

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 286**

**Representative Seitz**

**Cosponsors: Representatives Abrams, Bird, Click, Cross, Fowler Arthur, Grendell, Gross, Jordan, McClain, Riedel, Schmidt, Stoltzfus, Swearingen, Hillyer, Cutrona, Kick, Carruthers, Holmes, Johnson, Jones, Merrin, Stevens, Stewart, Wiggam, Young, T.**

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**A BILL**

To amend sections 107.43, 119.12, 124.34, 956.11, 1  
956.15, 2743.03, 3794.09, 3901.321, 3913.13, 2  
3913.23, 5101.35, and 5164.38 and to enact 3  
sections 303.57, 519.26, and 713.16 of the 4  
Revised Code to generally change the venue in 5  
which appeal from an agency order is proper to 6  
the local court of common pleas, to provide that 7  
a civil action to challenge a state 8  
administrative order issued in a state of 9  
emergency be brought in the Court of Claims, and 10  
to revise the law governing claim preclusion in 11  
zoning appeals. 12

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

**Section 1.** That sections 107.43, 119.12, 124.34, 956.11, 13  
956.15, 2743.03, 3794.09, 3901.321, 3913.13, 3913.23, 5101.35, 14  
and 5164.38 be amended and sections 303.57, 519.26, and 713.16 15  
of the Revised Code be enacted to read as follows: 16

<b>Sec. 107.43.</b> (A) As used in this section:	17
"Administrative department" means a department listed under section 121.02 of the Revised Code.	18 19
"Administrative department head" means a department head listed under section 121.03 of the Revised Code.	20 21
"Internal management rule" means any rule, regulation, or standard governing the day-to-day staff procedures and staff operations within an administrative department or state agency, or within the office of an administrative department head or statewide elected officer.	22 23 24 25 26
"Rule" means, unless the context dictates otherwise, any rule, regulation, or standard adopted, promulgated, and enforced by a statewide elected officer, administrative department, administrative department head, or state agency under the authority of the laws governing such officer, department, department head, or state agency. "Rule" does not include an internal management rule.	27 28 29 30 31 32 33
"State agency" means any organized body, office, agency, commission, board, institution, or other entity established by the laws of the state for the exercise of any function of state government. "State agency" does not include a court.	34 35 36 37
"State of emergency" has the meaning defined in section 107.42 of the Revised Code.	38 39
"Statewide elected officer" means the governor, lieutenant governor, secretary of state, auditor of state, attorney general, and treasurer of state.	40 41 42
(B) Beginning the day the governor declares a state of emergency, the governor and the department of health promptly	43 44

shall report to the president of the senate and the speaker of 45  
the house of representatives every action the governor or 46  
department takes in response to the state of emergency, 47  
including actions by the department or director of health under 48  
sections 3701.13 and 3701.14 of the Revised Code. 49

(C) (1) If the governor declares a state of emergency, the 50  
general assembly may do any of the following by adopting a 51  
concurrent resolution: 52

(a) Rescind, in whole or in part, any order or rule issued 53  
or adopted by an administrative department, administrative 54  
department head, state agency, or statewide elected officer in 55  
response to a state of emergency, including an order to 56  
authorize an agency to adopt, amend, or rescind rules under 57  
division (G) of section 119.03 of the Revised Code. This 58  
division does not apply to an order issued to declare a state of 59  
emergency. 60

(b) Invalidate, in whole or in part, an emergency rule 61  
adopted or amended by an agency in response to the state of 62  
emergency and pursuant to an emergency order the governor issues 63  
under division (G) (1) of section 119.03 of the Revised Code; 64

(c) Authorize a rule rescinded by an agency under division 65  
(G) (1) of section 119.03 of the Revised Code in response to the 66  
state of emergency to be readopted, in whole or in part; 67

(d) Invalidate, in whole or in part, an emergency rule 68  
adopted by an agency in response to the state of emergency 69  
pursuant to division (B) (2) of section 111.15 of the Revised 70  
Code. 71

(2) If the general assembly rescinds an order or rule, or 72  
a portion thereof, the administrative department, administrative 73

department head, state agency, or statewide elected officer 74  
shall not reissue that order or rule, the rescinded portion, a 75  
substantially similar order, rule, or portion, or any 76  
restriction contained in the rescinded order or rule or 77  
rescinded portion, for a period of sixty calendar days following 78  
the adoption of the concurrent resolution by the general 79  
assembly, except as provided in division (C)(3) of this section. 80

(3) (a) Within sixty calendar days of the general assembly 81  
rescinding an order or rule under division (C)(1) of this 82  
section, the governor, on behalf of an administrative 83  
department, an administrative department head, or a state 84  
agency, may submit a request to the general assembly to 85  
authorize an administrative department, an administrative 86  
department head, or a state agency to reissue a rescinded order 87  
or rule, rescinded portion thereof, a substantially similar 88  
order, rule, or portion, or any restriction contained in the 89  
rescinded order or rule or rescinded portion issued or adopted 90  
by an administrative department, administrative department head, 91  
or state agency. Upon review, the general assembly may adopt a 92  
concurrent resolution authorizing the request, in whole or in 93  
part. 94

(b) Within sixty calendar days of the general assembly 95  
rescinding an order or rule under division (C)(1) of this 96  
section, a statewide elected officer may submit a request to the 97  
general assembly to reissue a rescinded order or rule, rescinded 98  
portion thereof, a substantially similar order, rule, or 99  
portion, or any restriction contained in the rescinded order or 100  
rule or rescinded portion issued or adopted by the statewide 101  
elected officer. Upon review, the general assembly may adopt a 102  
concurrent resolution authorizing the request, in whole or in 103  
part. 104

(D) (1) Notwithstanding any other provision of the Revised Code, a person who challenges an order or rule adopted by an administrative department, administrative department head, state agency, or statewide elected officer that is issued or adopted in response to a state of emergency, in a civil action for damages, declaratory judgment, injunctive relief, or other appropriate relief may do so in ~~an appropriate court located in the county where the person's residence or business is located~~ the court of claims.

(2) If a person successfully challenges an order or rule adopted by an administrative department, administrative department head, state agency, or statewide elected officer that is issued or adopted in response to a state of emergency, the administrative department, administrative department head, state agency, or statewide elected officer shall pay the person's reasonable attorney's fees and court costs.

(E) An order or rule issued or adopted in violation of this section is invalid and has no legal effect.

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

(2) ~~An appeal from an order described in division (A) (1) of this section issued by any of the following agencies shall be~~

<del>made to the court of common pleas of Franklin county:</del>	135
<del>(a) The liquor control commission;</del>	136
<del>(b) The Ohio casino control commission;</del>	137
<del>state medical board;</del>	138
<del>(c) The state chiropractic board;</del>	139
<del>(d) The board of nursing;</del>	140
<del>(e) The bureau of workers' compensation regarding</del>	141
<del>participation in the health partnership program created in</del>	142
<del>sections 4121.44 and 4121.441 of the Revised Code.</del>	143
<del>(3) If any party appealing from an order described in</del>	144
<del>division (A) (1) of this section is not a resident of and has no</del>	145
<del>place of business in this state, the party may appeal to the</del>	146
<del>court of common pleas of Franklin county.</del>	147
<del>(B) Any party adversely affected by any order of an agency</del>	148
<del>issued pursuant to any other adjudication may appeal to the</del>	149
<del>court of common pleas of Franklin county, except that appeals</del>	150
<del>from orders of the fire marshal issued under Chapter 3737. of</del>	151
<del>the Revised Code may be to the court of common pleas of the</del>	152
<del>county in which the building of the aggrieved person is located</del>	153
<del>and except that appeals under division (B) of section 124.34 of</del>	154
<del>the Revised Code from a decision of the state personnel board of</del>	155
<del>review or a municipal or civil service township civil service</del>	156
<del>commission shall be taken to the court of common pleas of the</del>	157
<del>county in which the appointing authority is located or, in the</del>	158
<del>case of an appeal by the department of rehabilitation and</del>	159
<del>correction, to the court of common pleas of Franklin county.</del>	160
<del>(C) This section does not apply to appeals from the</del>	161
<del>department of taxation.</del>	162

~~(D)~~ (C) Any party desiring to appeal shall file a notice 163  
of appeal with the agency setting forth the order appealed from 164  
and stating that the agency's order is not supported by 165  
reliable, probative, and substantial evidence and is not in 166  
accordance with law. The notice of appeal may, but need not, set 167  
forth the specific grounds of the party's appeal beyond the 168  
statement that the agency's order is not supported by reliable, 169  
probative, and substantial evidence and is not in accordance 170  
with law. The notice of appeal shall also be filed by the 171  
appellant with the court. In filing a notice of appeal with the 172  
agency or court, the notice that is filed may be either the 173  
original notice or a copy of the original notice. Unless 174  
otherwise provided by law relating to a particular agency, 175  
notices of appeal shall be filed within fifteen days after the 176  
mailing of the notice of the agency's order as provided in this 177  
section. For purposes of this paragraph, an order includes a 178  
determination appealed pursuant to division (C) of section 179  
119.092 of the Revised Code. The amendments made to this 180  
paragraph by Sub. H.B. 215 of the 128th general assembly are 181  
procedural, and this paragraph as amended by those amendments 182  
shall be applied retrospectively to all appeals pursuant to this 183  
paragraph filed before September 13, 2010, but not earlier than 184  
May 7, 2009, which was the date the supreme court of Ohio 185  
released its opinion and judgment in *Medcorp, Inc. v. Ohio* 186  
*Dep't. of Job and Family Servs.* (2009), 121 Ohio St.3d 622. 187

