

As Introduced

134th General Assembly
Regular Session
2021-2022

S. B. No. 263

Senator Maharath

A BILL

To amend sections 3.04, 3.05, 101.01, 101.11, 1
101.26, 101.43, 101.79, 102.04, 107.01, 107.05, 2
107.15, 108.01, 109.01, 109.03, 109.121, 109.13, 3
109.16, 109.24, 109.29, 109.361, 109.365, 4
109.40, 109.84, 111.01, 111.03, 111.04, 111.05, 5
111.06, 111.10, 111.19, 113.01, 113.04, 113.08, 6
113.14, 113.15, 113.16, 113.17, 113.18, 113.19, 7
117.02, 117.08, 117.15, 117.17, 117.24, 117.28, 8
117.33, 119.10, 120.41, 121.23, 121.69, 126.13, 9
131.03, 135.46, 141.11, 144.06, 149.03, 161.03, 10
161.09, 161.10, 309.15, 501.11, 703.06, 901.25, 11
1331.03, 1331.11, 1334.07, 1334.08, 1345.06, 12
1503.32, 1703.191, 1703.25, 1715.34, 1716.04, 13
1716.11, 1719.12, 1726.03, 1733.324, 1735.03, 14
2307.40, 2503.19, 2503.25, 2503.26, 2503.282, 15
2701.04, 2701.05, 2727.03, 2733.05, 2743.14, 16
2963.07, 2963.14, 2963.19, 3307.12, 3309.12, 17
3333.41, 3377.03, 3379.02, 3505.021, 3505.33, 18
3505.34, 3505.35, 3505.38, 3505.39, 3513.06, 19
3519.15, 3599.10, 3704.032, 3727.22, 3734.101, 20
3734.43, 3752.12, 3752.13, 3907.03, 3925.01, 21
3939.02, 3939.03, 4123.42, 4123.752, 4503.032, 22
4503.033, 4509.62, 4549.47, 4549.48, 4715.04, 23
4901.07, 4901.17, 4953.03, 4961.05, 5301.16, 24

5301.254, 5505.11, 5521.05, 5711.26, 5725.08, 25
5727.54, 5733.20, 5743.09, 5743.58, 5923.231, 26
and 6161.02 of the Revised Code to remove 27
gender-specific references to statewide 28
officeholders. 29

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

Section 1. That sections 3.04, 3.05, 101.01, 101.11, 30
101.26, 101.43, 101.79, 102.04, 107.01, 107.05, 107.15, 108.01, 31
109.01, 109.03, 109.121, 109.13, 109.16, 109.24, 109.29, 32
109.361, 109.365, 109.40, 109.84, 111.01, 111.03, 111.04, 33
111.05, 111.06, 111.10, 111.19, 113.01, 113.04, 113.08, 113.14, 34
113.15, 113.16, 113.17, 113.18, 113.19, 117.02, 117.08, 117.15, 35
117.17, 117.24, 117.28, 117.33, 119.10, 120.41, 121.23, 121.69, 36
126.13, 131.03, 135.46, 141.11, 144.06, 149.03, 161.03, 161.09, 37
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1716.04, 1716.11, 1719.12, 1726.03, 1733.324, 1735.03, 2307.40, 40
2503.19, 2503.25, 2503.26, 2503.282, 2701.04, 2701.05, 2727.03, 41
2733.05, 2743.14, 2963.07, 2963.14, 2963.19, 3307.12, 3309.12, 42
3333.41, 3377.03, 3379.02, 3505.021, 3505.33, 3505.34, 3505.35, 43
3505.38, 3505.39, 3513.06, 3519.15, 3599.10, 3704.032, 3727.22, 44
3734.101, 3734.43, 3752.12, 3752.13, 3907.03, 3925.01, 3939.02, 45
3939.03, 4123.42, 4123.752, 4503.032, 4503.033, 4509.62, 46
4549.47, 4549.48, 4715.04, 4901.07, 4901.17, 4953.03, 4961.05, 47
5301.16, 5301.254, 5505.11, 5521.05, 5711.26, 5725.08, 5727.54, 48
5733.20, 5743.09, 5743.58, 5923.231, and 6161.02 of the Revised 49
Code be amended to read as follows: 50

Sec. 3.04. When not otherwise provided by law, an officer 51

who holds ~~his~~ office by appointment of the governor with the 52
advice and consent of the senate may be removed from office by 53
the governor with the advice and consent of the senate, if it is 54
found that such officer is inefficient or derelict in the 55
discharge of ~~his~~ official duties, if the ethics commission 56
created by section 102.05 of the Revised Code has found, based 57
upon a preponderance of the evidence, that the facts alleged in 58
a complaint under section 102.06 of the Revised Code alleging a 59
violation by the officer constitutes a violation of Chapter 60
102., section 2921.42, or section 2921.43 of the Revised Code, 61
if the officer fails to file or falsely files a statement 62
required by section 102.02 of the Revised Code, or if it is 63
found that ~~he~~ the officer has used ~~his~~ the office corruptly. If, 64
in the recess of the senate, the governor is satisfied that such 65
officer is inefficient, derelict, committed such violation of 66
Chapter 102., section 2921.42, or section 2921.43 of the Revised 67
Code, or corrupt, ~~he~~ the governor may suspend such officer from 68
~~his~~ office and report the facts to the senate at its next 69
session. If in such report the senate advises and consents to 70
the removal, such officer shall be removed, but otherwise ~~he~~ the 71
officer shall be restored to ~~his~~ office. 72

Sec. 3.05. In case of the suspension of an officer as 73
provided for in section 3.04 of the Revised Code, the governor 74
shall designate a person to perform the duties of the office 75
during the period of such suspension. The person so designated 76
shall give bond and take the oath of office, and during the time 77
~~he~~ the person performs the duties of the office ~~he~~ the person 78
shall receive the full emoluments thereof, no part of which 79
shall, for such time, go to such suspended officer. If the 80
suspended officer is removed or ~~his~~ the suspended officer's term 81
expires before the action of the senate, a new appointment shall 82

be made. 83

Sec. 101.01. (A) The first regular session of each general 84
assembly shall convene on the first Monday of January in the 85
odd-numbered year, or on the succeeding day if the first Monday 86
of January is a legal holiday, and in second regular session on 87
the same date of the following year. The second regular session 88
of each general assembly shall be ~~in~~a continuum of the first 89
regular session. At the second regular session, the general 90
assembly shall consider matters held over from the first regular 91
session, revenue and appropriation bills, and other measures 92
agreed to by a majority of the members elected to either house 93
or recommended by the governor in a public proclamation or a 94
message to the general assembly. 95

(B) At one-thirty p.m. of the day specified for the 96
beginning of the first regular session of the general assembly, 97
the president of the senate during the preceding biennium or in 98
the case of ~~his~~ the president's absence or inability to act, the 99
president pro tempore of the senate during the preceding 100
biennium shall take the chair and call the senate to order. ~~He~~ 101
The president or president pro tempore shall also call the 102
senatorial districts in their numerical order, and as they are 103
called the persons claiming to be senators-elect therefrom shall 104
present their certificates of election and take the oath of 105
office. 106

If neither the president nor the president pro tempore 107
designated in this division is available to preside at the 108
beginning of the first regular session, the senators and 109
senators-elect shall designate by party caucus the person who 110
shall preside over the organization of the senate. 111

Sec. 101.11. At two p.m. of the day appointed for the 112

beginning of the first regular session of the general assembly, 113
the speaker of the house of representatives during the preceding 114
biennium or ~~in his~~ the speaker's absence, the speaker pro 115
tempore of the house of representatives during the preceding 116
biennium shall take the chair, call the representatives-elect to 117
order, and appoint one of them clerk pro tempore. ~~He~~ The speaker 118
or speaker pro tempore also shall call the districts in 119
numerical order and, as they are called, the representatives- 120
elect therefrom shall present their certificates and take the 121
oath of office. 122

Sec. 101.26. No member of either house of the general 123
assembly except in compliance with this section, shall knowingly 124
do any of the following: 125

(A) Be appointed as trustee, officer, or manager of a 126
benevolent, educational, or correctional institution that is 127
authorized, created, or regulated by the state and that is 128
supported in whole or in part by funds from the state treasury; 129

(B) Serve on any committee or commission that is 130
authorized or created by the general assembly and that provides 131
other compensation than actual and necessary expenses; 132

(C) Accept any appointment, office, or employment from any 133
committee or commission that is authorized or created by the 134
general assembly and that provides other compensation than 135
actual and necessary expenses or accept any appointment, office, 136
or employment from any executive or administrative branch or 137
department of the state that provides other compensation than 138
actual and necessary expenses. 139

Any appointee, officer, or employee described in division 140
(A), (B), or (C) of this section who accepts a certificate of 141

election to either house immediately shall resign from the 142
appointment, office, or employment, and, if ~~he~~ that appointee, 143
officer, or employee fails or refuses to do so, ~~his~~ that 144
appointee's, officer's, or employee's seat in the general 145
assembly shall be deemed vacant. Any member of the general 146
assembly who accepts any appointment, office, or employment 147
described in division (A), (B), or (C) of this section 148
immediately shall resign from the general assembly, and, if ~~he~~ 149
the member fails or refuses to do so, ~~his~~ the member's seat in 150
the general assembly shall be deemed vacant. This section does 151
not apply to members of either house of the general assembly 152
serving an educational institution of the state, supported in 153
whole or in part by funds from the state treasury, in a capacity 154
other than one named in division (A) of this section, school 155
teachers, employees of boards of education, notaries public, or 156
officers of the militia. Division (A) of this section does not 157
apply to any member of either house of the general assembly 158
appointed as trustee, officer, or manager of a private 159
institution that only receives funds from the state treasury in 160
exchange for services rendered. 161

Sec. 101.43. Whoever willfully fails to appear in 162
obedience to the subpoena provided for in sections 101.41 and 163
101.42 of the Revised Code, or appears and refuses to answer a 164
question pertinent to the matter of inquiry, or declines to 165
produce a paper or record in ~~his~~ the person's possession or 166
control, is liable to the penalties for contempt of the 167
authority of the general assembly if the committee is a joint 168
committee, or of the proper house of the general assembly if the 169
committee is appointed by one house, and shall be dealt with by 170
the general assembly, or such house, according to parliamentary 171
rules and usages in cases of contempt. The ~~chairman~~ chairperson 172

of the committee before which such person fails to appear or 173
refuses to answer or produce a paper or record on its order 174
shall report the facts to the proper house, and on like order 175
issue a warrant for the arrest and conveyance of the witness 176
before that house to answer for the contempt. The sergeant at 177
arms or sheriff to whom such warrant is directed shall forthwith 178
execute it. Proceedings against a witness, or ~~his~~ the witness's 179
punishment by the general assembly or either house thereof, for 180
contempt, shall not prevent or affect ~~his~~ the witness's 181
indictment and punishment for the same offense in a court of 182
competent jurisdiction. 183

Sec. 101.79. The attorney general and any assistant or 184
special counsel designated by ~~him~~ the attorney general may 185
investigate compliance with sections 101.70 to 101.78 of the 186
Revised Code and with section 2921.13 of the Revised Code in 187
connection with statements required to be filed under these 188
sections and, in the event of an apparent violation, shall 189
report ~~his~~ the findings of the investigation to the prosecuting 190
attorney of Franklin county, who shall institute such 191
proceedings as are appropriate. 192

Sec. 102.04. (A) Except as provided in division (D) of 193
this section, no person elected or appointed to an office of or 194
employed by the general assembly or any department, division, 195
institution, instrumentality, board, commission, or bureau of 196
the state, excluding the courts, shall receive or agree to 197
receive directly or indirectly compensation other than from the 198
agency with which ~~he~~ the official or employee serves for any 199
service rendered or to be rendered by ~~him~~ the official or 200
employee personally in any case, proceeding, application, or 201
other matter that is before the general assembly or any 202
department, division, institution, instrumentality, board, 203

commission, or bureau of the state, excluding the courts. 204

(B) Except as provided in division (D) of this section, no 205
person elected or appointed to an office of or employed by the 206
general assembly or any department, division, institution, 207
instrumentality, board, commission, or bureau of the state, 208
excluding the courts, shall sell or agree to sell, except 209
through competitive bidding, any goods or services to the 210
general assembly or any department, division, institution, 211
instrumentality, board, commission, or bureau of the state, 212
excluding the courts. 213

(C) Except as provided in division (D) of this section, no 214
person who is elected or appointed to an office of or employed 215
by a county, township, municipal corporation, or any other 216
governmental entity, excluding the courts, shall receive or 217
agree to receive directly or indirectly compensation other than 218
from the agency with which ~~he~~ the official or employee serves 219
for any service rendered or to be rendered by ~~him~~ the official 220
or employee personally in any case, proceeding, application, or 221
other matter which is before any agency, department, board, 222
bureau, commission, or other instrumentality, excluding the 223
courts, of the entity of which ~~he~~ the individual is an officer 224
or employee. 225

(D) A public official who is appointed to a nonelective 226
office or a public employee shall be exempted from division (A), 227
(B), or (C) of this section if both of the following apply: 228

(1) The agency to which the official or employee wants to 229
sell the goods or services, or before which the matter that 230
involves the rendering of ~~his~~ the official's or employee's 231
services is pending, is an agency other than the one with which 232
~~he~~ the official or employee serves; 233

(2) Prior to rendering the personal services or selling or 234
agreeing to sell the goods or services, ~~he~~ the official or 235
employee files a statement with the appropriate ethics 236
commission, with the public agency with which ~~he~~ the official or 237
employee serves, and with the public agency before which the 238
matter is pending or that is purchasing or has agreed to 239
purchase goods or services. 240

The required statement shall contain the official's or 241
employee's name and home address, the name and mailing address 242
of the public agencies with which ~~he~~ the official or employee 243
serves and before which the matter is pending or that is 244
purchasing or has agreed to purchase goods or services, and a 245
brief description of the pending matter and of the personal 246
services to be rendered or a brief description of the goods or 247
services to be purchased. The statement also shall ~~also~~ contain 248
the public official's or employee's declaration that ~~he~~ the 249
public official or employee disqualifies ~~himself~~ self for a 250
period of two years from any participation as such public 251
official or employee in any matter involving any public official 252
or employee of the agency before which the present matter is 253
pending or to which goods or services are to be sold. The two- 254
year period shall run from the date of the most recently filed 255
statement regarding the agency before which the matter was 256
pending or to which the goods or services were to be sold. No 257
person shall be required to file statements under this division 258
with the same public agency regarding a particular matter more 259
than once in a calendar year. 260

(E) No public official or employee who files a statement 261
or is required to file a statement under division (D) of this 262
section shall knowingly fail to disqualify ~~himself~~ the 263
official's or employee's self from any participation as a public 264

official or employee of the agency with which ~~he~~ the official or 265
employee serves in any matter involving any official or employee 266
of an agency before which a matter for which ~~he~~ the official or 267
employee rendered personal services was pending or of a public 268
agency that purchased or agreed to purchase goods or services. 269

(F) This section shall not be construed to prohibit the 270
performance of ministerial functions including, but not limited 271
to, the filing, or amendment of tax returns, applications for 272
permits and licenses, incorporation papers, and other documents. 273

Sec. 107.01. The governor shall be elected quadrennially, 274
jointly with the lieutenant governor, and shall hold ~~his~~ office 275
for a term of four years. The term of office of the governor 276
shall commence on the second Monday of January next after ~~his~~ 277
the governor's election. 278

Sec. 107.05. A judge of a court of record, state officer, 279
county officer, militia officer, or judge of a county court, 280
shall be ineligible to perform any duty pertaining to ~~his~~ the 281
judge's or officer's office until ~~he presents~~ after having 282
presented to the proper officer a legal certificate of ~~his~~ 283
election or appointment, and ~~receives~~ having received from the 284
governor a commission to fill such office. 285

Sec. 107.15. The governor may appoint an authenticating 286
officer and delegate to such officer power to sign for the 287
governor any document except enrolled bills enacted by the 288
general assembly, nominations to be submitted to the senate for 289
confirmation, clemency actions, interstate compacts, and 290
agreements with the federal government, which document, to have 291
legal effect, requires the governor's signature and which is of 292
a class which the governor has authorized for signature by ~~his~~ 293
the governor's authenticating officer in a writing filed in the 294

office of the secretary of state. The authenticating officer 295
shall sign in the following manner: 296

" _____, Authenticating Officer for Governor 297
_____ " 298

The governor may also delegate to ~~his~~ the authenticating 299
officer power to use the governor's facsimile signature for 300
signing any document except enrolled bills enacted by the 301
general assembly, nominations to be submitted to the senate for 302
confirmation, clemency actions, interstate compacts, and 303
agreements with the federal government, which document, to have 304
legal effect, requires the governor's signature and is of a 305
class with respect to which the governor has authorized use of 306
~~his~~ the governor's facsimile signature by a writing filed in the 307
office of the secretary of state. As used in this section, 308
"facsimile signature" includes, but is not limited to, the 309
reproduction of any authorized signature by a copper plate, a 310
rubber stamp, or by a photographic, photostatic, or mechanical 311
device. 312

The governor shall effect such appointment and delegation 313
by filing in the office of the secretary of state in a single 314
document the name of the person appointed as authenticating 315
officer and said officer's signature, a list of the classes of 316
documents the authenticating officer is authorized to sign for 317
the governor, a copy of the governor's facsimile signature, and 318
a list of the classes of documents which the authenticating 319
officer may sign for the governor by affixing the governor's 320
facsimile signature. The governor may revoke such appointment or 321
delegation of powers by filing in the office of the secretary of 322
state a new single document which expressly revokes the previous 323
filing. ~~He~~ The governor may in the same document state anew the 324

appointment of an authenticating officer and the powers 325
delegated to ~~him~~ the authenticating officer. The secretary of 326
state shall record and index documents filed by the governor 327
pursuant to this section, and such documents shall be open for 328
public inspection. 329

The authorized signature of the authenticating officer or 330
an authorized facsimile signature of the governor shall have the 331
same legal effect and validity as the genuine manual signature 332
of the governor. 333

Sec. 108.01. The lieutenant governor shall be elected 334
quadrennially, jointly with the governor, and shall hold ~~his~~ 335
office for a term of four years. The term of office of the 336
lieutenant governor shall commence on the second Monday of 337
January next after ~~his~~ the lieutenant governor's election. 338

Sec. 109.01. The attorney general shall be elected 339
quadrennially, and shall hold ~~his~~ office for a term of four 340
years. The term of office of the attorney general shall commence 341
on the second Monday of January next after ~~his~~ the attorney 342
general's election. 343

Sec. 109.03. The attorney general may appoint a first 344
assistant attorney general, a chief counsel, and assistant 345
attorneys general, each of whom shall be an attorney at law, to 346
serve for the term for which the attorney general is elected, 347
unless sooner discharged by ~~him~~ the attorney general, and each 348
shall perform such duties, not otherwise provided by law, as are 349
assigned ~~him~~ by the attorney general. 350

Sec. 109.121. Prior to the acquisition by the state of any 351
right, title, or interest in real property, except highway 352
rights-of-way, evidence of such right, title, or interest shall 353

be submitted to the attorney general for ~~his~~ a review and an 354
opinion. Such evidence shall be that customarily and generally 355
used in the community in which the real property is situated and 356
may consist of, but not be limited to, attorneys' opinions of 357
title, abstracts of title, title guarantees, or title insurance. 358

Sec. 109.13. When so required by resolution, the attorney 359
general shall give ~~his~~ a written opinion on questions of law to 360
either house of the general assembly. 361

Sec. 109.16. The attorney general may prosecute an action, 362
information, or other proceeding in behalf of the state, or in 363
which the state is interested, except prosecutions by 364
indictment, in the proper court of Franklin county, or of any 365
other county in which one or more of the defendants reside or 366
may be found. No civil action, unless elsewhere specially 367
provided, shall be commenced in Franklin county, if one or more 368
of the defendants do not reside or cannot be found therein, 369
unless the attorney general certifies on the writ that ~~he~~ the 370
attorney general believes the amount in controversy exceeds five 371
hundred dollars. 372

Sec. 109.24. The powers of the attorney general under 373
sections 109.23 to 109.33 of the Revised Code shall be in 374
addition to and not in limitation of ~~his~~ the attorney general's 375
powers held at common law. The attorney general may investigate 376
transactions and relationships of trustees of a charitable trust 377
for the purpose of determining whether the property held for 378
charitable, religious, or educational purposes has been and is 379
being properly administered in accordance with fiduciary 380
principles as established by the courts and statutes of this 381
state. The attorney general is empowered to require the 382
production of any books or papers which are relevant to the 383

inquiry. Each such request shall be in writing, and shall do all 384
of the following: 385

(A) Identify the person to whom the request is directed; 386

(B) State the specific purpose of the investigation; 387

(C) Describe any books and the papers to be produced with 388
such definiteness and certainty as to permit such material to be 389
fairly identified; 390

(D) Prescribe a return date which will provide at least 391
ten days' notice within which the books or papers to be produced 392
may be assembled; 393

(E) State the place where and the time within which any 394
books or papers are to be produced, provided, however, that 395
copies of such books and papers may be produced in lieu of the 396
originals. 397

No request shall contain any requirement which would be 398
held to be unreasonable or oppressive or which would be 399
privileged from disclosure if contained in a subpoena duces 400
tecum issued by a court of this state pursuant to the Rules of 401
Civil Procedure. If the production of documents required by the 402
request would be unduly burdensome, the person upon whom the 403
request is served, in lieu of producing such books or papers at 404
the place designated in the request, shall make such books or 405
papers available for inspection, copying, or reproduction at the 406
place where such books or papers are kept. 407

Whenever a request fails to meet the requirements 408
enumerated in this section, any person upon whom the request is 409
served may file a complaint to quash such request in the court 410
of common pleas of the county in which the trust, institution, 411
association, or corporation has its principal place of business 412

in this state. The complaint shall contain a brief statement of 413
facts entitling such person to have such requests quashed. No 414
answer to such complaint is required. Upon the filing of the 415
complaint, the court, on motion of the complainant, shall enter 416
an order fixing a date for a hearing on the complaint and 417
requiring that a copy of the complaint and a notice of the 418
filing and of the date for hearing be given to the attorney 419
general or ~~his~~ the attorney general's assistant in the manner in 420
which summons is required to be served or substituted services 421
required to be made in other cases. On the day fixed for the 422
hearing on the complaint, the court shall determine from the 423
complaint and from such evidence as is submitted by either party 424
whether the person upon whom the request was served is entitled 425
to have the request quashed. The proceeding is a special 426
proceeding, and final orders in the proceeding may be vacated, 427
modified, or reversed on appeal pursuant to the Rules of 428
Appellate Procedure and, to the extent not in conflict with 429
those rules, Chapter 2505. of the Revised Code. 430

The attorney general shall institute and prosecute a 431
proper action to enforce the performance of any charitable 432
trust, and to restrain the abuse of it whenever ~~he~~ the attorney 433
general considers such action advisable or if directed to do so 434
by the governor, the supreme court, the general assembly, or 435
either house of the general assembly. Such action may be brought 436
in ~~his~~ the attorney general's own name, on behalf of the state, 437
or in the name of a beneficiary of the trust, in the court of 438
common pleas of any county in which the trust property or any 439
part of it is situated or invested, or in which the trustee 440
resides; provided that in the case of a charitable trust created 441
by, arising as a result of, or funded by a will, such action may 442
be brought in either the court of common pleas of any such 443

county, or the probate division of it, at the election of the 444
attorney general. No such action shall abate or discontinue by 445
virtue of the discontinuance in office of the attorney general 446
in whose name such actions may be brought. This section is 447
intended to allow the attorney general full discretion 448
concerning the manner in which the action is to be prosecuted, 449
including the authority to settle an action when ~~he~~ the attorney 450
general considers that advisable. 451

Sec. 109.29. The clerk of each court of common pleas or 452
the judge of the probate division thereof, and of each court of 453
appeals shall furnish copies of papers and such information as 454
to the records and files of ~~his~~ the clerk's or judge's office 455
relating to charitable trusts as the attorney general may 456
require. 457

Sec. 109.361. Upon the receipt of a written request by any 458
officer or employee, the attorney general, except as provided in 459
section 109.362 of the Revised Code, except under the 460
circumstances described in division (E) of section 120.06 of the 461
Revised Code, and except for civil actions in which the state is 462
the plaintiff, shall represent and defend the officer or 463
employee in any civil action instituted against the officer or 464
employee. All expenses and court costs, including the reasonable 465
compensation of special counsel, incurred by the attorney 466
general in the defense of an officer or employee shall be paid 467
by the employer that employed the officer or employee at the 468
time the alleged act or omission occurred. 469

The defense of the officer or employee may be rendered by 470
the attorney general, an assistant attorney general, or any 471
special counsel appointed by the attorney general, who, in 472
addition to providing the defense of the officer or employee, 473

may file counterclaims and cross-claims and engage in third- 474
party practice on behalf of the officer or employee. If the 475
officer or employee recovers any money pursuant to any 476
counterclaim or cross-claim so filed, the officer or employee, 477
to the extent of the recovery on the counterclaim or cross- 478
claim, shall reimburse the attorney general for all expenses and 479
court costs, including the reasonable compensation of assistant 480
attorneys general and special counsel, incurred in bringing the 481
counterclaim or cross-claim. The officer or employee shall 482
cooperate fully with the attorney general's defense. Sections 483
109.36 to 109.366 of the Revised Code do not deprive any officer 484
or employee of the right to select counsel of ~~his~~ the officer's 485
or employee's own choice or settle ~~his~~ the case at ~~his~~ the 486
officer's or employee's own expense at any time, and, except 487
under the circumstances described in division (E) of section 488
120.06 of the Revised Code, do not prohibit the attorney general 489
from entering ~~his~~ an appearance in a case to protect the 490
interest of the state even though no request for the appearance 491
has been made by the officer or employee. 492

