(123rd General Assembly)
(Amended Substitute House Bill Number 640)

AN ACT

To amend sections 101.68, 121.04, 121.08, 123.15, 123.21, 124.15, 124.152, 124.18, 124.27, 124.34, 124.381, 124.384, 124.385, 124.386, 126.11, 126.14, 129.72, 129.73, 133.20, 135.14, 145.01, 149.32, 149.43, 153.01, 154.01, 154.02, 154.05, 154.06, 154.07, 154.08, 154.09, 154.10, 154.11, 154.12, 154.14, 154.15, 154.16, 154.17, 154.18, 154.19, 154.20, 154.21, 154.22, 164.01, 164.08, 164.09, 164.10, 169.01, 169.02, 505.261, 505.264, 1347.08, 1551.12, 1551.30, 1551.31, 1551.33, 1551.34, 1555.02, 1555.03, 1555.05, 1555.08, 1555.15, 1557.01, 1557.02, 1557.03, 3313.98, 3313.981, 3317.03, 3318.21, 3318.25, 3318.26, 3325.07, 3333.13, 3383.01, 3383.03, 3383.07, 3701.024, 3701.132, 3701.23, 3770.06, 4104.45, 4105.12, 4105.15, 4751.04, 4751.05, 4751.06, 4905.01, 4906.03, 4928.20, 5528.32, 5528.36, 5528.51, 5528.53, 5528.54, 5727.01, 5727.03, 5727.111, 5727.15, 5727.24 to 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42, 5727.60, 5733.33, 5735.05, 5735.23, 5739.02, 5743.02, 5743.023, 5743.32, 5743.322, and 5747.31; to enact sections 124.182, 126.16, 145.015, 151.01, 151.02, 151.03, 151.04, 151.05, 151.06, 151.07, 151.08, and 4751.041; to repeal sections 123.20, 129.41, 129.42, 129.45, 129.46, 129.50, 129.52, 129.53, 129.54, 129.55, 129.56, 129.57, 129.60, 129.62, 129.63, 129.64, 129.65, 154.03, 154.04, 154.23, 164.11, 1551.36, 1555.09, 1555.10, 1555.11, 1555.12, 1555.13, 1555.14, 1557.04, 1557.05, 3318.41, 5528.55, 5528.56, and 5528.57 of the Revised Code and to amend Section 3.01 of Am. Sub.

H.B. 850 of the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd General Assembly; to amend Sections 4, 11, and 12 of Am. Sub. S.B. 3 of the 123rd General Assembly; to amend Sections 4.05 and 5.01 of Am. Sub. H.B. 163 of the 123rd General Assembly; to amend Sections 4.04, 4.06, 4.08, 4.11, 4.12, 4.16, 4.18, 7, 7.06, 7.10, 8, and 10 of Am. Sub. H.B. 282 of the 123rd General Assembly; to amend Sections 4, 4.07, and 7.01 of Am. Sub. H.B. 282 of the 123rd General Assembly, as amended by Sub. S.B. 245 of the 123rd General Assembly; to amend Sections 8, 9, 9.07, 9.14, 37.05, 37.06, 37.11, 51, 53, 55, 58.04, 58.09, 65, 68, 69.01, 72.01, 75, 92, 97, 98.01, 174, and 175 of Am. Sub. H.B. 283 of the 123rd General Assembly; to amend Section 30 of Am. Sub. H.B. 283 of the 123rd General Assembly, as amended by Am. Sub. H.B. 470 of the 123rd General Assembly; to amend Sections 28, 37, 37.14, 55.07, 72, 90, 98, and 101 of Am. Sub. H.B. 283 of the 123rd General Assembly, as amended by Sub. S.B. 245 of the 123rd General Assembly; to amend Section 21 of Am. Sub. H.B. 283, as amended by both Am. Sub. S.B. 153 and Sub. S.B. 245, all of the 123rd General Assembly; to amend Section 20.01 of Sub. S.B. 245 of the 123rd General Assembly; to repeal Section 178 of Am. Sub. H.B. 283 of the 123rd General Assembly; to repeal Section 3 of Am. Sub. S.B. 3 of the 123rd General Assembly; to repeal Section 54 of Sub. S.B. 245 of the 123rd General Assembly; and to repeal Sections 1, 2, 3, and 4 of Am. S.B. 206 of the 123rd General Assembly to make capital appropriations for the biennium ending June 30, 2002; to make supplemental appropriations for the biennium ending June 30, 2001; to correct and modify

authorizations and conditions established for the operation of state programs; to maintain the provisions of this act on January 1, 2001, by amending sections 1551.33 and 4905.01 of the Revised Code on that date; and to resolve effective date issues created by simultaneous changes to the public utility excise tax law by Am. Sub. H.B. 283 and Am. Sub. S.B. 3 of the 123rd General Assembly.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 101.68, 121.04, 121.08, 123.15, 123.21, 124.15, 124.152, 124.18, 124.27, 124.34, 124.381, 124.384, 124.385, 124.386, 126.11, 126.14, 129.72, 129.73, 133.20, 135.14, 145.01, 149.32, 149.43, 153.01, 154.01, 154.02, 154.05, 154.06, 154.07, 154.08, 154.09, 154.10, 154.11, 154.12, 154.14, 154.15, 154.16, 154.17, 154.18, 154.19, 154.20, 154.21, 154.22, 164.01, 164.08, 164.09, 164.10, 169.01, 169.02, 505.261, 505.264, 1347.08, 1551.12, 1551.30, 1551.31, 1551.33, 1551.34, 1555.02, 1555.03, 1555.05, 1555.08, 1555.15, 1557.01, 1557.02, 1557.03, 3313.98, 3313.981, 3317.03, 3318.21, 3318.25, 3318.26, 3325.07, 3333.13, 3383.01, 3383.03, 3383.07, 3701.024, 3701.132, 3701.23, 3770.06, 4104.45, 4105.12, 4105.15, 4751.04, 4751.05, 4751.06, 4905.01, 4906.03, 4928.20, 5528.32, 5528.36, 5528.51, 5528.53, 5528.54, 5727.01, 5727.03, 5727.111, 5727.15, 5727.24, 5727.25, 5727.26, 5727.27, 5727.28, 5727.29, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42, 5727.60, 5733.33, 5735.05, 5735.23, 5739.02, 5743.02, 5743.023, 5743.32, 5743.322, and 5747.31 be amended and sections 124.182, 126.16, 145.015, 151.01, 151.02, 151.03, 151.04, 151.05, 151.06, 151.07, 151.08, and 4751.041 of the Revised Code be enacted to read as follows:

Sec. 101.68. (A) Within thirty days of the convening of the first regular session of the general assembly, each agency required to submit reports or similar documents to the general assembly pursuant to section 103.43, ~~154.05,~~ 3301.07, 5139.33, 5501.07, 5537.17, or 5593.21 of the Revised Code shall send written notice to each member of the general assembly in order to determine whether the member desires to personally receive the reports or similar documents as they are made available by the agency. If the member desires to personally receive the reports or similar documents as

y become available, the member shall send a written request to the agency within thirty days of receiving the notice.

(B) Whenever any statute or rule requires that a report, recommendation, or other similar document be submitted to the general assembly under a law not cited in division (A) of this section, to the members of the general assembly, to one house of the general assembly, or to the members of one house of the general assembly, the requirement shall be fulfilled by the submission of a copy of the report, recommendation, or document to the director of the legislative service commission, the president of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives if both houses of the general assembly or their members are specified, or to the director of the legislative service commission, the president of the senate, and the minority leader of the senate if only the senate or its members are specified, or to the director of the legislative service commission, the speaker of the house of representatives, and the minority leader of the house of representatives if only the house of representatives or its members are specified. This division does not apply to items required to be distributed to members of the general assembly pursuant to section 103.14, 149.04, 149.07, or 149.17 of the Revised Code.

(C) Each month the legislative service commission shall provide to each member of the senate and to each member of the house of representatives a list of all reports, recommendations, and documents submitted to the officers of the general assembly under division (B) of this section. The list shall include a short and accurate description of the content, length, and form of each report, recommendation, or document submitted, as well as a statement setting forth the number printed and the cost of preparation. Each member may request from the legislative service commission a copy of any report, recommendation, or document on the list, and the legislative service commission shall comply with any such request.

Sec. 121.04. Offices are created within the several departments as follows:

In the department of commerce:

Commissioner of securities;
Superintendent of real estate and professional licensing;
Superintendent of financial institutions;
Fire marshal;
<u>Superintendent of labor and worker safety;</u>
Beginning on July 1, 1997,

Superintendent of liquor control;
Superintendent of industrial compliance.

In the department of administrative services:
State architect and engineer;
Equal employment opportunity coordinator.

In the department of agriculture:
Chiefs of divisions as follows:
Administration;
Animal industry;
Dairy;
Food safety;
Plant industry;
Markets;
Meat inspection;
Consumer analytical laboratory;
Amusement ride safety;
Enforcement;
Weights and measures.

In the department of natural resources:
Chiefs of divisions as follows:
Water;
Mines and Reclamation;
Forestry;
Natural areas and preserves;
Wildlife;
Geological survey;
Parks and recreation;
Watercraft;
Oil and gas;
Recycling and litter prevention;
Civilian conservation;
Soil and water conservation;
Real estate and land management;
Engineering.

~~Until July 1, 1997, in the department of liquor control:~~
~~Chiefs of divisions as follows:~~
~~Accounting and finance;~~
~~Store management;~~
~~Personnel;~~
~~Beer.~~

In the department of insurance:

Deputy superintendent of insurance;
Assistant superintendent of insurance, technical;
Assistant superintendent of insurance, administrative;
Assistant superintendent of insurance, research.

Sec. 121.08. (A) There is hereby created in the department of commerce the position of deputy director of administration. This officer shall be appointed by the director of commerce, serve under the director's direction, supervision, and control, perform such duties as the director prescribes, and hold office during the director's pleasure. The director of commerce may designate an assistant director of commerce to serve as the deputy director of administration. The deputy director of administration shall perform such duties as are prescribed by the director of commerce in supervising the activities of the division of administration of the department of commerce.