~~(E)~~ (D) The filing of a notice of appeal shall not 188  
automatically operate as a suspension of the order of an agency. 189  
If it appears to the court that an unusual hardship to the 190  
appellant will result from the execution of the agency's order 191  
pending determination of the appeal, the court may grant a 192  
suspension and fix its terms. If an appeal is taken from the 193

judgment of the court and the court has previously granted a 194  
suspension of the agency's order as provided in this section, 195  
the suspension of the agency's order shall not be vacated and 196  
shall be given full force and effect until the matter is finally 197  
adjudicated. No renewal of a license or permit shall be denied 198  
by reason of the suspended order during the period of the appeal 199  
from the decision of the court of common pleas. In the case of 200  
an appeal from the Ohio casino control commission, the state 201  
medical board, or the state chiropractic board, the court may 202  
grant a suspension and fix its terms if it appears to the court 203  
that an unusual hardship to the appellant will result from the 204  
execution of the agency's order pending determination of the 205  
appeal and the health, safety, and welfare of the public will 206  
not be threatened by suspension of the order. This provision 207  
shall not be construed to limit the factors the court may 208  
consider in determining whether to suspend an order of any other 209  
agency pending determination of an appeal. 210

~~(F)~~ (E) The final order of adjudication may apply to any 211  
renewal of a license or permit which has been granted during the 212  
period of the appeal. 213

~~(G)~~ (F) Notwithstanding any other provision of this 214  
section, any order issued by a court of common pleas or a court 215  
of appeals suspending the effect of an order of the liquor 216  
control commission issued pursuant to Chapter 4301. or 4303. of 217  
the Revised Code that suspends, revokes, or cancels a permit 218  
issued under Chapter 4303. of the Revised Code or that allows 219  
the payment of a forfeiture under section 4301.252 of the 220  
Revised Code shall terminate not more than six months after the 221  
date of the filing of the record of the liquor control 222  
commission with the clerk of the court of common pleas and shall 223  
not be extended. The court of common pleas, or the court of 224

appeals on appeal, shall render a judgment in that matter within 225  
six months after the date of the filing of the record of the 226  
liquor control commission with the clerk of the court of common 227  
pleas. A court of appeals shall not issue an order suspending 228  
the effect of an order of the liquor control commission that 229  
extends beyond six months after the date on which the record of 230  
the liquor control commission is filed with a court of common 231  
pleas. 232

~~(H)~~ (G) Notwithstanding any other provision of this 233  
section, any order issued by a court of common pleas or a court 234  
of appeals suspending the effect of an order of the Ohio casino 235  
control commission issued under Chapter 3772. of the Revised 236  
Code that limits, conditions, restricts, suspends, revokes, 237  
denies, not renews, fines, or otherwise penalizes an applicant, 238  
licensee, or person excluded or ejected from a casino facility 239  
in accordance with section 3772.031 of the Revised Code shall 240  
terminate not more than six months after the date of the filing 241  
of the record of the Ohio casino control commission with the 242  
clerk of the court of common pleas and shall not be extended. 243  
The court of common pleas, or the court of appeals on appeal, 244  
shall render a judgment in that matter within six months after 245  
the date of the filing of the record of the Ohio casino control 246  
commission with the clerk of the court of common pleas. A court 247  
of appeals shall not issue an order suspending the effect of an 248  
order of the Ohio casino control commission that extends beyond 249  
six months after the date on which the record of the Ohio casino 250  
control commission is filed with the clerk of a court of common 251  
pleas. 252

(H) Notwithstanding any other provision of this section, 253  
any order issued by a court of common pleas suspending the 254  
effect of an order of the state medical board or state 255

chiropractic board that limits, revokes, suspends, places on 256  
probation, or refuses to register or reinstate a certificate 257  
issued by the board or reprimands the holder of the certificate 258  
shall terminate not more than fifteen months after the date of 259  
the filing of a notice of appeal in the court of common pleas, 260  
or upon the rendering of a final decision or order in the appeal 261  
by the court of common pleas, whichever occurs first. 262

(I) Within thirty days after receipt of a notice of appeal 263  
from an order in any case in which a hearing is required by 264  
sections 119.01 to 119.13 of the Revised Code, the agency shall 265  
prepare and certify to the court a complete record of the 266  
proceedings in the case. Failure of the agency to comply within 267  
the time allowed, upon motion, shall cause the court to enter a 268  
finding in favor of the party adversely affected. Additional 269  
time, however, may be granted by the court, not to exceed thirty 270  
days, when it is shown that the agency has made substantial 271  
effort to comply. The record shall be prepared and transcribed, 272  
and the expense of it shall be taxed as a part of the costs on 273  
the appeal. The appellant shall provide security for costs 274  
satisfactory to the court of common pleas. Upon demand by any 275  
interested party, the agency shall furnish at the cost of the 276  
party requesting it a copy of the stenographic report of 277  
testimony offered and evidence submitted at any hearing and a 278  
copy of the complete record. 279

(J) Notwithstanding any other provision of this section, 280  
any party desiring to appeal an order or decision of the state 281  
personnel board of review shall, at the time of filing a notice 282  
of appeal with the board, provide a security deposit in an 283  
amount and manner prescribed in rules that the board shall adopt 284  
in accordance with this chapter. In addition, the board is not 285  
required to prepare or transcribe the record of any of its 286

proceedings unless the appellant has provided the deposit 287  
described above. The failure of the board to prepare or 288  
transcribe a record for an appellant who has not provided a 289  
security deposit shall not cause a court to enter a finding 290  
adverse to the board. 291

(K) Unless otherwise provided by law, in the hearing of 292  
the appeal, the court is confined to the record as certified to 293  
it by the agency. Unless otherwise provided by law, the court 294  
may grant a request for the admission of additional evidence 295  
when satisfied that the additional evidence is newly discovered 296  
and could not with reasonable diligence have been ascertained 297  
prior to the hearing before the agency. 298

(L) The court shall conduct a hearing on the appeal and 299  
shall give preference to all proceedings under sections 119.01 300  
to 119.13 of the Revised Code, over all other civil cases, 301  
irrespective of the position of the proceedings on the calendar 302  
of the court. An appeal from an order of the state medical board 303  
issued pursuant to division (G) of either section 4730.25 or 304  
4731.22 of the Revised Code, the state chiropractic board issued 305  
pursuant to section 4734.37 of the Revised Code, the liquor 306  
control commission issued pursuant to Chapter 4301. or 4303. of 307  
the Revised Code, or the Ohio casino control commission issued 308  
pursuant to Chapter 3772. of the Revised Code shall be set down 309  
for hearing at the earliest possible time and takes precedence 310  
over all other actions. The hearing in the court of common pleas 311  
shall proceed as in the trial of a civil action, and the court 312  
shall determine the rights of the parties in accordance with the 313  
laws applicable to a civil action. At the hearing, counsel may 314  
be heard on oral argument, briefs may be submitted, and evidence 315  
may be introduced if the court has granted a request for the 316  
presentation of additional evidence. 317

(M) The court may affirm the order of the agency 318  
complained of in the appeal if it finds, upon consideration of 319  
the entire record and any additional evidence the court has 320  
admitted, that the order is supported by reliable, probative, 321  
and substantial evidence and is in accordance with law. In the 322  
absence of this finding, it may reverse, vacate, or modify the 323  
order or make such other ruling as is supported by reliable, 324  
probative, and substantial evidence and is in accordance with 325  
law. The court shall award compensation for fees in accordance 326  
with section 2335.39 of the Revised Code to a prevailing party, 327  
other than an agency, in an appeal filed pursuant to this 328  
section. 329

(N) The judgment of the court shall be final and 330  
conclusive unless reversed, vacated, or modified on appeal. 331  
These appeals may be taken either by the party or the agency, 332  
shall proceed as in the case of appeals in civil actions, and 333  
shall be pursuant to the Rules of Appellate Procedure and, to 334  
the extent not in conflict with those rules, Chapter 2505. of 335  
the Revised Code. An appeal by the agency shall be taken on 336  
questions of law relating to the constitutionality, 337  
construction, or interpretation of statutes and rules of the 338  
agency, and, in the appeal, the court may also review and 339  
determine the correctness of the judgment of the court of common 340  
pleas that the order of the agency is not supported by any 341  
reliable, probative, and substantial evidence in the entire 342  
record. 343

The court shall certify its judgment to the agency or take 344  
any other action necessary to give its judgment effect. 345

**Sec. 124.34.** (A) The tenure of every officer or employee 346  
in the classified service of the state and the counties, civil 347

service townships, cities, city health districts, general health 348  
districts, and city school districts of the state, holding a 349  
position under this chapter, shall be during good behavior and 350  
efficient service. No officer or employee shall be reduced in 351  
pay or position, fined, suspended, or removed, or have the 352  
officer's or employee's longevity reduced or eliminated, except 353  
as provided in section 124.32 of the Revised Code, and for 354  
incompetency, inefficiency, unsatisfactory performance, 355  
dishonesty, drunkenness, immoral conduct, insubordination, 356  
discourteous treatment of the public, neglect of duty, violation 357  
of any policy or work rule of the officer's or employee's 358  
appointing authority, violation of this chapter or the rules of 359  
the director of administrative services or the commission, any 360  
other failure of good behavior, any other acts of misfeasance, 361  
malfeasance, or nonfeasance in office, or conviction of a felony 362  
while employed in the civil service. The denial of a one-time 363  
pay supplement or a bonus to an officer or employee is not a 364  
reduction in pay for purposes of this section. 365