Sec. 109.365. Information obtained by the attorney general 493
pursuant to ~~his~~ an investigation to determine whether to defend 494
an officer or employee is privileged and is not admissible as 495
evidence against the officer or employee in any legal action or 496
proceeding and no reference to the information may be made in 497
any trial or hearing. The decision of the attorney general to 498
defend or not defend an officer or employee is not admissible as 499
evidence in any trial or hearing. This section does not apply to 500
any trial or hearing to determine the right of an officer or 501
employee to reimbursement pursuant to section 109.364 of the 502
Revised Code or to any trial or hearing held as a result of an 503
action filed pursuant to division (F) of section 9.87 of the 504

Revised Code. 505

Sec. 109.40. The attorney general shall compile all 506
statutes relative to obscenity in a convenient pamphlet or paper 507
and may distribute this compilation, without charge, to such 508
sheriffs, police chiefs, county prosecutors, city prosecutors, 509
mayors, constables, judges of the courts of common pleas, county 510
court judges, municipal judges, and other interested parties, as 511
may request such distribution, and make available a reasonable 512
number of such compilations to fill such requests. 513

The attorney general shall, from time to time, supplement 514
and keep the compilation current and ~~he~~ may, upon request, 515
distribute such supplemental material in the manner provided in 516
this section. 517

Sec. 109.84. (A) Upon the written request of the governor, 518
the industrial commission, the administrator of workers' 519
compensation, or upon the attorney general's becoming aware of 520
criminal or improper activity related to Chapter 4121. or 4123. 521
of the Revised Code, the attorney general shall investigate any 522
criminal or civil violation of law related to Chapter 4121. or 523
4123. of the Revised Code. 524

(B) When it appears to the attorney general, as a result 525
of an investigation under division (A) of this section, that 526
there is cause to prosecute for the commission of a crime or to 527
pursue a civil remedy, ~~he~~ the attorney general may refer the 528
evidence to the prosecuting attorney having jurisdiction of the 529
matter, or to a regular grand jury drawn and impaneled pursuant 530
to sections 2939.01 to 2939.24 of the Revised Code, or to a 531
special grand jury drawn and impaneled pursuant to section 532
2939.17 of the Revised Code, or ~~he~~ the attorney general may 533
initiate and prosecute any necessary criminal or civil actions 534

in any court or tribunal of competent jurisdiction in this 535
state. When proceeding under this section, the attorney general 536
has all rights, privileges, and powers of prosecuting attorneys, 537
and any assistant or special counsel designated by ~~him~~ the 538
attorney general for that purpose has the same authority. 539

(C) The attorney general shall be reimbursed by the bureau 540
of workers' compensation for all actual and necessary costs 541
incurred in conducting investigations requested by the governor, 542
the commission, or the administrator and all actual and 543
necessary costs in conducting the prosecution arising out of 544
such investigation. 545

Sec. 111.01. The secretary of state shall be elected 546
quadrennially, and shall hold ~~his~~ office for a term of four 547
years. The term of office of the secretary of state shall 548
commence on the second Monday of January next after ~~his~~ the 549
secretary of state's election. 550

Sec. 111.03. The secretary of state may appoint an 551
assistant secretary of state, whose appointment shall be made in 552
writing under the seal of the secretary of state and entered on 553
record in ~~his~~ the secretary of state's office. 554

Sec. 111.04. In case of the absence or disability of the 555
secretary of state, the assistant secretary of state shall have 556
power to perform the duties of the secretary of state. The 557
general duties of the assistant secretary shall be such as the 558
secretary of state assigns ~~him~~ to the assistant secretary. 559

Sec. 111.05. Before entering upon the discharge of the 560
duties of ~~his~~ office, the assistant secretary of state shall 561
give bond to the secretary of state in such sum and with such 562
sureties as the secretary of state requires, conditioned for the 563

faithful discharge of the duties of ~~his~~ office. Such bond shall 564
be deposited with the secretary of state and kept in ~~his~~ the 565
secretary of state's office. 566

Sec. 111.06. The secretary of state may appoint 567
authenticating officers and delegate to such officers power to 568
sign for the secretary of state any document which, to have 569
legal effect, requires the secretary of state's signature and 570
which is of a class which the secretary of state has authorized 571
for signature by ~~his~~ those authenticating officers in a writing 572
on file in ~~his~~ the secretary of state's office. Authenticating 573
officers shall sign in the following manner: " _____, 574
Authenticating Officer for the Secretary of State _____ " 575

The secretary of state may also delegate to ~~his~~ 576
authenticating officers appointed under this section power to 577
use the secretary of state's facsimile signature for signing any 578
document which, to have legal effect, requires the secretary of 579
state's signature and is of a class with respect to which the 580
secretary of state has authorized use of ~~his~~ the secretary of 581
state's facsimile signature by a writing filed in ~~his~~ the 582
secretary of state's office. As used in this section, "facsimile 583
signature" includes, but is not limited to, the reproduction of 584
any authorized signature by a copper plate, a rubber stamp, or 585
by a photographic, photostatic, or mechanical device. 586

The secretary of state shall effect such appointment and 587
delegation by placing on file in ~~his~~ the secretary of state's 588
office in a single document the names of all persons appointed 589
as authenticating officers and each such officer's signature, a 590
list of the classes of documents each such authenticating 591
officer is authorized to sign for the secretary of state, a copy 592
of the secretary of state's facsimile signature, and a list of 593

the classes of documents which each authenticating officer may 594
sign for the secretary of state by affixing the secretary of 595
state's facsimile signature. The secretary of state may revoke 596
such appointment or delegation of powers by placing on file in 597
~~his~~ the secretary of state's office a new single document which 598
expressly revokes the authenticating officers and the powers 599
delegated to them. The secretary of state shall record and index 600
documents filed by ~~him~~ the secretary of state pursuant to this 601
section, and such documents shall be open for public inspection. 602

The authorized signature of an authenticating officer or 603
an authorized facsimile signature of the secretary of state 604
shall have the same legal effect and validity as the genuine 605
manual signature of the secretary of state. 606

Sec. 111.10. Each year the secretary of state shall 607
prepare, print, and distribute a table showing the time for 608
holding the terms of the courts of appeals, which table, 609
corrected to show any changes made by the judges or the general 610
assembly, shall be published in ~~his~~ the secretary of state's 611
annual report and in the volume of the statutes printed at the 612
close of each second regular session of the general assembly. 613

Sec. 111.19. Fees paid under protest to the secretary of 614
state and deposited by ~~him~~ the secretary of state in the state 615
treasury are recoverable only by a suit against the state and 616
not against the secretary of state. For such purpose permission 617
is hereby given by this section to maintain actions against the 618
state in the cases and to the extent that such actions might be 619
maintained against the secretary of state, if the fees were held 620
by ~~him~~ the secretary of state. Service of process shall be made 621
on the attorney general, who shall represent the state. 622

Sec. 113.01. The treasurer of state shall be elected 623

quadrennially, and shall hold ~~his~~ office for a term of four 624
years. The term of office of the treasurer of state shall 625
commence on the second Monday of January next after ~~his~~ the 626
treasurer of state's election. 627

Sec. 113.04. The treasurer of state shall appoint such 628
employees as are necessary to carry out the functions of ~~his~~ the 629
treasurer of state's office. Each employee shall be covered by a 630
fidelity or surety bond, the premium on which shall be paid out 631
of appropriations made to the treasurer of state. 632

Sec. 113.08. Except as otherwise provided by law, every 633
state officer, employee, and agent shall, at the times and in 634
the manner prescribed by rule of the treasurer of state, pay to 635
the treasurer of state all money, checks, and drafts received 636
for the state, or for the use of the officer, employee, or 637
agent, from taxes, assessments, licenses, premiums, fees, 638
penalties, fines, costs, sales, rentals, or otherwise. The rules 639
shall include procedures for dealing with checks not accepted 640
for deposit by a financial institution and procedures for making 641
deposits into the custodial funds of the treasurer of state. The 642
payer shall specify the amount being paid, the fund to which the 643
amount is to be credited, and any other information required by 644
the treasurer of state. The treasurer of state shall file and 645
preserve the record of payment. 646

If a state officer, employee, or agent fails to pay to the 647
treasurer of state, at the times and in the manner prescribed by 648
rule of the treasurer of state, any money, checks, or drafts 649
received for the state, or for the use of the officer, employee, 650
or agent, from taxes, assessments, licenses, premiums, fees, 651
penalties, fines, costs, sales, rentals, or otherwise, the 652
treasurer of state shall immediately inform the attorney general 653

thereof, who shall prosecute the proper action against the 654
officer, employee, or agent and ~~his~~ the officer's, employee's, 655
or agent's sureties, but if the treasurer of state is satisfied 656
that the default is the result of unavoidable accident, ~~he~~ the 657
treasurer of state may delay informing the attorney general for 658
such time, not to exceed sixty days, as ~~he~~ the treasurer of 659
state considers reasonable. If the officer in default is the 660
attorney general, the treasurer of state shall notify the 661
governor thereof, who shall cause such measures to be taken, by 662
suit or otherwise, as ~~he~~ the governor considers appropriate. 663

Sec. 113.14. When considered necessary, an audit shall be 664
made of the state treasury and the custodial funds of the 665
treasurer of state, including the office of the commissioners of 666
the sinking fund, by a committee of the general assembly or of 667
either house thereof authorized by resolution, or by a committee 668
of persons not members of the general assembly appointed by 669
resolution of the general assembly. When required by law, or if 670
in the opinion of the governor the public interest requires it, 671
the governor shall appoint a public accountant who, together 672
with the secretary of state, without previous notice or 673
information from them of the intended audit, shall immediately 674
make an audit of all ~~his~~ the treasurer of state's records 675
concerning, and the assets of, the state treasury and the 676
custodial funds of the treasurer of state. 677

Sec. 113.15. Upon demand of any of the persons appointed 678
as special auditors under section 113.14 of the Revised Code, 679
the treasurer of state shall submit for audit all ~~his~~ the 680
treasurer of state's records concerning, and the assets of, the 681
state treasury and the custodial funds of the treasurer of 682
state. The treasurer of state, ~~his~~ the treasurer of state's 683
clerks, or any other person may be questioned under oath by any 684

of the persons making the audit, and the auditors may administer 685
oaths for that purpose. The persons so sworn shall answer all 686
questions of the auditors as to the condition of the state 687
treasury and the custodial funds of the treasurer of state, and 688
their testimony shall be reduced to writing and signed by them. 689
The auditors may compel the attendance of witnesses and the 690
production of records and may punish for contempt in the same 691
manner as courts of record. 692

Sec. 113.16. If upon an audit there is found in the state 693
treasury and the custodial funds of the treasurer of state the 694
moneys, claims, bonds, notes, other obligations, stocks, and 695
other securities, receipts or other evidences of ownership, and 696
other intangible assets which should be in the state treasury or 697
in the custodial funds of the treasurer of state, the auditors 698
shall make triplicate written certificates of the fact over 699
their official signatures. One of the certificates shall be 700
delivered to the treasurer of state and recorded in ~~his~~ the 701
treasurer of state's office, one to the auditor of state and 702
recorded in ~~his~~ the auditor of state's office, and one to the 703
governor and recorded in ~~his~~ the governor's office. 704

If upon an audit a deficiency is found in the moneys, 705
claims, bonds, notes, other obligations, stocks, and other 706
securities, receipts or other evidences of ownership, or other 707
intangible assets which should be in the state treasury or in 708
the custodial funds of the treasurer of state, or any 709
irregularity or omission in the business of the office or in 710
keeping accounts, the auditors shall state particularly the 711
deficiency, irregularity, or omission. 712

Sec. 113.17. If, upon an audit of the state treasury and 713
the custodial funds of the treasurer of state under sections 714

113.14 to 113.16 of the Revised Code, or at any other time, 715
there is a deficiency in moneys, claims, bonds, notes, other 716
obligations, stocks, and other securities, receipts or other 717
evidences of ownership, or other intangible assets which should 718
be in the state treasury or in the custodial funds of the 719
treasurer of state, or if the treasurer of state is guilty of 720
embezzlement, the deficiency or embezzlement shall be reported 721
to the governor. If there is satisfactory evidence of such 722
deficiency or embezzlement, the governor shall suspend the 723
treasurer of state from the performance of the duties of ~~his~~ the 724
treasurer of state's office and shall appoint a suitable person 725
to act as treasurer of state until the suspended treasurer of 726
state is restored to office or until a successor is elected and 727
qualified. The person so appointed shall be subject to the same 728
bond requirements as the treasurer of state under section 113.02 729
of the Revised Code, take the oath of office, have the powers, 730
perform the duties, and be subject to the liabilities of an 731
elected and qualified treasurer of state. 732

Upon suspension by the governor, the treasurer of state 733
shall cease to exercise the powers or perform the duties of ~~his~~ 734
the treasurer of state's office and shall not again exercise 735
such powers or perform such duties until restored to office. 736

Sec. 113.18. Upon the suspension of a treasurer of state 737
as provided in section 113.17 of the Revised Code, the governor 738
shall cause ~~his~~ the treasurer of state's arrest and prosecution 739
for the offense charged. If the suspended treasurer of state is 740
not indicted within four months of the date of the suspension or 741
is acquitted of the offense charged before ~~his~~ the suspended 742
treasurer of state's term of office has expired, ~~he~~ the 743
suspended treasurer of state shall immediately be restored to 744
office and all the rights, duties, and obligations thereof. The 745

acting treasurer of state appointed by the governor shall 746
surrender the office to the restored treasurer of state. 747

Sec. 113.19. (A) When the term of the treasurer of state 748
or acting treasurer of state expires, or ~~he~~ the treasurer of 749
state or acting treasurer of state resigns, is removed, or is 750
suspended from office, an audit shall be made by the auditor of 751
state of the state treasury and the custodial funds of the 752
treasurer of state. The liability of the outgoing treasurer of 753
state, acting treasurer of state, or their respective sureties, 754
shall not be discharged until the audit is completed by the 755
auditor of state. 756

(B) Upon the expiration of the term of office of the 757
treasurer of state or in the event of a vacancy in the office of 758
treasurer of state by reason of death, resignation, removal or 759
suspension from office, or otherwise, the treasurer of state or 760
~~his~~ the treasurer of state's legal representative shall transfer 761
and deliver to ~~his~~ the treasurer of state's successor all 762
documents evidencing a deposit or investment held by ~~him~~ the 763
treasurer of state. For the investments and deposits so 764
transferred and delivered, the treasurer of state shall be 765
credited with and ~~his~~ the treasurer of state's successor shall 766
be charged with the amount of money held in such investments and 767
deposits. 768

Sec. 117.02. The auditor of state shall be elected 769
quadrennially and shall hold ~~his~~ office for a term of four 770
years. The term of office of the auditor of state shall commence 771
on the second Monday of January next after ~~his~~ the auditor of 772
state's election. 773

Sec. 117.08. The auditor of state shall keep the records, 774
books, accounts, documents, other papers, and vouchers 775

pertaining to ~~his~~ the auditor of state's office, properly 776
marked, numbered, and filed in ~~his~~ the auditor of state's 777
office, and at all times subject to the inspection of the 778
governor or a committee of the general assembly, or either house 779
thereof, appointed to examine them. Official copies of such 780
records and documents shall be certified and signed by the 781
auditor of state and have the seal of ~~his~~ the auditor of state's 782
office affixed. 783

Sec. 117.15. Once each year, or more often in ~~his~~ the 784
auditor of state's discretion, the auditor of state shall 785
without previous notice audit the accounts and transactions of 786
the office of the treasurer of state, ascertain the condition of 787
the state treasury and the custodial funds of the treasurer of 788
state, and make an inventory of the assets of the state treasury 789
and the custodial funds of the treasurer of state. ~~He~~ The 790
auditor of state shall sign ~~his~~ the report completed under this 791
section and submit one copy each to the treasurer of state, 792
governor, attorney general, and secretary of state. ~~An~~ Such an 793
audit report ~~completed pursuant to this section~~ is not a public 794
record under section 149.43 of the Revised Code until it is 795
submitted to the officers enumerated in this section. 796

Sec. 117.17. Before the head of a state agency leaves 797
office, ~~he~~ the official shall prepare, in the form prescribed by 798
the auditor of state, a letter of representation for ~~his~~ the 799
official's successor in office. The letter shall contain an 800
inventory of all properties, supplies, furniture, credits, and 801
moneys, and any other thing belonging to the state, which it is 802
the duty of such official to turn over to ~~his~~ the official's 803
successor in office or pay into the state treasury. One copy of 804
the letter shall be delivered to the official, one copy to ~~his~~ 805
the official's successor in office, one copy to the governor, 806

one copy to the auditor of state, and one copy to the attorney 807
general. 808

Sec. 117.24. The auditor of state shall analyze the report 809
of the public accountant who has audited a public office to 810
determine whether any public money has been illegally expended, 811
any public money collected has not been accounted for, any 812
public money due has not been collected, or any public property 813
has been converted or misappropriated. In addition, the auditor 814
of state or ~~his~~ the auditor of state's appointee shall determine 815
whether there has been any malfeasance or gross neglect of duty 816
on the part of any officer or employee of the public office. 817

Sec. 117.28. Where an audit report sets forth that any 818
public money has been illegally expended, or that any public 819
money collected has not been accounted for, or that any public 820
money due has not been collected, or that any public property 821
has been converted or misappropriated, the officer receiving the 822
certified copy of the report pursuant to section 117.27 of the 823
Revised Code may, within one hundred twenty days after receiving 824
the report, institute civil action in the proper court in the 825
name of the public office to which the public money is due or 826
the public property belongs for the recovery of the money or 827
property and prosecute the action to final determination. 828

The auditor of state shall notify the attorney general in 829
writing of every audit report which sets forth that any public 830
money has been illegally expended, or that any public money 831
collected has not been accounted for, or that any public money 832
due has not been collected, or that any public property has been 833
converted or misappropriated and of the date that the report was 834
filed. 835

Within one hundred twenty days after receiving the 836

certified copy of the report, the officer receiving the report 837
shall notify the attorney general in writing of whether any 838
legal action has been taken. If no legal action has been taken, 839
the officer shall, within the same period, notify the attorney 840
general in writing of the reason why legal action has not been 841
taken. The attorney general or ~~his~~ an assistant attorney general 842
may appear in any such action on behalf of the public office and 843
may, either in conjunction with or independent of the officer 844
receiving the report, prosecute an action to final 845
determination. The attorney general may bring the action in any 846
case where the officer fails to do so within one hundred twenty 847
days after the audit report has been filed. 848

Sec. 117.33. No claim for money or other property found to 849
be due to any public treasury or custodian of public money in 850
any report of the auditor of state, other than a report as 851
described in section 117.31 of the Revised Code, shall be abated 852
or compromised, either before or after the filing of civil 853
action, by any legislative or executive action or by order of 854
any court unless the attorney general gives ~~his~~ written approval 855
to abate or compromise the claim. 856

Sec. 119.10. At any adjudication hearing required by 857
sections 119.01 to 119.13, ~~inclusive,~~ of the Revised Code, the 858
record of which may be the basis of an appeal to court, and in 859
all proceedings in the courts of this state or of the United 860
States, the attorney general or any of ~~his~~ the attorney 861
general's assistants or special counsel who have been designated 862
by ~~him~~ the attorney general shall represent the agency. 863

Sec. 120.41. (A) In connection with any malpractice action 864
filed against a state, county, or joint county public defender 865
or assistant public defender, the state, or the county or 866

district in which the defender office is located when the action 867
is brought against a county or joint county public defender or 868
assistant public defender, shall indemnify the attorney, if ~~he~~ 869
the attorney acted in good faith and in the scope of ~~his~~ 870
employment, for any judgment awarded in the malpractice action 871
or amount negotiated in settlement of the malpractice claim 872
asserted in the action, and for any court costs or legal fees 873
incurred in the defense of the malpractice claim asserted in the 874
action. 875

(B) (1) In connection with any malpractice action filed 876
against an attorney who was either personally selected by an 877
indigent person or appointed by a court pursuant to section 878
120.33 of the Revised Code, the attorney shall be indemnified in 879
accordance with division (B) of this section for any judgment 880
awarded in the malpractice action or amount negotiated in 881
settlement of the malpractice claim asserted in the action, and 882
for any court costs or legal fees incurred in defense of the 883
malpractice claim asserted in the action. 884

(2) Subject to division (B) (3) of this section, an 885
indemnification as described in division (B) (1) of this section 886
shall be accomplished only through the following procedure: 887

(a) The attorney who was either personally selected by an 888
indigent person or appointed by a court pursuant to section 889
120.33 of the Revised Code, or ~~his~~ the attorney's counsel in the 890
malpractice action, shall file with the attorney general a 891
request for indemnification pursuant to division (B) (1) of this 892
section, which shall be accompanied by the following types of 893
supportive documentation to the extent that they relate to the 894
request for indemnification: 895

(i) A certified copy of the judgment entry in the 896

malpractice action; 897

(ii) A signed copy of any settlement agreement entered 898
into between the parties to the malpractice action; 899

(iii) A written itemization of all court costs and legal 900
fees incurred in the defense of the malpractice claim asserted 901
in the action. 902

(b) Upon receipt of a request for indemnification and the 903
requisite supportive documentation required by division (B) (2) 904
(a) of this section, the attorney general shall review the 905
request and documentation; determine whether any of the 906
limitations specified in division (B) (3) of this section apply 907
to the requested indemnification; and, if an indemnification in 908
any amount is permitted under division (B) (1) of this section 909
after applying those limitations, prepare an indemnity 910
agreement. The indemnity agreement shall specify whether the 911
indemnification will be for a judgment awarded in a malpractice 912
action, an amount negotiated in settlement of the malpractice 913
claim asserted in a malpractice action, court costs or legal 914
fees incurred in the defense of the malpractice claim asserted 915
in a malpractice action, or a combination of those items. The 916
indemnity agreement additionally shall specify the total amount 917
of permissible indemnification as determined by the attorney 918
general; itemize the portions of the permissible indemnification 919
that represent the judgment, settlement, court costs, or legal 920
fees covered by the indemnity agreement; specify any limitations 921
applied pursuant to division (B) (3) of this section to reduce 922
the amount of indemnification sought by the attorney involved; 923
name the persons to whom the entire permissible indemnification 924
or portions of it will be paid; state that the permissible 925
indemnification is payable from the state treasury pursuant to 926

division (B) (2) (c) of this section; and be approved by the 927
inclusion of the signatures of the attorney general and the 928
attorney involved. 929

(c) The attorney general shall forward a copy of the 930
indemnity agreement prepared pursuant to division (B) (2) (b) of 931
this section to the director of budget and management. The 932
director shall make application for the payment of the amount of 933
the permissible indemnification out of the emergency purposes 934
account or any other appropriation for emergencies or 935
contingencies, and payment out of that account or any other 936
appropriation for emergencies or contingencies shall be 937
authorized if there are sufficient moneys greater than the sum 938
total of then pending emergency purposes account requests, or 939
requests for releases from the other appropriation. If 940
sufficient moneys exist in the emergency purposes account or any 941
other appropriation for emergencies or contingencies to pay the 942
permissible indemnification, the director shall cause payment of 943
the appropriate amounts specified in the indemnity agreement to 944
be made to the persons named in it. If sufficient moneys do not 945
exist in the emergency purposes account or any other 946
appropriation for emergencies or contingencies to pay the 947
permissible indemnification, the attorney involved or ~~his~~ the 948
attorney's counsel in the malpractice action shall request the 949
general assembly to make an appropriation sufficient to pay the 950
indemnification, and no payment shall be made until the 951
appropriation has been made. The attorney involved or ~~his~~ the 952
attorney's counsel in the malpractice action shall make the 953
request during the current biennium and during each succeeding 954
biennium until a sufficient appropriation is made. 955

(3) An indemnification pursuant to divisions (B) (1) and 956
(2) of this section is subject to the following limitations: 957

(a) The maximum aggregate amount of the indemnification, 958
whether paid to or on behalf of the attorney who was either 959
personally selected by an indigent person or appointed by a 960
court pursuant to section 120.33 of the Revised Code, shall be 961
one million dollars per occurrence, regardless of the number of 962
persons who suffer injury, death, or loss to person or property 963
as a result of the malpractice involved. 964

(b) The attorney described in division (B) (3) (a) of this 965
section shall not be indemnified to the extent of any amounts 966
covered by a policy of malpractice insurance, for any portion of 967
a ~~judgement~~ judgment that represents punitive or exemplary 968
damages, for any portion of an amount negotiated in settlement 969
of a malpractice claim that is unreasonable, or for any amount 970
described in division (B) (1) of this section unless ~~he~~ the 971
attorney acted in good faith and in the scope of ~~his~~ employment. 972