(B) Except as provided in section 121.07 of the Revised Code, the department of commerce shall have all powers and perform all duties vested in the deputy director of administration, the state fire marshal, the superintendent of financial institutions, the superintendent of real estate and professional licensing, the superintendent of liquor control, the superintendent of the division of industrial compliance, the superintendent of labor and worker safety, and the commissioner of securities, and shall have all powers and perform all duties vested by law in all officers, deputies, and employees of such offices. Except as provided in section 121.07 of the Revised Code, wherever powers are conferred or duties imposed upon any of such officers, such powers and duties shall be construed as vested in the department of commerce.

(C)(1) There is hereby created in the department of commerce a division of financial institutions, which shall have all powers and perform all duties vested by law in the superintendent of financial institutions. Wherever powers are conferred or duties imposed upon the superintendent of financial institutions, such powers and duties shall be construed as vested in the division of financial institutions. The division of financial institutions shall be administered by a superintendent of financial institutions.

(2) All provisions of law governing the superintendent of financial institutions shall apply to and govern the superintendent of financial institutions provided for in this section; all authority vested by law in the superintendent of financial institutions with respect to the management of the division of financial institutions shall be construed as vested in the superintendent of financial institutions created by this section with respect to the division of financial institutions provided for in this section; and all

rights, privileges, and emoluments conferred by law upon the superintendent of financial institutions shall be construed as conferred upon the superintendent of financial institutions as head of the division of financial institutions. The director of commerce shall not transfer from the division of financial institutions any of the functions specified in division (C)(2) of this section.

(D) Beginning on July 1, 1997, there is hereby created in the department of commerce a division of liquor control, which shall have all powers and perform all duties vested by law in the superintendent of liquor control. Wherever powers are conferred or duties are imposed upon the superintendent of liquor control, those powers and duties shall be construed as vested in the division of liquor control. The division of liquor control shall be administered by a superintendent of liquor control.

(E) The director of commerce shall not be interested, directly or indirectly, in any firm or corporation which is a dealer in securities as defined in sections 1707.01 and 1707.14 of the Revised Code, or in any firm or corporation licensed under sections 1321.01 to 1321.19 of the Revised Code.

(F) The director of commerce shall not have any official connection with a savings and loan association, a savings bank, a bank, a bank holding company, a savings and loan association holding company, a consumer finance company, or a credit union that is under the supervision of the division of financial institutions, or a subsidiary of any of the preceding entities, or be interested in the business thereof.

(G) There is hereby created in the state treasury the division of administration fund. The fund shall receive assessments on the operating funds of the department of commerce in accordance with procedures prescribed by the director of commerce and approved by the director of budget and management. All operating expenses of the division of administration shall be paid from the division of administration fund.

(H) There is hereby created in the department of commerce a division of real estate and professional licensing, which shall be under the control and supervision of the director of commerce. The division of real estate and professional licensing shall be administered by a superintendent of real estate and professional licensing. The superintendent of real estate and professional licensing shall exercise the powers and perform the functions and duties delegated to the superintendent under Chapters 4707., 4735., 4749., 4763., and 4767. of the Revised Code.

(I) There is hereby created in the department of commerce a division of labor and worker safety, which shall have all powers and perform all duties

vested by law in the superintendent of labor and worker safety. Wherever powers are conferred or duties imposed upon the superintendent of labor and worker safety, such powers and duties shall be construed as vested in the division of labor and worker safety. The division of labor and worker safety is under the control and supervision of the director of commerce, and administered by a superintendent of labor and worker safety. The superintendent of labor and worker safety shall exercise the powers and perform the duties delegated to the superintendent by the director under Chapters 4709., 4711., 4715., and 4767. of the Revised Code.

Sec. 123.15. (A) As used in this section and section 123.21 of the Revised Code, "public exigency" means an injury or obstruction that occurs in any public works and that materially impairs its immediate use or places in jeopardy property adjacent to it; an immediate danger of such an injury or obstruction; or an injury or obstruction, or an immediate danger of an injury or obstruction, that occurs during the process of construction of any public works and that materially impairs its immediate use or places in jeopardy property adjacent to it.

(B) The director of administrative services may enter into contracts with proper persons for the performance of labor, the furnishing of materials, or the construction of any structures and buildings necessary to the maintenance, control, and management of the public works of the state~~,~~ or any part ~~thereof~~ of those public works Except as provided in division (C) of this section for public exigencies, the director shall advertise, award, and administer those contracts in accordance with the requirements set forth in Chapter 153. of the Revised Code.

~~The director shall require bonds of not less than one half of the contract price from said contractors, payable to the state and conditioned on the faithful performance of said contract.~~

~~Except in cases of extreme public exigency or emergency, and when the cost of any proposed improvement or repair exceeds five hundred dollars, the director shall give notice in a newspaper of general circulation in or contiguous to the county where the contract is to be let and where the work is to be done, and the director may also advertise in such trade journals as will afford full information to the public of the terms of the contract and the nature of the work to be performed and the character of materials required, together with the time of the letting and place and manner of receiving bids.~~

~~Such contracts shall be awarded to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code, shall be in writing, and shall contain specific prices for each kind of work to be performed and for materials to be furnished by the parties.~~

(C) The director of administrative services may issue a declaration of a public exigency on the director's own initiative or upon the request of the director of any state agency. The director's declaration shall identify the specific injury, obstruction, or danger that is the subject of the declaration and shall set forth a dollar limitation for the repair, removal, or prevention of that exigency under the declaration.

Before any project to repair, remove, or prevent a public exigency under the director's declaration may begin, the director shall send notice of the project, in writing, to the director of budget and management. That notice shall detail the project to be undertaken to address the public exigency and shall include a copy of the director's declaration that establishes the monetary limitations on that project.

Sec. 123.21. When a public exigency, as defined in division (A) of section ~~123.20~~ 123.15 of the Revised Code, exists, the director of administrative services may take possession of lands and use them, or materials and other property necessary for the maintenance, protection, or repair of the public works, in accordance with sections 163.01 to 163.22 of the Revised Code.

Sec. 124.15. (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

Schedule B

Pay Ranges and Step Values

Range	Step 1	Step 2	Step 3	Step 4
23 Hourly	5.72	5.91	6.10	6.31
Annually	11897.60	12292.80	12688.00	13124.80
	Step 5	Step 6		
Hourly	6.52	6.75		
Annually	13561.60	14040.00		
	Step 1	Step 2	Step 3	Step 4
24 Hourly	6.00	6.20	6.41	6.63
Annually	12480.00	12896.00	13332.80	13790.40
	Step 5	Step 6		
Hourly	~~6.67~~ 6.87	7.10		
Annually	14289.60	14768.00		
	Step 1	Step 2	Step 3	Step 4
25 Hourly	6.31	6.52	6.75	6.99
Annually	13124.80	13561.60	14040.00	14539.20
	Step 5	Step 6		

Hourly	7.23	7.41		
Annually	15038.40	15412.80		
	Step 1	Step 2	Step 3	Step 4
26 Hourly	6.63	6.87	7.10	7.32
Annually	13790.40	14289.60	14768.00	15225.60
	Step 5	Step 6		
Hourly	7.53	7.77		
Annually	15662.40	16161.60		
	Step 1	Step 2	Step 3	Step 4
27 Hourly	6.99	7.23	7.41	7.64
Annually	14534.20	15038.40	15412.80	15891.20
	Step 5	Step 6	Step 7	
Hourly	7.88	8.15	8.46	
Annually	16390.40	16952.00	17596.80	
	Step 1	Step 2	Step 3	Step 4
28 Hourly	7.41	7.64	7.88	8.15
Annually	15412.80	15891.20	16390.40	16952.00
	Step 5	Step 6	Step 7	
Hourly	8.46	8.79	9.15	
Annually	17596.80	18283.20	19032.00	
	Step 1	Step 2	Step 3	Step 4
29 Hourly	7.88	8.15	8.46	8.79
Annually	16390.40	16952.00	17596.80	18283.20
	Step 5	Step 6	Step 7	
Hourly	9.15	9.58	10.01	
Annually	19032.00	19926.40	20820.80	
	Step 1	Step 2	Step 3	Step 4
30 Hourly	8.46	8.79	9.15	9.58
Annually	17596.80	18283.20	19032.00	19926.40
	Step 5	Step 6	Step 7	
Hourly	10.01	10.46	10.99	
Annually	20820.80	21756.80	22859.20	
	Step 1	Step 2	Step 3	Step 4
31 Hourly	9.15	9.58	10.01	10.46
Annually	19032.00	19962.40	20820.80	21756.80
	Step 5	Step 6	Step 7	
Hourly	10.99	11.52	12.09	
Annually	22859.20	~~22961.60~~ 23961.60	25147.20	
	Step 1	Step 2	Step 3	Step 4

32 Hourly	10.01	10.4610.99	11.52
Annually	20820.80	21756.8022859.20	23961.60
	Step 5	Step 6Step 7	Step 8
Hourly	12.09	12.6813.29	13.94
Annually	25147.20	26374.4027643.20	28995.20
	Step 1	Step 2Step 3	Step 4
33 Hourly	10.99	11.5212.09	12.68
Annually	22859.20	23961.6025147.20	26374.40
	Step 5	Step 6Step 7	Step 8
Hourly	13.29	13.9414.63	15.35
Annually	27643.20	28995.2030430.40	31928.00
	Step 1	Step 2Step 3	Step 4
34 Hourly	12.09	12.6813.29	13.94
Annually	25147.20	26374.4027643.20	28995.20
	Step 5	Step 6Step 7	Step 8
Hourly	14.63	15.3516.11	16.91
Annually	30430.40	31928.0033508.80	35172.80
	Step 1	Step 2Step 3	Step 4
35 Hourly	13.29	13.9414.63	15.35
Annually	27643.20	28995.2030430.40	31928.00
	Step 5	Step 6Step 7	Step 8
Hourly	16.11	16.9117.73	18.62
Annually	33508.80	35172.8036878.40	38729.60
	Step 1	Step 2Step 3	Step 4
36 Hourly	14.63	15.3516.11	16.91
Annually	30430.40	31928.0033508.80	35172.80
	Step 5	Step 6Step 7	Step 8
Hourly	17.73	18.6219.54	20.51
Annually	36878.40	38729.6040643.20	42660.80

Schedule C

Pay Range and Values

Range	Minimum	Maximum
41 Hourly	10.44	15.72
Annually	21715.20	32697.60
42 Hourly	11.51	17.35
Annually	23940.80	36088.00
43 Hourly	12.68	19.12
Annually	26374.40	39769.60
44 Hourly	13.99	20.87
Annually	29099.20	43409.60

45 Hourly	15.44	22.80
Annually	32115.20	47424.00
46 Hourly	~~17.10~~ 17.01	24.90
Annually	35380.80	51792.00
47 Hourly	18.75	27.18
Annually	39000.00	56534.40
48 Hourly	20.67	29.69
Annually	42993.60	61755.20
49 Hourly	22.80	32.06
Annually	47424.00	66684.80

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis.