This section does not apply to any modifications or 366  
reductions in pay or work week authorized by section 124.392, 367  
124.393, or 124.394 of the Revised Code. 368

An appointing authority may require an employee who is 369  
suspended to report to work to serve the suspension. An employee 370  
serving a suspension in this manner shall continue to be 371  
compensated at the employee's regular rate of pay for hours 372  
worked. The disciplinary action shall be recorded in the 373  
employee's personnel file in the same manner as other 374  
disciplinary actions and has the same effect as a suspension 375  
without pay for the purpose of recording disciplinary actions. 376

A finding by the appropriate ethics commission, based upon 377

a preponderance of the evidence, that the facts alleged in a 378  
complaint under section 102.06 of the Revised Code constitute a 379  
violation of Chapter 102., section 2921.42, or section 2921.43 380  
of the Revised Code may constitute grounds for dismissal. 381  
Failure to file a statement or falsely filing a statement 382  
required by section 102.02 of the Revised Code may also 383  
constitute grounds for dismissal. The tenure of an employee in 384  
the career professional service of the department of 385  
transportation is subject to section 5501.20 of the Revised 386  
Code. 387

Conviction of a felony while employed in the civil service 388  
is a separate basis for reducing in pay or position, suspending, 389  
or removing an officer or employee, even if the officer or 390  
employee has already been reduced in pay or position, suspended, 391  
or removed for the same conduct that is the basis of the felony. 392  
An officer or employee may not appeal to the state personnel 393  
board of review or the commission any disciplinary action taken 394  
by an appointing authority as a result of the officer's or 395  
employee's conviction of a felony. If an officer or employee 396  
removed under this section is reinstated as a result of an 397  
appeal of the removal, any conviction of a felony that occurs 398  
during the pendency of the appeal is a basis for further 399  
disciplinary action under this section upon the officer's or 400  
employee's reinstatement. 401

A person convicted of a felony while employed in the civil 402  
service immediately forfeits the person's status as a classified 403  
employee in any public employment on and after the date of the 404  
conviction for the felony. If an officer or employee is removed 405  
under this section as a result of being convicted of a felony or 406  
is subsequently convicted of a felony that involves the same 407  
conduct that was the basis for the removal, the officer or 408

employee is barred from receiving any compensation after the 409  
removal notwithstanding any modification or disaffirmance of the 410  
removal, unless the conviction for the felony is subsequently 411  
reversed or annulled. 412

Any person removed for conviction of a felony is entitled 413  
to a cash payment for any accrued but unused sick, personal, and 414  
vacation leave as authorized by law. If subsequently reemployed 415  
in the public sector, the person shall qualify for and accrue 416  
these forms of leave in the manner specified by law for a newly 417  
appointed employee and shall not be credited with prior public 418  
service for the purpose of receiving these forms of leave. 419

As used in this division, "felony" means any of the 420  
following: 421

(1) A felony that is an offense of violence as defined in 422  
section 2901.01 of the Revised Code; 423

(2) A felony that is a felony drug abuse offense as 424  
defined in section 2925.01 of the Revised Code; 425

(3) A felony under the laws of this or any other state or 426  
the United States that is a crime of moral turpitude; 427

(4) A felony involving dishonesty, fraud, or theft; 428

(5) A felony that is a violation of section 2921.05, 429  
2921.32, or 2921.42 of the Revised Code. 430

(B) In case of a reduction, a suspension of more than 431  
forty work hours in the case of an employee exempt from the 432  
payment of overtime compensation, a suspension of more than 433  
twenty-four work hours in the case of an employee required to be 434  
paid overtime compensation, a fine of more than forty hours' pay 435  
in the case of an employee exempt from the payment of overtime 436

compensation, a fine of more than twenty-four hours' pay in the 437  
case of an employee required to be paid overtime compensation, 438  
or removal, except for the reduction or removal of a 439  
probationary employee, the appointing authority shall serve the 440  
employee with a copy of the order of reduction, fine, 441  
suspension, or removal, which order shall state the reasons for 442  
the action. 443

Within ten days following the date on which the order is 444  
served or, in the case of an employee in the career professional 445  
service of the department of transportation, within ten days 446  
following the filing of a removal order, the employee, except as 447  
otherwise provided in this section, may file an appeal of the 448  
order in writing with the state personnel board of review or the 449  
commission. For purposes of this section, the date on which an 450  
order is served is the date of hand delivery of the order or the 451  
date of delivery of the order by certified United States mail, 452  
whichever occurs first. If an appeal is filed, the board or 453  
commission shall forthwith notify the appointing authority and 454  
shall hear, or appoint a trial board to hear, the appeal within 455  
thirty days from and after its filing with the board or 456  
commission. The board, commission, or trial board may affirm, 457  
disaffirm, or modify the judgment of the appointing authority. 458  
However, in an appeal of a removal order based upon a violation 459  
of a last chance agreement, the board, commission, or trial 460  
board may only determine if the employee violated the agreement 461  
and thus affirm or disaffirm the judgment of the appointing 462  
authority. 463

In cases of removal or reduction in pay for disciplinary 464  
reasons, either the appointing authority or the officer or 465  
employee may appeal from the decision of the state personnel 466  
board of review or the commission, and any such appeal shall be 467

to the court of common pleas ~~of the county in which the~~ 468  
~~appointing authority is located, or to the court of common pleas~~ 469  
~~of Franklin county, as provided by section 119.12 of the Revised~~ 470  
~~Code~~ in accordance with section 119.12 of the Revised Code. 471

(C) In the case of the suspension for any period of time, 472  
or a fine, demotion, or removal, of a chief of police, a chief 473  
of a fire department, or any member of the police or fire 474  
department of a city or civil service township, who is in the 475  
classified civil service, the appointing authority shall furnish 476  
the chief or member with a copy of the order of suspension, 477  
fine, demotion, or removal, which order shall state the reasons 478  
for the action. The order shall be filed with the municipal or 479  
civil service township civil service commission. Within ten days 480  
following the filing of the order, the chief or member may file 481  
an appeal, in writing, with the commission. If an appeal is 482  
filed, the commission shall forthwith notify the appointing 483  
authority and shall hear, or appoint a trial board to hear, the 484  
appeal within thirty days from and after its filing with the 485  
commission, and it may affirm, disaffirm, or modify the judgment 486  
of the appointing authority. An appeal on questions of law and 487  
fact may be had from the decision of the commission to the court 488  
of common pleas in the county in which the city or civil service 489  
township is situated. The appeal shall be taken within thirty 490  
days from the finding of the commission. 491

(D) A violation of division (A) (7) of section 2907.03 of 492  
the Revised Code is grounds for termination of employment of a 493  
nonteaching employee under this section. 494

(E) The director shall adopt a rule in accordance with 495  
Chapter 119. of the Revised Code to define the term 496  
"unsatisfactory performance" as it is used in this section with 497

regard to employees in the service of the state. 498

(F) As used in this section, "last chance agreement" means 499  
an agreement signed by both an appointing authority and an 500  
officer or employee of the appointing authority that describes 501  
the type of behavior or circumstances that, if it occurs, will 502  
automatically lead to removal of the officer or employee without 503  
the right of appeal to the state personnel board of review or 504  
the appropriate commission. 505

Sec. 303.57. A final judgment on the merits issued by a 506  
court of competent jurisdiction pursuant to its power of review 507  
under Chapter 2506. of the Revised Code, on claims brought under 508  
this chapter, does not preclude later claims for damages, 509  
including claims brought under 42 U.S.C. 1983, even if the 510  
common law doctrine of res judicata would otherwise bar the 511  
claim. 512

The general assembly intends that this section be 513  
construed to override the federal sixth circuit court of 514  
appeals's decision in the case *Lavon Moore v. Hiram Twp.*, 988 515  
F.3d 353 (6th Cir. 2021). 516

Sec. 519.26. A final judgment on the merits issued by a 517  
court of competent jurisdiction pursuant to its power of review 518  
under Chapter 2506. of the Revised Code, on claims brought under 519  
this chapter, does not preclude later claims for damages, 520  
including claims brought under 42 U.S.C. 1983, even if the 521  
common law doctrine of res judicata would otherwise bar the 522  
claim. 523

The general assembly intends that this section be 524  
construed to override the federal sixth circuit court of 525  
appeals's decision in the case *Lavon Moore v. Hiram Twp.*, 988 526

F.3d 353 (6th Cir. 2021). 527

Sec. 713.16. A final judgment on the merits issued by a 528  
court of competent jurisdiction pursuant to its power of review 529  
under Chapter 2506. of the Revised Code, on claims brought under 530  
this chapter, does not preclude later claims for damages, 531  
including claims brought under 42 U.S.C. 1983, even if the 532  
common law doctrine of res judicata would otherwise bar the 533  
claim. 534

The general assembly intends that this section be 535  
construed to override the federal sixth circuit court of 536  
appeals's decision in the case *Lavon Moore v. Hiram Twp.*, 988 537  
F.3d 353 (6th Cir. 2021). 538

**Sec. 956.11.** (A) The director of agriculture may enter 539  
into contracts or agreements with an animal rescue for dogs, an 540  
animal shelter for dogs, a boarding kennel, a veterinarian, a 541  
board of county commissioners, or a humane society for the 542  
purposes of this section. 543

(B) (1) If the director or the director's authorized 544  
representative determines that a dog is being kept by a high 545  
volume breeder or dog broker in a manner that materially 546  
violates this chapter or rules adopted under it, the director 547  
may impound the dog and order it to be seized by an animal 548  
rescue for dogs, an animal shelter for dogs, a boarding kennel, 549  
a veterinarian, a board of county commissioners, or a humane 550  
society with which the director has entered into a contract or 551  
agreement under division (A) of this section. Upon receiving the 552  
order from the director, the animal rescue for dogs, animal 553  
shelter for dogs, boarding kennel, veterinarian, board of county 554  
commissioners, or humane society shall seize the dog and keep, 555  
house, and maintain it. 556

(2) The director or the director's authorized representative shall give written notice of the impoundment by posting a notice on the door of the premises from which the dog was taken or by otherwise posting the notice in a conspicuous place at the premises from which the dog was taken. The notice shall provide a date for an adjudication hearing, which shall take place not later than five business days after the dog is taken and at which the director shall determine if the dog should be permanently relinquished to the custody of the director.

