 1506.31, 1506.32, 1506.33, 1506.34, 1506.35, 1506.36, 4465
1520.02, 1520.03, 1541.01, 3301.10, 3311.0510, 4301.40, 4466
4303.181, 4303.182, 4503.95, 5122.31, 5122.46, 5122.47, 5123.31, 4467
5123.89, 5511.05, 5533.01, and 5747.113 of the Revised Code are 4468
hereby repealed. 4469

Section 3. Section 5747.113 of the Revised Code is 4470
presented in this act as a composite of the section as amended 4471
by both Am. Sub. H.B. 59 and Am. H.B. 112 of the 130th General 4472
Assembly. The General Assembly, applying the principle stated in 4473
division (B) of section 1.52 of the Revised Code that amendments 4474
are to be harmonized if reasonably capable of simultaneous 4475
operation, finds that the composite is the resulting version of 4476
the section in effect prior to the effective date of the section 4477
as presented in this act. 4478