(c) The attorney described in division (B) (3) (a) of this 973
section shall be indemnified only for the portion of legal fees 974
that is reasonable. 975

(4) If, pursuant to division (B) (2) of this section, the 976
attorney general denies any indemnification to an attorney who 977
was either personally selected by an indigent person or 978
appointed by a court pursuant to section 120.33 of the Revised 979
Code because of the application of a limitation specified in 980
division (B) (3) of this section, ~~he~~ the attorney general shall 981
notify that attorney or ~~his~~ the attorney's counsel in the 982
malpractice action in writing of the denial and of the 983
limitation applied. 984

(5) If, pursuant to division (B) (4) of this section, an 985
attorney who was either personally selected by an indigent 986
person or appointed by a court pursuant to section 120.33 of the 987

Revised Code or ~~his~~ the attorney's counsel in the malpractice 988
action receives a denial of indemnification notification, or if 989
that attorney refuses to approve an indemnity agreement under 990
division (B) (2) of this section because of the proposed 991
application of a limitation specified in division (B) (3) of this 992
section, the attorney may commence a civil action against the 993
attorney general in the court of claims to prove ~~his~~ the 994
attorney's entitlement to the indemnification sought, to prove 995
that division (B) (3) of this section does not prohibit or 996
otherwise limit the indemnification sought, and to recover a 997
judgment for the amount of indemnification sought. A civil 998
action under this division shall be commenced no later than two 999
years after the receipt of a denial of indemnification 1000
notification or, if the attorney refused to approve an indemnity 1001
agreement under division (B) (2) of this section because of the 1002
proposed application of a limitation specified in division (B) 1003
(3) of this section, no later than two years after the refusal. 1004
Any judgment of the court of claims in favor of the attorney 1005
shall be paid from the state treasury in accordance with 1006
division (B) (2) of this section. 1007

(C) In connection with any malpractice action filed 1008
against an attorney who has contracted with the Ohio public 1009
defender commission or the state public defender, pursuant to 1010
authority granted by this chapter, to provide legal services to 1011
indigent or other persons, the state shall indemnify the 1012
attorney, if ~~he~~ the attorney acted in good faith and in the 1013
scope of ~~his~~ employment, for any judgment awarded in the 1014
malpractice action or amount negotiated in settlement of the 1015
malpractice claim asserted in the action, and for any court 1016
costs or legal fees incurred in the defense of the malpractice 1017
claim asserted in the action. 1018

Sec. 121.23. (A) The secretary of state shall establish 1019
and maintain a list of all persons against whom more than one 1020
final, unappealable finding of contempt of court by a federal 1021
court or court of appeals has been issued and has remained 1022
uncorrected by the court within the immediately preceding two- 1023
year period after the listing of the finding by the secretary of 1024
state for failure to correct an unfair labor practice prohibited 1025
by the "National Labor Relations Act," 49 Stat. 452 (1935), 29 1026
U.S.C.A. 158. The list shall be updated on the first day of each 1027
month. The secretary of state shall, within ten days after a 1028
person's name is added to the list pursuant to this division, 1029
issue written notice to such person stating that the person's 1030
name has been placed on the list pursuant to this division and 1031
setting forth the specific contempt finding of the court upon 1032
which the secretary of state based ~~his~~ the determination. Any 1033
person who receives such notice may file an application with the 1034
secretary of state to have the person's name removed from the 1035
list. Upon receiving such application, the secretary of state 1036
shall conduct a hearing pursuant to Chapter 119. of the Revised 1037
Code and afford the applicant the opportunity to present 1038
evidence and arguments in support of the application. If after 1039
such hearing the secretary of state determines that the person's 1040
name was improperly included on the list or that the finding of 1041
contempt of court has been corrected by the court, the secretary 1042
of state shall immediately remove the person's name from the 1043
list. 1044

(B) No department, office, institution, board, commission, 1045
or other state agency shall award a public improvement, service, 1046
or supply contract or subcontract to any person whose name 1047
appears on the most recent list established pursuant to this 1048
section and who has received written notice as provided in 1049

division (A) of this section. 1050

(C) No person holding a public improvement, service, or 1051
supply contract with a state agency shall enter into any 1052
subcontract associated with this contract with a person whose 1053
name appears on the most recent list established pursuant to 1054
this section and who has received written notice as provided in 1055
division (A) of this section. 1056

(D) During an emergency situation, a department, office, 1057
institution, board, commission, or other state agency may award 1058
a contract or subcontract to a person whose name appears on the 1059
list if the listed person is the sole source of supply for the 1060
goods or services needed by the state agency. 1061

Sec. 121.69. The attorney general and any assistant or 1062
special counsel designated by ~~him~~ the attorney general may 1063
investigate compliance with sections 121.60 to 121.68 of the 1064
Revised Code in connection with statements required to be filed 1065
under these sections and, in the event of an apparent violation, 1066
shall report ~~his~~ the findings of any such investigation to the 1067
prosecuting attorney of Franklin county, who shall institute 1068
such proceedings as are appropriate. 1069

Sec. 126.13. As soon as practical after the enactment of 1070
any act containing appropriations for current expenses, the 1071
director of budget and management shall designate which programs 1072
or activities receiving appropriations for current expenses in 1073
the act shall be subject to performance reviews. The director 1074
shall notify in writing the head of each affected agency of the 1075
designations, the requirement to prepare a separate program 1076
performance report for each designated program or activity, and 1077
the information to be included in the report. The director shall 1078
not designate for performance review any program or activity 1079

assigned to the attorney general, auditor of state, secretary of 1080
state, treasurer of state, or agencies of the legislative or 1081
judicial branches. The director may remove the designation from 1082
a program or activity by notifying the head of the affected 1083
agency in writing of such removal. Appropriations for capital 1084
expenses are not subject to this section. 1085

For each designated program or activity, the affected 1086
agency shall prepare a separate program performance report 1087
containing the information required by the director and submit 1088
the report as part of the agency's budget request under division 1089
(D) of section 126.02 of the Revised Code by the dates required 1090
in that section or as otherwise required by the director. If an 1091
agency fails to submit a program performance report for a 1092
designated program or activity or if, in the judgment of the 1093
director, the report submitted does not contain the information 1094
required, the director shall disapprove the agency's budget 1095
request for the designated program or activity in the state 1096
budget estimate submitted to the governor under section 126.02 1097
of the Revised Code. The governor, in ~~his~~ a budget submission to 1098
the general assembly under section 107.03 of the Revised Code, 1099
shall not recommend any appropriation for the program or 1100
activity and shall explain the reason for not recommending an 1101
appropriation. 1102

Sec. 131.03. Any officer, employee, or agent certifying a 1103
claim to the attorney general pursuant to section 131.02 of the 1104
Revised Code shall supply to the attorney general, upon demand, 1105
all papers and information necessary for the commencement and 1106
prosecution of any proceedings to collect the delinquent 1107
charges. The attorney general, in addition to the powers 1108
otherwise reposed in ~~him~~ the attorney general, shall have such 1109
further powers to enforce payment as are given by law to 1110

officers, boards, or commissions originally certifying such 1111
charges. Whenever the attorney general collects any money upon 1112
such claim, ~~he~~ the attorney general shall pay it to the 1113
treasurer of state or to such other custodian to whom it is 1114
payable and notify the officer, employee, or agent who 1115
originally certified the claim that such collection has been 1116
made. 1117

Sec. 135.46. (A) The treasurer of state may create a 1118
taxable investment pool or a tax-exempt investment pool, or 1119
both, for the purpose of providing a procedure for the temporary 1120
investment of bond proceeds. The pool shall be in the custody of 1121
the treasurer of state. 1122

(B) A treasurer, governing board, or investing authority 1123
of a subdivision, or any agency of the state that has debt- 1124
issuing authority may pay bond proceeds into either or both of 1125
the pools authorized under division (A) of this section. 1126

(C) The treasurer of state shall invest the funds of the 1127
taxable investment pool authorized under division (A) of this 1128
section in the same manner, in the same types of instruments, 1129
and subject to the same limitations provided for the deposit and 1130
investment of interim moneys of the state and subdivisions under 1131
sections 135.14 and ~~135.141~~135.143 of the Revised Code. The 1132
treasurer also may invest in any other taxable obligations 1133
issued by any political subdivision of the state. 1134

(D) The treasurer of state shall invest the funds of the 1135
tax-exempt investment pool in debt obligations and participation 1136
interests in such obligations, if all of the following apply: 1137

(1) The obligations are issued by or on behalf of any 1138
state of the United States, or any political subdivision, 1139

agency, or instrumentality of any such state; 1140

(2) The interest on such obligations is exempt from 1141
federal income taxation; 1142

(3) The obligations are rated in either of the two highest 1143
classifications established by at least one nationally 1144
recognized standard rating service. 1145

(E) (1) The treasurer of state shall, pursuant to Chapter 1146
119. of the Revised Code, adopt such rules as are necessary to 1147
carry out the purposes of this section and for the efficient 1148
administration and accounting of a pool established pursuant to 1149
division (A) of this section. 1150

(2) The rules shall provide for the administrative 1151
expenses of such pool to be paid from its earnings and for the 1152
interest earnings in excess of such expenses to be credited to 1153
the several treasurers, governing boards, investing authorities, 1154
and agencies of the state participating in the pool in a manner 1155
that equitably reflects the differing amounts of their 1156
respective investments in the pool and the differing periods of 1157
time for which such amounts are in the pool. 1158

(3) The rules shall establish standards governing pools 1159
authorized under division (A) of this section, taking into 1160
consideration all federal rebate and yield restrictions and the 1161
objective of maintaining a high degree of safety and liquidity. 1162

(F) Upon creating a pool authorized under division (A) of 1163
this section, the treasurer of state shall give bond with 1164
sufficient sureties, payable to the treasurers, governing 1165
boards, and investing authorities of subdivisions and agencies 1166
of the state participating in the pool, for the benefit of the 1167
participating subdivisions and agencies, in the total penal sum 1168

of two hundred fifty thousand dollars, conditioned for the 1169
faithful discharge of ~~his~~ the treasurer of state's duties in 1170
relation to the pool. 1171

(G) The treasurer of state and ~~his bondsmen~~ the treasurer 1172
of state's bonders or surety are liable for the loss of any 1173
moneys of the state invested under this section through a pool 1174
established under division (A) of this section to the same 1175
extent the treasurer of state and ~~his bondsmen~~ the treasurer of 1176
state's bonders or surety are liable for the loss of public 1177
moneys under section 135.19 of the Revised Code. 1178

(H) As used in this section: 1179

(1) "Governing board" has the same meaning as in section 1180
135.01 of the Revised Code. 1181

(2) "Interim moneys" has the same meaning as in section 1182
135.01 of the Revised Code. 1183

(3) "Investing authority" has the same meaning as in 1184
section 135.31 of the Revised Code. 1185

(4) "Public moneys of a subdivision" has the same meaning 1186
as in section 135.01 of the Revised Code, but also includes 1187
"public moneys" as defined in section 135.31 of the Revised 1188
Code, and funds held in the custody of the treasurer of state 1189
notwithstanding any limitations on the permissible investments 1190
of such funds. 1191

(5) "Subdivision" has the same meaning as in section 1192
135.01 of the Revised Code, but also includes a county, or a 1193
municipal corporation that has adopted a charter under Article 1194
XVIII, Ohio Constitution. 1195

(6) "Treasurer" has the same meaning as in sections 135.01 1196

and 135.31 of the Revised Code. 1197

Sec. 141.11. (A) A judge of a court of appeals who is 1198
directed or assigned to sit with the justices of the supreme 1199
court shall be paid all ~~his~~ the judge's actual and necessary 1200
expenses incurred while sitting or performing any duty incident 1201
to the sitting, including expenses incurred in going from ~~his~~ the 1202
judge's place of residence to the supreme court and in returning 1203
from the supreme court. Those expenses shall be paid from funds 1204
appropriated for the supreme court. The certificate of the judge 1205
of the court of appeals that services were so rendered and that 1206
the expenses were so incurred shall be approved by the chief 1207
justice of the supreme court or, in ~~his~~ the chief justice's 1208
absence, by the acting chief justice of the supreme court, and 1209
that approval is sufficient authority for the drawing of a 1210
warrant. 1211

(B) In addition to the actual and necessary expenses 1212
provided for in division (A) of this section, each judge of a 1213
court of appeals who is directed or assigned to sit with the 1214
justices of the supreme court shall receive fifty dollars per 1215
day for each day of the sitting or of performing any duty 1216
incident to the sitting. The per diem compensation shall be paid 1217
from funds appropriated for the supreme court. 1218

Prior to receiving per diem compensation under this 1219
division, a judge of the court of appeals shall certify, in 1220
writing, that ~~he~~ the judge did sit with the justices of the 1221
supreme court, or did perform any duty incident to the sitting, 1222
on the days for which the per diem compensation is sought. The 1223
certificate then shall be approved by the chief justice of the 1224
supreme court or, in ~~his~~ the chief justice's absence, by the 1225
acting chief justice of the supreme court and that approval is 1226

sufficient authority for the drawing of a warrant. 1227

Sec. 144.06. The governor is empowered to authorize a 1228
referendum, and ~~he~~the governor shall authorize a referendum 1229
upon request of the governing body of a county-related 1230
corporation or city, and the governor shall designate an agency 1231
or individual to supervise its conduct, in accordance with the 1232
requirements of section 218-(d)-(3) of the "Social Security 1233
Act," on the question of whether service in positions covered by 1234
a retirement system established by a county-related corporation 1235
or city thereof should be excluded from or included under an 1236
agreement under Chapter 144. of the Revised Code. The notice of 1237
referendum required by section 218-(d)-(3)-(C) of the "Social 1238
Security Act" to be given to employees shall contain or shall be 1239
accompanied by a statement, in such form and such detail as the 1240
agency or individual designated to supervise the referendum 1241
deems necessary and sufficient, to inform the employees of the 1242
rights which will accrue to them and their dependents and 1243
survivors, and the liabilities to which they will be subject, if 1244
their services are included under an agreement under Chapter 1245
144. of the Revised Code. 1246

Upon receiving evidence satisfactory to ~~him~~the governor 1247
that with respect to any such referendum the conditions 1248
specified in section 218-(d)-(3) of the "Social Security Act" 1249
have been met, the governor shall so certify to the ~~secretary-~~ 1250
commissioner of health, education, and welfare social security. 1251

Sec. 149.03. The governor may at any time require ~~to be~~ 1252
~~filed with him~~ a detailed report from any state officer, board, 1253
or commission to be filed with the governor. 1254

Sec. 161.03. In the event that the governor, for any of 1255
the reasons specified in the constitution, is not able to 1256

exercise the powers and discharge the duties of ~~his~~ the office 1257
of governor, or is unavailable, and in the event the lieutenant 1258
governor, president of the senate, and the speaker of the house 1259
of representatives are for any of the reasons specified in the 1260
constitution not able to exercise the powers and discharge the 1261
duties of the office of governor, or are unavailable, the 1262
secretary of state, treasurer of state, auditor of state, and 1263
attorney general shall, in the order named, if the preceding 1264
named officers be unavailable, exercise the powers and discharge 1265
the duties of the office of governor until a new governor is 1266
elected and qualified, or until a preceding named officer 1267
becomes available; provided, that no emergency interim successor 1268
to the aforementioned offices may serve as governor. 1269

Sec. 161.09. In the event of an emergency resulting from 1270
enemy attack, the governor, ~~his~~ the governor's successor, or 1271
interim successor, shall, ~~when in his judgment after determining~~ 1272
that the public interest requires, postpone any state or local 1273
election for a period not exceeding six months. When, because of 1274
conditions resulting from an enemy attack, a scheduled election 1275
is not held or scheduled appointments cannot be made, the 1276
elected or appointed incumbents of affected offices, or their 1277
emergency interim successors, shall continue to hold office 1278
until their successors are elected or appointed and duly 1279
qualified. 1280

Sec. 161.10. Any dispute concerning a question of fact 1281
arising under sections 161.01 to 161.29, ~~inclusive~~, of the 1282
Revised Code, with respect to an office in the executive branch 1283
of the state government, except a dispute of fact relative to 1284
the office of governor, shall be adjudicated by the governor, or 1285
other official authorized under the constitution, or otherwise 1286
by law, to exercise the powers and discharge the duties of the 1287

office of governor, and ~~his~~ the governor's decision shall be 1288
final. 1289

Sec. 309.15. On or before the first day of September in 1290
each year, if so required by the attorney general by a written 1291
notice given on or before the first day of August, the 1292
prosecuting attorney shall transmit to the attorney general a 1293
report of all crimes prosecuted by indictment or information in 1294
~~his~~ the prosecuting attorney's county for the year ending the 1295
first day of July, specifying: 1296

(A) Under the head of felonies: 1297

(1) The number convicted; 1298

(2) The number acquitted; 1299

(3) The amount of costs incurred; 1300

(4) The amount of costs collected. 1301

(B) Under the head of misdemeanors: 1302

(1) The number convicted; 1303

(2) The number acquitted; 1304

(3) The amount of fines imposed; 1305

(4) The amount of fines collected; 1306

(5) The amount of costs incurred; 1307

(6) The amount of costs collected. 1308

(C) Such other information as the attorney general 1309
requires. 1310

The attorney general may prepare and forward to the 1311

prosecuting attorney the necessary blanks and instructions for 1312

such annual reports. Prosecuting attorneys shall furnish to the 1313
attorney general any information ~~he~~ the attorney general 1314
requires in the execution of ~~his~~ the attorney general's office, 1315
whenever such information is requested by ~~him~~ the attorney 1316
general. 1317

Sec. 501.11. When the successful bidder at the sale 1318
provided in this chapter makes payment to the school district 1319
selling the land, the school district shall certify receipt of 1320
such payment to the auditor of state. Following the payment to 1321
the school district, the auditor of state shall prepare a deed, 1322
conveying such lands in fee simple to the successful bidder, and 1323
deliver it to the governor, together with ~~his~~ the auditor of 1324
state's certificate, under the seal of the auditor of state, 1325
that all papers required by law have been properly filed, that 1326
the proceedings are according to law, and that the purchase 1327
money is fully paid. When signed by the governor, countersigned 1328
by the secretary of state, and sealed with the great seal of the 1329
state, such deed shall be returned to the auditor of state who 1330
shall deliver it to the grantee. 1331

Sec. 703.06. When the result of any federal census or an 1332
enumeration as provided in sections 703.02 to 703.05, ~~inclusive,~~ 1333
of the Revised Code, is officially made known to the secretary 1334
of state, ~~he~~ the secretary of state forthwith shall issue a 1335
proclamation, stating the names of all municipal corporations 1336
having a population of five thousand or more, and the names of 1337
all municipal corporations having a population of less than five 1338
thousand, together with the population of all such municipal 1339
corporations. A copy of the proclamation shall forthwith be sent 1340
to the mayor of each such municipal corporation, which copy 1341
shall forthwith be transmitted to the legislative authority of 1342
such municipal corporation, read therein, and made a part of the 1343

records thereof. Thirty days after the issuance of such 1344
proclamation each municipal corporation shall be a city or 1345
village as the case may be. 1346

Sec. 901.25. Upon the request of the director of 1347
agriculture, the attorney general, or under ~~his~~the attorney 1348
general's direction, the prosecuting attorney of any county, 1349
shall aid in any investigation, hearing, or trial had under the 1350
laws which the department of agriculture or the director is 1351
required to administer, and shall institute and prosecute all 1352
necessary actions or proceedings for the enforcement of such 1353
laws, and for the punishment of all violations thereof, arising 1354
within the county in which ~~he~~the prosecuting attorney was 1355
elected. 1356

Sec. 1331.03. Whoever violates sections 1331.01 to 1331.14 1357
of the Revised Code, shall forfeit to the state, for the use of 1358
the general revenue fund, five hundred dollars for each day that 1359
such violation is committed or continued after due notice is 1360
given by the attorney general or a prosecuting attorney. Such 1361
sum may be recovered in the name of the state. The attorney 1362
general, or the prosecuting attorney of any county upon the 1363
order of the attorney general, shall prosecute for the recovery 1364
thereof. When such action is prosecuted by the attorney general, 1365
~~he~~the attorney general may begin the same in the court of 1366
common pleas of Franklin county or of any other county in which 1367
there is proper venue. 1368

Sec. 1331.11. Courts of common pleas are invested with 1369
jurisdiction to restrain and enjoin violators of sections 1370
1331.01 to 1331.14 of the Revised Code. For a violation of such 1371
sections, the attorney general, or the prosecuting attorney of 1372
the proper county, shall institute proper proceedings in a court 1373

of competent jurisdiction in any county in which there is proper 1374
venue. 1375

When such suit is instituted by the attorney general in 1376
quo warranto, ~~he~~ the attorney general may begin the same in the 1377
supreme court of the state, or the court of appeals of Franklin 1378
county. When such suit is instituted by the attorney general to 1379
restrain and enjoin a violation of sections 1331.01 to 1331.14 1380
of the Revised Code, ~~he~~ the attorney general may begin the same 1381
in the court of common pleas of Franklin county. Such 1382
proceedings to restrain and enjoin such violation shall be by 1383
way of complaint setting forth the case, and praying that such 1384
violation be enjoined or otherwise prohibited. 1385

Upon the filing of such complaint, and before final 1386
decree, the court may make such temporary restraining order or 1387
prohibition as is just in the premises. In any action or 1388
proceeding in quo warranto by the attorney general or a 1389
prosecuting attorney against a corporation, the court in which 1390
such action or proceeding is pending may, ancillary to such 1391
action or proceeding, restrain or enjoin the corporation and its 1392
officers and agents from continuing or committing during the 1393
pendency of the action the alleged act by reason of which the 1394
action is brought. 1395

When, in a proceeding in quo warranto by the attorney 1396
general or any prosecuting attorney, any Ohio corporation is, on 1397
final hearing, found guilty of violating such sections, the 1398
court may declare a forfeiture of all its rights, privileges, 1399
and franchises to the state and may order the corporation 1400
dissolved and appoint a trustee to wind up its affairs, as is 1401
provided in other cases in quo warranto. 1402

Sec. 1334.07. (A) If by ~~his~~ the attorney general's own 1403

inquiries, or as a result of complaints, the attorney general 1404
has reasonable cause to believe that a seller or broker has 1405
engaged, is engaging, or is threatening to engage in an act or 1406
practice that violates sections 1334.01 to 1334.15 of the 1407
Revised Code, ~~he~~ the attorney general may investigate. For this 1408
purpose the attorney general may administer oaths, subpoena 1409
witnesses, adduce evidence, and require the production of 1410
relevant matter. If matter that the attorney general requires to 1411
be produced is located outside the state, ~~he~~ the attorney 1412
general may designate representatives, including officials of 1413
the state in which the matter is located, to inspect the matter 1414
on ~~his~~ the attorney general's behalf, and ~~he~~ the attorney 1415
general may respond to similar requests from officials of other 1416
states. The person subpoenaed may make the matter available to 1417
the attorney general at a convenient location within the state 1418
or pay the reasonable and necessary expenses for the attorney 1419
general or ~~his~~ the attorney general's representative to examine 1420
the matter at the place where it is located. However, expenses 1421
shall not be charged to a party not subsequently found to have 1422
engaged in an act or practice that violates sections 1334.01 to 1423
1334.15 of the Revised Code. 1424

(B) Within twenty days after a subpoena has been served, a 1425
motion to extend the return day, or to modify or quash the 1426
subpoena, stating good cause, may be filed in the court of 1427
common pleas of Franklin county or the court of common pleas of 1428
the county in this state in which the person served resides or 1429
has ~~his~~ the person's principal place of business. 1430

(C) A person subpoenaed under this section shall comply 1431
with the terms of the subpoena, unless the parties agree to 1432
modify the terms of the subpoena or unless the court has 1433
modified or quashed the subpoena, extended the return day of the 1434

subpoena, or issued any other order with respect to the subpoena 1435
prior to its return day. 1436

If a person fails without lawful excuse to obey a subpoena 1437
or to produce relevant matter, the attorney general may apply to 1438
the court of common pleas of the county in which the person 1439
subpoenaed resides or has ~~his~~ the person's principal place of 1440
business for an order compelling compliance. 1441

(D) The attorney general may request that an individual 1442
who refuses to testify or to produce relevant matter on the 1443
ground that the testimony or matter may incriminate ~~him~~ the 1444
individual be ordered by the court to provide the testimony or 1445
matter. With the exception of a prosecution for perjury and an 1446
action for damages under sections 1334.01 to 1334.15 of the 1447
Revised Code, an individual who complies with a court order to 1448
provide testimony or matter, after asserting a privilege against 1449
self-incrimination to which ~~he~~ the individual is entitled by 1450
law, shall not be subjected to a criminal proceeding on the 1451
basis of the testimony or matter required to be disclosed or 1452
testimony or matter discovered through that testimony or matter. 1453

Sec. 1334.08. (A) If the attorney general, by ~~his~~ the 1454
attorney general's own inquiries or as a result of complaints 1455
has reasonable cause to believe that a person has engaged, is 1456
engaging, or threatening to engage in an act or practice that 1457
violates sections 1334.01 to 1334.15 of the Revised Code, ~~he~~ the 1458
attorney general may bring any of the following actions: 1459

(1) An action to obtain a declaratory judgment that the 1460
act or practice violates sections 1334.01 to 1334.15 of the 1461
Revised Code; 1462