(C) The owner or operator of the applicable high volume breeder or the person acting as or performing the functions of a dog broker may appeal the determination made at the adjudication hearing in accordance with section 119.12 of the Revised Code, ~~except that the appeal may be made only to the environmental division of the Franklin county municipal court.~~

(D) If, after the final disposition of an adjudication hearing and any appeals from that adjudication hearing, it is determined that a dog shall be permanently relinquished to the custody of the director, the dog may be adopted directly from the animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, county dog pound, or humane society where it is being kept, housed, and maintained, provided that the dog has been spayed or neutered unless there are medical reasons against spaying or neutering as determined by a veterinarian. The animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, county dog pound, or humane society may charge a reasonable adoption fee. The fee shall be at least sufficient to cover the costs of spaying or neutering the dog unless it is medically contraindicated. Impounded dogs shall be returned to persons acquitted of any alleged violations.

**Sec. 956.15.** (A) The director of agriculture shall deny an 588  
application for a license that is submitted under section 956.04 589  
or 956.05 of the Revised Code for either of the following 590  
reasons: 591

(1) The applicant for the license has violated any 592  
provision of this chapter or a rule adopted under it if the 593  
violation materially threatens the health or welfare of a dog. 594

(2) The applicant has been convicted of or pleaded guilty 595  
to a disqualifying offense as determined in accordance with 596  
section 9.79 of the Revised Code. 597

(B) The director may suspend or revoke a license issued 598  
under this chapter for violation of any provision of this 599  
chapter or a rule adopted or order issued under it if the 600  
violation materially threatens the health and welfare of a dog. 601

(C) An application or a license shall not be denied, 602  
suspended, or revoked under this section without a written order 603  
of the director stating the findings on which the denial, 604  
suspension, or revocation is based. A copy of the order shall be 605  
sent to the applicant or license holder by certified mail or may 606  
be provided to the applicant or license holder by personal 607  
service. In addition, the person to whom a denial, suspension, 608  
or revocation applies may request an adjudication hearing under 609  
Chapter 119. of the Revised Code. The director shall comply with 610  
such a request. The determination of the director at an 611  
adjudication hearing may be appealed in accordance with section 612  
119.12 of the Revised Code, ~~except that the determination may be~~ 613  
~~appealed only to the environmental division of the Franklin-~~ 614  
~~county municipal court.~~ 615

**Sec. 2743.03.** (A) (1) There is hereby created a court of 616

claims. ~~Except as provided under section 107.43 of the Revised~~ 617  
~~Code, the~~ The court of claims is a court of record and has 618  
exclusive, original jurisdiction of all civil actions against 619  
the state permitted by the waiver of immunity contained in 620  
section 2743.02 of the Revised Code and exclusive jurisdiction 621  
of the causes of action of all parties in civil actions that are 622  
removed to the court of claims. The court shall have full equity 623  
powers in all actions within its jurisdiction and may entertain 624  
and determine all counterclaims, cross-claims, and third-party 625  
claims. 626

(2) If the claimant in a civil action as described in 627  
division (A)(1) of this section also files a claim for a 628  
declaratory judgment, injunctive relief, or other equitable 629  
relief against the state that arises out of the same 630  
circumstances that gave rise to the civil action described in 631  
division (A)(1) of this section, the court of claims has 632  
exclusive, original jurisdiction to hear and determine that 633  
claim in that civil action. This division does not affect, and 634  
shall not be construed as affecting, the original jurisdiction 635  
of another court of this state to hear and determine a civil 636  
action in which the sole relief that the claimant seeks against 637  
the state is a declaratory judgment, injunctive relief, or other 638  
equitable relief. 639

(3) In addition to its exclusive, original jurisdiction as 640  
conferred by divisions (A)(1) and (2) of this section, the court 641  
of claims has exclusive, original jurisdiction as follows: 642

(a) As described in division (F) of section 2743.02, 643  
division (B) of section 3335.03, and division (C) of section 644  
5903.02 of the Revised Code; 645

(b) Under section 2743.75 of the Revised Code to hear 646

complaints alleging a denial of access to public records in 647  
violation of division (B) of section 149.43 of the Revised Code, 648  
regardless of whether the public office or person responsible 649  
for public records is an office or employee of the state or of a 650  
political subdivision. 651

(B) The court of claims shall sit in Franklin county, its 652  
hearings shall be public, and it shall consist of incumbent 653  
justices or judges of the supreme court, courts of appeals, or 654  
courts of common pleas, or retired justices or judges eligible 655  
for active duty pursuant to division (C) of Section 6 of Article 656  
IV, Ohio Constitution, sitting by temporary assignment of the 657  
chief justice of the supreme court. The chief justice may direct 658  
the court to sit in any county for cases on removal upon a 659  
showing of substantial hardship and whenever justice dictates. 660

(C) (1) A civil action against the state shall be heard and 661  
determined by a single judge. Upon application by the claimant 662  
or the state, the chief justice of the supreme court may assign 663  
a panel of three judges to hear and determine a civil action 664  
presenting novel or complex issues of law or fact. Concurrence 665  
of two members of the panel is necessary for any judgment or 666  
order. 667

(2) Whenever the chief justice of the supreme court 668  
believes an equitable resolution of a case will be expedited, 669  
the chief justice may appoint magistrates in accordance with 670  
Civil Rule 53 to hear the case. 671

(3) When any dispute under division (B) of section 153.12 672  
of the Revised Code is brought to the court of claims, upon 673  
request of either party to the dispute, the chief justice of the 674  
supreme court shall appoint a single referee or a panel of three 675  
referees. The referees need not be attorneys, but shall be 676

persons knowledgeable about construction contract law, a member 677  
of the construction industry panel of the American arbitration 678  
association, or an individual or individuals deemed qualified by 679  
the chief justice to serve. No person shall serve as a referee 680  
if that person has been employed by an affected state agency or 681  
a contractor or subcontractor involved in the dispute at any 682  
time in the preceding five years. Proceedings governing referees 683  
shall be in accordance with Civil Rule 53, except as modified by 684  
this division. The referee or panel of referees shall submit its 685  
report, which shall include a recommendation and finding of 686  
fact, to the judge assigned to the case by the chief justice, 687  
within thirty days of the conclusion of the hearings. Referees 688  
appointed pursuant to this division shall be compensated on a 689  
per diem basis at the same rate as is paid to judges of the 690  
court and also shall be paid their expenses. If a single referee 691  
is appointed or a panel of three referees is appointed, then, 692  
with respect to one referee of the panel, the compensation and 693  
expenses of the referee shall not be taxed as part of the costs 694  
in the case but shall be included in the budget of the court. If 695  
a panel of three referees is appointed, the compensation and 696  
expenses of the two remaining referees shall be taxed as costs 697  
of the case. 698

All costs of a case shall be apportioned among the 699  
parties. The court may not require that any party deposit with 700  
the court cash, bonds, or other security in excess of two 701  
hundred dollars to guarantee payment of costs without the prior 702  
approval in each case of the chief justice. 703

(4) An appeal from a decision of the attorney general 704  
pursuant to sections 2743.51 to 2743.72 of the Revised Code 705  
shall be heard and determined by the court of claims. 706

(D) The Rules of Civil Procedure shall govern practice and procedure in all actions in the court of claims, except insofar as inconsistent with this chapter. The supreme court may promulgate rules governing practice and procedure in actions in the court as provided in Section 5 of Article IV, Ohio Constitution.

(E) (1) A party who files a counterclaim against the state or makes the state a third-party defendant in an action commenced in any court, other than the court of claims, shall file a petition for removal in the court of claims. The petition shall state the basis for removal, be accompanied by a copy of all process, pleadings, and other papers served upon the petitioner, and shall be signed in accordance with Civil Rule 11. A petition for removal based on a counterclaim shall be filed within twenty-eight days after service of the counterclaim of the petitioner. A petition for removal based on third-party practice shall be filed within twenty-eight days after the filing of the third-party complaint of the petitioner.

(2) Within seven days after filing a petition for removal, the petitioner shall give written notice to the parties, and shall file a copy of the petition with the clerk of the court in which the action was brought originally. The filing effects the removal of the action to the court of claims, and the clerk of the court where the action was brought shall forward all papers in the case to the court of claims. The court of claims shall adjudicate all civil actions removed. The court may remand a civil action to the court in which it originated upon a finding that the removal petition does not justify removal, or upon a finding that the state is no longer a party.