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code.

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee, the actual costs or fair market value ~~thereof~~ of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and ~~such~~ those personal services shall not be considered as a part of the employee's compensation. An appointing authority, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance ~~thereof~~ of them.

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover state employees and determine whether certain benefits or payments provided to state employees covered by those agreements should also be provided to employees who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing the review, the director of administrative services, with the approval of the director of budget and management, may provide to some or all of these employees any payment or benefit, except for salary, contained

in such a collective bargaining agreement even if it is similar to a payment or benefit already provided by law to some or all of these employees. Any payment or benefit so provided shall not exceed the highest level for that payment or benefit specified in such a collective bargaining agreement. The director of administrative services shall not provide, and the director of budget and management shall not approve, any payment or benefit to such an employee under this division unless the payment or benefit is provided pursuant to a collective bargaining agreement to a state employee who is in a position with similar duties as, is supervised by, or is employed by the same appointing authority as, the employee to whom the benefit or payment is to be provided.

As used in this division, "payment or benefit already provided by law" includes, but is not limited to, bereavement, personal, vacation, administrative, and sick leave, disability benefits, holiday pay, and pay supplements provided under the Revised Code, but does not include wages or salary.

(E) New employees paid under schedule B of division (A) of this section or under schedule E-1 of section 124.152 of the Revised Code shall be employed at the minimum rate established for the range unless otherwise provided. Employees with qualifications that are beyond the minimum normally required for the position and that are determined by the director to be exceptional may be employed in, or may be transferred or promoted to, a position at an advanced step of the range. Further, in time of a serious labor market condition when it is relatively impossible to recruit employees at the minimum rate for a particular classification, the entrance rate may be set at an advanced step in the range by the director of administrative services. This rate may be limited to geographical regions of the state. Appointments made to an advanced step under the provision regarding exceptional qualifications shall not affect the step assignment of employees already serving. However, anytime the hiring rate of an entire classification is advanced to a higher step, all incumbents of that classification being paid at a step lower than that being used for hiring, shall be advanced beginning at the start of the first pay period thereafter to the new hiring rate, and any time accrued at the lower step will be used to calculate advancement to a succeeding step. If the hiring rate of a classification is increased for only a geographical region of the state, ~~then~~ only incumbents who work in that geographical region shall be advanced to a higher step. When an employee in the unclassified service changes from one state position to another~~,~~ or is appointed to a position in the classified service, or if an employee in the classified service is appointed to a position in the unclassified service, the employee's salary or wage in the

new position shall be determined in the same manner as if the employee were an employee in the classified service. When an employee in the unclassified service who is not eligible for step increases is appointed to a classification in the classified service under which step increases are provided, future step increases shall be based on the date on which the employee last received a pay increase. ~~Future step increases shall be effective on the pay period that is twenty-six pay periods following the employee's last increase.~~ If the employee has not received an increase during the previous year, the date of the appointment to the classified service shall be used to determine the employee's annual step advancement eligibility date. In reassigning any employee to a classification resulting in a pay range increase or to a new pay range as a result of a promotion, an increase pay range adjustment, or other classification change resulting in a pay range increase, the director shall assign such employee to the step in the new pay range that will provide an increase of approximately four per cent if the new pay range can accommodate the increase. When an employee is being assigned to a classification or new pay range as the result of a class plan change, if the employee has completed a probationary period, the employee shall be placed in a step no lower than step two of the new pay range. If the employee has not completed a probationary period, the employee may be placed in step one of the new pay range. Such new salary or wage shall become effective on such date as the director determines.

(F) If employment conditions and the urgency of the work require such action, the director of administrative services may, upon the application of a department head, authorize payment at any rate established within the range for the class of work, for work of a casual or intermittent nature or on a project basis. Payment at such rates shall not be made to the same individual for more than three calendar months in any one calendar year. Any such action shall be subject to the approval of the director of budget and management as to the availability of funds. This section and sections 124.14 and 124.152 of the Revised Code do not repeal any authority of any department or public official to contract with or fix the compensation of professional persons who may be employed temporarily for work of a casual nature or for work on a project basis.

(G) Each state employee paid under schedule B of this section or under schedule E-1 of section 124.152 of the Revised Code shall be ~~advanced~~ eligible for advancement to succeeding steps in the range for the employee's class according to the schedule established in this division. Beginning on the first day of the pay period within which the employee completes the prescribed probationary period in the employee's classification with the

state, each employee shall receive an automatic salary adjustment equivalent to the next higher step within the pay range for the employee's class or grade. ~~The base rate of each~~

Each employee paid under schedule ~~B of this section or under schedule~~ E-1 of section 124.152 of the Revised Code shall be eligible to advance ~~at annual intervals thereafter~~ to the next higher step until the employee reaches step six, if the employee has maintained satisfactory performance~~, to the next higher step until the maximum step is reached. When~~ in accordance with criteria established by the employee's appointing authority. Those step increases shall not occur more frequently than once in any twelve-month period. An employee only may advance to step seven upon performing at an exemplary level as determined in the employee's performance evaluation. An employee's advancement to step seven is at the discretion of the employee's appointing authority. An employee may not appeal the denial of advancement to step seven to the state personnel board of review.

When an employee is promoted or reassigned to a higher pay range, the employee's step indicator shall return to "0" or be adjusted to account for a probationary period, as appropriate. Step advancement shall not be affected by demotion. A promoted employee shall advance to the next higher step of the pay range on the first day of the pay period in which the required probationary period is completed. Step advancement shall become effective at the beginning of the pay period within which the employee attains the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose.

If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step increases are received by employees paid under schedule E-1 of section 124.152 of the Revised Code.

(H) Employees in appointive managerial or professional positions paid under salary schedule C of this section or under salary schedule E-2 of section 124.152 of the Revised Code may be appointed at any rate within the appropriate pay range. This rate of pay may be adjusted higher or lower within the respective pay range at any time the appointing authority so desires as long as the adjustment is based on the employee's ability to successfully administer those duties assigned to the employee. Salary adjustments shall not be made more frequently than once in any six-month period under this provision to incumbents holding the same position and classification.

(I) When an employee is assigned to duty outside this state, the employee may be compensated, upon request of the department head and

with the approval of the director of administrative services, at a rate not to exceed fifty per cent in excess of the employee's current base rate for the period of time spent on ~~such~~ that duty.

(J) Unless compensation for members of a board or commission is otherwise specifically provided by law, the director of administrative services shall establish the rate and method of payment for members of boards and commissions pursuant to the pay schedules listed in section 124.152 of the Revised Code.

(K) Regular full-time employees in positions assigned to classes within the instruction and education administration series under the rules of the director of administrative services, except certificated employees on the instructional staff of the state school for the blind or the state school for the deaf, whose positions are scheduled to work on the basis of an academic year rather than a full calendar year, shall be paid according to the pay range assigned by such rules but only during those pay periods included in the academic year of the school where the employee is located.

(1) Part-time or substitute teachers or those whose period of employment is other than the full academic year shall be compensated for the actual time worked at the rate established by this section.

(2) Employees governed by this division are exempt from sections 124.13 and 124.19 of the Revised Code.

(3) Length of service for the purpose of determining eligibility for step increases as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (F) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.

(L) The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, subject to the approval of the superintendent of public instruction, carry out both of the following:

(1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

(c) Divide the sum of such six highest minimum salaries by ten thousand five hundred sixty;

(d) Multiply each per cent determined in division (L)(1)(a) of this section by the quotient obtained in division (L)(1)(c) of this section;

(e) One hundred five per cent of each product thus obtained shall be the hourly rate for the corresponding level of training, experience, or other professional qualification in the schedule for the ensuing fiscal year.

(2) Annually, assign each certificated employee on the instructional staff of the superintendent's respective school to an hourly rate on the schedule that is commensurate with the employee's training, experience, and other professional qualifications.