(2) An action to obtain a temporary restraining order, 1463

preliminary injunction, or permanent injunction to restrain the 1464
act or practice. If the attorney general shows by a 1465
preponderance of the evidence that a seller or broker has 1466
violated, is violating, or is threatening to violate sections 1467
1334.01 to 1334.15 of the Revised Code, the court may issue a 1468
temporary restraining order, preliminary injunction, or 1469
permanent injunction to restrain the act or practice. On motion 1470
of the attorney general, or on its own motion, the court may 1471
impose a civil penalty of not more than ten thousand dollars for 1472
each violation of a temporary restraining order, preliminary 1473
injunction, or permanent injunction issued under this section. 1474
The civil penalties shall be paid as provided in division (F) of 1475
this section. 1476

(3) A class action under Civil Rule 23, as amended, on 1477
behalf of purchasers damaged by a violation of sections 1334.01 1478
to 1334.15 of the Revised Code. 1479

(B) On motion of the attorney general and without bond, in 1480
an attorney general's action under this section, the court may 1481
make appropriate orders, including appointment of a referee or a 1482
receiver, for sequestration of assets, to reimburse purchasers 1483
found to have been damaged, to carry out a transaction in 1484
accordance with a purchaser's reasonable expectations, to strike 1485
or limit the application of unconscionable clauses of agreements 1486
so as to avoid an unconscionable result, or to grant other 1487
appropriate relief. The court may assess the expenses of a 1488
referee or receiver against the seller or broker found to be in 1489
violation. 1490

(C) Any money or property received by the attorney general 1491
in an action under this section that cannot with due diligence 1492
within five years be restored by a referee to purchasers shall 1493

be unclaimed funds reported under Chapter 169. of the Revised 1494
Code. 1495

(D) In addition to the other remedies provided in this 1496
section, the attorney general may request and the court may 1497
impose a civil penalty of not more than five thousand dollars 1498
against a seller or broker for each violation found by the 1499
court. The court shall not impose civil penalties under this 1500
division that exceed, in the aggregate, one hundred thousand 1501
dollars. 1502

(E) If a court determines that provision has been made for 1503
reimbursement or other appropriate corrective action, insofar as 1504
practicable, with respect to all purchasers damaged by a 1505
violation, or in any other appropriate case, the attorney 1506
general, with court approval, may terminate enforcement 1507
proceedings brought by ~~him~~ the attorney general upon acceptance 1508
of an assurance from a seller or broker of voluntary compliance 1509
with sections 1334.01 to 1334.15 of the Revised Code, with 1510
respect to the alleged violation. The assurance shall be filed 1511
with the court and entered as a consent judgment. Disregard of 1512
the terms of a consent judgment entered upon an assurance shall 1513
be treated as a violation of an injunction issued under this 1514
section. 1515

(F) Civil penalties ordered pursuant to divisions (A) and 1516
(D) of this section shall be paid as follows: one-fourth of the 1517
amount to the treasurer of the county in which the action is 1518
brought and three-fourths to the treasurer of state to the 1519
credit of the general revenue fund. 1520

Sec. 1345.06. (A) If, by the attorney general's own 1521
inquiries or as a result of complaints, the attorney general has 1522
reasonable cause to believe that a person has engaged or is 1523

engaging in an act or practice that violates Chapter 1345. of 1524
the Revised Code, ~~he~~ the attorney general may investigate. 1525

(B) For this purpose, the attorney general may administer 1526
oaths, subpoena witnesses, adduce evidence, and require the 1527
production of relevant matter. 1528

If matter that the attorney general requires to be 1529
produced is located outside the state, the attorney general may 1530
designate representatives, including officials of the state in 1531
which the matter is located, to inspect the matter on the 1532
attorney general's behalf, and the attorney general may respond 1533
to similar requests from officials of other states. The person 1534
subpoenaed may make the matter available to the attorney general 1535
at a convenient location within the state or pay the reasonable 1536
and necessary expenses for the attorney general or the attorney 1537
general's representative to examine the matter at the place 1538
where it is located, provided that expenses shall not be charged 1539
to a party not subsequently found to have engaged in an act or 1540
practice violative of Chapter 1345. of the Revised Code. 1541

(C) Within twenty days after a subpoena has been served, a 1542
person subpoenaed under this section may file a motion to extend 1543
the return day, or to modify or quash the subpoena, stating good 1544
cause, in the court of common pleas of Franklin county or any 1545
other county in this state. 1546

(D) A person subpoenaed under this section shall comply 1547
with the terms of the subpoena, unless the parties agree to 1548
modify the terms of the subpoena or unless the court has 1549
modified or quashed the subpoena, extended the return day of the 1550
subpoena, or issued any other order with respect to the subpoena 1551
prior to its return day. 1552

If a person fails without lawful excuse to obey a subpoena 1553
or to produce relevant matter, the attorney general may apply to 1554
the court of common pleas of Franklin county or any other county 1555
in this state for an order compelling compliance. 1556

(E) The attorney general may request that an individual 1557
who refuses to testify or to produce relevant matter on the 1558
ground that the testimony or matter may incriminate the 1559
individual be ordered by the court to provide the testimony or 1560
matter. With the exception of a prosecution for perjury and an 1561
action for damages under section 1345.07 or 1345.09 of the 1562
Revised Code, an individual who complies with a court order to 1563
provide testimony or matter, after asserting a privilege against 1564
self-incrimination to which the individual is entitled by law, 1565
shall not be subjected to a criminal proceeding or to a civil 1566
penalty or forfeiture on the basis of the testimony or matter 1567
required to be disclosed or testimony or matter discovered 1568
through that testimony or matter. 1569

(F) The attorney general may: 1570

(1) During an investigation under this section, afford, in 1571
a manner considered appropriate to ~~to~~ the attorney general, a 1572
supplier an opportunity to cease and desist from any suspected 1573
violation. The attorney general may suspend such an 1574
investigation during the time period that the attorney general 1575
permits the supplier to cease and desist; however, the 1576
suspension of the investigation or the affording of an 1577
opportunity to cease and desist shall not prejudice or prohibit 1578
any further investigation by the attorney general under this 1579
section. 1580

(2) Terminate an investigation under this section upon 1581
acceptance of a written assurance of voluntary compliance from a 1582

supplier who is suspected of a violation of this chapter. 1583

Acceptance of an assurance may be conditioned upon an 1584
undertaking to reimburse or to take other appropriate corrective 1585
action with respect to identifiable consumers damaged by an 1586
alleged violation of this chapter. An assurance of compliance 1587
given by a supplier is not evidence of violation of this 1588
chapter. The attorney general may, at any time, reopen an 1589
investigation terminated by the acceptance of an assurance of 1590
voluntary compliance, if the attorney general believes that 1591
further proceedings are in the public interest. Evidence of a 1592
violation of an assurance of voluntary compliance is prima-facie 1593
evidence of an act or practice in violation of this chapter, if 1594
presented after the violation in an action brought under this 1595
chapter. An assurance of voluntary compliance may be filed with 1596
the court and if approved by the court, entered as a consent 1597
judgment. 1598

(G) The procedures available to the attorney general under 1599
this section are cumulative and concurrent, and the exercise of 1600
one procedure by the attorney general does not preclude or 1601
require the exercise of any other procedure. 1602

Sec. 1503.32. Consent of the state is given to the United 1603
States department of agriculture forest service and, between May 1604
6, 1902 and March 14, 1980, to any other agency or 1605
instrumentality of the United States, for the acquisition, by 1606
purchase or gift, of such lands in the state as in the opinion 1607
of the federal government may be needed for the establishment, 1608
consolidation, and extension of national forests and for flood 1609
control and soil conservation work in the state. At the time the 1610
forest service begins to negotiate with the owner of land to 1611
acquire land in the state, the forest service shall notify in 1612

writing the board of county commissioners of the county in which 1613
the land is located. Such notice shall include the location and 1614
amount of land that the forest service intends to acquire. The 1615
board of county commissioners shall publish, in the Ohio 1616
newspaper of largest circulation in the county in which the land 1617
is located, notice of the intent of the forest service to 1618
acquire the land and the location thereof. 1619

The state retains concurrent jurisdiction with the United 1620
States over such areas in the matter of service thereon of all 1621
civil and criminal process issuing under the authority of the 1622
state. 1623

The boundaries of any areas selected under this section 1624
shall be first approved by the governor and such other state 1625
agencies and departments as ~~he~~ the governor designates. 1626

Sec. 1703.191. Any foreign corporation required to be 1627
licensed under sections 1703.01 to 1703.31 of the Revised Code, 1628
which transacts business in this state without being so 1629
licensed, shall be conclusively presumed to have designated the 1630
secretary of state as its agent for the service of process in 1631
any action against such corporation arising out of acts or 1632
omissions of such corporation within this state, including, 1633
without limitation, any action to recover the statutory 1634
forfeiture for failure to be so licensed. Pursuant to such 1635
service, suit may be brought in Franklin county, or in any 1636
county in which such corporation did any act or transacted any 1637
business. Such service shall be made upon the secretary of state 1638
by leaving with ~~him~~ the secretary of state, or with an assistant 1639
secretary of state, duplicate copies of such process, together 1640
with an affidavit of the plaintiff or one of the plaintiff's 1641
attorneys, showing the last known address of such corporation, 1642

and a fee of five dollars which shall be included as taxable 1643
costs in case of judicial proceedings. Upon receipt of such 1644
process, affidavit, and fee the secretary of state shall 1645
forthwith give notice to the corporation at the address 1646
specified in the affidavit and forward to such address by 1647
certified mail, with a request for return receipt, a copy of 1648
such process. 1649

The secretary of state shall retain a copy of such process 1650
in ~~his~~ the secretary of state's files, keep a record of any such 1651
process served upon ~~him~~ the secretary of state, and record 1652
therein the time of such service and ~~his~~ the secretary of
state's action thereafter with respect thereto. 1653
1654

This section does not affect any right to serve process 1655
upon a foreign corporation in any other manner permitted by law. 1656

Sec. 1703.25. If any fees required to be paid under 1657
sections 1703.01 to 1703.31, ~~inclusive~~, of the Revised Code, are 1658
paid under protest, if an action to recover such fees would lie 1659
against the secretary of state while they were held by ~~him~~ the
secretary of state, and if such fees are paid into the state 1660
treasury in compliance with section 111.18 of the Revised Code, 1661
then actions to recover such fees shall be brought against the 1662
state and not against the secretary of state. For such purposes 1663
permission is hereby given to bring and maintain actions against 1664
the state to the extent that such actions might be brought and 1665
maintained against the secretary of state if the fees were held 1666
by ~~him~~ the secretary of state. Service of process in such 1667
actions shall be made on the attorney general, who shall 1668
represent the state. 1669
1670

Sec. 1715.34. At the first meeting of a united corporation 1671
formed under sections 1715.32 to 1715.38, ~~inclusive~~, of the 1672

Revised Code, each member of each of the component organizations 1673
is entitled to vote. If at such meeting the proceedings and acts 1674
of the several component organizations are submitted to and 1675
approved by it, and a board of trustees, directors, or other 1676
officers are chosen in accordance with the consolidation 1677
agreement, the clerk or secretary of the meeting shall certify 1678
the approved consolidation agreement and file it in the office 1679
of the secretary of state. Thereupon the several organizations 1680
parties thereto shall be one corporation under the name adopted. 1681

Any of the acts provided for by this section which are not 1682
done or perfected at such first meeting may be done and 1683
perfected at a subsequent or adjourned meeting of the united 1684
corporation. 1685

The certificate to the secretary of state provided for in 1686
this section shall be recorded by ~~him~~ the secretary of state, 1687
and a copy thereof, certified by ~~him~~ the secretary of state, 1688
shall be recorded in the office of the county recorder of the 1689
county where such corporation exists. It may be recorded in the 1690
office of the county recorder of any county where there is real 1691
estate belonging to any of the component organizations. 1692

A copy of such certificate, certified by the county 1693
recorder in whose office it is recorded, or a copy certified by 1694
the secretary of state of the record in ~~his~~ the secretary of 1695
state's office, shall be prima-facie evidence of the existence 1696
of such united corporation. 1697

Sec. 1716.04. (A) Every charitable organization that is 1698
required to register pursuant to this chapter shall file an 1699
annual financial report with the attorney general upon a form 1700
prescribed by ~~him~~ the attorney general. The report shall include 1701
all of the following: 1702

(1) A balance sheet;	1703
(2) A statement of support, revenue, and expenses, and any changes in the fund balance;	1704 1705
(3) The names and addresses of the charitable organizations, fund-raising counsel, professional solicitors, and commercial co-venturers used, if any, and the amounts of money received from each of them, if any.	1706 1707 1708 1709
(4) A statement of functional expenses that shall include, but not be limited to, expenses of the following categories:	1710 1711
(a) Program;	1712
(b) Management and general;	1713
(c) Fund-raising.	1714
(5) Any other information that the attorney general, by rule, may require.	1715 1716
(B) The attorney general shall accept a copy or duplicate original of a financial statement, report, or return filed by the charitable organization with the internal revenue service. The attorney general, by rule, may require additional information as part of the annual financial report. Any consolidated financial report filed with the attorney general shall include information about the parent charitable organization as such and the financial information arising out of the activities of each chapter, branch, or affiliate of the charitable organization in this state that is covered by the financial statement, report, or return filed by the charitable organization with the internal revenue service.	1717 1718 1719 1720 1721 1722 1723 1724 1725 1726 1727 1728
Sec. 1716.11. Every charitable organization, fundraising counsel, professional solicitor, and commercial co-venturer,	1729 1730

whether or not required to register pursuant to this chapter, 1731
shall keep true records of solicitation activities that are 1732
covered by this chapter or any rule adopted under this chapter. 1733
The records shall be made available to the attorney general for 1734
inspection and shall be furnished to ~~him~~ the attorney general 1735
not later than ten days after ~~his~~ the attorney general's 1736
request. The records shall be retained for a period of at least 1737
three years. 1738

Sec. 1719.12. The attorney general in ~~his~~ the attorney 1739
general's official capacity may bring proceedings in any court 1740
of record to enforce a devise or bequest to which section 1741
1719.06 of the Revised Code is applicable, to protect and carry 1742
out the purposes named in the will, without waiting for the 1743
organization of the corporation. 1744

Sec. 1726.03. When the articles of incorporation or any 1745
amendment or amendments thereof, are filed in the office of the 1746
secretary of state under section 1726.02 of the Revised Code, 1747
the secretary of state shall submit them to the attorney general 1748
for examination. If such articles, or any amendment or 1749
amendments thereof, are found by ~~him~~ the attorney general to be 1750
in accordance with Chapter 1726. of the Revised Code, and not 1751
inconsistent with the constitution and laws of the United States 1752
and of this state, ~~he~~ the attorney general shall certify to and 1753
deliver them to the secretary of state, who shall cause them, 1754
together with the certificate of the attorney general, to be 1755
recorded in a book kept for that purpose. 1756

Sec. 1733.324. (A) (1) If, in the opinion of the 1757
superintendent of credit unions, a credit union or a regulated 1758
individual is engaged in any unsafe or unsound practice in 1759
conducting the business of the credit union, has knowingly 1760

participated in or consented to a violation of this chapter or 1761
rules adopted thereunder, or has failed to comply with a 1762
supervisory agreement, ~~he~~ the superintendent may serve upon such 1763
credit union or regulated individual notice that ~~he~~ the 1764
superintendent is considering issuing an order against the 1765
credit union or regulated individual pursuant to division (A) (2) 1766
or (3) of this section. 1767

(2) A notice served under division (A) (1) of this section 1768
that relates to matters other than an alleged violation of a 1769
supervisory agreement shall contain a statement of the alleged 1770
facts constituting the basis for an order and fix a time and 1771
place for a hearing. The hearing shall be conducted in 1772
accordance with section 119.09 of the Revised Code, except that, 1773
notwithstanding division (E) of section 119.01 of the Revised 1774
Code, the hearing shall not be a public hearing. The date for 1775
the hearing shall be not less than thirty nor more than forty- 1776
five days after such notice has been given by the superintendent 1777
to the credit union or regulated individual. 1778

If, after conducting such hearing, the superintendent 1779
determines that the credit union or regulated individual is or 1780
has knowingly participated in or consented to a violation of 1781
this chapter, or engaged in an unsafe or unsound practice, ~~he~~ 1782
the superintendent may issue a final cease-and-desist order. 1783
Such final cease-and-desist order may direct the credit union or 1784
regulated individual to remedy the violation of this chapter, 1785
the unsafe or unsound practice, or the failure to comply, in 1786
addition to refraining from such violations or unsafe or unsound 1787
practices in the future. 1788

Such final order becomes effective upon service on the 1789
credit union or regulated individual and remains effective and 1790

enforceable as its terms provide, except to such extent as it is 1791
stayed, modified, terminated, or set aside by action of the 1792
superintendent or a reviewing court. 1793

(3) If the superintendent proposes to issue a cease-and- 1794
desist order based on the violation of a supervisory agreement, 1795
~~he the superintendent~~ shall serve the credit union or regulated 1796
individual with a notice of noncompliance. Such notice shall 1797
specify the actions that are alleged to be in violation of the 1798
supervisory agreement. The notice shall also set a time and 1799
place for a hearing, which shall occur not less than thirty nor 1800
more than forty-five days after the notice has been served on 1801
the credit union or regulated individual. The hearing shall be 1802
conducted in the manner prescribed in section 119.09 of the 1803
Revised Code, except that, notwithstanding division (E) of 1804
section 119.01 of the Revised Code, such hearing shall not be a 1805
public hearing. 1806

If, after such hearing, the superintendent determines that 1807
the credit union or regulated individual has knowingly violated 1808
the supervisory agreement, ~~he the superintendent~~ may issue a 1809
final cease-and-desist order. 1810

If, after such hearing, the superintendent determines that 1811
the credit union or regulated individual has violated the 1812
supervisory agreement but that the conduct in question does not 1813
constitute a knowing violation, the superintendent shall give 1814
the credit union or regulated individual an opportunity to 1815
remedy the violation. The superintendent shall issue a statement 1816
of specific actions that must be taken by the credit union or 1817
regulated individual, and establish a time frame in which the 1818
credit union or regulated individual must take such corrective 1819
action to comply with the supervisory agreement. If, by the end 1820

of such time frame, the credit union or regulated individual has 1821
failed to implement the corrective actions required by the 1822
superintendent, the superintendent may issue a final cease-and- 1823
desist order. 1824

Nothing in this division shall be construed to prevent the 1825
superintendent from issuing a cease-and-desist order pursuant to 1826
divisions (A) (1) and (2) of this section or division (B) of this 1827
section based on the violation of Chapter 1733. of the Revised 1828
Code, or on an unsafe or unsound practice of the credit union or 1829
regulated individual, even though such violation or practice may 1830
also constitute a violation of an outstanding supervisory 1831
agreement. 1832

(B) If, in the opinion of the superintendent, a credit 1833
union or regulated individual is or has engaged in any unsafe or 1834
unsound practice, or has participated in or consented to a 1835
violation of this chapter or rules adopted thereunder, ~~he~~ the 1836
superintendent may issue a summary order requiring the credit 1837
union or regulated individual to cease and desist from such 1838
violation or practice. 1839

The summary cease-and-desist order, which shall contain a 1840
statement of the facts allegedly constituting grounds for the 1841
order, shall be served upon the credit union or regulated 1842
individual and becomes effective upon receipt. The summary order 1843
shall include notification of the time and place of a hearing, 1844
which shall be held in accordance with division (A) (2) of this 1845
section. Unless the superintendent issues a final cease-and- 1846
desist order within ten days after conclusion of the hearing, 1847
the summary order issued pursuant to this division is void. 1848
Otherwise, the summary order remains effective and enforceable 1849
until it is replaced by the final order, except to such extent 1850

as it is stayed, modified, terminated, or set aside by action of 1851
the superintendent. 1852

(C) A credit union or regulated individual who is 1853
adversely affected by a final cease-and-desist order may appeal 1854
from the order to the court of common pleas in accordance with 1855
section 119.12 of the Revised Code. 1856

(D) In lieu of a hearing pursuant to division (A) or (B) 1857
of this section, a credit union or regulated individual may 1858
consent to the issuance of an order requiring such credit union 1859
or regulated individual to cease and desist from engaging in any 1860
activity or practice as specified in such order. A consent 1861
cease-and-desist order has the full force and effect of a final 1862
cease-and-desist order issued pursuant to division (A)(2) of 1863
this section and is enforceable in accordance with division (E) 1864
of this section. Any credit union or regulated individual that 1865
fails to attend a hearing set pursuant to division (A) or (B) of 1866
this section is deemed to have consented to the issuance of a 1867
final cease-and-desist order. 1868

(E) If the superintendent has reasonable cause to believe 1869
that a lawful final or summary cease-and-desist order issued 1870
pursuant to this section has been violated, ~~he the~~ 1871
superintendent may request the attorney general to commence and 1872
prosecute any appropriate action or proceeding. A court of 1873
competent jurisdiction shall enforce a lawful final order issued 1874
pursuant to this section and may grant such other relief as the 1875
facts warrant. 1876

(F) Service on a credit union or regulated individual as 1877
provided for in this section shall be by actual written notice 1878
or certified mail to the regulated individual or, in the case of 1879
a credit union, to the managing officer of such credit union. 1880

Sec. 1735.03. No title guarantee and trust company shall 1881
do business until it has deposited with the treasurer of state 1882
fifty thousand dollars, in securities permitted by sections 1883
3925.05, 3925.06, and 3925.08 of the Revised Code. The treasurer 1884
of state shall hold such securities deposited with ~~him~~ the 1885
treasurer of state as security for the faithful performance of 1886
all guarantees entered into and all trusts accepted by such 1887
company, but so long as it continues solvent ~~he~~ the treasurer of 1888
state shall permit it to collect the interest of, or dividends 1889
or distributions on, its securities so deposited, and to 1890
withdraw any of such securities on depositing with ~~him~~ the 1891
treasurer of state cash or other securities of the kind 1892
specified in this section so as to maintain the value of such 1893
deposit at fifty thousand dollars. 1894

If such a company has made such deposits with the 1895
treasurer of state, it may request ~~him~~ the treasurer of state to 1896
return to it securities held by ~~him~~ the treasurer of state in 1897
such deposit in excess of the amount required, and ~~he~~ the 1898
treasurer of state shall then surrender such excess to the 1899
company, taking proper receipts therefor. 1900

Sec. 2307.40. A member of the senate or house of 1901
representatives, or an officer of either branch of the general 1902
assembly, shall be privileged from answering to a suit 1903
instituted against ~~him~~ the member or officer in a county other 1904
than the one in which ~~he~~ the member or officer resides upon a 1905
cause of action which accrued ten days before the first day of a 1906
session of the general assembly of which ~~he~~ the person is an 1907
officer or a member. All proceedings in actions to which such a 1908
person is a party shall be stayed during such session, and the 1909
time necessarily employed in going thereto and returning 1910
therefrom. 1911

Sec. 2503.19. Before entering upon the discharge of ~~the~~ official duties ~~of his office~~, the reporter of the supreme court shall give bond to the state in the sum of five thousand dollars, with two or more sureties approved by the chief justice of the supreme court, conditioned for the faithful discharge of the duties of ~~his~~ the clerk's office. Such bond with the approval of the chief justice and the oath of office indorsed thereon shall be deposited with the secretary of state and kept in ~~his~~ the secretary of state's office.

Sec. 2503.25. The contractor for publishing the reports under section 2503.24 of the Revised Code shall give a bond to the state in the sum of twenty thousand dollars, with such sureties as the supreme court requires, conditioned for the faithful performance of ~~his~~ the contract within the time and in the manner provided by law and the order of the court. Such bond shall be deposited with the secretary of state and kept in ~~his~~ the secretary of state's office.

Sec. 2503.26. Before entering upon the discharge of ~~the~~ official duties ~~of his office~~, the law librarian shall give bond to the state in the sum of five thousand dollars, with two or more sureties approved by the chief justice of the supreme court, conditioned for the faithful discharge of the duties of ~~his~~ the law librarian's office. Such bond with the approval of the chief justice and the oath of office indorsed thereon shall be deposited with the treasurer of state and kept in ~~his~~ the secretary of state's office.