(3) Bonds, undertakings, or security and injunctions,

attachments, sequestrations, or other orders issued prior to 737  
removal remain in effect until dissolved or modified by the 738  
court of claims. 739

**Sec. 3794.09. Enforcement; Penalties.** 740

(A) Upon the receipt of a first report that a proprietor 741  
of a public place or place of employment or an individual has 742  
violated any provision of this chapter, the department of health 743  
or its designee shall investigate the report and, if it 744  
concludes that there was a violation, issue a warning letter to 745  
the proprietor or individual. 746

(B) Upon a report of a second or subsequent violation of 747  
any provision of this chapter by a proprietor of a public place 748  
or place of employment or an individual, the department of 749  
health or its designee shall investigate the report. If the 750  
director of health or director's designee concludes, based on 751  
all of the information before ~~him or her~~ the director or the 752  
director's designee, that there was a violation, ~~he or she~~ the 753  
director or the director's designee shall impose a civil fine 754  
upon the proprietor or individual in accordance with the 755  
schedule of fines required to be promulgated under section 756  
3794.07 of ~~this chapter~~ the Revised Code. 757

(C) Any proprietor or individual against whom a finding of 758  
a violation is made under this chapter may appeal the finding ~~to~~ 759  
~~the Franklin County Court of Common Pleas. Such appeal shall be~~ 760  
~~governed by the provisions of~~ in accordance with section 119.12 761  
of the Revised Code. 762

(D) The director of health may institute an action in the 763  
court of common pleas seeking an order in equity against a 764  
proprietor or individual that has repeatedly violated the 765

provisions of this chapter or fails to comply with its 766  
provisions. 767

**Sec. 3901.321.** (A) For the purposes of this section: 768

(1) "Acquiring party" means any person by whom or on whose 769  
behalf a merger or other acquisition of control is to be 770  
effected. 771

(2) "Domestic insurer" includes any person controlling a 772  
domestic insurer unless the person, as determined by the 773  
superintendent of insurance, is either directly or through its 774  
affiliates primarily engaged in business other than the business 775  
of insurance. 776

(3) "Person" does not include any securities broker 777  
holding, in the usual and customary broker's function, less than 778  
twenty per cent of the voting securities of an insurance company 779  
or of any person that controls an insurance company. 780

(B) (1) Subject to compliance with division (B) (2) of this 781  
section, no person other than the issuer shall do any of the 782  
following if, as a result, the person would, directly or 783  
indirectly, including by means of conversion or the exercise of 784  
any right to acquire, be in control of a domestic insurer: 785

(a) Make a tender offer for any voting security of a 786  
domestic insurer; 787

(b) Make a request or invitation for tenders of any voting 788  
security of a domestic insurer; 789

(c) Enter into any agreement to exchange securities of a 790  
domestic insurer; 791

(d) Seek to acquire or acquire, in the open market or 792  
otherwise, any voting security of a domestic insurer; 793

(e) Enter into an agreement to merge with, or otherwise to acquire control of, a domestic insurer.	794 795
(2) (a) No person shall engage in any transaction described in division (B) (1) of this section, unless all of the following conditions are met:	796 797 798
(i) The person has filed with the superintendent of insurance a statement containing the information required by division (C) of this section;	799 800 801
(ii) The person has sent the statement to the domestic insurer;	802 803
(iii) The offer, request, invitation, agreement, or acquisition has been approved by the superintendent in the manner provided in division (F) of this section.	804 805 806
(b) The requirements of division (B) (2) (a) of this section shall be met at the time any offer, request, or invitation is made, or any agreement is entered into, or prior to the acquisition of the securities if no offer or agreement is involved.	807 808 809 810 811
(3) Any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer shall file a confidential notice of its proposed divestiture with the superintendent at least thirty days prior to the cessation of control, and provide a copy of the confidential notice to the insurer. The superintendent may require the person seeking to divest the controlling interest to file for and obtain approval of the transaction. The information shall remain confidential until the conclusion of the transaction unless the superintendent, in the superintendent's discretion, determines that the confidential treatment will interfere with enforcement	812 813 814 815 816 817 818 819 820 821 822

of this section. If the statement required by division (B) (2) of 823  
this section is otherwise filed with the superintendent in 824  
relation to all parties that acquire a controlling interest as a 825  
result of the divestiture, this division shall not apply. 826

(C) The statement required by division (B) (2) of this 827  
section shall be made under oath or affirmation, and shall 828  
contain all of the following information: 829

(1) The name and address of each acquiring party; 830

(2) If the acquiring party is an individual, the 831  
individual's principal occupation and all offices and positions 832  
held during the past five years, and any conviction of crimes 833  
other than minor traffic violations during the past ten years; 834

(3) If the acquiring party is not an individual, a report 835  
of the nature of its business operations during the past five 836  
years or for such lesser period as the acquiring party and any 837  
of its predecessors shall have been in existence; an informative 838  
description of the business intended to be done by the acquiring 839  
party and the acquiring party's subsidiaries; and a list of all 840  
individuals who are or who have been selected to become 841  
directors or executive officers of the acquiring party, who 842  
perform or will perform functions appropriate to such positions. 843  
The list shall include for each individual the information 844  
required by division (C) (2) of this section. 845

(4) The source, nature, and amount of the consideration 846  
used or to be used in effecting the merger or other acquisition 847  
of control, a description of any transaction in which funds were 848  
or are to be obtained for any such purpose, including any pledge 849  
of the domestic insurer's stock, or the stock of any of its 850  
subsidiaries or controlling affiliates, and the identity of 851

persons furnishing such consideration; 852

(5) Fully audited financial information as to the earnings 853  
and financial condition of each acquiring party for its 854  
preceding five fiscal years, or for such lesser period as the 855  
acquiring party and any of its predecessors shall have been in 856  
existence, and similar unaudited information as of a date not 857  
earlier than ninety days prior to the filing of the statement; 858

(6) Any plans or proposals which each acquiring party may 859  
have to liquidate such domestic insurer, to sell its assets or 860  
merge or consolidate it with any person, or to make any other 861  
material change in its business or corporate structure or 862  
management; 863

(7) The number of shares of any security of such issuer or 864  
such controlling person that each acquiring party proposes to 865  
acquire, and the terms of the offer, request, invitation, 866  
agreement, or acquisition, and a statement as to the method by 867  
which the fairness of the proposal was determined; 868

(8) The amount of each class of any security of such 869  
issuer or such controlling person which is beneficially owned or 870  
concerning which there is a right to acquire beneficial 871  
ownership by each acquiring party; 872

(9) A full description of any contracts, arrangements, or 873  
understandings with respect to any security of such issuer or 874  
such controlling person in which any acquiring party is 875  
involved, including but not limited to transfer of any of the 876  
securities, joint ventures, loan or option arrangements, puts or 877  
calls, guarantees of loans, guarantees against loss or 878  
guarantees of profits, division of losses or profits, or the 879  
giving or withholding of proxies. The description shall identify 880

the persons with whom such contracts, arrangements, or 881  
understandings have been made. 882

(10) A description of the purchase of any security of such 883  
issuer or such controlling person during the year preceding the 884  
filing of the statement, by any acquiring party, including the 885  
dates of purchase, names of the purchasers, and consideration 886  
paid or agreed to be paid therefor; 887

(11) A description of any recommendations to purchase any 888  
security of such issuer or such controlling person made during 889  
the year preceding the filing of the statement, by any acquiring 890  
party, or by anyone based upon interviews or at the suggestion 891  
of the acquiring party; 892

(12) Copies of all tender offers for, requests, or 893  
invitations for tenders of, exchange offers for, and agreements 894  
to acquire or exchange any securities of such issuer or such 895  
controlling person, and, if distributed, of additional 896  
solicitation material relating thereto; 897

(13) The terms of any agreement, contract, or 898  
understanding made with or proposed to be made with any broker 899  
or dealer as to solicitation of securities of such issuer or 900  
such controlling person for tender, and the amount of any fees, 901  
commissions, or other compensation to be paid to brokers or 902  
dealers with regard thereto; 903

(14) With respect to proposed affiliations between 904  
depository institutions or any affiliate thereof, within the 905  
meaning of Title I, section 104(c) of the "Gramm-Leach-Bliley 906  
Act," Pub. L. No. 106-102, 113 Stat. 1338 (1999), and a domestic 907  
insurer, the proposed effective date of the acquisition or 908  
change of control; 909

(15) An agreement by the person required to file the 910  
statement required by division (B) of this section that the 911  
person will provide the annual registration required by division 912  
(K) of section 3901.33 of the Revised Code for so long as the 913  
person has control of the domestic insurer; 914

(16) An acknowledgment by the person required to file the 915  
statement required by division (B) of this section that the 916  
person and all subsidiaries within the person's control in the 917  
insurance holding company system will provide information to the 918  
superintendent upon request as necessary to evaluate enterprise 919  
risk to the insurer; 920

(17) Such additional information as the superintendent may 921  
by rule prescribe as necessary or appropriate for the protection 922  
of policyholders of the domestic insurer or in the public 923  
interest. 924