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an academic year, the employee's annual salary shall be calculated in accordance with the following formula:

(a) Multiply the number of days the employee is required to work pursuant to the employee's contract by eight;

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the schools are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of ~~such~~ that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of

section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

Sec. 124.152. (A) Beginning on the first day of the pay period that includes July 1, ~~1997~~ 2000, each exempt employee shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1

Pay Ranges and Step Values

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Range							
~~1~~	~~Hourly~~	~~8.62~~	~~9.03~~	~~9.46~~	~~9.91~~	~~10.38~~	~~10.87~~	
	~~Annually~~	~~17,930~~	~~18,782~~	~~19,677~~	~~20,613~~	~~21,590~~	~~22,610~~	
~~2~~	~~Hourly~~	~~9.04~~	~~9.47~~	~~9.92~~	~~10.39~~	~~10.88~~	~~11.40~~	
	~~Annually~~	~~18,803~~	~~19,698~~	~~20,634~~	~~21,611~~	~~22,630~~	~~23,712~~	
~~3~~	~~Hourly~~	~~9.47~~	~~9.92~~	~~10.39~~	~~10.88~~	~~11.40~~	~~11.94~~	
	~~Annually~~	~~19,698~~	~~20,634~~	~~21,611~~	~~22,630~~	~~23,712~~	~~24,835~~	
~~4~~	~~Hourly~~	~~9.91~~	~~10.38~~	~~10.87~~	~~11.38~~	~~11.92~~	~~12.49~~	
	~~Annually~~	~~20,613~~	~~21,590~~	~~22,610~~	~~23,670~~	~~24,794~~	~~25,979~~	
~~5~~	~~Hourly~~	~~10.40~~	~~10.89~~	~~11.41~~	~~11.95~~	~~12.52~~	~~13.11~~	
	~~Annually~~	~~21,632~~	~~22,651~~	~~23,733~~	~~24,856~~	~~26,042~~	~~27,269~~	
~~6~~	~~Hourly~~	~~11.00~~	~~11.52~~	~~12.07~~	~~12.64~~	~~13.24~~	~~13.87~~	
	~~Annually~~	~~22,880~~	~~23,962~~	~~25,106~~	~~26,291~~	~~27,539~~	~~28,850~~	
~~7~~	~~Hourly~~	~~11.60~~	~~12.15~~	~~12.73~~	~~13.33~~	~~13.96~~	~~14.62~~	
	~~Annually~~	~~24,128~~	~~25,272~~	~~26,478~~	~~27,726~~	~~29,037~~	~~30,410~~	
~~8~~	~~Hourly~~	~~12.23~~	~~12.81~~	~~13.42~~	~~14.05~~	~~14.72~~	~~15.42~~	
	~~Annually~~	~~25,438~~	~~26,645~~	~~27,914~~	~~29,224~~	~~30,618~~	~~32,074~~	
~~9~~	~~Hourly~~	~~13.00~~	~~13.62~~	~~14.27~~	~~14.94~~	~~15.65~~	~~16.40~~	
	~~Annually~~	~~27,040~~	~~28,330~~	~~29,682~~	~~31,075~~	~~32,552~~	~~34,112~~	
~~10~~	~~Hourly~~	~~14.12~~	~~14.79~~	~~15.49~~	~~16.23~~	~~17.00~~	~~17.81~~	
	~~Annually~~	~~29,370~~	~~30,763~~	~~32,219~~	~~33,758~~	~~35,360~~	~~37,045~~	
~~11~~	~~Hourly~~	~~15.46~~	~~16.19~~	~~16.96~~	~~17.77~~	~~18.62~~	~~19.50~~	
	~~Annually~~	~~32,157~~	~~33,675~~	~~35,277~~	~~36,962~~	~~38,730~~	~~40,560~~	
~~12~~	~~Hourly~~	~~17.00~~	~~17.80~~	~~18.64~~	~~19.53~~	~~20.46~~	~~21.43~~	

	~~Annually~~	~~35[illegible]~~	
~~13~~	~~Hourly~~	~~18[illegible]~~	
	~~Annually~~	~~39[illegible]~~	
~~14~~	~~Hourly~~	~~20[illegible]~~	
	~~Annually~~	~~43[illegible]~~	
~~15~~	~~Hourly~~	~~22[illegible]~~	
	~~Annually~~	~~47[illegible]~~	
~~16~~	~~Hourly~~	~~25[illegible]~~	
	~~Annually~~	~~52[illegible]~~	
~~17~~	~~Hourly~~	~~27[illegible]~~	
	~~Annually~~	~~57[illegible]~~	
~~18~~	~~Hourly~~	~~30[illegible]~~	
	~~Annually~~	~~63[illegible]~~	
1	Hourly	8.[illegible]	
	Annually	16[illegible]	
2	Hourly	9.[illegible]	
	Annually	20[illegible]	
3	Hourly	10[illegible]	
	Annually	21[illegible]	
4	Hourly	10[illegible]	
	Annually	22[illegible]	
5	Hourly	11[illegible]	
	Annually	23[illegible]	
6	Hourly	12[illegible]	
	Annually	25[illegible]	
7	Hourly	12[illegible]	
	Annually	26[illegible]	
8	Hourly	13[illegible]	
	Annually	28[illegible]	
9	Hourly	14[illegible]	
	Annually	29[illegible]	
10	Hourly	15[illegible]	
	Annually	32[illegible]	
11	Hourly	16[illegible]	
	Annually	35[illegible]	
12	Hourly	18[illegible]	25.74
	Annually	38[illegible]	53539
13	Hourly	20[illegible]	28.33
	Annually	42[illegible]	58926
14	Hourly	22[illegible]	31.24

	Annually	47[illegible]89	64979
15	Hourly	24[illegible]57	34.36
	Annually	51[illegible]46	71469
16	Hourly	27[illegible]92	37.90
	Annually	56[illegible]14	78832
17	Hourly	30[illegible]56	41.74
	Annually	62[illegible]85	86819
18	Hourly	33[illegible]59	45.99
	Annually	69[illegible]67	95659

Schedule E-2

	Range	Minimum	Maximum
~~41~~	~~Hourly~~	~~16.23~~	~~25.15~~
	~~Annually~~	~~33758~~	~~52312~~
~~42~~	~~Hourly~~	~~17.89~~	~~27.79~~
	~~Annually~~	~~37211~~	~~57803~~
~~43~~	~~Hourly~~	~~19.70~~	~~30.61~~
	~~Annually~~	~~40976~~	~~63669~~
~~44~~	~~Hourly~~	~~21.73~~	~~33.42~~
	~~Annually~~	~~45198~~	~~69514~~
~~45~~	~~Hourly~~	~~24.01~~	~~36.50~~
	~~Annually~~	~~49941~~	~~75920~~
~~46~~	~~Hourly~~	~~26.43~~	~~39.88~~
	~~Annually~~	~~54974~~	~~82950~~
~~47~~	~~Hourly~~	~~29.14~~	~~43.52~~
	~~Annually~~	~~60611~~	~~90522~~
~~48~~	~~Hourly~~	~~32.14~~	~~47.50~~
	~~Annually~~	~~66851~~	~~98800~~
~~49~~	~~Hourly~~	~~35.44~~	~~51.29~~
	~~Annually~~	~~73715~~	~~106683~~
41	Hourly	16.23	30.15
	Annually	33758	62712
42	Hourly	17.89	33.31
	Annually	37211	69285
43	Hourly	19.70	36.69
	Annually	40976	76315
44	Hourly	21.73	40.07
	Annually	45198	83346
45	Hourly	24.01	43.75
	Annually	49941	91000
46	Hourly	26.43	47.81

	Annually	54974	99445
47	Hourly	29.14	52.17
	Annually	60611	108514
48	Hourly	32.14	56.94
	Annually	66851	118435
49	Hourly	35.44	61.48
	Annually	73715	127878

(B) Beginning on the first day of the pay period that includes July 1, ~~1998~~ 2001, each exempt employee~~, other than an exempt employee of the treasurer of state,~~ shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1

Pay Ranges and Step Values

	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
~~1~~	~~Hourly~~	~~8.83~~	~~9.27~~	~~9.73~~	~~10.21~~	~~10.72~~	~~11.26~~	
	~~Annually~~	~~18372~~	~~19282~~	~~20238~~	~~21242~~	~~22298~~	~~23410~~	
~~2~~	~~Hourly~~	~~9.39~~	~~9.86~~	~~10.35~~	~~10.87~~	~~11.41~~	~~11.98~~	
	~~Annually~~	~~19531~~	~~20509~~	~~21533~~	~~22610~~	~~23741~~	~~24928~~	
~~3~~	~~Hourly~~	~~9.76~~	~~10.25~~	~~10.76~~	~~11.30~~	~~11.87~~	~~12.46~~	
	~~Annually~~	~~20301~~	~~21317~~	~~22382~~	~~23502~~	~~24677~~	~~25910~~	
~~4~~	~~Hourly~~	~~10.14~~	~~10.65~~	~~11.18~~	~~11.74~~	~~12.33~~	~~12.95~~	
	~~Annually~~	~~21091~~	~~22146~~	~~23253~~	~~24416~~	~~25637~~	~~26919~~	
~~5~~	~~Hourly~~	~~10.54~~	~~11.07~~	~~11.62~~	~~12.20~~	~~12.81~~	~~13.45~~	
	~~Annually~~	~~21923~~	~~23019~~	~~24170~~	~~25378~~	~~26647~~	~~27979~~	
~~6~~	~~Hourly~~	~~11.38~~	~~11.95~~	~~12.55~~	~~13.18~~	~~13.84~~	~~14.53~~	
	~~Annually~~	~~23670~~	~~24854~~	~~26096~~	~~27401~~	~~28771~~	~~30209~~	
~~7~~	~~Hourly~~	~~12.29~~	~~12.90~~	~~13.55~~	~~14.23~~	~~14.94~~	~~15.69~~	
	~~Annually~~	~~25563~~	~~26841~~	~~28183~~	~~29592~~	~~31072~~	~~32625~~	
~~8~~	~~Hourly~~	~~13.27~~	~~13.93~~	~~14.63~~	~~15.36~~	~~16.13~~	~~16.94~~	
	~~Annually~~	~~27588~~	~~28968~~	~~30416~~	~~31937~~	~~33534~~	~~35211~~	
~~9~~	~~Hourly~~	~~14.33~~	~~15.05~~	~~15.80~~	~~16.59~~	~~17.42~~	~~18.29~~	
	~~Annually~~	~~29795~~	~~31285~~	~~32849~~	~~34492~~	~~36216~~	~~38027~~	
~~10~~	~~Hourly~~	~~15.48~~	~~16.25~~	~~17.06~~	~~17.92~~	~~18.81~~	~~19.75~~	
	~~Annually~~	~~32179~~	~~33788~~	~~35477~~	~~37251~~	~~39113~~	~~41069~~	
~~11~~	~~Hourly~~	~~16.71~~	~~17.55~~	~~18.43~~	~~19.35~~	~~20.32~~	~~21.33~~	
	~~Annually~~	~~34753~~	~~36491~~	~~38315~~	~~40231~~	~~42242~~	~~44354~~	
~~12~~	~~Hourly~~	~~18.05~~	~~18.95~~	~~19.90~~	~~20.90~~	~~21.94~~	~~23.04~~	
	~~Annually~~	~~37534~~	~~39411~~	~~41381~~	~~43450~~	~~45623~~	~~47904~~	
~~13~~	~~Hourly~~	~~19.49~~	~~20.47~~	~~21.49~~	~~22.57~~	~~23.70~~	~~24.88~~	