Sec. 2503.282. The justices, judges, clerks, and officers of the supreme court, the courts of appeals, the courts of common pleas, and the probate courts shall comply with all requests made by the administrative director of the supreme

court for information bearing on the state of the dockets of 1942
such courts and such other information as the chief justice of 1943
the supreme court may determine to be necessary in order to 1944
discharge ~~his~~ the chief justice's lawful duties. 1945

Sec. 2701.04. If a judge of the supreme court removes ~~his~~ 1946
the judge's residence from this state, or a judge of the court 1947
of appeals from ~~his~~ the judge's district, or a judge of the 1948
court of common pleas from ~~his~~ the judge's county, ~~he~~ the judge 1949
is deemed to have resigned and vacated ~~his~~ the judge's office. 1950
Thereupon the governor shall fill such vacancy. 1951

Sec. 2701.05. Each commission issued by the governor to a 1952
judge of the supreme court, upon the demand of such person, 1953
shall be delivered to ~~him~~ the person by the secretary of state. 1954
On or before the first day of ~~his~~ the person's official term 1955
under such commission, the person to whom it is issued shall 1956
appear before the supreme court, or before a judge thereof if 1957
the court is not in session, and take the oath required by 1958
Section 7 of Article XV, Ohio Constitution and sections 3.22 and 1959
3.23 of the Revised Code. The taking of such oath shall be shown 1960
by entry upon the journal of the supreme court. 1961

Sec. 2727.03. At the beginning of an action, or any time 1962
before judgment, an injunction may be granted by the supreme 1963
court or a judge thereof, the court of appeals or a judge 1964
thereof in ~~his~~ the judge's district, the court of common pleas 1965
or a judge thereof in ~~his~~ the judge's county, or the probate 1966
court, in causes pending therein, when it appears to the court 1967
or judge by affidavit of the plaintiff, or ~~his~~ the plaintiff's 1968
agent, that the plaintiff is entitled to an injunction. 1969

On like grounds and proof, the probate judge may grant 1970
injunctions in actions pending in either the court of common 1971

pleas or court of appeals of ~~his~~ the probate judge's county, in 1972
the absence therefrom of the judges of such courts. 1973

Sec. 2733.05. The attorney general or a prosecuting 1974
attorney may bring an action in quo warranto upon ~~his~~ the 1975
attorney general's or prosecuting attorney's own relation, or, 1976
on leave of the court, or of a judge thereof in vacation, ~~he~~ the 1977
attorney general or prosecuting attorney may bring the action 1978
upon the relation of another person. If the action is brought 1979
under division (A) of section 2733.01 of the Revised Code, ~~he~~ 1980
the attorney general or prosecuting attorney may require 1981
security for costs to be given as in other cases. 1982

Sec. 2743.14. The attorney general or one of ~~his~~ the 1983
attorney general's assistants, or special counsel appointed by 1984
the attorney general, shall represent the state in all actions 1985
against the state permitted by this chapter. 1986

Sec. 2963.07. If the governor decides that a demand for 1987
extradition should be complied with, ~~he~~ the governor shall sign 1988
a warrant of arrest, which shall be sealed with the state seal 1989
and be directed to any peace officer or other person whom the 1990
governor finds fit to entrust with the execution thereof. The 1991
warrant must substantially recite the facts necessary to the 1992
validity of its issuance. 1993

Such warrant shall authorize the peace officer or other 1994
person to whom directed to arrest the accused at any time and 1995
any place where ~~he~~ the accused may be found within the state and 1996
to command the aid of all peace officers or other persons in the 1997
execution of the warrant, and to deliver the accused, subject to 1998
sections 2963.01 to 2963.27, ~~inclusive,~~ of the Revised Code, to 1999
the authorized agent of the demanding state. 2000

Sec. 2963.14. Unless the offense with which the prisoner 2001
is charged under sections 2963.11 and 2963.12 of the Revised 2002
Code is shown to be an offense punishable by death or life 2003
imprisonment under the laws of the state in which it was 2004
committed, a judge or magistrate in this state may admit the 2005
person arrested to bail by bond, with sufficient sureties and in 2006
such sum as ~~he~~ the judge or magistrate deems proper, conditioned 2007
for ~~his~~ the person's appearance before said judge or magistrate 2008
at a time specified in such bond, and for ~~his~~ the person's 2009
surrender, to be arrested upon the warrant of the governor of 2010
this state. 2011

Sec. 2963.19. The governor may recall ~~his~~ a warrant of 2012
arrest issued under section 2963.07 of the Revised Code or may 2013
issue another warrant whenever ~~he~~ the governor thinks is proper. 2014

Sec. 3307.12. The treasurer of state shall be the 2015
custodian of the funds of the state teachers retirement system, 2016
and all disbursements therefrom shall be paid by ~~him~~ the 2017
treasurer of state only upon instruments duly authorized by the 2018
state teachers retirement board and bearing the signatures of 2019
the ~~chairman~~ chairperson and secretary of the board. Such 2020
signatures may be affixed through the use of a mechanical check 2021
signing device. 2022

The treasurer of state shall give a separate and 2023
additional bond in such amount as is fixed by the governor and 2024
with sureties selected by the board and approved by the 2025
governor, conditioned for the faithful performance of the duties 2026
of the treasurer of state as custodian of the funds of the 2027
system. Such bond shall be deposited with the secretary of state 2028
and kept in ~~his~~ the secretary of state's office. The governor 2029
may require the treasurer of state to give additional bonds, as 2030

the funds of the system increase, in such amounts and at such 2031
times as are fixed by the governor, which additional bonds shall 2032
be conditioned, filed, and obtained as is provided for the 2033
original bond of the treasurer of state covering the funds of 2034
the system. The premium on all bonds shall be paid by the board. 2035

The treasurer of state shall deposit any portion of the 2036
funds of the system not needed for immediate use in the same 2037
manner as state funds are deposited, and subject to all law with 2038
respect to the deposit of state funds, by the treasurer of 2039
state, and all interest earned by such portion of the retirement 2040
funds as is deposited by the treasurer of state shall be 2041
collected by ~~him~~ the treasurer of state and placed to the credit 2042
of the board. 2043

Sec. 3309.12. The treasurer of state shall be the 2044
custodian of the funds of the school employees retirement 2045
system, and all disbursements therefrom shall be paid by the 2046
treasurer of state only upon instruments duly authorized by the 2047
school employees retirement board and bearing the signatures of 2048
the board; provided, that such instruments may bear the names of 2049
the board members printed thereon and the signatures of the 2050
president and secretary of the board. The signatures of the 2051
president and secretary may be affixed through the use of a 2052
mechanical check signing device. 2053

The treasurer of state shall give a separate and 2054
additional bond in such amount as is fixed by the governor and 2055
with sureties selected by the board and approved by the 2056
governor, conditioned for the faithful performance of the duties 2057
of the treasurer of state as custodian of the funds of the 2058
system. Such bonds shall be deposited with the secretary of 2059
state and kept in the ~~treasurer~~ secretary of state's office. The 2060

governor may require the treasurer of state to give other and 2061
additional bonds, as the funds of the system increase, in such 2062
amounts and at such times as are fixed by the governor, which 2063
additional bonds shall be conditioned, filed, and obtained as is 2064
provided for the original bond of the treasurer of state 2065
covering the funds of the system. The premium on all bonds shall 2066
be paid by the board. 2067

The treasurer of state shall deposit any portion of the 2068
funds of the system not needed for immediate use in the same 2069
manner as state funds are deposited, and subject to all 2070
provisions of law with respect to the deposit of state funds, by 2071
the treasurer of state, and all interest earned by such portion 2072
of the retirement funds as may be deposited by the treasurer of 2073
state shall be collected by ~~him~~ the treasurer of state and 2074
placed to the credit of the board. 2075

The treasurer of ~~the~~ state shall furnish annually to the 2076
school employees retirement system a sworn statement of the 2077
amount of the funds in the ~~treasurers'~~ treasurer of state's 2078
custody belonging to the school employees retirement system. 2079

Sec. 3333.41. (A) As provided in Article II, paragraph (B) 2080
of the midwestern higher education compact in section 3333.40 of 2081
the Revised Code: 2082

(1) The governor, or a person ~~he~~ the governor designates, 2083
shall serve as a member of the midwestern higher education 2084
commission during the tenure in office of the governor. 2085

(2) The president of the senate shall appoint one member 2086
of the senate to the midwestern higher education commission to 2087
serve a two-year term. 2088

(3) The speaker of the house of representatives shall 2089

appoint one member of the house of representatives to the 2090
midwestern higher education commission to serve a two-year term. 2091

(4) The governor, with the advice and consent of the 2092
senate, shall appoint two at-large members from this state to 2093
the midwestern higher education commission. At least one of 2094
these members shall be from the field of higher education. Of 2095
the two at-large members initially appointed, the governor shall 2096
appoint one for a two-year term and the other for a four-year 2097
term. All succeeding at-large members shall serve four-year 2098
terms. 2099

Each member appointed from this state to the midwestern 2100
higher education commission shall serve from the date of ~~his~~ 2101
appointment until the end of the term for which ~~he~~ the member 2102
was appointed. Any vacancy in the members appointed from this 2103
state shall be filled in the manner provided by this section for 2104
the original appointments. Any member filling a vacancy 2105
occurring prior to the expiration of the term for which ~~his~~ the 2106
member's predecessor was appointed shall serve for the remainder 2107
of that term. A member shall continue to serve subsequent to the 2108
expiration date of ~~his~~ the member's term until the date on which 2109
~~his~~ a successor is appointed or, in the case of the governor, 2110
takes office. 2111

(B) As used in Article V, paragraph (D) of the midwestern 2112
higher education compact in section 3333.40 of the Revised Code, 2113
"duly authorized representative" for this state means the 2114
auditor of state or a person designated by ~~him~~ the auditor of 2115
state to make the inspection described in that article and 2116
paragraph of the compact. 2117

Sec. 3377.03. The Ohio higher educational facility 2118
commission shall be comprised of nine members, one of whom shall 2119

be the chancellor of ~~the Ohio board of regents~~ higher education 2120
or ~~his~~ the chancellor's designee. The remaining members shall be 2121
appointed by the governor with the advice and consent of the 2122
senate. ~~Of the members first appointed, one shall serve for a~~ 2123
~~term ending on the first Monday in January, 1970; one for a term~~ 2124
~~ending on the first Monday in January, 1971; one for a term~~ 2125
~~ending on the first Monday in January, 1972; one for a term~~ 2126
~~ending on the first Monday in January, 1973; one for a term~~ 2127
~~ending on the first Monday in January, 1974; one for a term~~ 2128
~~ending on the first Monday in January, 1975; one for a term~~ 2129
~~ending on the first Monday in January, 1976; and one for a term~~ 2130
~~ending on the first Monday in January, 1977. Each succeeding,~~ 2131
each for a term of office shall be for of eight years, 2132
commencing on the second day of January and ending on the first 2133
day of January, ~~except that upon expiration of the term ending~~ 2134
~~January 7, 1974, the new term which succeeds it shall commence~~ 2135
~~on January 8, 1974, and end on January 1, 1982; upon expiration~~ 2136
~~of the term ending January 6, 1975, the new term which succeeds~~ 2137
~~it shall commence on January 7, 1975, and end on January 1,~~ 2138
~~1983; upon expiration of the term ending January 5, 1976, the~~ 2139
~~new term which succeeds it shall commence on January 6, 1976,~~ 2140
~~and end on January 1, 1984; upon expiration of the term ending~~ 2141
~~January 3, 1977, the new term which succeeds it shall commence~~ 2142
~~on January 4, 1977, and end on January 1, 1985; upon expiration~~ 2143
~~of the term ending January 5, 1978, the new term which succeeds~~ 2144
~~it shall commence on January 6, 1978, and end on January 1,~~ 2145
~~1986; upon expiration of the term ending January 4, 1979, the~~ 2146
~~new term which succeeds it shall commence on January 5, 1979,~~ 2147
~~and end on January 1, 1987; and upon expiration of the term~~ 2148
~~ending January 3, 1980, the new term which succeeds it shall~~ 2149
~~commence on January 4, 1980, and end on January 1, 1988. Each~~ 2150
~~member shall hold office from the date of his appointment until~~ 2151

~~the end of the term for which he was appointed.~~ Vacancies shall 2152
be filled by gubernatorial appointment. Any member appointed to 2153
fill a vacancy occurring prior to the expiration of the term for 2154
which ~~his~~ the member's predecessor was appointed shall hold 2155
office for the remainder of such term. Any member shall continue 2156
in office subsequent to the expiration date of ~~his~~ the member's 2157
term until ~~his~~ the member's successor takes office, or until a 2158
period of sixty days has elapsed, whichever occurs first. 2159

The governor shall designate the ~~chairman~~ chairperson of 2160
the commission. The commission shall elect from its own members 2161
each year, a ~~vice-chairman~~ vice-chairperson and such other 2162
officers as it deems necessary. Members of the commission shall 2163
receive no compensation for their services but shall be 2164
reimbursed for their necessary and actual expenses actually 2165
incurred in the conduct of the commission's business. 2166

The commission shall provide for the holding of regular 2167
and special meetings. A majority of the commissioners shall 2168
constitute a quorum for the transaction of any business and the 2169
approval of a majority of the members is necessary to undertake 2170
any act of the commission. 2171

The commission shall adopt rules for the conduct of 2172
business, may appoint such officers and employees as necessary, 2173
and may fix their compensation and prescribe their duties. All 2174
expenses incurred in carrying out Chapter 3377. of the Revised 2175
Code are payable solely from funds of the commission available 2176
therefor, and no liability or obligation shall be incurred by 2177
the commission beyond the extent to which such funds are 2178
available. 2179

Within ninety days after the close of each fiscal year, 2180
the commission shall make a report of its activities for the 2181

preceding fiscal year to the governor. Such report shall be 2182
filed with the clerk of each house of the general assembly. 2183

Sec. 3379.02. There is hereby created the Ohio arts 2184
council, which shall foster and encourage the development of the 2185
arts in this state and the preservation of Ohio's cultural 2186
heritage. 2187

The council shall consist of fifteen voting members 2188
appointed by the governor with the advice and consent of the 2189
senate, two nonvoting members of the house of representatives 2190
appointed by the speaker, and two nonvoting members of the 2191
senate appointed by the president. The members appointed from 2192
each house of the general assembly shall not be from the same 2193
political party. Terms of office for members appointed by the 2194
governor shall be for five years, commencing on the second day 2195
of July and ending on the first day of July. The legislative 2196
members shall be appointed within ten days of the convening of 2197
the first regular session of each general assembly and shall 2198
serve through the thirty-first day of December of the following 2199
year. Each member shall hold office from the date of ~~his~~ the 2200
member's appointment until the end of the term for which ~~he~~ the 2201
member was appointed. Any member appointed to fill a vacancy 2202
occurring prior to the expiration of the term for which ~~his~~ the 2203
member's predecessor was appointed shall hold office for the 2204
remainder of such term. Any member appointed by the governor 2205
shall continue in office subsequent to the expiration date of 2206
~~his~~ the member's term until ~~his~~ the member's successor takes 2207
office, or until a period of sixty days has elapsed, whichever 2208
occurs first. The governor shall name the ~~chairman~~ chairperson 2209
and ~~vice-chairman~~ vice-chairperson of the council, and they 2210
shall serve in such positions at ~~his~~ the governor's pleasure. 2211
Members of the council shall serve without compensation but are 2212

entitled to reimbursement for expenses incurred in connection 2213
with official business of the council. 2214

Persons appointed to the council by the governor shall 2215
have broad knowledge and experience in the arts. At least a 2216
majority of the members of the council shall be persons other 2217
than professional artists. In making appointments to the 2218
council, the governor may appoint such professional artists as 2219
are necessary, in ~~his~~ the governor's judgment, to ensure that 2220
the council is broadly representative of all the arts. 2221

Sec. 3505.021. In the event two or more persons with 2222
identical given name and surnames run for the same office in a 2223
general or special election on the same ballot, the names of the 2224
candidates shall be differentiated on the ballot by varying 2225
combinations of first and middle names and initials. Immediately 2226
after it becomes known that two or more persons with the same 2227
given name and surname are to be candidates on the same ballot 2228
for the same office, the director of the board of elections for 2229
local, municipal, county, general, or special elections, or the 2230
director of the board of elections of the most populous county 2231
for district, general, or special elections, or the secretary of 2232
state for statewide general and special elections shall notify 2233
the persons with identical given name and surnames that the 2234
names of such persons will be differentiated on the ballot. If 2235
one of the candidates is an incumbent who is a candidate to 2236
succeed ~~himself~~ self for the office ~~he~~ the incumbent occupies, 2237
~~he~~ the incumbent shall have first choice of the name by which ~~he~~ 2238
the incumbent is designated on the ballot. If an incumbent does 2239
not make a choice within two days after notification or if none 2240
of the candidates is an incumbent, the board of elections within 2241
three days after notification shall designate the names by which 2242
the candidates are identified on the ballot. In case of a 2243

district candidate the board of elections in the most populous 2244
county of the district shall make the determination. In case of 2245
statewide candidates, or in case any board of elections fails to 2246
make a designation within three days after notification, the 2247
secretary of state shall immediately make the determination. 2248

"Notification" as required by this section shall be by the 2249
clerk of the board of elections or secretary of state by special 2250
delivery mail or telegram at the candidate's address listed in 2251
~~his~~ the candidate's declaration of candidacy or petition of 2252
candidacy. 2253

Sec. 3505.33. When the board of elections has completed 2254
the canvass of the election returns from the precincts in its 2255
county, in which electors were entitled to vote at any general 2256
or special election, it shall determine and declare the results 2257
of the elections determined by the electors of such county or of 2258
a district or subdivision within such county. If more than the 2259
number of candidates to be elected to an office received the 2260
largest and an equal number of votes, such tie shall be resolved 2261
by lot by the ~~chairman~~ chairperson of the board in the presence 2262
of a majority of the members of the board. Such declaration 2263
shall be in writing and shall be signed by at least a majority 2264
of the members of the board. It shall bear the date of the day 2265
upon which it is made, and a copy thereof shall be posted by the 2266
board in a conspicuous place in its office. The board shall keep 2267
such copy posted for a period of at least five days. 2268

Thereupon the board shall promptly certify abstracts of 2269
the results of such elections within its county, in such forms 2270
as the secretary of state prescribes. Such forms shall be 2271
designated and shall contain abstracts as follows: 2272

Form No. 1. An abstract of the votes cast for the office 2273

of president and vice-president of the United States.	2274
Form No. 2. An abstract of the votes cast for the office	2275
of governor and lieutenant governor, secretary of state, auditor	2276
of state, treasurer of state, attorney general, chief justice of	2277
the supreme court of Ohio, judge of the supreme court of Ohio,	2278
member of the senate of the congress of the United States,	2279
member at large of the house of representatives of the congress	2280
of the United States, district member of the house of	2281
representatives of the congress of the United States, and an	2282
abstract of the votes cast upon each question or issue submitted	2283
at such election to electors throughout the entire state.	2284
Form No. 3. An abstract of the votes cast for the office	2285
of member of the senate of the general assembly, and member of	2286
the house of representatives of the general assembly.	2287
Form No. 4. A report of the votes cast for the office of	2288
member of the state board of education, judge of the court of	2289
appeals, judge of the court of common pleas, judge of the	2290
probate court, county commissioner, county auditor, prosecuting	2291
attorney, clerk of the court of common pleas, sheriff, county	2292
recorder, county treasurer, county engineer, and coroner.	2293
Form No. 5. A report of the votes cast upon all questions	2294
and issues other than such questions and issues which were	2295
submitted to electors throughout the entire state.	2296
Form No. 6. A report of the votes cast for municipal	2297
offices, township offices, and the office of member of a board	2298
of education.	2299
One copy of each of these forms shall be kept in the	2300
office of the board. One copy of each of these forms shall	2301
promptly be sent to the secretary of state, who shall place the	2302

records contained in forms No. 1, No. 2, and No. 3 in electronic 2303
format. One copy of Form No. 2 shall promptly be mailed to the 2304
president of the senate of the general assembly at ~~his~~ the 2305
president's office in the statehouse. The board shall also at 2306
once upon completion of the official count send a certified copy 2307
of that part of each of the forms which pertains to an election 2308
in which only electors of a district comprised of more than one 2309
county but less than all of the counties of the state voted to 2310
the board of the most populous county in such district. It shall 2311
also at once upon completion of the official count send a 2312
certified copy of that part of each of the forms which pertains 2313
to an election in which only electors of a subdivision located 2314
partly within the county voted to the board of the county in 2315
which the major portion of the population of such subdivision is 2316
located. 2317

If, after certifying and sending abstracts and parts 2318
thereof, a board finds that any such abstract or part thereof is 2319
incorrect, it shall promptly prepare, certify, and send a 2320
corrected abstract or part thereof to take the place of each 2321
incorrect abstract or part thereof theretofore certified and 2322
sent. 2323

Sec. 3505.34. During the first week of the regular session 2324
of the general assembly following a regular state election, the 2325
president of the senate, in the presence of a majority of the 2326
members of each house of the general assembly, shall open, 2327
announce, and canvass the abstracts of the votes cast for the 2328
offices of governor and lieutenant governor, secretary of state, 2329
auditor of state, treasurer of state, and attorney general, as 2330
contained in the Form No. 2 sent to ~~him~~ the president of the 2331
senate as required by section 3505.33 of the Revised Code, and 2332
shall determine and declare the results of such election for 2333

such offices. The joint candidates for governor and lieutenant 2334
governor and the candidate for each other office who received 2335
the largest number of votes shall be declared elected to such 2336
office. If two or more candidates for election to the same 2337
office, or two or more sets of joint candidates for governor and 2338
lieutenant governor, receive the largest and an equal number of 2339
votes, one of them, or one set of joint candidates for governor 2340
and lieutenant governor, shall be declared elected to such 2341
office by a majority of the votes of all of the members of the 2342
senate and the house of representatives of the general assembly. 2343
If said Form No. 2 has not at such time been received by the 2344
president of the senate from the board of elections of any 2345
county, the secretary of state, upon request of the president of 2346
the senate, shall furnish to him the president of the senate 2347
such copies of said Form No. 2 as have not been received by ~~him~~ 2348
the president of the senate. When said canvass has been 2349
completed and the results of the election declared, the 2350
president of the senate shall certify to the secretary of state 2351
the names of the persons declared elected together with the 2352
title of the office to which each has been elected, and from 2353
such certification the secretary of state shall issue a 2354
certificate of election to the officials declared elected and so 2355
certified to the secretary of state. Thereupon the governor 2356
shall forthwith issue a commission to each of the persons 2357
elected to such offices upon the payment to the secretary of 2358
state of the fee required by section 107.06 of the Revised Code. 2359

Sec. 3505.35. When the secretary of state has received 2360
from the board of elections of every county in the state Form 2361
No. 2, as provided for in section 3505.33 of the Revised Code, 2362
the secretary of state shall promptly fix the time and place for 2363
the canvass of such abstracts, and the time fixed shall not be 2364

later than ten days after such abstracts have been received by 2365
the secretary of state from all counties. The secretary of state 2366
shall notify the governor, auditor of state, attorney general, 2367
and the ~~chairman~~ chairperson of the state central committee of 2368
each political party of the time and place fixed. At such time 2369
and in the presence of such of the persons so notified who 2370
attend, the secretary of state shall canvass the abstracts 2371
contained in said Form No. 2 and shall determine and declare the 2372
results of all elections in which electors throughout the entire 2373
state voted. If two or more candidates for election to the same 2374
office, or two or more sets of joint candidates for governor and 2375
lieutenant governor, receive the largest and an equal number of 2376
votes, such tie shall be resolved by lot by the secretary of 2377
state. Such declaration of results by the secretary of state 2378
shall be in writing and shall be signed by the secretary of 2379
state. It shall bear the date of the day upon which it is made, 2380
and a copy thereof shall be posted by the secretary of state in 2381
a conspicuous place in ~~his~~ the secretary of state's office. The 2382
secretary of state shall keep such copy posted for a period of 2383
at least five days. 2384

Such declaration of results made by the secretary of 2385
state, insofar as it pertains to the offices of governor and 2386
lieutenant governor, secretary of state, auditor of state, 2387
treasurer of state, and attorney general, is only for the 2388
purpose of fixing the time of the commencement of the period of 2389
time within which applications for recounts of votes may be 2390
filed as provided by section 3515.02 of the Revised Code. 2391

Sec. 3505.38. Election officials who are required to 2392
declare the results of a special or general election in which 2393
persons were elected to offices shall, unless otherwise provided 2394
by law, issue to the persons declared elected by them 2395

appropriate certificates of election in such form as is 2396
prescribed by the secretary of state. Such certificates of 2397
election shall be issued by such election officials after the 2398
time within which applications may be made for recounts of votes 2399
has expired, and after recounts of votes which have been applied 2400
for are completed. 2401