(D) (1) If the person required to file the statement 925  
required by division (B) (2) of this section is a partnership, 926  
limited partnership, syndicate, or other group, the 927  
superintendent may require that the information required by 928  
division (C) of this section be furnished with respect to each 929  
partner of such partnership or limited partnership, each member 930  
of such syndicate or group, and each person that controls such 931  
partner or member. If any such partner, member, or person is a 932  
corporation, or the person required to file the statement is a 933  
corporation, the superintendent may require that the information 934  
required by division (C) of this section be furnished with 935  
respect to the corporation, each officer and director of the 936  
corporation, and each person that is directly or indirectly the 937  
beneficial owner of more than ten per cent of the outstanding 938  
voting securities of the corporation. 939

(2) If any material change occurs in the facts set forth 940  
in the statement required by division (B) (2) of this section, an 941  
amendment setting forth such change, together with copies of all 942  
documents and other material relevant to the change, shall be 943  
filed with the superintendent by the person subject to division 944  
(B) (2) of this section and sent to the domestic insurer within 945  
two business days after such person learns of the occurrence of 946  
the material change. 947

(E) If any offer, request, invitation, agreement, or 948  
acquisition described in division (B) (1) of this section is 949  
proposed to be made by means of a registration statement under 950  
the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. 78a, or 951  
in circumstances requiring the disclosure of similar information 952  
under the "Securities Exchange Act of 1934," 48 Stat. 881, 15 953  
U.S.C.A. 78a, or under a state law requiring similar 954  
registration or disclosure, the person required to file the 955  
statement required by division (B) (2) of this section may use 956  
such documents in furnishing the information required by that 957  
statement. 958

(F) (1) The superintendent shall approve any merger or 959  
other acquisition of control described in division (B) (1) of 960  
this section unless, after a public hearing, the superintendent 961  
finds that any of the following apply: 962

(a) After the change of control, the domestic insurer 963  
would not be able to satisfy the requirements for the issuance 964  
of a license to write the line or lines of insurance for which 965  
it is presently licensed; 966

(b) The effect of the merger or other acquisition of 967  
control would be substantially to lessen competition in 968  
insurance in this state or tend to create a monopoly; 969

(c) The financial condition of any acquiring party is such 970  
as might jeopardize the financial stability of the domestic 971  
insurer, or prejudice the interests of its policyholders; 972

(d) The plans or proposals that the acquiring party has to 973  
liquidate the domestic insurer, sell its assets, or consolidate 974  
or merge it with any person, or to make any other material 975  
change in its business or corporate structure or management, are 976  
unfair and unreasonable to policyholders of the domestic insurer 977  
and not in the public interest; 978

(e) The competence, experience, and integrity of those 979  
persons that would control the operation of the domestic insurer 980  
are such that it would not be in the interest of policyholders 981  
of the domestic insurer and of the public to permit the merger 982  
or other acquisition of control; 983

(f) The acquisition is likely to be hazardous or 984  
prejudicial to the insurance-buying public. 985

(2) (a) Chapter 119. of the Revised Code, except for 986  
section 119.09 of the Revised Code, applies to any hearing held 987  
under division (F) (1) of this section, including the notice of 988  
the hearing, the conduct of the hearing, the orders issued 989  
pursuant to it, the review of the orders, and all other matters 990  
relating to the holding of the hearing, but only to the extent 991  
that Chapter 119. of the Revised Code is not inconsistent or in 992  
conflict with this section. 993

(b) The notice of a hearing required under this division 994  
shall be transmitted by personal service, certified mail, e- 995  
mail, or any other method designed to ensure and confirm receipt 996  
of the notice, to the persons and addresses designated to 997  
receive notices and correspondence in the information statement 998

filed under division (B) (2) of this section. Confirmation of 999  
receipt of the notice, including electronic "Read Receipt" 1000  
confirmation, shall constitute evidence of compliance with the 1001  
requirement of this section. The notice of hearing shall include 1002  
the reasons for the proposed action and a statement informing 1003  
the acquiring party that the party is entitled to a hearing. The 1004  
notice also shall inform the acquiring party that at the hearing 1005  
the acquiring party may appear in person, by attorney, or by 1006  
such other representative as is permitted to practice before the 1007  
superintendent, or that the acquiring party may present its 1008  
position, arguments, or contentions in writing, and that at the 1009  
hearing the acquiring party may present evidence and examine 1010  
witnesses appearing for and against the acquiring party. A copy 1011  
of the notice also shall be transmitted to attorneys or other 1012  
representatives of record representing the acquiring party. 1013

(c) The hearing shall be held at the offices of the 1014  
superintendent within ten calendar days, but not earlier than 1015  
seven calendar days, of the date of transmission of the notice 1016  
of hearing by any means, unless it is postponed or continued; 1017  
but in no event shall the hearing be held unless notice is 1018  
received at least three days prior to the hearing. The 1019  
superintendent may postpone or continue the hearing upon receipt 1020  
of a written request by an acquiring party, or upon the 1021  
superintendent's motion, provided, however, a hearing in 1022  
connection with a proposed change of control involving a 1023  
depository institution or any affiliate thereof, within the 1024  
meaning of Title I, section 104(c) of the "Gramm-Leach-Bliley 1025  
Act," Pub. L. No. 106-102, 113 Stat. 1338 (1999), and a domestic 1026  
insurer, may be postponed or continued only upon the request of 1027  
an acquiring party, or upon the superintendent's motion when the 1028  
acquiring party agrees in writing to extend the sixty-day period 1029

provided for in section 104(c) of the "Gramm-Leach-Bliley Act," 1030  
by a number of days equal to the number of days of such 1031  
postponement or continuance. 1032

(d) For the purpose of conducting any hearing held under 1033  
this section, the superintendent may require the attendance of 1034  
such witnesses and the production of such books, records, and 1035  
papers as the superintendent desires, and may take the 1036  
depositions of witnesses residing within or without the state in 1037  
the same manner as is prescribed by law for the taking of 1038  
depositions in civil actions in the court of common pleas, and 1039  
for that purpose the superintendent may, and upon the request of 1040  
an acquiring party shall, issue a subpoena for any witnesses or 1041  
a subpoena duces tecum to compel the production of any books, 1042  
records, or papers, directed to the sheriff of the county where 1043  
such witness resides or is found, which shall be served and 1044  
returned in the same manner as a subpoena in a criminal case is 1045  
served and returned. The fees of the sheriff shall be the same 1046  
as that allowed in the court of common pleas in criminal cases. 1047  
Witnesses shall be paid the fees and mileage provided for under 1048  
section 119.094 of the Revised Code. Fees and mileage shall be 1049  
paid from the fund in the state treasury for the use of the 1050  
superintendent in the same manner as other expenses of the 1051  
superintendent are paid. In any case of disobedience or neglect 1052  
of any subpoena served on any person or the refusal of any 1053  
witness to testify in any matter regarding which the witness may 1054  
lawfully be interrogated, the court of common pleas of any 1055  
county where such disobedience, neglect, or refusal occurs or 1056  
any judge thereof, on application by the superintendent, shall 1057  
compel obedience by attachment proceedings for contempt, as in 1058  
the case of disobedience of the requirements of a subpoena 1059  
issued from the court or a refusal to testify therein. 1060

In any hearing held under this section, a record of the 1061  
testimony, as provided by stenographic means or by use of audio 1062  
electronic recording devices, as determined by the 1063  
superintendent, and other evidence submitted shall be taken at 1064  
the expense of the superintendent. The record shall include all 1065  
of the testimony and other evidence, and rulings on the 1066  
admissibility thereof, presented at the hearing. 1067

The superintendent shall pass upon the admissibility of 1068  
evidence, but a party to the proceedings may at that time object 1069  
to the rulings of the superintendent, and if the superintendent 1070  
refuses to admit evidence, the party offering the evidence shall 1071  
proffer the evidence. The proffer shall be made a part of the 1072  
record of the hearing. 1073

In any hearing held under this section, the superintendent 1074  
may call any person to testify under oath as upon cross- 1075  
examination. The superintendent, or any one delegated by the 1076  
superintendent to conduct a hearing, may administer oaths or 1077  
affirmations. 1078

In any hearing under this section, the superintendent may 1079  
appoint a hearing officer to conduct the hearing; the hearing 1080  
officer has the same powers and authority in conducting the 1081  
hearing as is granted to the superintendent. The hearing officer 1082  
shall have been admitted to the practice of law in the state and 1083  
be possessed of any additional qualifications as the 1084  
superintendent requires. The hearing officer shall submit to the 1085  
superintendent a written report setting forth the hearing 1086  
officer's finding of fact and conclusions of law and a 1087  
recommendation of the action to be taken by the superintendent. 1088  
A copy of the written report and recommendation shall, within 1089  
seven days of the date of filing thereof, be served upon the 1090

acquiring party or the acquiring party's attorney or other 1091  
representative of record, by personal service, certified mail, 1092  
electronic mail, or any other method designed to ensure and 1093  
confirm receipt of the report. The acquiring party may, within 1094  
three days of receipt of the copy of the written report and 1095  
recommendation, file with the superintendent written objections 1096  
to the report and recommendation, which objections the 1097  
superintendent shall consider before approving, modifying, or 1098  
disapproving the recommendation. The superintendent may grant 1099  
extensions of time to the acquiring party within which to file 1100  
such objections. No recommendation of the hearing officer shall 1101  
be approved, modified, or disapproved by the superintendent 1102  
until after three days following the service of the report and 1103  
recommendation as provided in this section. The superintendent 1104  
may order additional testimony to be taken or permit the 1105  
introduction of further documentary evidence. The superintendent 1106  
may approve, modify, or disapprove the recommendation of the 1107  
hearing officer, and the order of the superintendent based on 1108  
the report, recommendation, transcript of testimony, and 1109  
evidence, or the objections of the acquiring party, and 1110  
additional testimony and evidence shall have the same effect as 1111  
if the hearing had been conducted by the superintendent. No such 1112  
recommendation is final until confirmed and approved by the 1113  
superintendent as indicated by the order entered in the record 1114  
of proceedings, and if the superintendent modifies or 1115  
disapproves the recommendations of the hearing officer, the 1116  
reasons for the modification or disapproval shall be included in 1117  
the record of proceedings. 1118