	~~Annually~~	~~40[illegible]~~	
~~14~~	~~Hourly~~	~~21[illegible]~~	
	~~Annually~~	~~44[illegible]~~	
~~15~~	~~Hourly~~	~~23[illegible]~~	
	~~Annually~~	~~48[illegible]~~	
~~16~~	~~Hourly~~	~~25[illegible]~~	
	~~Annually~~	~~53[illegible]~~	
~~17~~	~~Hourly~~	~~28[illegible]~~	
	~~Annually~~	~~59[illegible]~~	
~~18~~	~~Hourly~~	~~31[illegible]~~	
	~~Annually~~	~~65[illegible]~~	
1	Hourly	8.[illegible]	
	Annually	17[illegible]	
2	Hourly	10[illegible]	
	Annually	21[illegible]	
3	Hourly	10[illegible]	
	Annually	22[illegible]	
4	Hourly	11[illegible]	
	Annually	23[illegible]	
5	Hourly	11[illegible]	
	Annually	24[illegible]	
6	Hourly	12[illegible]	
	Annually	25[illegible]	
7	Hourly	13[illegible]	
	Annually	27[illegible]	
8	Hourly	13[illegible]	
	Annually	29[illegible]	
9	Hourly	14[illegible]	
	Annually	30[illegible]	
10	Hourly	16[illegible]	
	Annually	33[illegible]	
11	Hourly	17[illegible]	
	Annually	36[illegible]	
12	Hourly	19[illegible]	26.64
	Annually	40[illegible]	55411
13	Hourly	21[illegible]	29.32
	Annually	44[illegible]	60986
14	Hourly	23[illegible]	32.33
	Annually	48[illegible]	67246
15	Hourly	25[illegible]	35.56

	Annually	53[illegible]17
16	Hourly	28[illegible]18
	Annually	58[illegible]34
17	Hourly	31[illegible]94
	Annually	64[illegible]55
18	Hourly	34[illegible]12
	Annually	71[illegible]50

Schedule E-2

	Range	Minimum	Maximum
~~41~~	~~Hourly~~	~~16.23~~	~~25.90~~
	~~Annually~~	~~33758~~	~~53872~~
~~42~~	~~Hourly~~	~~17.89~~	~~28.62~~
	~~Annually~~	~~37211~~	~~59537~~
~~43~~	~~Hourly~~	~~19.70~~	~~31.53~~
	~~Annually~~	~~40976~~	~~65579~~
~~44~~	~~Hourly~~	~~21.73~~	~~34.42~~
	~~Annually~~	~~45198~~	~~71599~~
~~45~~	~~Hourly~~	~~24.01~~	~~37.60~~
	~~Annually~~	~~49941~~	~~78198~~
~~46~~	~~Hourly~~	~~26.43~~	~~41.08~~
	~~Annually~~	~~54974~~	~~85439~~
~~47~~	~~Hourly~~	~~29.14~~	~~44.83~~
	~~Annually~~	~~60611~~	~~93237~~
~~48~~	~~Hourly~~	~~32.14~~	~~48.93~~
	~~Annually~~	~~66851~~	~~101764~~
~~49~~	~~Hourly~~	~~35.44~~	~~52.83~~
	~~Annually~~	~~73715~~	~~109884~~
41	Hourly	16.23	31.21
	Annually	33758	64917
42	Hourly	17.89	34.48
	Annually	37211	71718
43	Hourly	19.70	37.97
	Annually	40976	78978
44	Hourly	21.73	41.47
	Annually	45198	86258
45	Hourly	24.01	45.28
	Annually	49941	94182
46	Hourly	26.43	49.48
	Annually	54974	102918
47	Hourly	29.14	54.00

	Annually	60611	112320
48	Hourly	32.14	58.93
	Annually	66851	122574
49	Hourly	35.44	63.63
	Annually	73715	132350

(C) Beginning on the first day of the pay period that includes July 1, ~~1999~~ 2002, each exempt employee~~, other than an exempt employee of the treasurer of state,~~ shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1

Pay Ranges and Step Values

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Range							
~~1~~	~~Hourly~~	~~9.35~~						
	~~Annually~~	~~19628~~						
~~2~~	~~Hourly~~	~~9.90~~						
	~~Annually~~	~~20592~~						
~~3~~	~~Hourly~~	~~10.45~~						
	~~Annually~~	~~21716~~						
~~4~~	~~Hourly~~	~~10.97~~						
	~~Annually~~	~~22806~~						
~~5~~	~~Hourly~~	~~11.60~~						
	~~Annually~~	~~24128~~						
~~6~~	~~Hourly~~	~~11.97~~						
	~~Annually~~	~~24856~~						
~~7~~	~~Hourly~~	~~12.38~~						
	~~Annually~~	~~25710~~						
~~8~~	~~Hourly~~	~~13.04~~						
	~~Annually~~	~~27123~~						
~~9~~	~~Hourly~~	~~13.79~~						
	~~Annually~~	~~28702~~						
~~10~~	~~Hourly~~	~~15.00~~						
	~~Annually~~	~~31184~~						
~~11~~	~~Hourly~~	~~16.14~~						
	~~Annually~~	~~33582~~						
~~12~~	~~Hourly~~	~~18.19~~						
	~~Annually~~	~~37835~~						
~~13~~	~~Hourly~~	~~19.29~~						
	~~Annually~~	~~40123~~						
~~14~~	~~Hourly~~	~~21.29~~						

	~~Annually~~	~~45[illegible]~~	
~~15~~	~~Hourly~~	~~24[illegible]~~	
	~~Annually~~	~~50[illegible]~~	
~~16~~	~~Hourly~~	~~26[illegible]~~	
	~~Annually~~	~~55[illegible]~~	
~~17~~	~~Hourly~~	~~29[illegible]~~	
	~~Annually~~	~~60[illegible]~~	
~~18~~	~~Hourly~~	~~32[illegible]~~	
	~~Annually~~	~~67[illegible]~~	
1	Hourly	8.[illegible]7	
	Annually	18[illegible]38	
2	Hourly	10[illegible]08	
	Annually	22[illegible]26	
3	Hourly	11[illegible]69	
	Annually	23[illegible]95	
4	Hourly	11[illegible]38	
	Annually	24[illegible]30	
5	Hourly	12[illegible]97	
	Annually	25[illegible]58	
6	Hourly	12[illegible]64	
	Annually	26[illegible]51	
7	Hourly	13[illegible]94	
	Annually	28[illegible]55	
8	Hourly	14[illegible]23	
	Annually	30[illegible]38	
9	Hourly	15[illegible]87	
	Annually	32[illegible]50	
10	Hourly	16[illegible]70	
	Annually	34[illegible]56	
11	Hourly	18[illegible]76	
	Annually	37[illegible]41	
12	Hourly	20[illegible]26	27.71
	Annually	41[illegible]21	57637
13	Hourly	22[illegible]90	30.49
	Annually	46[illegible]12	63419
14	Hourly	24[illegible]88	33.62
	Annually	50[illegible]10	69930
15	Hourly	26[illegible]06	36.98
	Annually	55[illegible]25	76918
16	Hourly	29[illegible]67	40.80

	Annually	61[illegible]34	84864
17	Hourly	32[illegible]58	44.93
	Annually	67[illegible]66	93454
18	Hourly	35[illegible]92	49.50
	Annually	74[illegible]94	102960

Schedule E-2

	Range	Minimum	Maximum
~~41~~	~~Hourly~~	~~16.23~~	~~26.68~~
	~~Annually~~	~~33758~~	~~55494~~
~~42~~	~~Hourly~~	~~17.89~~	~~29.48~~
	~~Annually~~	~~37211~~	~~61318~~
~~43~~	~~Hourly~~	~~19.70~~	~~32.47~~
	~~Annually~~	~~40976~~	~~67538~~
~~44~~	~~Hourly~~	~~21.73~~	~~35.46~~
	~~Annually~~	~~45198~~	~~73757~~
~~45~~	~~Hourly~~	~~24.01~~	~~38.72~~
	~~Annually~~	~~49941~~	~~80538~~
~~46~~	~~Hourly~~	~~26.43~~	~~42.31~~
	~~Annually~~	~~54974~~	~~88005~~
~~47~~	~~Hourly~~	~~29.14~~	~~46.17~~
	~~Annually~~	~~60611~~	~~96034~~
~~48~~	~~Hourly~~	~~32.14~~	~~50.39~~
	~~Annually~~	~~66851~~	~~104811~~
~~49~~	~~Hourly~~	~~35.44~~	~~54.41~~
	~~Annually~~	~~73715~~	~~113173~~
41	Hourly	16.23	32.46
	Annually	33758	67517
42	Hourly	17.89	35.86
	Annually	37211	74589
43	Hourly	19.70	39.49
	Annually	40976	82139
44	Hourly	21.73	43.13
	Annually	45198	89710
45	Hourly	24.01	47.09
	Annually	49941	97947
46	Hourly	26.43	51.46
	Annually	54974	107037
47	Hourly	29.14	56.16
	Annually	60611	116813
48	Hourly	32.14	61.29