All persons declared to be elected by the president of the 2402
senate as provided for in section 3505.34 of the Revised Code 2403
shall be issued certificates of election by the secretary of 2404
state as provided for in such section and shall be issued 2405
commissions for such offices by the governor, upon the payment 2406
of the fee required by section 107.06 of the Revised Code, 2407
provided that the board of elections required to determine and 2408
declare the results of the election for candidates for election 2409
to the office of member of the house of representatives of the 2410
congress of the United States or member of the state board of 2411
education shall, in lieu of issuing a certificate of election, 2412
certify to the secretary of state the names of such candidates 2413
declared elected, and the secretary of state, from such 2414
certification, shall issue to the persons certified to ~~him~~ the 2415
secretary of state as elected as a member of the house of 2416
representatives of the congress of the United States or member 2417
of the state board of education a certificate of ~~his~~ the 2418
person's election, signed by the governor, sealed with the great 2419
seal of the state, and countersigned by the secretary of state. 2420
Certificates of election of members of the house of 2421
representatives of the congress of the United States shall be 2422
forwarded by registered mail to the clerk of the house of 2423
representatives of the congress of the United States, 2424
Washington, D.C., and the person elected to such office shall be 2425
advised by letter from the secretary of state that ~~his~~ the 2426

person's certificate of election has been forwarded to said 2427
clerk. 2428

Sec. 3505.39. The secretary of state shall immediately 2429
upon the completion of the canvass of election returns mail to 2430
each presidential elector so elected a certificate of ~~his~~ 2431
election and shall notify ~~him~~ the elector to attend, at a place 2432
in the state capitol which the secretary of state shall select, 2433
at twelve noon on the day designated by the congress of the 2434
United States, a meeting of the state's presidential electors 2435
for the purpose of discharging the duties enjoined on them by 2436
the constitution of the United States. The secretary of state, 2437
ten days prior to such meeting, shall by letter remind each such 2438
elector of the meeting to be held for casting the vote of the 2439
state for president and vice-president of the United States. 2440
Each such elector shall give notice to the secretary of state 2441
before nine a.m. of that day whether or not ~~he~~ the elector will 2442
be present at the appointed hour ready to perform ~~his~~ the duties 2443
as a presidential elector. If at twelve noon at the place 2444
selected by the secretary of state presidential electors equal 2445
in number to the whole number of senators and representatives to 2446
which the state may at the time be entitled in the congress of 2447
the United States, are not present, the presidential electors 2448
present shall immediately proceed, in the presence of the 2449
governor and secretary of state, to appoint by ballot such 2450
number of persons to serve as presidential electors so that the 2451
number of duly elected presidential electors present at such 2452
time and place plus the presidential electors so appointed shall 2453
be equal in number to the whole number of senators and 2454
representatives to which the state is at that time entitled in 2455
the congress of the United States; provided, that each such 2456
appointment shall be made by a separate ballot, and that all 2457

appointments to fill vacancies existing because duly elected 2458
presidential electors are not present shall be made before other 2459
appointments are made, and that in making each such appointment 2460
the person appointed shall be of the same political party as the 2461
duly elected presidential elector whose absence requires such 2462
appointment to be made. In case of a tie vote the governor shall 2463
determine the results by lot. The electors making such 2464
appointments shall certify forthwith to the secretary of state 2465
the names of the persons so appointed and the secretary of state 2466
shall immediately issue to such appointees certificates of their 2467
appointment and notify them thereof. All of the state's 2468
presidential electors, both those duly elected who are then 2469
present and those appointed as herein provided, shall then meet 2470
and organize by electing one of their number as ~~chairman~~ 2471
chairperson and by designating the secretary of state as ex 2472
officio secretary and shall then and there discharge all of the 2473
duties enjoined upon presidential electors by the constitution 2474
and laws of the United States. Each presidential elector shall 2475
receive ten dollars for each day's attendance in Columbus as 2476
such and mileage at the rate of ten cents per mile for the 2477
estimated distance by the usual route from ~~his~~ the elector's 2478
place of residence to Columbus. Such compensation and mileage 2479
shall be upon vouchers issued by the secretary of state, and 2480
shall be paid by the treasurer of state out of the general fund. 2481

Sec. 3513.06. If any person desiring to become a candidate 2482
for public office has had a change of name within five years 2483
immediately preceding the filing of the person's declaration of 2484
candidacy, the person's declaration of candidacy and petition 2485
shall both contain, immediately following the person's present 2486
name, the person's former names. Any person who has been elected 2487
under the person's changed name, without submission of the 2488

person's former name, shall be immediately suspended from the 2489
office and the office declared vacated, and shall be liable to 2490
the state for any salary ~~he~~ the person has received while 2491
holding such office. The attorney general in the case of 2492
candidates for state offices, the prosecuting attorney of the 2493
most populous county in a district in the case of candidates for 2494
district offices, and the prosecuting attorney of the county in 2495
the case of all other candidates shall institute necessary 2496
action to enforce this section. 2497

This section does not apply to a change of name by reason 2498
of marriage; to a candidate for a state office who has once 2499
complied with this section and who has previously been elected 2500
to a state office; to a candidate for a district office who has 2501
once complied with this section and who has previously been 2502
elected to a state or district office; to a candidate for a 2503
county office who has once complied with this section and has 2504
previously been elected to a state, district, or county office; 2505
to a candidate for a municipal office who has once complied with 2506
this section and has previously been elected to a municipal 2507
office; or to a candidate for a township office who has once 2508
complied with this section and has previously been elected to a 2509
township office; provided that such previous election was one at 2510
which ~~his~~ the candidate's candidacy complied with this section. 2511

Sec. 3519.15. Whenever any initiative or referendum 2512
petition has been filed with the secretary of state, ~~he~~ the 2513
secretary of state shall forthwith separate the part-petitions 2514
by counties and transmit such part-petitions to the boards of 2515
elections in the respective counties. The several boards shall 2516
proceed at once to ascertain whether each part-petition is 2517
properly verified, and whether the names on each part-petition 2518
are on the registration lists of such county, or whether the 2519

persons whose names appear on each part-petition are eligible to 2520
vote in such county, and to determine any repetition or 2521
duplication of signatures, the number of illegal signatures, and 2522
the omission of any necessary details required by law. The 2523
boards shall make note opposite such signatures and submit a 2524
report to the secretary of state indicating the sufficiency or 2525
insufficiency of such signatures and indicating whether or not 2526
each part-petition is properly verified, eliminating, for the 2527
purpose of such report, all signatures on any part-petition that 2528
are not properly verified. 2529

In determining the sufficiency of such a petition, only 2530
the signatures of those persons shall be counted who are 2531
electors at the time the boards examine the petition. 2532

Sec. 3599.10. No person, firm, or corporation shall demand 2533
of any candidate for the general assembly any pledge concerning 2534
~~his~~ the candidate's vote on any legislation, question, or 2535
proposition that may come before the general assembly; provided 2536
that this shall not be understood to prohibit a reasonable 2537
inquiry as to such candidate's views on such question or 2538
legislation. 2539

Whoever violates this section is guilty of a corrupt 2540
practice and shall be fined not less than five hundred nor more 2541
than one thousand dollars. 2542

Sec. 3704.032. The director of environmental protection 2543
may adopt, in accordance with Chapter 119. of the Revised Code, 2544
an emergency action plan for the purpose of protecting the 2545
public health during air pollution episodes associated with 2546
atmospheric temperature inversions, which plan may define 2547
various levels of emergency conditions, the criteria on which 2548
such levels are based, and the measures to be taken at each 2549

level. The plan may include means for cooperating with persons 2550
outside this state during interstate air pollution emergencies. 2551

If the director finds that air pollution in any area 2552
exceeds any level set in the plan or otherwise presents an 2553
imminent and substantial danger to the health of persons in the 2554
areas, ~~he~~ the director shall notify the governor, who may 2555
declare that an air pollution emergency exists, identify the 2556
area, and pursuant to ~~his~~ the declaration order temporary 2557
prohibitions and restrictions of the use and operation of motor 2558
vehicles, aircraft, incinerators, and air conditioners, the 2559
operation of government and private offices, commercial, 2560
manufacturing, industrial, and other activities, the use of 2561
fuels, and any other activity that contributes or may contribute 2562
to the emergency necessary to meet the emergency. 2563

Orders pursuant to the declaration of an air pollution 2564
emergency shall take effect upon issuance, and any person to 2565
whom an order is directed shall initiate compliance measures 2566
immediately upon receiving notice. During an air pollution 2567
emergency the attorney general or the prosecuting attorney of 2568
the county where a violation of an emergency order occurs may 2569
bring action for an immediate injunction to enjoin any emission 2570
or other activity violating an emergency order. The court may 2571
issue an ex parte temporary restraining order without notice 2572
which shall enforce the prohibitions and restrictions which have 2573
been determined by the director to be necessary, and shall 2574
schedule an immediate hearing on the matter. 2575

Sec. 3727.22. (A) If directors or trustees who 2576
participated in discussions or negotiations authorized by 2577
section 3727.21 of the Revised Code wish to have the hospitals 2578
they represent undertake a cooperative action proposed as a 2579

result of the discussions or negotiations, they may submit a 2580
request to the director of health on behalf of the hospitals for 2581
approval of an agreement to undertake the cooperative action. 2582
The request shall include all of the following: 2583

(1) A copy of the proposed agreement; 2584

(2) An implementation plan that states how and when the 2585
cooperative action identified in the agreement will meet one or 2586
more of the goals specified in division (A) of section 3727.21 2587
of the Revised Code; 2588

(3) Any additional information the boards of directors or 2589
boards of trustees wish to present to the director; 2590

(4) Any additional information the director of health 2591
considers necessary to make the determination required by 2592
division (B) of this section. 2593

(B) If the director of health determines, on the basis of 2594
the information submitted by the directors or trustees, that one 2595
or more of the goals set forth in division (A) of section 2596
3727.21 of the Revised Code is likely to be met through the 2597
implementation of a cooperative agreement and that the benefits 2598
resulting from the cooperative agreement are likely to outweigh 2599
the disadvantages attributable to any reduction in competition, 2600
the director shall submit the request for approval of an 2601
agreement to undertake cooperative action to the attorney 2602
general for review. The attorney general shall review the 2603
request not later than thirty days after ~~he receives~~ receiving 2604
it. The attorney general may advise the director, in writing, to 2605
approve or deny the request. Failure by the attorney general to 2606
advise the director regarding ~~his~~ the attorney general's review 2607
within thirty days ~~of his receipt of~~ after receiving the request 2608

shall constitute ~~his~~ the attorney general's approval of the 2609
request. 2610

If the attorney general advises the director to deny a 2611
request, ~~he~~ the attorney general shall state the reasons for 2612
such denial. Reasons for advising the director to deny a request 2613
include a determination that the implementation of the agreement 2614
will result in price-fixing or predatory pricing. 2615

On receipt of the advice of the attorney general, or at 2616
the end of the thirty-day period, the director of health shall 2617
issue an order in accordance with Chapter 119. of the Revised 2618
Code approving or denying the cooperative agreement. The 2619
director's order to approve or deny a cooperative agreement is 2620
not subject to appeal. 2621

(C) A group of hospitals that is the subject of an order 2622
approving a cooperative agreement issued under division (B) of 2623
this section is immune from civil enforcement action and 2624
criminal prosecution for actions that might otherwise violate 2625
Chapter 1331. of the Revised Code taken in furtherance of the 2626
cooperative agreement. Directors and trustees who participate in 2627
the implementation of an approved cooperative agreement also are 2628
immune from civil enforcement action and criminal prosecution 2629
for actions that might otherwise violate Chapter 1331. of the 2630
Revised Code taken in furtherance of the cooperative agreement. 2631

(D) The director of health may request periodic written 2632
updates of the progress of the approved cooperative agreement. 2633
If updates are requested, the director shall specify the 2634
intervals at which they must be submitted, which shall be not 2635
less than every ninety days. The attorney general may request 2636
the director to provide copies of any updates the director 2637
receives. 2638

(E) The director of health may rescind an order approving 2639
a cooperative agreement by issuing a rescission order in 2640
accordance with Chapter 119. of the Revised Code if updates of 2641
the progress of the approved cooperative agreement are not 2642
provided to ~~him~~ the director as requested, if ~~he~~ the director 2643
determines that the approved cooperative agreement is not 2644
meeting one or more of the goals specified in division (A) of 2645
section 3727.21 of the Revised Code, or if ~~he~~ the director 2646
determines that the benefits resulting from the cooperative 2647
agreement do not outweigh the disadvantages attributable to any 2648
reduction in competition. A rescission order may be appealed in 2649
accordance with Chapter 119. of the Revised Code by any of the 2650
hospitals that are parties to the cooperative agreement. Any 2651
affected person may intervene in the appeal. 2652

(F) Nothing in this section shall limit the authority of 2653
the attorney general to initiate civil enforcement action or 2654
criminal prosecution if ~~he~~ the attorney general determines that 2655
the hospitals or their directors or trustees have exceeded the 2656
scope of the cooperative agreement approved under division (B) 2657
of this section. 2658

(G) Nothing in sections 3727.21 to 3727.23 of the Revised 2659
Code shall obligate the boards of directors or boards of 2660
trustees of a group of hospitals to submit a request for 2661
approval under this section. Any person who implements any 2662
cooperative action or agreement without securing the approval of 2663
the director of health under this section is subject to any 2664
civil or criminal enforcement action for violations of Chapter 2665
1331. of the Revised Code that may result from such action. 2666

Sec. 3734.101. (A) Except as provided in division (C) or 2667
(H) of this section, any person aggrieved or adversely affected 2668

by an alleged violation of this chapter or a rule, permit, 2669
license, variance, or order issued or adopted under it may 2670
commence a civil action on ~~his~~ the person's own behalf against 2671
any person, the state, or a political subdivision that is 2672
alleged to be in violation of this chapter or a rule, permit, 2673
license, variance, or order issued or adopted under it. Actions 2674
against the state or a political subdivision under this division 2675
may only relate to its activities involved in generating, 2676
transporting, storing, treating, or disposing of hazardous 2677
waste, infectious waste, or solid wastes, but may not relate to 2678
any such activities involved in the cleanup of a hazardous waste 2679
facility, infectious waste treatment facility, or solid waste 2680
facility, to the selection of scrap tire facilities for cleanup, 2681
or to any regulatory activity, including, without limitation, 2682
inspections conducted by it in accordance with this chapter and 2683
rules adopted under it. 2684

(B) An action under division (A) of this section may be 2685
commenced no sooner than one hundred fifty days after the 2686
aggrieved or adversely affected person has given notice of the 2687
alleged violation to the director of environmental protection, 2688
the attorney general, and the alleged violator. Notice required 2689
under this division shall be delivered by certified mail and 2690
shall describe in detail the alleged violation for which the 2691
action may be commenced. 2692

(C) (1) No action may be commenced under division (A) of 2693
this section if, within one hundred fifty days after the 2694
aggrieved or adversely affected person has given notice under 2695
division (B) of this section, one of the following occurs: 2696

(a) The director, with the written concurrence of the 2697
attorney general, has issued an administrative enforcement order 2698

requiring compliance by the alleged violator with the particular 2699
provision of this chapter, rule, permit, license, variance, or 2700
order in question; 2701

(b) The attorney general, prosecuting attorney of a 2702
county, city director of law, or village solicitor is 2703
prosecuting a civil or criminal action in any court to require 2704
compliance by the alleged violator with the particular provision 2705
of this chapter, rule, permit, license, variance, or order in 2706
question. 2707

(2) Any person who has given notice under division (B) of 2708
this section may intervene, as a matter of right, in any 2709
administrative enforcement action under division (C) (1) (a) of 2710
this section or in any civil action under division (C) (1) (b) of 2711
this section. 2712

(3) If the attorney general gives ~~his~~ written concurrence 2713
to the director's administrative enforcement order under 2714
division (C) (1) (a) of this section, ~~he~~ the attorney general 2715
shall send by certified mail an exact photographic copy of the 2716
written concurrence to the person who gave notice under division 2717
(B) of this section. 2718

(D) If the director is not a party in any action commenced 2719
under this section, ~~he~~ the director may intervene in it as a 2720
matter of right. 2721

(E) Only the court of common pleas in the county in which 2722
an alleged violation occurs has original jurisdiction over 2723
actions authorized by division (A) of this section. The court 2724
may do either or both of the following: 2725

(1) Compel the alleged violator to comply with the 2726
particular provision of this chapter, rule, permit, license, 2727

variance, or order in question;	2728
(2) Award, as the court considers appropriate, costs of litigation, including reasonable attorney's fees and expert witness fees, to either of the following:	2729
(a) A plaintiff who substantially prevails in the action;	2730
(b) A defendant who substantially prevails if the court ultimately determines that the action was brought in bad faith.	2731
(F) Nothing in this section restricts any right that any person or class of persons may have under any statute or common law to seek enforcement of this chapter or rules, permits, licenses, variances, or orders issued or adopted under it or to seek any other relief.	2732
(G) The Rules of Civil Procedure generally applicable in civil actions apply to actions commenced under this section except as this section expressly provides otherwise.	2733
(H) This section does not apply to the enforcement of sections 3734.90 to 3734.9013 of the Revised Code or any rules adopted or assessments made under those sections.	2734
Sec. 3734.43. (A) As used in this section, "documentary material" means the original or any copy of any writings, drawings, graphs, charts, photographs, phonorecords, and other data compilation from which intelligence, relevant to any investigation conducted to determine if any person is or has been engaged in a violation of this chapter, may be perceived with or without the use of detection devices.	2735
(B) Whenever the attorney general has reasonable cause to believe that any individual or business concern may be in possession, custody, or control of any documentary material or	2736
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may have knowledge of any fact relevant to any investigation of 2756
an applicant or permittee authorized in sections 3734.41 to 2757
3734.47 of the Revised Code, the attorney general or ~~his~~ the 2758
attorney general's designated representative may issue in 2759
writing and cause to be served upon any individual or business 2760
concern or the representative or agent of the individual or 2761
business concern an investigative demand requiring the 2762
individual or business concern to produce the documentary 2763
material for inspection and copying or reproduction, to answer 2764
under oath and in writing written interrogatories, or to appear 2765
and testify under oath before the attorney general or ~~his~~ the 2766
attorney general's duly authorized representative, or requiring 2767
the individual or business concern to do any combination of 2768
these three demands. 2769

(C) Each investigative demand shall: 2770

(1) Describe the conduct under investigation and state the 2771
provisions of law applicable thereto; 2772

(2) If it is a demand for production of documentary 2773
material: 2774

(a) Describe with reasonable particularity the documentary 2775
material to be produced; 2776

(b) Prescribe a return date that will provide a reasonable 2777
period of time within which the material may be assembled and 2778
made available for inspection and copying or reproduction; 2779

(c) Identify the custodian to whom the material shall be 2780
made available and the location at which the material is to be 2781
produced. 2782

(3) If it is a demand for answers to written 2783
interrogatories: 2784

(a) Identify the representative of the attorney general to whom such answers shall be made;	2785 2786
(b) Prescribe a date by which the answers shall be presented.	2787 2788
(4) If it is a demand for the giving of oral testimony:	2789
(a) Prescribe a date, time, and place at which oral testimony will be taken;	2790 2791
(b) Identify the representative of the attorney general who will conduct the oral examination.	2792 2793
(D) No investigative demand shall:	2794
(1) Contain any requirement that would be unreasonable if contained in a subpoena or subpoena duces tecum issued by a court in aid of a grand jury investigation;	2795 2796 2797
(2) Except as provided in division (H) of this section, require any answers to written interrogatories, the giving of any oral testimony, or the production of any documentary material that would be privileged from disclosure if demanded by a subpoena or subpoena duces tecum issued by a court in aid of a grand jury investigation.	2798 2799 2800 2801 2802 2803
(E) Service of any investigative demand may be made and is complete by either of the following:	2804 2805
(1) Mailing a copy of the demand by certified mail addressed to the individual or business concern to be served at his <u>the individual's or its business concern's</u> principal office, place of business, or residence;	2806 2807 2808 2809
(2) Delivering a copy of the demand to the individual or business concern or the representative or agent of the	2810 2811

individual or business concern. 2812

(F) Any individual or business concern served with a 2813
demand under this section may be represented by counsel at the 2814
taking of that individual's or business concern's testimony. 2815

(G) Except as otherwise provided in this section, the 2816
taking of oral testimony, answering of written interrogatories, 2817
and production of documentary material under this section shall 2818
in all respects follow the procedures established by the 2819
discovery provisions of the Rules of Civil Procedure. 2820

(H) (1) Whenever an individual or business concern served 2821
with a demand under this section refuses on the basis of the 2822
individual's privilege against self-incrimination to provide any 2823
oral testimony, to answer any written interrogatories, or to 2824
produce any documentary material, the attorney general or ~~his~~ 2825
the attorney general's designated representative may file a 2826
written request with a court of common pleas, and the court, 2827
unless it finds that to do so would not further the 2828
administration of justice, shall compel that individual to 2829
provide the oral testimony, to answer the written 2830
interrogatories, or to produce the documentary material if all 2831
of the following apply: 2832

(a) The attorney general or ~~his~~ the attorney general's 2833
designated representative makes a written request to the court 2834
of common pleas to order the individual to provide oral 2835
testimony, to answer written interrogatories, or produce 2836
documentary material, notwithstanding ~~his~~ the individual's claim 2837
of privilege; 2838

(b) The written request is made to a court of common pleas 2839
in the county in which the individual resides, transacts 2840

business, or is otherwise found, except that if the individual 2841
transacts business in more than one county, the request shall be 2842
made in the county in which the individual maintains ~~his~~the 2843
individual's principal place of business; 2844

(c) The court of common pleas informs the individual that 2845
by providing oral testimony, answering written interrogatories, 2846
or producing documentary material ~~he~~the individual will receive 2847
immunity under division (H) (2) of this section. 2848

(2) If, but for division (H) of this section, the 2849
individual would have been privileged to withhold any oral 2850
testimony, answers to written interrogatories, or documentary 2851
material given in these proceedings and ~~he~~the individual 2852
complies with an order under division (H) (1) of this section 2853
compelling ~~him~~the individual to provide testimony, answers, or 2854
material, that answer, testimony, or evidence or any evidence 2855
directly or indirectly derived therefrom may not be used against 2856
~~him~~the individual in any prosecution for a crime or offense 2857
concerning which ~~he~~the individual gave the answer, testified, 2858
or produced evidence if the answer, testimony, or evidence is 2859
responsive to the question propounded. 2860

(3) An individual granted immunity under division (H) of 2861
this section may be subjected to a criminal penalty for any 2862
violation of section 2921.11, 2921.12, or 2921.13 of the Revised 2863
Code, or for contempt committed in providing oral testimony, 2864
answers to written interrogatories, or documentary material in 2865
compliance with the order. 2866

(I) Within twenty days after service of an investigative 2867
demand upon any individual or business concern under this 2868
section or at any time before the compliance date specified in 2869
the demand, whichever period is shorter, the individual or 2870

business concern may file in the court of common pleas in the 2871
county in which ~~he~~ the individual or business concern resides, 2872
transacts business, or is otherwise found, and serve upon the 2873
attorney general, a request for an order of the court modifying 2874
or setting aside the demand, except that if the individual or 2875
business concern transacts business in more than one county, the 2876
request shall be filed in the county in which the individual or 2877
business concern maintains ~~his~~ the individual's or business 2878
concern's principal place of business or in any other county 2879
that may be agreed upon by the individual or business concern 2880
and the attorney general or ~~his~~ the attorney general's 2881
designated representative. If the court finds that the 2882
noncompliance was in bad faith or for the purpose of delay, it 2883
may order the individual or business concern to pay to the 2884
attorney general the reasonable expenses incurred in defending 2885
the investigative demand, including attorneys' fees, and may 2886
invoke the sanctions provided by Civil Rule 37. 2887

(J) No individual or business concern shall, with intent 2888
to avoid, evade, prevent, or obstruct compliance in whole or in 2889
part by any individual or business concern with any 2890
investigative demand made under this section, remove from any 2891
place, conceal, withhold, destroy, mutilate, alter, or by any 2892
other means falsify any documentary material that is the subject 2893
of any investigative demand served upon any individual or 2894
business concern. 2895

(K) The attorney general is responsible for the custody, 2896
use, and necessary preservation of the documentary material made 2897
available pursuant to a demand and for its return as provided by 2898
this section. 2899

(L) All documentary material, answers to written 2900

interrogatories, and transcripts of oral testimony that are 2901
provided pursuant to any investigative demand are compiled as if 2902
in reasonable anticipation of a civil or criminal action or 2903
proceeding and shall be confidential and not subject to 2904
disclosure. Unless otherwise ordered by a court of common pleas, 2905
no such documentary material, answers to written 2906
interrogatories, or transcripts of oral testimony shall be 2907
available for examination or copying by, nor shall the contents 2908
thereof be disclosed to, any individual other than an authorized 2909
representative of the attorney general without the consent of 2910
the individual or business concern that provided the material, 2911
answers, or testimony, except that the documentary material, 2912
answers to written interrogatories, or oral testimony may be 2913
used in any grand jury investigation or in the conduct of any 2914
case or other official proceeding involving the issuance of a 2915
license or permit required under this chapter or involving an 2916
alleged violation of this chapter. Materials compiled pursuant 2917
to investigative procedures under this section are discoverable 2918
only to the extent authorized by the rules of any administrative 2919
or judicial tribunal in which any proceeding under this chapter 2920
is pending. No employee of the office of the attorney general 2921
shall purposely make available for examination or copying 2922
documentary material, answers to written interrogatories, or 2923
transcripts of oral testimony provided pursuant to an 2924
investigative demand, nor disclose the contents thereof, except 2925
as provided by this section. 2926

(M) When copies of documentary material made available 2927
pursuant to an investigative demand are no longer required for 2928
use in a pending proceeding or, absent any pending proceeding, 2929
are no longer required in connection with the investigation for 2930
which they were demanded, or at the end of twenty-four months 2931

after the date when the material was made available, whichever 2932
is earlier, all copies of the material shall be returned unless 2933
a request to extend the period beyond twenty-four months has 2934
been filed in the court of common pleas in which a request for 2935
an order compelling compliance pursuant to division (H) of this 2936
section could be filed. This division does not require the 2937
return of any copies of the documentary material that have 2938
passed into the control of any court or grand jury. 2939

(N) Notwithstanding any provision of the Revised Code, 2940
public officers and their deputies, assistants, clerks, 2941
subordinates, and employees shall render and furnish to the 2942
attorney general or ~~his~~ the attorney general's designated 2943
representatives when so requested all information and assistance 2944
in their possession or within their power. The attorney general 2945
or ~~his~~ the attorney general's authorized representatives shall 2946
provide the same degree of confidentiality for any information 2947
received under this section as the public officer or employee 2948
from whom it is obtained is required by law to provide with 2949
respect to the information. 2950