After the order is entered, the superintendent shall 1119  
transmit in the manner and by any of the methods set forth in 1120  
division (F) (2) (b) of this section a certified copy of the order 1121

and a statement of the time and method by which an appeal may be 1122  
perfected. A copy of the order shall be mailed to the attorneys 1123  
or other representatives of record representing the acquiring 1124  
party. 1125

(e) An order of disapproval issued by the superintendent 1126  
may be appealed to the court of common pleas ~~of Franklin county~~ 1127  
in accordance with section 119.12 of the Revised Code by filing 1128  
a notice of appeal with the superintendent and a copy of the 1129  
notice of appeal with the court, within fifteen calendar days 1130  
after the transmittal of the copy of the order of disapproval. 1131  
The notice of appeal shall set forth the order appealed from and 1132  
the grounds for appeal, in accordance with section 119.12 of the 1133  
Revised Code. 1134

(3) The superintendent may retain at the acquiring party's 1135  
expense any attorneys, actuaries, accountants, and other experts 1136  
not otherwise a part of the superintendent's staff as may be 1137  
reasonably necessary to assist the superintendent in reviewing 1138  
the proposed acquisition of control. 1139

(G) This section does not apply to either of the 1140  
following: 1141

(1) Any transaction that is subject to section 3921.14, or 1142  
sections 3925.27 to 3925.31, 3941.35 to 3941.46, or section 1143  
3953.19 of the Revised Code; 1144

(2) Any offer, request, invitation, agreement, or 1145  
acquisition that the superintendent by order exempts from this 1146  
section on either of the following bases: 1147

(a) It has not been made or entered into for the purpose 1148  
and does not have the effect of changing or influencing the 1149  
control of a domestic insurer; 1150

(b) It is not otherwise comprehended within the purposes 1151  
of this section. 1152

(H) Nothing in this section or in any other section of 1153  
Title XXXIX of the Revised Code shall be construed to impair the 1154  
authority of the attorney general to investigate or prosecute 1155  
actions under any state or federal antitrust law with respect to 1156  
any merger or other acquisition involving domestic insurers. 1157

(I) In connection with a proposed change of control 1158  
involving a depository institution or any affiliate thereof, 1159  
within the meaning of Title I, section 104(c) of the "Gramm- 1160  
Leach-Bliley Act," Pub. L. No. 106-102, 113 Stat. 1338 (1999), 1161  
and a domestic insurer, not later than sixty days after the date 1162  
of the notification of the proposed change in control submitted 1163  
pursuant to division (B) (2) of this section, the superintendent 1164  
shall make any determination that the person acquiring control 1165  
of the insurer shall maintain or restore the capital of the 1166  
insurer to the level required by the laws and regulations of 1167  
this state. 1168

**Sec. 3913.13.** Any policyholder adversely affected by an 1169  
order of the superintendent of insurance pursuant to division 1170  
(F) of section 3913.11 of the Revised Code, may appeal to the 1171  
court of common pleas ~~of Franklin county~~ pursuant to section 1172  
119.12 of the Revised Code. 1173

**Sec. 3913.23.** Any policyholder adversely affected by an 1174  
order of the superintendent of insurance pursuant to division 1175  
(F) of section 3913.21 of the Revised Code, may appeal to the 1176  
court of common pleas ~~of Franklin county~~ pursuant to section 1177  
119.12 of the Revised Code. 1178

**Sec. 5101.35.** (A) As used in this section: 1179

(1) (a) "Agency" means the following entities that	1180
administer a family services program:	1181
(i) The department of job and family services;	1182
(ii) A county department of job and family services;	1183
(iii) A public children services agency;	1184
(iv) A private or government entity administering, in	1185
whole or in part, a family services program for or on behalf of	1186
the department of job and family services or a county department	1187
of job and family services or public children services agency.	1188
(b) If the department of medicaid contracts with the	1189
department of job and family services to hear appeals authorized	1190
by section 5160.31 of the Revised Code regarding medical	1191
assistance programs, "agency" includes the department of	1192
medicaid.	1193
(2) "Appellant" means an applicant, participant, former	1194
participant, recipient, or former recipient of a family services	1195
program who is entitled by federal or state law to a hearing	1196
regarding a decision or order of the agency that administers the	1197
program.	1198
(3) (a) "Family services program" means all of the	1199
following:	1200
(i) A Title IV-A program as defined in section 5101.80 of	1201
the Revised Code;	1202
(ii) Programs that provide assistance under Chapter 5104.	1203
of the Revised Code;	1204
(iii) Programs that provide assistance under section	1205
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of	1206

the Revised Code; 1207

(iv) Title XX social services provided under section 1208  
5101.46 of the Revised Code, other than such services provided 1209  
by the department of mental health and addiction services, the 1210  
department of developmental disabilities, a board of alcohol, 1211  
drug addiction, and mental health services, or a county board of 1212  
developmental disabilities. 1213

(b) If the department of medicaid contracts with the 1214  
department of job and family services to hear appeals authorized 1215  
by section 5160.31 of the Revised Code regarding medical 1216  
assistance programs, "family services program" includes medical 1217  
assistance programs. 1218

(4) "Medical assistance program" has the same meaning as 1219  
in section 5160.01 of the Revised Code. 1220

(B) Except as provided by divisions (G) and (H) of this 1221  
section, an appellant who appeals under federal or state law a 1222  
decision or order of an agency administering a family services 1223  
program shall, at the appellant's request, be granted a state 1224  
hearing by the department of job and family services. This state 1225  
hearing shall be conducted in accordance with rules adopted 1226  
under this section. The state hearing shall be recorded, but 1227  
neither the recording nor a transcript of the recording shall be 1228  
part of the official record of the proceeding. Except as 1229  
provided in section 5160.31 of the Revised Code, a state hearing 1230  
decision is binding upon the agency and department, unless it is 1231  
reversed or modified on appeal to the director of job and family 1232  
services or a court of common pleas. 1233

(C) Except as provided by division (G) of this section, an 1234  
appellant who disagrees with a state hearing decision may make 1235

an administrative appeal to the director of job and family 1236  
services in accordance with rules adopted under this section. 1237  
This administrative appeal does not require a hearing, but the 1238  
director or the director's designee shall review the state 1239  
hearing decision and previous administrative action and may 1240  
affirm, modify, remand, or reverse the state hearing decision. 1241  
An administrative appeal decision is the final decision of the 1242  
department and, except as provided in section 5160.31 of the 1243  
Revised Code, is binding upon the department and agency, unless 1244  
it is reversed or modified on appeal to the court of common 1245  
pleas. 1246

(D) An agency shall comply with a decision issued pursuant 1247  
to division (B) or (C) of this section within the time limits 1248  
established by rules adopted under this section. If a county 1249  
department of job and family services or a public children 1250  
services agency fails to comply within these time limits, the 1251  
department may take action pursuant to section 5101.24 of the 1252  
Revised Code. If another agency, other than the department of 1253  
medicaid, fails to comply within the time limits, the department 1254  
may force compliance by withholding funds due the agency or 1255  
imposing another sanction established by rules adopted under 1256  
this section. 1257

(E) An appellant who disagrees with an administrative 1258  
appeal decision of the director of job and family services or 1259  
the director's designee issued under division (C) of this 1260  
section may appeal from the decision to the court of common 1261  
pleas pursuant to section 119.12 of the Revised Code. The appeal 1262  
shall be governed by section 119.12 of the Revised Code except 1263  
that: 1264

(1) ~~The person may appeal to the court of common pleas of~~ 1265

~~the county in which the person resides, or to the court of  
common pleas of Franklin county if the person does not reside in  
this state.~~ 1266  
1267  
1268

~~(2)~~ The person may apply to the court for designation as 1269  
an indigent and, if the court grants this application, the 1270  
appellant shall not be required to furnish the costs of the 1271  
appeal. 1272

~~(3)~~ (2) The appellant shall mail the notice of appeal to 1273  
the department of job and family services and file notice of 1274  
appeal with the court within thirty days after the department 1275  
mails the administrative appeal decision to the appellant. For 1276  
good cause shown, the court may extend the time for mailing and 1277  
filing notice of appeal, but such time shall not exceed six 1278  
months from the date the department mails the administrative 1279  
appeal decision. Filing notice of appeal with the court shall be 1280  
the only act necessary to vest jurisdiction in the court. 1281

~~(4)~~ (3) The department shall be required to file a 1282  
transcript of the testimony of the state hearing with the court 1283  
only if the court orders the department to file the transcript. 1284  
The court shall make such an order only if it finds that the 1285  
department and the appellant are unable to stipulate to the 1286  
facts of the case and that the transcript is essential to a 1287  
determination of the appeal. The department shall file the 1288  
transcript not later than thirty days after the day such an 1289  
order is issued. 1290