	Annually	66851	127483
49	Hourly	35.44	66.18
	Annually	73715	137654

~~(D) Beginning on the first day of the pay period that includes July 1, 1998, each exempt employee of the office of the treasurer of state shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E-1~~

~~Pay Ranges and Step Values~~

	~~Range~~	~~1 2 3 4 5 6~~
~~1~~	~~Hourly~~	~~8.84 9.31 10.00~~
	~~Annually~~	~~18388 19365 20800~~
~~2~~	~~Hourly~~	~~9.27 9.76 10.53~~
	~~Annually~~	~~19282 20301 21902~~
~~3~~	~~Hourly~~	~~9.72 10.24 11.07~~
	~~Annually~~	~~20218 21299 23026~~
~~4~~	~~Hourly~~	~~10.19 10.73 11.66~~
	~~Annually~~	~~21195 22318 24253~~
~~5~~	~~Hourly~~	~~10.71 11.28 12.17~~
	~~Annually~~	~~22277 23462 25314~~
~~6~~	~~Hourly~~	~~11.25 11.85 12.76~~
	~~Annually~~	~~23400 24648 26541~~
~~7~~	~~Hourly~~	~~11.82 12.44 13.39~~
	~~Annually~~	~~24586 25885 27851~~
~~8~~	~~Hourly~~	~~12.41 13.07 14.06~~
	~~Annually~~	~~25813 27186 29245~~
~~9~~	~~Hourly~~	~~13.04 13.73 14.77~~
	~~Annually~~	~~27102 28558 30722~~
~~10~~	~~Hourly~~	~~14.15 14.90 16.03~~
	~~Annually~~	~~29432 30992 33342~~
~~11~~	~~Hourly~~	~~15.36 16.17 17.40~~
	~~Annually~~	~~31949 33634 36192~~
~~12~~	~~Hourly~~	~~16.67 17.55 18.88~~
	~~Annually~~	~~34674 36504 39270~~
~~13~~	~~Hourly~~	~~18.09 19.04 20.49~~
	~~Annually~~	~~37627 39603 42619~~
~~14~~	~~Hourly~~	~~19.63 20.67 22.24~~
	~~Annually~~	~~40830 42994 46259~~
~~15~~	~~Hourly~~	~~21.30 22.43 24.13~~
	~~Annually~~	~~44304 46654 50190~~

16	Hourly	25.27 26.22 28.68
	Annually	53[illegible]
17	Hourly	28.29 [illegible]
	Annually	58[illegible]
18	Hourly	31.32 [illegible]
	Annually	64[illegible]

Schedule E-2

	Range	Minimum	Maximum
41	Hourly	16.23	25.90
	Annually	33758	53872
42	Hourly	17.89	28.62
	Annually	37211	59537
43	Hourly	19.70	31.53
	Annually	40976	65579
44	Hourly	21.73	34.42
	Annually	45198	71599
45	Hourly	24.01	37.60
	Annually	49941	78198
46	Hourly	26.43	41.08
	Annually	54974	85439
47	Hourly	29.14	44.83
	Annually	60611	93237
48	Hourly	32.14	48.93
	Annually	66851	101764
49	Hourly	35.44	52.83
	Annually	73715	109884

(E) Beginning on the first day of the pay period that includes July 1, 1999, each exempt employee of the office of the treasurer of state shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1

Pay Ranges and Step Values

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	Hourly	9.[illegible]					10.30
	Annually	18[illegible]					21424
2	Hourly	9.[illegible]					10.85
	Annually	19[illegible]					22568
3	Hourly	10[illegible]					11.40
	Annually	20[illegible]					23712
4	Hourly	10[illegible]					11.98

	Annually	21[illegible]81
5	Hourly	11[illegible]54
	Annually	22[illegible]83
6	Hourly	11[illegible]14
	Annually	24[illegible]31
7	Hourly	12[illegible]31
	Annually	25[illegible]65
8	Hourly	13[illegible]47
	Annually	27[illegible]78
9	Hourly	13[illegible]93
	Annually	28[illegible]14
10	Hourly	15[illegible]58
	Annually	31[illegible]46
11	Hourly	16[illegible]41
	Annually	34[illegible]53
12	Hourly	18[illegible]58
	Annually	37[illegible]46
13	Hourly	19[illegible]94
	Annually	41[illegible]55
14	Hourly	21[illegible]61
	Annually	45[illegible]09
15	Hourly	24[illegible]48
	Annually	49[illegible]78
16	Hourly	26[illegible]69
	Annually	55[illegible]55
17	Hourly	29[illegible]22
	Annually	60[illegible]98
18	Hourly	32[illegible]12
	Annually	66[illegible]10

Schedule E-2

	Range	Minimum	Maximum
41	Hourly	16.23	26.68
	Annually	33758	55494
42	Hourly	17.89	29.48
	Annually	37211	61318
43	Hourly	19.70	32.47
	Annually	40976	67538
44	Hourly	21.73	35.46
	Annually	45198	73757
45	Hourly	24.01	38.72

	~~Annually~~	~~49941~~	~~80538~~
~~46~~	~~Hourly~~	~~26.43~~	~~42.31~~
	~~Annually~~	~~54974~~	~~88005~~
~~47~~	~~Hourly~~	~~29.14~~	~~46.17~~
	~~Annually~~	~~60611~~	~~96034~~
~~48~~	~~Hourly~~	~~32.14~~	~~50.39~~
	~~Annually~~	~~66851~~	~~104811~~
~~49~~	~~Hourly~~	~~35.44~~	~~54.41~~
	~~Annually~~	~~73715~~	~~113173~~

~~(F)~~(D) As used in this section, "exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the auditor of state whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. As used in this section, "exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

Sec. 124.18. (A) Forty hours shall be the standard work week for all employees whose salary or wage is paid in whole or in part by the state or by any state-supported college or university. When any employee whose salary or wage is paid in whole or in part by the state or by any state-supported college or university is required by an authorized administrative authority to be in an active pay status more than forty hours in any calendar week, the employee shall be compensated for such time over forty hours, except as otherwise provided in this section, at one and one-half times the employee's regular rate of pay. The use of sick leave shall not be considered to be active pay status for the purposes of earning overtime or compensatory time by employees whose wages are paid directly by warrant of the auditor of state. A flexible-hours employee is not entitled to compensation for overtime work unless the employee's authorized administrative authority required the employee to be in active pay status for more than forty hours in a calendar week, regardless of the number of hours the employee works on any day in the same calendar week.

Such compensation for overtime work shall be paid no later than at the conclusion of the next succeeding pay period.

If the employee elects to take compensatory time off in lieu of overtime pay for any overtime worked, such compensatory time shall be granted by the employee's administrative superior, on a time and one-half basis, at a

e mutually convenient to the employee and the administrative superior. An employee may accrue compensatory time to a maximum of two hundred forty hours, except that public safety employees and other employees who meet the criteria established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, may accrue a maximum of four hundred eighty hours of compensatory time. An employee shall be paid at the employee's regular rate of pay for any hours of compensatory time accrued in excess of these maximum amounts if the employee has not used the compensatory time within one hundred eighty days after it is granted, if the employee transfers to another agency of the state, or if a change in the employee's status exempts the employee from the payment of overtime compensation. Upon the termination of employment, any employee with accrued but unused compensatory time shall be paid for that time at a rate that is the greater of the employee's final regular rate of pay or the employee's average regular rate of pay during the employee's last three years of employment with the state.

No overtime, as described in this section, can be paid unless it has been authorized by the authorized administrative authority. Employees may be exempted from the payment of compensation as required by this section only under the criteria for exemption from the payment of overtime compensation established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. With the approval of the director of administrative services, the appointing authority may establish a policy to grant compensatory time or to pay compensation to state employees who are exempt from overtime compensation. With the approval of the board of county commissioners, a county human services department may establish a policy to grant compensatory time or to pay compensation to employees of the department who are exempt from overtime compensation.

(B) An employee, whose salary or wage is paid in whole or in part by the state, shall be paid for the holidays declared in section 124.19 of the Revised Code and shall not be required to work on ~~such~~ those holidays, unless, in the opinion of the employee's responsible administrative authority, failure to work on ~~such~~ those holidays would impair the public service. An employee paid directly by warrant of the auditor of state who is scheduled to work on a holiday and who does not report to work due to an illness of the employee or of a member of the employee's immediate family shall not receive holiday pay as provided by this division. An employee also shall not be paid for a holiday unless the employee was in active pay status on the scheduled work day immediately preceding the holiday. ~~In the event that~~

If any of the holidays declared in section 124.19 of the Revised Code ~~should fall~~ falls on Saturday, the Friday immediately preceding shall be observed as the holiday. ~~In the event that~~ If any of the holidays declared in section 124.19 of the Revised Code ~~should fall~~ falls on Sunday, the Monday immediately succeeding shall be observed as the holiday. ~~If~~ Employees whose work schedules are based on the requirements of a seven-days-a-week work operation shall observe holidays on the actual days specified in section 124.19 of the Revised Code.

If an employee's work schedule is other than Monday through Friday, the employee shall be entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed. A full-time permanent employee is entitled to eight hours of pay for each holiday regardless of the employee's work shift and work schedule. A flexible-hours employee is entitled to holiday pay for the number of hours for which the employee normally would have been scheduled to work. Part-time permanent employees shall be paid holiday pay for that portion of any holiday for which they would normally have been scheduled to work. When an employee who is eligible for overtime pay under this section is required by the employee's responsible administrative authority to work on the day observed as a holiday, the employee shall be entitled to pay for such time worked at one and one-half times the employee's regular rate of pay in addition to the employee's regular pay, or to be granted compensatory time off at time and one-half thereafter, at the employee's option. Payment at such rate shall be excluded in the calculation of hours in active pay status.