(O) When any request is filed in any court of common pleas 2951
under this section, the court shall have jurisdiction to hear 2952
and determine the matter presented. In any proceeding brought 2953
pursuant to this section, upon a showing by the attorney general 2954
that the information sought is potentially relevant to an 2955
investigation authorized herein, the court shall order the 2956
individual or business concern to provide the information 2957
requested by the attorney general. 2958

(P) Nothing in this section impairs the authority of the 2959
attorney general to file any complaint alleging a violation of 2960
this chapter that is not described in the demand, nor prevents 2961

the use of any evidence obtained through this section or 2962
otherwise in such an action. 2963

(Q) Nothing in this section impairs the authority of the 2964
attorney general or ~~his~~ the attorney general's representatives 2965
to lay before any grand jury impaneled in this state any 2966
evidence obtained through this section or otherwise concerning 2967
any alleged violation of this chapter, to invoke the power of 2968
the courts to compel the production of any evidence before any 2969
such grand jury, to institute any proceeding for the enforcement 2970
of any order or process issued in execution of such power, or to 2971
punish disobedience of any such order or process by any person. 2972

(R) Any judicial proceeding to challenge or enforce an 2973
investigative demand made by the attorney general against an 2974
individual or business concern who neither resides in nor 2975
transacts business in this state shall be initiated in the court 2976
of common pleas of Franklin county. 2977

Sec. 3752.12. (A) The director of environmental protection 2978
or ~~his~~ the director's authorized representative, upon proper 2979
identification and upon stating the purpose and necessity of an 2980
inspection, may enter at reasonable times upon any public or 2981
private property, real or personal, to inspect or investigate, 2982
obtain samples, and examine and copy records to determine 2983
compliance with this chapter and rules adopted and orders issued 2984
under it. The director or ~~his~~ the director's authorized 2985
representative ~~may~~ apply for, and any judge of a court of 2986
record may issue for use within the court's territorial 2987
jurisdiction, an administrative inspection warrant under 2988
division (F) of section 2933.21 of the Revised Code or other 2989
appropriate search warrant necessary to achieve the purposes of 2990
this chapter. 2991

(B) If the entry authorized by division (A) of this 2992
section is refused or if the inspection or investigation so 2993
authorized is refused, hindered, or thwarted by intimidation or 2994
otherwise, and if the director or ~~his~~ the director's authorized 2995
representative ~~applies~~ for and obtains a search warrant under 2996
division (A) of this section to conduct the inspection or 2997
investigation, the owner or operator of the premises where entry 2998
was refused or inspection or investigation was refused, 2999
hindered, or thwarted is liable to the director for the 3000
reasonable costs incurred by ~~him~~ the director for the regular 3001
salaries and fringe benefit costs of personnel assigned to 3002
conduct the inspection or investigation from the time the entry, 3003
inspection, or investigation was refused, hindered, or thwarted 3004
until the search warrant is executed; for the salary, fringe 3005
benefits, and travel expenses of the attorney general or an 3006
authorized assistant incurred in obtaining the search warrant; 3007
and for expenses necessarily incurred for the assistance of 3008
local law enforcement officers in executing the search warrant. 3009
In the application for the search warrant, the director may 3010
request, and the court, in its order granting the search 3011
warrant, may order the owner or operator of the premises to 3012
reimburse the director for such of those costs as the court 3013
finds reasonable. From the moneys recovered under this division, 3014
the director shall reimburse the attorney general for the costs 3015
incurred by ~~him~~ the attorney general or ~~his~~ the attorney 3016
general's authorized assistant in connection with the 3017
proceedings for obtaining the search warrant, shall reimburse 3018
the political subdivision in which the premises is located for 3019
the assistance of its law enforcement officers in executing the 3020
search warrant, and shall deposit the remainder of any such 3021
moneys to the credit of the general revenue fund. 3022

Sec. 3752.13. (A) If the director of environmental 3023
protection determines that conditions at a reporting facility 3024
constitute an imminent and substantial threat to public health 3025
or safety or are causing or contributing to, or are threatening 3026
to cause or contribute to, air or water pollution or soil 3027
contamination, the director may expend moneys from the immediate 3028
removal fund created in section 3745.12 of the Revised Code to 3029
take such remedial actions as are necessary or appropriate to 3030
protect the public health or safety or the environment, provided 3031
that a violation or failure to comply with any of the following 3032
has occurred or is ~~occurring~~ occurring at the facility: 3033

(1) Section 3752.06 of the Revised Code, a rule adopted 3034
under section 3752.03 of the Revised Code implementing that 3035
section, or a term or condition of an order issued under section 3036
3752.16 of the Revised Code to enforce that section or rule; 3037

(2) Section 3752.07 of the Revised Code, a rule adopted 3038
under section 3752.03 of the Revised Code implementing that 3039
section, or a term or condition of an order issued under section 3040
3752.16 of the Revised Code to enforce that section or rule; 3041

(3) Division (A) (2) of section 3752.09 of the Revised 3042
Code; 3043

(4) A term or condition of an order issued under division 3044
(A) (3) of section 3752.09 of the Revised Code; 3045

(5) An interim maintenance plan approved under division 3046
(A) of section 3752.10 of the Revised Code; 3047

(6) A term or condition of an order issued under division 3048
(A) of section 3752.10 of the Revised Code approving or 3049
disapproving an application for a waiver; 3050

(7) A term or condition of an order issued under division 3051

(B) of section 3752.10 of the Revised Code revoking a waiver;	3052
(8) Division (C) (1) of section 3752.10 of the Revised Code;	3053 3054
(9) A term or condition of an order issued under division (C) (2) of section 3752.10 of the Revised Code;	3055 3056
(10) Section 3752.11, 3752.111, or 3752.113 of the Revised Code or a rule adopted under section 3752.03 of the Revised Code pertaining to the securing of buildings, structures, and outdoor locations of operation in connection with any of those sections.	3057 3058 3059 3060
Expenditures from the fund to perform any such remedial action shall be made pursuant to contracts entered into by the director with persons who agree to furnish all of the materials, equipment, work, and labor as provided in the contract. Agents or employees of persons contracting with the director under this division may enter upon any land, public or private, as necessary to perform a remedial action under this division. The director shall keep a detailed accounting of the cost of each such remedial action.	3061 3062 3063 3064 3065 3066 3067 3068 3069
(B) The owner or operator of a facility where a remedial action is undertaken under division (A) of this section is liable to the state for the total cost of the remedial action in addition to any other liabilities imposed by law. The total cost of the remedial action is a lien upon the facility. The director shall prepare and present for recording in the office of the county recorder of the county in which the facility is located notice of the lien. The county recorder shall not charge a fee for recording a notice of lien under this division.	3070 3071 3072 3073 3074 3075 3076 3077 3078
(C) Upon completion of a remedial action under division (A) of this section, the director shall certify the total cost	3079 3080

of the remedial action to the attorney general and shall send a 3081
copy of the notice of the lien to ~~him~~ the attorney general. Upon 3082
receiving the director's certification and notice, the attorney 3083
general shall do one or both of the following: 3084

(1) Bring a civil action to recover the total cost of the 3085
remedial action as certified by the director; 3086

(2) Upon the written request of the director, foreclose 3087
the lien imposed by division (B) of this section. 3088

All moneys recovered under this division shall be 3089
deposited in the state treasury to the credit of the immediate 3090
removal fund. 3091

Sec. 3907.03. When the articles of incorporation are filed 3092
in the office of the secretary of state under section 3907.02 of 3093
the Revised Code, and the name assumed by the company is not so 3094
nearly similar to that of any other company organized in this 3095
state as to lead to confusion or uncertainty on the part of the 3096
public, the secretary of state shall submit them to the attorney 3097
general for examination. If such articles are found by ~~him~~ the 3098
attorney general to be in accordance with sections 3907.01 to 3099
3907.21, ~~inclusive,~~ of the Revised Code, and not inconsistent 3100
with the constitution and laws of the United States and of this 3101
state, ~~he~~ the attorney general shall certify to and deliver them 3102
to the secretary of state, who shall cause them, together with 3103
the certificate of the attorney general, to be recorded in a 3104
book kept for that purpose. Upon application of the signers of 3105
such articles of incorporation, the secretary of state shall 3106
furnish to them a certified copy of such articles and 3107
certificates. 3108

Sec. 3925.01. The articles of incorporation of a company 3109

formed for the purpose of insurance, other than life insurance, 3110
must be forwarded to the secretary of state, who shall submit 3111
them to the attorney general for examination. If such articles 3112
are found by ~~him~~ the attorney general to be in accordance with 3113
the constitution and laws of this state and of the United 3114
States, ~~he~~ the attorney general shall certify and deliver them 3115
back to the secretary of state. ~~He~~ The secretary of state may 3116
reject any name or title of a company applied for when ~~he~~ the 3117
secretary of state deems it similar to one already appropriated, 3118
or likely to mislead the public. 3119

Upon the approval of the articles by the attorney general 3120
and the secretary of state, the latter shall cause them to be 3121
recorded and copied in the manner provided for life insurance 3122
companies, and a copy thereof to be deposited with the 3123
superintendent of insurance. ~~He~~ The superintendent shall withhold 3124
from the company the certificate of authority if its name is so 3125
similar to that of any other company as to mislead the public. 3126

Sec. 3939.02. Persons forming an association under section 3127
3939.01 of the Revised Code shall make and subscribe a 3128
certificate setting forth therein: 3129

(A) The name by which the association is to be known; 3130

(B) The place which is regarded as its center or business 3131
office; 3132

(C) The object of the association, which shall only be one 3133
or more of the objects set forth in section 3939.01 of the 3134
Revised Code, and the enforcement of any contract entered into 3135
by such persons in which the parties agree to be assessed 3136
specifically for incidental purposes and for the payment of 3137
losses which occur to its members; 3138

(D) The kinds of property proposed to be insured and the 3139
casualties specified in section 3939.01 of the Revised Code 3140
which are proposed to be insured against. 3141

Such certificate may be amended to change the name of the 3142
association, the place which is regarded as its center or 3143
business office, or its objects, at any meeting of members, 3144
thirty days' notice of which, and of the business to come before 3145
it, has been given by a majority of the directors in a newspaper 3146
published and of general circulation in the county where the 3147
company's center or business office is located. Such amendment, 3148
if adopted by at least three fifths vote of the members present 3149
and voting at the meeting so called, and if not inconsistent 3150
with the constitution and laws of this state and of the United 3151
States, shall be approved by the attorney general and the 3152
secretary of state, and such amendment and the certificate of 3153
approval by the attorney general shall be filed in the office of 3154
the secretary of state and shall thereupon be in effect. After 3155
recording such amendment the secretary of state shall deposit a 3156
copy thereof with the superintendent of insurance. 3157

In event of a change of name of the association or a 3158
change of the place of the center or business office, the 3159
superintendent, immediately upon the approval by ~~him~~ the 3160
superintendent of such change, shall certify the fact of such 3161
change to the secretary of state, who shall make note thereof on 3162
the files of ~~his~~ the secretary of state's office relating to 3163
such association. 3164

Sec. 3939.03. The certificate required by section 3939.02 3165
of the Revised Code shall be filed in the office of the 3166
secretary of state. A copy thereof, certified by ~~him~~ the 3167
secretary of state, shall be evidence of the existence and 3168

incorporation of the association for the purposes therein named. 3169

Sec. 4123.42. The treasurer of state shall be custodian of 3170
the state insurance fund, ~~the occupational disease fund~~. The 3171
treasurer shall pay disbursements from the ~~funds~~ fund upon 3172
warrants drawn by the bureau of workers' compensation and signed 3173
by the administrator of workers' compensation. The warrants may 3174
bear the facsimile signature of the administrator printed 3175
thereon, or the facsimile signature printed thereon of the 3176
employee of the bureau charged with the duty of keeping the 3177
account of the ~~funds~~ fund and with the preparation of warrants 3178
for the payment of compensation to the persons entitled thereto. 3179

The treasurer of state shall give a separate and 3180
additional bond, in the amount fixed by the governor and with 3181
sureties to ~~his~~ the governor's approval, conditioned for the 3182
faithful performance of ~~his~~ the treasurer of state's duties as 3183
custodian of the state insurance fund. The bond shall be 3184
deposited with the secretary of state and kept in ~~his~~ the 3185
secretary of state's office. The bureau shall pay the premium on 3186
the bond. 3187

Sec. 4123.752. Service of process under section 4123.751 3188
of the Revised Code shall be served by the officer to whom the 3189
same shall be directed or by the sheriff of Franklin county, who 3190
may be deputized for such purposes by the officer to whom the 3191
service is directed, upon the secretary of state by leaving at 3192
~~his~~ the secretary of state's office, at least fifteen days 3193
before the return day of such process, a true and attested copy 3194
thereof, and by sending to the defendant, by registered mail, 3195
postage prepaid at least fifteen days before the return day of 3196
such process, a like true and attested copy thereof, with an 3197
endorsement thereon of the service upon the secretary of state, 3198

addressed to such defendant at ~~his~~ the defendant's last known 3199
address. The registered mail return receipt shall be attached to 3200
and made a part of the return of service of such process. 3201

Sec. 4503.032. (A) As used in this section, "candidate," 3202
"contribution," and "campaign committee" have the same meanings 3203
as in section 3517.01 of the Revised Code. 3204

(B) No person shall knowingly solicit directly or 3205
indirectly, orally or by letter, or be in any manner concerned 3206
in soliciting any assessment, subscription, or contribution for 3207
any political party, for the governor or ~~his~~ the governor's 3208
campaign committee, or for any candidate for public office or 3209
~~his~~ the candidate's campaign committee from a person known by 3210
the solicitor to be a deputy registrar under contract with the 3211
registrar of motor vehicles. 3212

(C) Neither the registrar nor any person shall award a 3213
deputy registrar contract to a person, or promise to do so, 3214
because that person pays an assessment or subscription to, or 3215
makes a contribution to, any political party, the governor or 3216
~~his~~ the governor's campaign committee, or any candidate for 3217
public office or ~~his~~ the candidate's campaign committee. Neither 3218
the registrar nor any person shall withhold a deputy registrar 3219
contract from a person, or threaten to do so, because that 3220
person fails to pay an assessment or subscription to, or fails 3221
to make a contribution to, any political party, the governor or 3222
~~his~~ the governor's campaign committee, or any candidate for 3223
public office or ~~his~~ the candidate's campaign committee. Neither 3224
the registrar nor any person shall terminate a deputy registrar 3225
contract awarded to a person, or threaten to do so, because that 3226
person fails to pay an assessment or subscription to, or fails 3227
to make a contribution to, any political party, the governor or 3228

~~his the governor's~~ campaign committee, or any candidate for 3229
public office or ~~his the candidate's~~ campaign committee. 3230

(D) Whoever violates this section shall be fined ten 3231
thousand dollars. 3232

Sec. 4503.033. (A) Annually, on or before the thirty-first 3233
day of January, every deputy registrar shall file with the 3234
registrar of motor vehicles on a form prescribed by the 3235
registrar, a statement disclosing all of the following: 3236

(1) The name of the person filing the statement, and, if 3237
applicable, of ~~his the person's~~ spouse and of members of ~~his the~~ 3238
person's immediate family; 3239

(2) Any contribution made within the previous calendar 3240
year by the person and, if applicable, by ~~his the person's~~ 3241
spouse and by members of ~~his the person's~~ immediate family to 3242
each of the following: 3243

(a) Any political party; 3244

(b) Any candidate for the office of governor, attorney 3245
general, secretary of state, treasurer of state, auditor of 3246
state, member of the senate or house of representatives of the 3247
general assembly, or to the campaign committee of any such 3248
candidate. 3249

(3) The month, day, and year in which the contribution was 3250
made; 3251

(4) The full name and address of each person, political 3252
party, or campaign committee to which a contribution was made; 3253

(5) The value in dollars and cents of the contribution. 3254

(B) No person shall knowingly fail to file, on or before 3255

the filing deadline under this section, a statement that is 3256
required by division (A) of this section. 3257

(C) No person shall knowingly make a false statement in a 3258
statement that is required to be filed under division (A) of 3259
this section. 3260

(D) On and after March 2, 1994, the statement required by 3261
division (A) of this section shall be accompanied by a filing 3262
fee of twenty-five dollars. If the statement required by 3263
division (A) of this section is not filed by the date on which 3264
it is required to be filed, the registrar of motor vehicles 3265
shall assess a late filing fee as prescribed in division (F) of 3266
section 102.02 of the Revised Code. The registrar shall deposit 3267
all fees ~~he~~ the registrar receives under this division into the 3268
general revenue fund of the state. 3269

(E) Not later than the date a deputy registrar is required 3270
to file a statement under division (A) of this section, the 3271
deputy registrar shall file a copy of the statement with the 3272
office of the secretary of state. The secretary of state shall 3273
keep the copies of all statements filed with ~~his~~ the office of 3274
the secretary of state under this division only for the purpose 3275
of making them available for public inspection. 3276

(F) Whoever violates division (B) of this section shall be 3277
fined one thousand dollars. Whoever violates division (C) of 3278
this section shall be fined ten thousand dollars. 3279

Sec. 4509.62. Proof of financial responsibility may be 3280
evidenced by the certificate of the treasurer of state that the 3281
person named therein has deposited with ~~him~~ the treasurer of 3282
state thirty thousand dollars in money or bonds of the United 3283
States, of this state, or of a political subdivision of this 3284

state at their par or face value. The treasurer of state shall 3285
not accept any such deposit and issue a certificate therefor and 3286
the registrar shall not accept such certificate unless it is 3287
accompanied by evidence that there are no unsatisfied judgments 3288
against the depositor in the county where the depositor resides. 3289

Sec. 4549.47. (A) If by ~~his~~ the attorney general's own 3290
inquiries or as a result of complaints, the attorney general has 3291
reason to believe that a person has engaged, is engaging, or is 3292
preparing to engage, in a violation of sections 4549.41 to 3293
4549.46 of the Revised Code, ~~he~~ the attorney general may 3294
investigate. 3295

(B) For this purpose the attorney general may administer 3296
oaths, subpoena witnesses, adduce evidence, and require the 3297
production of relevant matter. 3298

If the matter that the attorney general requires to be 3299
produced is located outside the state, ~~he~~ the attorney general 3300
may designate representatives, including officials of the state 3301
in which the matter is located, to inspect the matter on ~~his~~ the 3302
attorney general's behalf, and ~~he~~ the attorney general may 3303
respond to similar requests from officials of other states. The 3304
person subpoenaed may make the matter available to the attorney 3305
general at a convenient location within the state or pay the 3306
reasonable and necessary expenses for the attorney general or 3307
~~his~~ the attorney general's representative to examine the matter 3308
at the place where it is located, provided that expenses shall 3309
not be charged to a party not subsequently found to have engaged 3310
in a violation of sections 4549.41 to 4549.46 of the Revised 3311
Code. 3312

(C) At any time before the return day specified in the 3313
subpoena, or within twenty days after the subpoena has been 3314

served, whichever period is shorter, a petition to extend the 3315
return day, or to modify or quash the subpoena, stating good 3316
cause, may be filed in the court of common pleas in Franklin 3317
county or in the county where the person served resides or has 3318
his the person's principal place of business. 3319

(D) A person subpoenaed under this section shall comply 3320
with the terms of the subpoena unless otherwise provided by 3321
court order entered prior to the day for return contained in the 3322
subpoena or as extended by the court. If a person fails without 3323
lawful excuse to obey a subpoena or to produce relevant matter, 3324
the attorney general may apply to a court of common pleas and 3325
obtain an order doing any of the following: 3326

(1) Adjudging the person in contempt of court; 3327

(2) Granting injunctive relief to restrain the person from 3328
engaging in any conduct that violates sections 4549.41 to 3329
4549.46 of the Revised Code; 3330

(3) Granting injunctive relief to preserve or restore the 3331
status quo; 3332

(4) Granting such other relief as may be required until 3333
the person obeys the subpoena. 3334

If a person violates any order entered by a court under 3335
this section, the violation shall be punished as a violation of 3336
an injunction issued under division (A) of section 4549.48 of 3337
the Revised Code. 3338

(E) The attorney general may request that an individual 3339
who refuses to testify or to produce relevant matter on the 3340
ground that the testimony or matter may incriminate ~~him~~ the 3341
individual be ordered by the court to provide the testimony or 3342
matter. With the exception of a prosecution for perjury and an 3343

action for damages under section 4549.49 of the Revised Code, an 3344
individual who complies with a court order to provide testimony 3345
or matter, after asserting a privilege against self- 3346
incrimination to which ~~he~~ the individual is entitled by law, 3347
shall not be subjected to a criminal proceeding on the basis of 3348
the testimony or matter required to be disclosed or testimony or 3349
matter discovered through that testimony or matter. 3350

Sec. 4549.48. (A) Whenever it appears that a person has 3351
violated, is violating, or is about to violate any provision of 3352
sections 4549.41 to 4549.46 of the Revised Code, the attorney 3353
general may bring an action in the court of common pleas to 3354
enjoin the violation. Upon a showing of a violation of sections 3355
4549.41 to 4549.46 of the Revised Code, a temporary restraining 3356
order, preliminary injunction, or permanent injunction shall be 3357
granted without bond. The court may impose a penalty of not more 3358
than five thousand dollars for each day of violation of a 3359
temporary restraining order, preliminary injunction, or 3360
permanent injunction issued under this section. The court may 3361
issue an order requiring the reimbursement of a consumer for any 3362
loss that results from a violation of sections 4549.41 to 3363
4549.46 of the Revised Code, for the recovery of any amounts for 3364
which a violator is liable pursuant to division (A) of section 3365
4549.49 of the Revised Code, for the appointment of a referee or 3366
receiver, for the sequestration of assets, for the rescission of 3367
transfers of motor vehicles, or granting any other appropriate 3368
relief. The court may award the attorney general all costs 3369
together with all expenses of ~~his~~ the attorney general's 3370
investigation and reasonable attorneys' fees incurred in the 3371
prosecution of the action, which shall be deposited in the 3372
consumer protection enforcement fund created by section 1345.51 3373
of the Revised Code. 3374

(B) In addition to the remedies otherwise provided by this 3375
section, the attorney general may request and the court shall 3376
impose a civil penalty of not less than one thousand nor more 3377
than two thousand dollars for each violation. A violation of any 3378
provision of sections 4549.41 to 4549.46 of the Revised Code 3379
shall, for purposes of this section, constitute a separate 3380
violation with respect to each motor vehicle or unlawful device 3381
involved, except that the maximum civil penalty shall not exceed 3382
one hundred thousand dollars for any related series of 3383
violations by a person. Civil penalties ordered pursuant to this 3384
division shall be paid as follows: one-fourth of the amount to 3385
the treasurer of the county in which the action is brought; 3386
three-fourths to the consumer protection enforcement fund 3387
created by section 1345.51 of the Revised Code. 3388

(C) The remedies prescribed by this section are cumulative 3389
and concurrent with any other remedy, and the existence or 3390
exercise of one remedy does not prevent the exercise of any 3391
other remedy. 3392

Sec. 4715.04. Before entering upon the discharge of ~~the~~ 3393
official duties ~~of his office~~, the secretary of the state dental 3394
board shall give a bond to the state in the sum of two thousand 3395
dollars conditioned for the faithful discharge of the duties of 3396
~~his~~ the office of secretary, the premium for such bond to be 3397
paid in the same manner as other expenses of the board. Such 3398
bond, with the approval of the board and oath of office indorsed 3399
thereon, shall be deposited with the secretary of state and kept 3400
in ~~his~~ the secretary of state's office. Such board may employ 3401
such assistants, inspectors, investigators, and clerical help as 3402
it deems necessary to enforce sections 4715.01 to 4715.35 of the 3403
Revised Code, the expense thereof to be charged and paid as 3404
other expenditures of the board. All receipts of the board, from 3405

any source, shall be deposited in the state treasury to the 3406
credit of the occupational licensing and regulatory fund. The 3407
board shall make an annual report as of the thirty-first day of 3408
December of the year preceding, of its proceedings and the items 3409
of its receipts and disbursements to the governor on or before 3410
the first day of February. 3411

Sec. 4901.07. The governor may remove any public utilities 3412
commissioner for inefficiency, neglect of duty, or a failure to 3413
abide by sections 4901.04 or 4903.081 of the Revised Code, 3414
malfeasance in office, giving to such commissioner a copy of the 3415
charges against ~~him~~ the commissioner and an opportunity to be 3416
publicly heard, in person or by counsel, in ~~his~~ the 3417
commissioner's own defense, upon not less than ten days' notice. 3418
If such commissioner is removed, the governor shall file a 3419
complete statement of all charges made against such 3420
commissioner, ~~his~~ the governor's findings on such charges, and a 3421
complete record of the proceedings with the secretary of state. 3422
The governor's decision is final. 3423

Sec. 4901.17. The attorney general shall be the legal 3424
adviser of the public utilities commission, but ~~he~~ the attorney 3425
general shall designate, subject to the approval of the 3426
governor, one or more of ~~his~~ the attorney general's assistants 3427
to perform the services and discharge the duties of attorney to 3428
the commission. Such specially designated counsel shall receive 3429
a salary which shall be paid in the same manner as that of the 3430
members of the commission. 3431