(F) The department of job and family services shall adopt 1291  
rules in accordance with Chapter 119. of the Revised Code to 1292  
implement this section, including rules governing the following: 1293

(1) State hearings under division (B) of this section. The 1294

rules shall include provisions regarding notice of eligibility 1295  
termination and the opportunity of an appellant appealing a 1296  
decision or order of a county department of job and family 1297  
services to request a county conference with the county 1298  
department before the state hearing is held. 1299

(2) Administrative appeals under division (C) of this 1300  
section; 1301

(3) Time limits for complying with a decision issued under 1302  
division (B) or (C) of this section; 1303

(4) Sanctions that may be applied against an agency under 1304  
division (D) of this section. 1305

(G) The department of job and family services may adopt 1306  
rules in accordance with Chapter 119. of the Revised Code 1307  
establishing an appeals process for an appellant who appeals a 1308  
decision or order regarding a Title IV-A program identified 1309  
under division (A) (4) (c), (d), (e), (f), or (g) of section 1310  
5101.80 of the Revised Code that is different from the appeals 1311  
process established by this section. The different appeals 1312  
process may include having a state agency that administers the 1313  
Title IV-A program pursuant to an interagency agreement entered 1314  
into under section 5101.801 of the Revised Code administer the 1315  
appeals process. 1316

(H) If an appellant receiving medicaid through a health 1317  
insuring corporation that holds a certificate of authority under 1318  
Chapter 1751. of the Revised Code is appealing a denial of 1319  
medicaid services based on lack of medical necessity or other 1320  
clinical issues regarding coverage by the health insuring 1321  
corporation, the person hearing the appeal may order an 1322  
independent medical review if that person determines that a 1323

review is necessary. The review shall be performed by a health 1324  
care professional with appropriate clinical expertise in 1325  
treating the recipient's condition or disease. The department 1326  
shall pay the costs associated with the review. 1327

A review ordered under this division shall be part of the 1328  
record of the hearing and shall be given appropriate evidentiary 1329  
consideration by the person hearing the appeal. 1330

(I) The requirements of Chapter 119. of the Revised Code 1331  
apply to a state hearing or administrative appeal under this 1332  
section only to the extent, if any, specifically provided by 1333  
rules adopted under this section. 1334

**Sec. 5164.38.** (A) As used in this section: 1335

(1) "Party" has the same meaning as in division (G) of 1336  
section 119.01 of the Revised Code. 1337

(2) "Revalidate" means to approve a medicaid provider's 1338  
continued enrollment as a medicaid provider in accordance with 1339  
the revalidation process established in rules authorized by 1340  
section 5164.32 of the Revised Code. 1341

(B) This section does not apply to either of the 1342  
following: 1343

(1) Any action taken or decision made by the department of 1344  
medicaid with respect to entering into or refusing to enter into 1345  
a contract with a managed care organization pursuant to section 1346  
5167.10 of the Revised Code; 1347

(2) Any action taken by the department under division (D) 1348  
(2) of section 5124.60, division (D) (1) or (2) of section 1349  
5124.61, or sections 5165.60 to 5165.89 of the Revised Code. 1350

(C) Except as provided in division (E) of this section and 1351

section 5164.58 of the Revised Code, the department shall do any 1352  
of the following by issuing an order pursuant to an adjudication 1353  
conducted in accordance with Chapter 119. of the Revised Code: 1354

(1) Refuse to enter into a provider agreement with a 1355  
medicaid provider; 1356

(2) Refuse to revalidate a medicaid provider's provider 1357  
agreement; 1358

(3) Suspend or terminate a medicaid provider's provider 1359  
agreement; 1360

(4) Take any action based upon a final fiscal audit of a 1361  
medicaid provider. 1362

(D) Any party who is adversely affected by the issuance of 1363  
an adjudication order under division (C) of this section may 1364  
appeal to the court of common pleas ~~of Franklin county~~ in 1365  
accordance with section 119.12 of the Revised Code. 1366

(E) The department is not required to comply with division 1367  
(C) (1), (2), or (3) of this section whenever any of the 1368  
following occur: 1369

(1) The terms of a provider agreement require the medicaid 1370  
provider to hold a license, permit, or certificate or maintain a 1371  
certification issued by an official, board, commission, 1372  
department, division, bureau, or other agency of state or 1373  
federal government other than the department of medicaid, and 1374  
the license, permit, certificate, or certification has been 1375  
denied, revoked, not renewed, suspended, or otherwise limited. 1376

(2) The terms of a provider agreement require the medicaid 1377  
provider to hold a license, permit, or certificate or maintain 1378  
certification issued by an official, board, commission, 1379

department, division, bureau, or other agency of state or 1380  
federal government other than the department of medicaid, and 1381  
the provider has not obtained the license, permit, certificate, 1382  
or certification. 1383

(3) The medicaid provider's application for a provider 1384  
agreement is denied, or the provider's provider agreement is 1385  
terminated or not revalidated, because of or pursuant to any of 1386  
the following: 1387

(a) The termination, refusal to renew, or denial of a 1388  
license, permit, certificate, or certification by an official, 1389  
board, commission, department, division, bureau, or other agency 1390  
of this state other than the department of medicaid, 1391  
notwithstanding the fact that the provider may hold a license, 1392  
permit, certificate, or certification from an official, board, 1393  
commission, department, division, bureau, or other agency of 1394  
another state; 1395

(b) Division (D) or (E) of section 5164.35 of the Revised 1396  
Code; 1397

(c) The provider's termination, suspension, or exclusion 1398  
from the medicare program or from another state's medicaid 1399  
program and, in either case, the termination, suspension, or 1400  
exclusion is binding on the provider's participation in the 1401  
medicaid program in this state; 1402

(d) The provider's pleading guilty to or being convicted 1403  
of a criminal activity materially related to either the medicare 1404  
or medicaid program; 1405

(e) The provider or its owner, officer, authorized agent, 1406  
associate, manager, or employee having been convicted of one of 1407  
the offenses that caused the provider's provider agreement to be 1408

suspended pursuant to section 5164.36 of the Revised Code; 1409

(f) The provider's failure to provide the department the 1410  
national provider identifier assigned the provider by the 1411  
national provider system pursuant to 45 C.F.R. 162.408. 1412

(4) The medicaid provider's application for a provider 1413  
agreement is denied, or the provider's provider agreement is 1414  
terminated or suspended, as a result of action by the United 1415  
States department of health and human services and that action 1416  
is binding on the provider's medicaid participation. 1417

(5) The medicaid provider's provider agreement and 1418  
medicaid payments to the provider are suspended under section 1419  
5164.36 or 5164.37 of the Revised Code. 1420

(6) The medicaid provider's application for a provider 1421  
agreement is denied because the provider's application was not 1422  
complete; 1423

(7) The medicaid provider's provider agreement is 1424  
converted under section 5164.32 of the Revised Code from a 1425  
provider agreement that is not time-limited to a provider 1426  
agreement that is time-limited. 1427

(8) Unless the medicaid provider is a nursing facility or 1428  
ICF/IID, the provider's provider agreement is not revalidated 1429  
pursuant to division (B)(1) of section 5164.32 of the Revised 1430  
Code. 1431

(9) The medicaid provider's provider agreement is 1432  
suspended, terminated, or not revalidated because of either of 1433  
the following: 1434

(a) Any reason authorized or required by one or more of 1435  
the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 1436

455.450; 1437

(b) The provider has not billed or otherwise submitted a 1438  
medicaid claim for two years or longer. 1439

(F) In the case of a medicaid provider described in 1440  
division (E) (3) (f), (6), (7), or (9) (b) of this section, the 1441  
department may take its action by sending a notice explaining 1442  
the action to the provider. The notice shall be sent to the 1443  
medicaid provider's address on record with the department. The 1444  
notice may be sent by regular mail. 1445

(G) The department may withhold payments for medicaid 1446  
services rendered by a medicaid provider during the pendency of 1447  
proceedings initiated under division (C) (1), (2), or (3) of this 1448  
section. If the proceedings are initiated under division (C) (4) 1449  
of this section, the department may withhold payments only to 1450  
the extent that they equal amounts determined in a final fiscal 1451  
audit as being due the state. This division does not apply if 1452  
the department fails to comply with section 119.07 of the 1453  
Revised Code, requests a continuance of the hearing, or does not 1454  
issue a decision within thirty days after the hearing is 1455  
completed. This division does not apply to nursing facilities 1456  
and ICFs/IID. 1457

**Section 2.** That existing sections 107.43, 119.12, 124.34, 1458  
956.11, 956.15, 2743.03, 3794.09, 3901.321, 3913.13, 3913.23, 1459  
5101.35, and 5164.38 of the Revised Code are hereby repealed. 1460

**Section 3.** Section 956.15 of the Revised Code as presented 1461  
in this act takes effect on the later of October 9, 2021, or the 1462  
effective date of this section. (October 9, 2021 is the 1463  
effective date of an earlier amendment to that section by H.B. 1464  
263 of the 133rd General Assembly.) 1465

**Section 4.** Section 119.12 of the Revised Code is presented 1466  
in this act as a composite of the section as amended by both 1467  
H.B. 52 and H.B. 64 of the 131st General Assembly. The General 1468  
Assembly, applying the principle stated in division (B) of 1469  
section 1.52 of the Revised Code that amendments are to be 1470  
harmonized if reasonably capable of simultaneous operation, 1471  
finds that the composite is the resulting version of the section 1472  
in effect prior to the effective date of the section as 1473  
presented in this act. 1474