(C) Each appointing authority may designate the number of employees in an agency who are flexible-hours employees. The appointing authority may establish for each flexible-hours employee a specified minimum number of hours to be worked each day that is consistent with the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended.

(D) This section shall be uniformly administered for employees as defined in section 124.01 of the Revised Code and by the personnel departments of state-supported colleges and universities for employees of state-supported colleges and universities. If employees are not paid directly by warrant of the auditor of state, the political subdivision shall determine whether the use of sick leave shall be considered to be active pay status for purposes of those employees earning overtime or compensatory time.

(E) Policies relating to the payment of overtime pay or the granting of compensatory time off shall be adopted by the chief administrative officer of the house of representatives for employees of the house of representatives,

by the clerk of the senate for employees of the senate, and by the director of the legislative service commission for all other legislative employees.

(F) As used in this section, "regular rate of pay" means the base rate of pay an employee receives plus any pay supplements received pursuant to section 124.181 of the Revised Code.

Sec. 124.182. (A) There is hereby created in the state treasury the professional development fund. The director of administrative services shall use moneys credited to the fund to pay for programs that provide professional development opportunities for employees who are exempt from collective bargaining coverage and paid by warrant of the auditor of state. The director of administrative services shall identify by rule adopted under Chapter 119. of the Revised Code programs for which payments from the fund shall be made. The fund also shall be used to pay any direct and indirect costs that are attributable to consultants or a third-party administrator and that are necessary to administer this section. All investment earnings of the fund shall be credited to it.

(B) The director of administrative services, in consultation with the director of budget and management, shall determine a rate at which the payrolls of all participating state agencies with employees paid by warrant of the auditor of state shall be charged each pay period that is sufficient to cover the costs of administering the programs paid for with the moneys credited to the professional development fund. The rate shall be based on the total number of those employees and may be adjusted as the director of administrative services, in consultation with the director of budget and management, considers necessary. All moneys collected from the charge shall be credited to the professional development fund.

(C) If the director of administrative services determines that additional appropriation amounts are necessary, the director may request that the director of budget and management increase the appropriation amounts. The additional appropriation amounts are hereby appropriated.

Sec. 124.27. (A) The head of a department, office, or institution, in which a position in the classified service is to be filled, shall notify the director of administrative services of the fact, and the director shall, except as otherwise provided in this section and sections 124.30 and 124.31 of the Revised Code, certify to the appointing authority the names and addresses of the ten candidates standing highest on the eligible list for the class or grade to which the position belongs; provided that the director may certify less than ten names if ten names are not available. When less than ten names are certified to an appointing authority, appointment from that list shall not be mandatory. When a position in the classified service in the department of

mental health or the department of mental retardation and developmental disabilities is to be filled, the director of administrative services shall make such certification to the appointing authority within seven working days of the date the eligible list is requested.

(B) The appointing authority shall notify the director of such position to be filled, and the appointing authority shall fill such position by appointment of one of the ten persons certified by the director. If more than one position is to be filled, the director of administrative services may certify a group of names from the eligible list and the appointing authority shall appoint in the following manner: Beginning at the top of the list, each time a selection is made it must be from one of the first ten candidates remaining on the list who is willing to accept consideration for the position. If an eligible list becomes exhausted, and until a new list can be created, or when no eligible list for such position exists, names may be certified from eligible lists most appropriate for the group or class in which the position to be filled is classified. A person certified from an eligible list more than three times to the same appointing authority for the same or similar positions, may be omitted from future certification to such appointing authority, provided that certification for a temporary appointment shall not be counted as one of such certifications. Every soldier, sailor, marine, coast ~~guardsman~~ guarder, member of the auxiliary corps as established by congress, member of the army nurse corps, or navy nurse corps, or red cross nurse who has served in the army, navy, or hospital service of the United States, and such other military service as is designated by congress in the war with Spain, including the Philippine insurrection and the Chinese relief expedition, or from April 21, 1898, to July 4, 1902, World War I, World War II, or during the period beginning May 1, 1949, and lasting so long as the armed forces of the United States are engaged in armed conflict or occupation duty, or the selective service or similar conscriptive acts are in effect in the United States, whichever is the later date, who has been honorably discharged or separated under honorable conditions therefrom, ~~and~~ who is a resident of ~~Ohio~~ this state, and whose name is on the eligible list for a position, shall be entitled to preference in original appointments to any such competitive position in the civil service of the state and the civil divisions thereof, over all persons eligible for such appointments and standing on the list therefor, with a rating equal to that of each such person. Appointments to all positions in the classified service, that are not filled by promotion, transfer, or reduction, as provided in sections 124.01 to 124.64 of the Revised Code~~,~~ and the rules of the director prescribed under ~~such~~ those sections, shall be made only from those persons whose names are certified to the appointing

authority, and no employment, except as provided in ~~such~~ those sections, shall be otherwise given in the classified service of this state or any political subdivision ~~thereof~~ of the state.

(C) All original and promotional appointments, including provisional appointments made pursuant to section 124.30 of the Revised Code, shall be for a probationary period, not less than sixty days nor more than one year, to be fixed by the rules of the director, except as provided in section 124.231 of the Revised Code, or except original appointments to a police department as a police officer, or to a fire department as a firefighter which shall be for a probationary period of one year, and no appointment or promotion is final until the appointee has satisfactorily served the probationary period. Service as a provisional employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. If the appointing authority's decision is to remove the appointee, the appointing authority's communication to the director shall indicate the reason for ~~such~~ that decision. ~~Any~~ A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction under section 124.34 of the Revised Code.

Any person appointed to a position in the classified service under sections 124.01 to 124.64 of the Revised Code, except temporary and exceptional appointments, shall be or become forthwith a resident of the state.

Sec. 124.34. (A) The tenure of every officer or employee in the classified service of the state and the counties, civil service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under this chapter, shall be during good behavior and efficient service. No such officer or employee shall be reduced in pay or position, fined ~~in excess of five days' pay~~, suspended, or removed, except as provided in section 124.32 of the Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in

the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal. The tenure of an employee in the career professional service of the department of transportation is subject to section 5501.20 of the Revised Code.

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the state personnel board of review or the commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

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

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

(1) A felony that is an offense of violence as defined in section 2901.01

of the Revised Code;

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

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

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

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

(B) In ~~any~~ case of a reduction, suspension of more than three working days, ~~or~~ fine in excess of three days' pay, or ~~a~~ removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons ~~therefor~~ for the action. ~~Such~~ The order shall be filed with the director of administrative services and state personnel board of review, or the commission, as may be appropriate.

Within ten days following the date on which ~~such~~ the order is served or, in the case of an employee in the career professional service of the department of transportation, within ten days following the filing of a removal order, the employee, except as otherwise provided in this section, may file an appeal of the order in writing with the state personnel board of review or the commission. For purposes of this section, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first. If such an appeal is filed, the board or commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, ~~such~~ the appeal within thirty days from and after its filing with the board or commission, and it may affirm, disaffirm, or modify the judgment of the appointing authority.

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal from the decision of the state personnel board of review or the commission to the court of common pleas of the county in which the employee resides in accordance with the procedure provided by section 119.12 of the Revised Code.

(C) In the case of the suspension for any period of time, or a fine, demotion, or removal of a chief of police or a chief of a fire department or any member of the police or fire department of a city or civil service township, the appointing authority shall furnish such chief or member of a department with a copy of the order of suspension, fine, demotion, or

oval, which order shall state the reasons ~~therefor~~ for the action. ~~Such~~ The order shall be filed with the municipal or civil service township civil service commission. Within ten days following the filing of ~~such~~ the order, such chief or member of a department may file an appeal, in writing, with the municipal or civil service township civil service commission. If such an appeal is filed, the commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, ~~such~~ the appeal within thirty days from and after its filing with the commission, and it may affirm, disaffirm, or modify the judgment of the appointing authority. An appeal on questions of law and fact may be had from the decision of the municipal or civil service township civil service commission to the court of common pleas in the county in which such city or civil service township is situated. Such appeal shall be taken within thirty days from the finding of the commission.

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

Sec. 124.381. Each employee of the department of rehabilitation and correction, the department of mental health, the department of mental retardation and developmental disabilities, the Ohio veteran's home, or the Ohio schools for the deaf and blind, and each employee of the department of youth services as established in division (A) of section 124.14 of the Revised Code who suffers bodily injury inflicted by an inmate, patient, client, youth, or student in the facilities of these agencies during ~~such~~ the time ~~as~~ the employee is lawfully carrying out the assigned duties of the ~~employee~~ employee's position~~,~~ shall be paid the employee's ~~regular~~ total rate of pay during the period the employee is disabled as a result of ~~such~~ that injury, but in no case to exceed one hundred twenty work days, in lieu of workers' compensation. Pay made according to this section shall not be charged to the employee's accumulation of sick leave credit.

The director of administrative services shall adopt rules for the administration of the occupational injury leave program. The rules shall include, but not be limited to, provisions for determining a disability, for filing a claim for leave under this section, and for allowing or denying claims for ~~such~~ the leave.

During ~~such~~ the time ~~as~~ an employee is receiving injury compensation as provided in this section, the employee shall be exempt from the accumulation of ~~sick leave credit and~~ vacation leave credit under ~~sections 124.13 and 124.38~~ section 124.134 of the Revised Code but shall continue to receive sick leave credit and personal leave credit under sections 124.382

and 124.386 of the Revised Code.

In any case when an employee's disability, as covered by this section, extends beyond one hundred twenty work days, the employee shall immediately become subject to ~~section 124.38~~ sections 124.382 and 124.385 of the Revised Code regarding sick leave and disability leave benefits.

An appointing authority may apply to the director of administrative services to grant injury leave in accordance with this section to law enforcement personnel employed by the agency.