Sec. 4953.03. The articles of incorporation referred to by 3432
section 4953.02 of the Revised Code shall be signed by the 3433
presidents in behalf of the railroad companies, with the 3434
corporate seals of the companies annexed to such articles, or by 3435

any number of persons, not less than five, a majority of whom 3436
are residents of this state, and shall be forwarded to the 3437
secretary of state, who shall record and preserve them in ~~his~~ 3438
the secretary of state's office. A copy of such articles 3439
certified by the secretary of state, is evidence of the 3440
existence of such company. After such recording, the company may 3441
contract, sue and be sued, locate and acquire rights of way, 3442
grounds, and terminals, and appropriate so much land as it deems 3443
necessary for its depot, tracks, terminals, structures, and 3444
facilities, and shall have all the powers given to railroads by 3445
the laws of this state, for the purpose of acquiring, 3446
constructing, and operating its depot, tracks, terminals, 3447
structures, and facilities. Such company is not subject to 3448
sections 4953.13 to 4953.16, ~~inclusive,~~ of the Revised Code. 3449

Sec. 4961.05. By a resolution adopted by a majority of its 3450
board of directors, at a meeting duly called for the purpose, 3451
with the written consent of three fourths in interest of its 3452
stockholders, a railroad company may change the line of 3453
railroad, or any part thereof, and either of the proposed 3454
termini, of its railroad. No change shall be made which will 3455
involve the abandonment of any part of the railroad, either 3456
partly or completely constructed. Any subscription of stock made 3457
upon the faith of the location of the railroad, or a part 3458
thereof, upon a line of railroad abandoned by the change, shall 3459
be canceled at the written request of a subscriber who has not 3460
consented to such change, filed with the secretary or other 3461
chief officer of the company, within six months after such 3462
change. 3463

When such change is made, it shall be described in such 3464
resolution, an authenticated copy of which, under the seal of 3465
the company, shall be filed with the secretary of state and by 3466

~~him the secretary of state~~ recorded, with proper reference, on 3467
the record of the articles of incorporation of the company. When 3468
so filed, such change shall be considered as made, and is as 3469
valid and binding as if the changed line had been the line 3470
originally described in the articles. 3471

Sec. 5301.16. When the purchaser of land from the state 3472
dies before a deed is made, and the lands pass to another by 3473
descent or devise, and the title still remains in ~~him the~~ 3474
purchaser, or when the person to whom the lands have so passed 3475
has conveyed them or ~~his the person's~~ interest therein to 3476
another person, by deed of general warranty or quitclaim, upon 3477
the proof of such facts being made to ~~him the governor~~ and the 3478
attorney general, the governor shall execute the deed directly 3479
to the person entitled to the lands, although such person 3480
derives ~~his the person's~~ title through one or more successive 3481
conveyances from the person to whom the lands passed by descent 3482
or devise. 3483

Sec. 5301.254. (A) For the purposes of this section, 3484
"nonresident alien" means any individual who is not a citizen 3485
of, and is not domiciled in, the United States. 3486

(B) Every nonresident alien who acquires any interest 3487
either in ~~his the nonresident alien's~~ own name or in the name of 3488
another, in real property located in this state that is in 3489
excess of three acres or that has a market value greater than 3490
one hundred thousand dollars or any interest in and to minerals, 3491
and any mining or other rights appurtenant thereto or in 3492
connection therewith that has a market value in excess of fifty 3493
thousand dollars shall, within thirty days of the acquisition of 3494
the interest in the property, together with a filing fee of five 3495
dollars, submit to the secretary of state on forms prescribed by 3496

him <u>the secretary of state</u> all of the following information:	3497
(1) Name, address, and telephone number;	3498
(2) Country of citizenship;	3499
(3) Location and amount of acreage of real property;	3500
(4) Intended use of real property at the time of filing.	3501
(C) Every corporation or other business entity that is	3502
created or organized under the laws of any state or a foreign	3503
nation or that has its principal place of business in a foreign	3504
nation, in which a nonresident alien acquires at least ten per	3505
cent of the shares of stock or other interests or in which any	3506
number of nonresident aliens acquire at least forty per cent of	3507
the shares of stock or other interests, and which acquires any	3508
interest either in its own name or in the name of another, in	3509
real property located in this state that is in excess of three	3510
acres or that has a market value greater than one hundred	3511
thousand dollars or any interest in and to minerals, and any	3512
mining or other rights appurtenant thereto or exercisable in	3513
connection therewith that has a market value in excess of fifty	3514
thousand dollars shall, within thirty days of acquisition of the	3515
interest in the property, together with a filing fee of twenty-	3516
five dollars, submit to the secretary of state on forms	3517
prescribed by him <u>the secretary of state</u> all of the following	3518
information:	3519
(1) Name, address of principal place of business, and	3520
address of principal Ohio office;	3521
(2) Name, address, telephone number, and country of	3522
citizenship of each nonresident alien who owns at least ten per	3523
cent of the shares of stock or other interests, if any;	3524

(3) The percentage, within five percentage points, of	3525
shares of stock or other interests controlled by the nonresident	3526
aliens of each country represented by them if such interests	3527
exceed five per cent;	3528
(4) Location and amount of acreage of real property;	3529
(5) Principal business of corporation or entity;	3530
(6) Intended use of real property at the time of filing;	3531
(7) Chairman <u>Chairperson</u> of the governing board, if any,	3532
chief executive, if any, and partners, if any;	3533
(8) Corporation's or entity's agent in this state;	3534
(9) Place of incorporation, if a corporation;	3535
(10) Number of persons who own shares of stock or other	3536
interests.	3537
(D) If the ownership or control of a corporation or other	3538
business entity that is required in division (C) of this section	3539
to file with the secretary of state changes in such a way that	3540
the information contained on the filing form is no longer	3541
accurate, the corporation or other business entity shall notify	3542
the secretary of state in writing of such change within thirty	3543
days of the occurrence of the change.	3544
If the ownership or control of a corporation or other	3545
business entity that owns real property in an amount larger than	3546
three acres or that has a market value greater than one hundred	3547
thousand dollars or that owns any interest in and to minerals,	3548
and any mining or other rights appurtenant thereto or	3549
exercisable in connection therewith that has a market value in	3550
excess of fifty thousand dollars changes in such a way that a	3551
nonresident alien acquires at least ten per cent of the shares	3552

of stock or other interests or any number of nonresident aliens 3553
acquire at least forty per cent of the shares of stock or other 3554
interests, the corporation or other business entity shall file 3555
with the secretary of state as required in division (C) of this 3556
section within thirty days of the occurrence of the change. 3557

If a nonresident alien who is required to file with the 3558
secretary of state in division (B) of this section becomes a 3559
resident alien or a citizen of the United States, ~~he~~ the former 3560
nonresident alien shall notify the secretary of state in writing 3561
of the change in ~~his~~ status within thirty days of the change. 3562

If a nonresident alien or a corporation or other business 3563
entity that is required to file with the secretary of state 3564
pursuant to this section sells the real property or mineral or 3565
mining rights that were reported to the secretary of state, the 3566
nonresident alien or corporation or other business entity shall 3567
notify the secretary of state in writing of the sale within 3568
thirty days of the sale. 3569

(E) The secretary of state shall: 3570

(1) Prescribe all forms and make all rules that are 3571
necessary for the implementation of this section; 3572

(2) Maintain accurate records of the information that ~~he~~ 3573
the secretary of state receives pursuant to this section and 3574
make such information available to the public; 3575

(3) Annually report this information, itemized by county, 3576
to the general assembly. 3577

(F) No nonresident alien or corporation or other business 3578
entity that is required to file with the secretary of state 3579
pursuant to this section shall fail to comply with this section. 3580
Either the county prosecutor of the county in which the real 3581

property or the mineral or mining rights are located or the 3582
attorney general may bring action against any alleged offender. 3583
The secretary of state may request a county prosecutor or the 3584
attorney general to bring such an action. 3585

(G) The filing of the information required by this section 3586
shall not be construed to perfect any interests permitted to be 3587
perfected under Title XIII of the Revised Code by filing with 3588
the secretary of state. 3589

Sec. 5505.11. The treasurer of state shall be the 3590
treasurer of the state highway patrol retirement system and the 3591
custodian of its funds. All disbursements therefrom shall be 3592
made by ~~him~~ the treasurer of state only upon instruments 3593
authorized by the state highway patrol retirement board and 3594
bearing signatures of the ~~chairman~~ chairperson, or ~~vice-chairman~~ 3595
vice-chairperson in the absence of the ~~chairman~~ chairperson, and 3596
the secretary of the retirement system. Such instruments may 3597
bear the facsimile signature of the ~~chairman~~ chairperson of the 3598
board. No instrument shall be drawn unless it has been 3599
previously authorized by a specific or general resolution 3600
adopted by the board. 3601

The treasurer of state shall give a separate and 3602
additional surety bond satisfactory to the board, for the 3603
faithful performance of ~~his~~ the treasurer of state's duties as 3604
treasurer of the retirement system and custodian of its funds. 3605
The surety bond shall be in such amount and with such surety as 3606
the board determines and shall be deposited with the secretary 3607
of state and kept in ~~his~~ the secretary of state's office. The 3608
premium on the bond shall be paid by the board. 3609

The treasurer of state shall deposit any portion of the 3610
funds of the retirement system not needed for immediate use in 3611

the same manner as state funds are deposited, and subject to all 3612
laws with respect to the deposit of state funds, by the 3613
treasurer of state. All interest earned by such portion of 3614
retirement system funds so deposited by the treasurer of state 3615
shall be collected by ~~him~~ the treasurer of state and credited to 3616
the board. 3617

The treasurer of state shall furnish annually to the board 3618
a sworn statement of the amount of funds in ~~his~~ the treasurer of
state's custody belonging to the retirement system. 3619
3620

The fiscal records of the retirement system shall be open 3621
to public inspection. Any member shall be furnished with a 3622
statement of ~~his~~ the accumulated contributions standing to ~~his~~
the member's credit in ~~his~~ the member's individual account in 3623
the employees savings fund, upon ~~his~~ the member's written 3624
request filed with the board; provided, that the board shall not 3625
be required to answer more than one such request of a member in 3626
any one year. 3627
3628

Sec. 5521.05. If the board of county commissioners or 3629
municipal authority, after adopting the maps, plans, profiles, 3630
specifications, and estimates, are still of the opinion that the 3631
work should be constructed, and that they should co-operate upon 3632
the basis set forth in the proposal, such board or municipal 3633
authority shall adopt a resolution requesting the director of 3634
transportation to proceed with the work, and shall enter into a 3635
contract with the state providing for the payment by such county 3636
or municipal corporation of the agreed proportion of the cost 3637
and expense. The form of such contract shall be prescribed by 3638
the attorney general, and all such contracts shall be submitted 3639
to the attorney general and approved by ~~him~~ the attorney general 3640
before the director may advertise for bids. All improvements 3641

upon which any county or municipal corporation may co-operate 3642
shall be constructed under the sole supervision of the director. 3643
The proportion of the cost and expense payable by the county or 3644
municipal corporation, shall be paid by the county treasurer or 3645
the treasurer of the municipal corporation upon the warrant of 3646
the county or municipal auditor, issued upon the requisition of 3647
the director. Upon completion of the improvement the director 3648
shall ascertain the exact cost and expense thereof and notify 3649
the board or municipal authority. Any balance, in the fund 3650
provided by such board or municipal authority, shall be returned 3651
to the county or municipal corporation. 3652

Sec. 5711.26. Except for taxable property concerning the 3653
assessment of which an appeal has been filed under section 3654
5717.02 of the Revised Code, the tax commissioner may, within 3655
the time limitation in section 5711.25 of the Revised Code, and 3656
shall, upon application filed within such time limitation in 3657
accordance with the requirements of this section, finally assess 3658
the taxable property required to be returned by any taxpayer, 3659
financial institution, dealer in intangibles, or domestic 3660
insurance company as to which a preliminary or amended 3661
assessment has been made by or certified to a county auditor or 3662
certified to the treasurer of state or as to which the 3663
preliminary assessment is evidenced by a return filed with a 3664
county auditor for any prior year; and the commissioner may 3665
finally assess the taxable property of a taxpayer, financial 3666
institution, dealer in intangibles, or domestic insurance 3667
company who has failed to make a return to a county auditor or 3668
to the department of taxation in any such year. Application for 3669
final assessment shall be filed with the tax commissioner in 3670
person or by certified mail. If the application is filed by 3671
certified mail, the date of the United States postmark placed on 3672

the sender's receipt by the postal employee to whom the 3673
application is presented shall be treated as the date of filing. 3674
The application shall have attached thereto and incorporated 3675
therein by reference a true copy of the most recent preliminary 3676
or amended assessment, whether evidenced by certificate or 3677
return, to which correction is sought through the issuance of a 3678
final assessment certificate. The application shall also have 3679
attached thereto and incorporated therein by reference evidence 3680
establishing that the taxes, and any penalties and interest 3681
thereon, due on such preliminary or amended assessment have been 3682
paid. By filing such application within the time prescribed by 3683
section 5711.25 of the Revised Code, the taxpayer has waived 3684
such time limitation and consented to the issuance of ~~his~~ the 3685
taxpayer's assessment certificate after the expiration of such 3686
time limitation. 3687

For the purpose of issuing a final assessment the 3688
commissioner may utilize all facts or information ~~he~~ the 3689
commissioner possesses, and shall certify in the manner 3690
prescribed by law a final assessment certificate in such form as 3691
the case may require, giving notice thereof by mail to the 3692
taxpayer, financial institution, dealer in intangibles, or 3693
domestic insurance company. Such final assessment certificate 3694
shall set forth, as to each year covered, the amount of the 3695
final assessment as to each class of property and the amount of 3696
the corresponding preliminary or last amended assessment. If no 3697
preliminary or amended assessment was made, the amount listed in 3698
the taxpayer's return for each such class of property shall be 3699
shown. If the amount of any final assessment of any such class 3700
for any year exceeds the amount of the preliminary or amended 3701
assessment of such class for such year, the difference shall be 3702
designated a "deficiency," and if no preliminary or amended 3703

assessment has been made, each item in the final assessment 3704
certificate shall be so designated. If the final assessment of 3705
any such class for any such year is less in amount than the 3706
preliminary or amended assessment thereof for such year, the 3707
difference shall be designated an "excess." The commissioner 3708
shall add to each such deficiency assessment the penalty 3709
provided by law, computed on the amount of such deficiency. 3710

A copy of the final assessment certificate shall be 3711
transmitted to the treasurer of state or the proper county 3712
auditor, who shall make any corrections to ~~his~~ the treasurer of 3713
state's or auditor's records and tax lists and duplicates 3714
required in accordance therewith and proceed as prescribed by 3715
section 5711.32 or 5725.22 of the Revised Code. 3716

An appeal may be taken from any assessment authorized by 3717
this section to the board of tax appeals as provided by section 3718
5717.02 of the Revised Code. When such an appeal is filed and 3719
the notice of appeal filed with the commissioner has attached 3720
thereto and incorporated therein by reference a true copy of any 3721
assessment authorized by this section as required by section 3722
5717.02 of the Revised Code, the commissioner shall notify the 3723
treasurer of state or the auditor and treasurer of each county 3724
having any part of such assessment entered on the tax list or 3725
duplicate. 3726

Upon the final determination of an appeal which may be 3727
taken from an assessment authorized by this section, the 3728
commissioner shall notify the treasurer of state or the proper 3729
county auditor of such final determination. The notification may 3730
be in the form of a corrected assessment certificate. Upon 3731
receipt of the notification, the treasurer of state or the 3732
county auditor shall make any corrections to ~~his~~ the treasurer 3733

of state's or auditor's records and tax lists and duplicates 3734
required in accordance therewith and proceed as prescribed by 3735
section 5711.32 or 5725.22 of the Revised Code. 3736

The assessment certificates mentioned in this section, and 3737
the copies thereof, shall not be open to public inspection. 3738

Sec. 5725.08. On or before the first Monday of June, 3739
annually, the tax commissioner shall certify to the treasurer of 3740
state the assessment of each financial institution located in 3741
the state, showing separately the county in which the 3742
institution's principal office is located and the amount of 3743
taxable deposits of branches in each county other than that in 3744
which the principal office is located, and the commissioner 3745
shall certify to each county auditor the assessment of each 3746
taxable deposit separately assessed in the name of a depositor 3747
residing in ~~his~~ the auditor's county. The treasurer of state 3748
shall place the amounts so certified on the intangible property 3749
tax list in ~~his~~ the treasurer of state's office. The county 3750
auditor shall place the amounts so certified on the classified 3751
tax list and duplicate of ~~his~~ the auditor's county in the names 3752
of the depositors represented by such certificates. 3753

Any certificate of abatement issued pursuant to section 3754
5703.05 of the Revised Code for the overpayment of the deposits 3755
tax may be tendered by the payee or transferee thereof to the 3756
treasurer of state as payment for any taxes allocable to the 3757
county in which the claim for overpayment arose. 3758

Sec. 5727.54. If a corporation, wherever organized, 3759
required by law to file any report or return or to pay any tax 3760
or fee as a public utility fails to make such report or return 3761
or to pay any such tax or fee for ninety days after the time 3762
prescribed by law for making such report or return or paying 3763

such tax or fee, the tax commissioner shall certify such fact to 3764
the secretary of state. The secretary of state shall thereupon 3765
cancel the articles of incorporation of any such public utility 3766
which is organized under the laws of this state by appropriate 3767
entry upon the margin of the record thereof, or cancel by proper 3768
entry the certificate of authority of any such foreign public 3769
utility to do business in this state. Thereupon all the powers, 3770
privileges, and franchises conferred upon such public utility by 3771
such articles of incorporation or by such certificate of 3772
authority shall cease, subject to section 1701.88 of the Revised 3773
Code. The secretary of state shall immediately notify such 3774
domestic or foreign public utility of the action taken by ~~him~~ 3775
the secretary of state, and shall also forward for filing a 3776
certificate of the action so taken to the county recorder of the 3777
county in which the principal place of business of the public 3778
utility in this state is located, for which filing no fee shall 3779
be charged. 3780

Sec. 5733.20. If a corporation, wherever organized, 3781
required by law to file any report or return or to pay any tax 3782
or fee as a corporation organized under the laws of the state 3783
for profit, or as a foreign corporation for profit doing 3784
business in this state or owning or issuing a part or all of its 3785
capital or property in this state, fails or neglects to make 3786
such report or return or to pay any such tax or fee for ninety 3787
days after the time prescribed by law for making such report or 3788
return or paying such tax or fee, the tax commissioner shall 3789
certify such fact to the secretary of state. The secretary of 3790
state shall thereupon cancel the articles of incorporation of 3791
any such corporation which is organized under the laws of this 3792
state, by appropriate entry, upon the margin of the record 3793
thereof, or cancel by proper entry the certificate of authority 3794

of any such foreign corporation to do business in this state. 3795
Thereupon all the powers, privileges, and franchises conferred 3796
upon such corporation by such articles of incorporation or by 3797
such certificate of authority shall cease, subject to section 3798
1701.88 of the Revised Code. The secretary of state shall 3799
immediately notify such domestic or foreign corporation of the 3800
action taken by ~~him~~ the secretary of state, and shall also 3801
forward for filing a certificate of the action so taken to the 3802
county recorder of the county in which the principal place of 3803
business of the corporation in this state is located, for which 3804
filing no fee shall be charged. 3805

Sec. 5743.09. In addition to all other remedies for the 3806
collection of any taxes or fees legally due, the attorney 3807
general may issue a warrant directed to the sheriff of any 3808
county commanding said sheriff to levy upon and sell the goods 3809
and chattels of a delinquent dealer, without exemption, found 3810
within ~~his~~ the sheriff's jurisdiction, for the payment of the 3811
amount of such delinquency, together with the added penalties, 3812
interest, and the cost of executing the warrant, and to return 3813
such warrant to the attorney general and to pay ~~him~~ the attorney 3814
general the money collected by virtue thereof within the time 3815
therein specified, which shall not be less than twenty nor more 3816
than sixty days from the date of the warrant. The sheriff to 3817
whom any such warrant is directed shall proceed upon the same in 3818
the manner as prescribed by law in respect to executions issued 3819
against goods and chattels upon judgments by a court of record, 3820
and shall be entitled to the same fees for ~~his~~ the sheriff's 3821
services. The claim arising by reason of delinquent cigarette 3822
taxes shall be a preferred claim against all of the assets of 3823
the dealer, real and personal. 3824

Sec. 5743.58. In addition to all other remedies for the 3825

collection of any taxes or fees legally due, the attorney 3826
general may issue a warrant directed to the sheriff of any 3827
county commanding the sheriff to levy upon and sell the 3828
nonexempt goods and chattels of a delinquent distributor found 3829
within ~~his~~ the sheriff's jurisdiction, for the payment of the 3830
amount of the delinquent taxes or fees, together with the added 3831
penalties, interest, and the cost of executing the warrant. The 3832
sheriff shall return the warrant to the attorney general and pay 3833
~~him~~ the attorney general the money collected by virtue of the 3834
sale within the time specified in the warrant, which shall not 3835
be less than twenty or more than sixty days from the date of the 3836
warrant. The sheriff to whom the warrant is directed shall 3837
proceed upon the warrant in the manner prescribed by law in 3838
respect to executions issued against goods and chattels upon 3839
judgments by a court of record, and is entitled to the same fees 3840
for ~~his~~ the sheriff's services. The claim arising by reason of 3841
delinquent tobacco product taxes are a preferred claim against 3842
all of the assets of the distributor, real and personal. 3843

Sec. 5923.231. After issuing an order to duty pursuant to 3844
section 5923.21 of the Revised Code, the governor, if in ~~his~~ the 3845
governor's judgment any breakdown of law and order impends, may 3846
by proclamation, declare that the organized militia under the 3847
command of the governor shall execute the laws and keep the 3848
peace in a designated area. Under these circumstances, any 3849
arrest and detention of civilians by military authorities shall 3850
be for the purpose of escorting such civilians to civil 3851
authorities. The governor shall, by subsequent proclamation, 3852
order cessation of the duties entrusted to the militia when, in 3853
~~his~~ the governor's judgment, ~~his~~ the original proclamation is no 3854
longer required. 3855

Sec. 6161.02. In pursuance of Article IV of the compact, 3856

as set forth in section 6161.01 of the Revised Code, there shall 3857
be five commissioners on the great lakes commission from this 3858
state. 3859

One of the commissioners shall be the director of the 3860
department of natural resources, one shall be the director of 3861
environmental protection, one shall be a member of the senate 3862
who shall be appointed by the president of the senate, one shall 3863
be a member of the house of representatives who shall be 3864
appointed by the speaker of the house of representatives, to 3865
serve for two-year terms respectively, and one shall be 3866
appointed by the governor to serve at ~~his~~ the governor's 3867
pleasure. The commissioner appointed by the governor shall be a 3868
person qualified by experience and training in the areas set 3869
forth in the purpose clauses of the compact. In order to fully 3870
effectuate these purposes the members of the state commission 3871
shall appoint advisory committees similar to the committees of 3872
the commission. Members of said advisory committees may not vote 3873
on matters considered by the state commission. 3874

Members of the state commission shall be reimbursed for 3875
their actual and necessary expenses incurred in attendance at 3876
official meetings of the commission and its committees. 3877

Section 2. That existing sections 3.04, 3.05, 101.01, 3878
101.11, 101.26, 101.43, 101.79, 102.04, 107.01, 107.05, 107.15, 3879
108.01, 109.01, 109.03, 109.121, 109.13, 109.16, 109.24, 109.29, 3880
109.361, 109.365, 109.40, 109.84, 111.01, 111.03, 111.04, 3881
111.05, 111.06, 111.10, 111.19, 113.01, 113.04, 113.08, 113.14, 3882
113.15, 113.16, 113.17, 113.18, 113.19, 117.02, 117.08, 117.15, 3883
117.17, 117.24, 117.28, 117.33, 119.10, 120.41, 121.23, 121.69, 3884
126.13, 131.03, 135.46, 141.11, 144.06, 149.03, 161.03, 161.09, 3885
161.10, 309.15, 501.11, 703.06, 901.25, 1331.03, 1331.11, 3886

1334.07, 1334.08, 1345.06, 1503.32, 1703.191, 1703.25, 1715.34, 3887
1716.04, 1716.11, 1719.12, 1726.03, 1733.324, 1735.03, 2307.40, 3888
2503.19, 2503.25, 2503.26, 2503.282, 2701.04, 2701.05, 2727.03, 3889
2733.05, 2743.14, 2963.07, 2963.14, 2963.19, 3307.12, 3309.12, 3890
3333.41, 3377.03, 3379.02, 3505.021, 3505.33, 3505.34, 3505.35, 3891
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3939.03, 4123.42, 4123.752, 4503.032, 4503.033, 4509.62, 3894
4549.47, 4549.48, 4715.04, 4901.07, 4901.17, 4953.03, 4961.05, 3895
5301.16, 5301.254, 5505.11, 5521.05, 5711.26, 5725.08, 5727.54, 3896
5733.20, 5743.09, 5743.58, 5923.231, and 6161.02 of the Revised 3897
Code are hereby repealed. 3898