Sec. 124.384. (A) Except as otherwise provided in this section, employees whose salaries or wages are paid by warrant of the auditor of state and who have accumulated sick leave under section 124.38 or 124.382 of the Revised Code shall be paid for a percentage of their accumulated balances, upon separation for any reason, including ~~retirement or~~ death but excluding retirement, at their last base rate of pay at the rate of one hour of pay for every two hours of accumulated balances. ~~An~~ An employee who retires in accordance with any retirement plan offered by the state shall be paid upon retirement for each hour of the employee's accumulated sick leave balance at a rate of fifty-five per cent of the employee's last base rate of pay.

An employee serving in a temporary work level or an interim appointment who elects to convert unused sick leave to cash shall do so at the base rate of pay of the employee's normal classification. If an employee dies, the employee's unused sick leave shall be paid in accordance with section 2113.04 of the Revised Code or to the employee's estate.

In order to be eligible for the payment authorized by this section, an employee shall have at least one year of state service and shall request all or a portion of such payment no later than three years after separation from state service. No person is eligible to receive all or a portion of the payment authorized by this section at any time later than three years after the person's separation from state service.

(B) Except as otherwise provided in this ~~paragraph~~ division, a person initially employed on or after July 5, 1987, by a state agency in which the employees' salaries or wages are paid directly by warrant of the auditor of state shall receive payment under this section only for sick leave accumulated while employed by state agencies in which the employees' salaries or wages are paid directly by warrant of the auditor of state. A person initially employed on or after July 5, 1987, by the state department of education as an unclassified employee shall receive payment under this section only for sick leave accumulated while employed by state agencies in which the employees' salaries or wages are paid directly by warrant of the auditor of state and for sick leave placed to the employee's credit under

ion (E)(2) of section 124.382 of the Revised Code.

(C) For employees paid in accordance with section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code, the director of administrative services, with the approval of the director of the office of budget and management, may establish a plan for early payment of accrued sick leave and vacation leave.

Sec. 124.385. (A) An employee is eligible for disability leave benefits under this section if the employee has completed one year of continuous state service immediately prior to the date of the disability and if ~~either~~ any of the following applies:

(1) The employee is a full-time permanent employee and is eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code~~, or is a full-time permanent employee and is listed in division (B)(2) or (4) of section 124.14 of the Revised Code~~.

(2) The employee is a part-time permanent employee who has worked at least fifteen hundred hours within the twelve-month period immediately preceding the date of disability and is eligible for sick leave credit under division (B) of section 124.382 of the Revised Code.

(3) The employee is a full-time permanent or part-time permanent employee, is on disability leave or leave of absence for medical reasons, and would be eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code except that the employee is in no pay status due to the employee's medical condition.

(B) The director of administrative services, by rule adopted in accordance with Chapter 119. of the Revised Code, shall establish a disability leave program. The rule shall include, but shall not be limited to, the following:

(1) Procedures to be followed for determining disability;

(2) Provisions for the allowance of disability leave due to illness or injury;

(3) Provisions for the continuation of service credit for employees granted disability leave, including service credit towards retirement, as provided by the applicable statute;

(4) The establishment of a minimum level of benefit and of a waiting period before benefits begin;

(5) Provisions setting a maximum length of benefit and requiring that employees eligible to apply for disability retirement shall do so prior to completing the first six months of their period of disability. The director's rules shall indicate those employees required to apply for disability

retirement. If an employee is approved to receive disability retirement, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than the percentage of pay received by employees after the first six months of disability. Such supplemental payment shall not be considered earnable salary, compensation, or salary, and is not subject to contributions, under Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code.

(6) Provisions that allow employees to utilize available sick leave, personal leave, or vacation leave balances to supplement the benefits payable under this section. Such balances used to supplement the benefits, plus any amount contributed by the state as provided in division (D) of this section, shall be paid at the employee's base rate of pay in an amount sufficient to give employees up to one hundred per cent of pay for time on disability.

(7) Procedures for appealing denial of payment of a claim, including the following:

(a) A maximum of thirty days to file an appeal by the employee;

(b) A maximum of fifteen days for the parties to select a third-party opinion pursuant to division (F) of this section, unless an extension is agreed to by the parties;

(c) A maximum of thirty days for the third party to render an opinion.

(8) Provisions for approving leave of absence for medical reasons where an employee is in no pay status because the employee has used all the employee's sick leave, personal leave, vacation leave, and compensatory time;

(9) Provisions for precluding the payment of benefits if the injury for which the benefits are sought is covered by a workers' compensation plan;

(10) Provisions for precluding the payment of benefits in order to ensure that benefits are provided in a consistent manner.

(C) Except as provided in division (B)(6) of this section, time off for an employee granted disability leave is not chargeable to any other leave granted by other sections of the Revised Code.

(D) While an employee is on an approved disability leave, the employer's and employee's share of health, life, and other insurance benefits shall be paid by the state, and the retirement contribution shall be paid as follows:

(1) The employer's share shall be paid by the state;.

(2) For the first three months, the employee's share shall be paid by the employee;.

(3) After the first three months, the employee's share shall be paid by the state.

(E) The approval for disability leave shall be made by the director, upon recommendation by the appointing authority.

(F) If a request for disability leave is denied based on a medical determination, the director shall obtain a medical opinion from a third party. The decision of the third party is binding.

(G) The rule adopted by the director under division (B) of this section shall not deny disability leave benefits for an illness or injury to an employee who is a veteran of the United States armed forces because the employee contracted the illness or received the injury in the course of or as a result of military service and the illness or injury is or may be covered by a compensation plan administered by the United States department of veterans affairs.

Sec. 124.386. (A) Each full-time permanent employee paid in accordance with section 124.152 of the Revised Code and those full-time permanent employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code shall be credited with thirty-two hours of personal leave each year. Each part-time permanent employee paid in accordance with section 124.152 of the Revised Code, and those part-time permanent employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code, shall receive a pro-rated personal leave credit as determined by rule of the director of administrative services. Such credit shall be made to each eligible employee in the first pay the employee receives in December. Employees, upon giving reasonable notice to the responsible administrative officer of the appointing authority, may use personal leave for absence due to mandatory court appearances, legal or business matters, family emergencies, unusual family obligations, medical appointments, weddings, religious holidays not listed in section 124.19 of the Revised Code, or any other matter of a personal nature. Personal leave may not be used on a holiday when an employee is scheduled to work.

(B) When personal leave is used, it shall be deducted from the unused balance of the employee's personal leave on the basis of absence in such increments of an hour as the director of administrative services determines. Compensation for such leave shall be equal to the employee's base rate of pay.

(C) A newly appointed full-time permanent employee or a nonfull-time employee who receives a full-time permanent appointment shall be credited with personal leave of thirty-two hours, less one and two-tenths hours for each pay period that has elapsed following the base pay period until the first

day of the pay period during which the appointment was effective.

(D) The director of administrative services shall allow employees to elect one of the following options with respect to the unused balance of personal leave:

(1) Carry forward the balance. The maximum credit that shall be available to an employee at any one time is forty hours.

(2) Convert the balance to accumulated sick leave, to be used in the manner provided by section 124.382 of the Revised Code;

(3) Receive a cash benefit. The cash benefit shall equal one hour of the employee's base rate of pay for every hour of unused credit that is converted. An employee serving in a temporary work level or an interim appointment who elects to convert unused personal leave to cash shall do so at the base rate of pay of the employee's normal classification. Such cash benefit shall not be subject to contributions to any of the retirement systems, either by the employee or the employer.

(E) A full-time permanent employee who separates from state service or becomes ineligible to be credited with leave under this section shall receive a reduction of personal leave credit of one and two-tenths hours for each pay period that remains beginning with the first pay period following the date of separation or the effective date of the employee's ineligibility until the pay period preceding the next base pay period. After calculation of the reduction of an employee's personal leave credit, the employee is entitled to compensation for any remaining personal leave credit at the employee's current base rate of pay. If the reduction results in a number of hours less than zero, the cash equivalent value of such number of hours shall be deducted from any compensation that remains payable to the employee, or from the cash conversion value of any vacation or sick leave that remains credited to the employee. An employee serving in a temporary work level or an interim appointment who is eligible to receive compensation under this section shall be compensated at the base rate of pay of the employee's normal classification.

(F) An employee who transfers from one public agency to another public agency in which the employee is eligible for the credit provided under this section shall be credited with the unused balance of personal leave.

(G) The director of administrative services shall establish procedures to uniformly administer this section. No personal leave may be granted to a state employee upon or after retirement or termination of employment.

Sec. 126.11. (A)(1) The director of budget and management shall, ~~in~~ upon consultation with the treasurer of state, ~~shall provide assistance in~~

~~oordinating~~ coordinate and approve the scheduling of initial sales of publicly offered securities of the state ~~issued pursuant to Chapter 122., 129., 152., 154., 164., 166., 1555., 1557., 3318., 3366., 3737., 4981., 5528., 5537., 6121., or 6123. of the Revised Code,~~ and ~~the scheduling of initial sales~~ of publicly offered fractionalized interests in or securitized issues of public obligations of the state. The ~~state issuers of or obligors on those obligations shall submit to the director projections of the approximate sale dates and amounts and types of those obligations proposed to be sold, and the~~ director shall from time to time develop and distribute to ~~those~~ state issuers ~~and state obligors a projected coordinated~~ an approved sale schedule ~~based on those projections. After each sale of such obligations issued or entered into, the issuer or state obligor shall provide to the director the maturity schedule, interest rates, names of the original purchasers or underwriter, name of the trustee, and any other information pertinent to the issuance of such obligations that the director prescribes~~ for each of the obligations covered by this division This division ~~does not apply~~ applies only to ~~any securities or public~~ those obligations on which the state or a state agency is ~~not~~ the direct obligor or obligor on any backup security or related credit enhancement facility or source of money ~~for payment~~ subject to state appropriations that is intended for payment of those obligations.

(2) The issuers of obligations pursuant to section 151.03, 151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code shall submit to the director:

(a) For review and approval: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; and the proposed structure and maturity schedule;

(b) For review and comment: the authorizing order or resolution; preliminary and final offering documents; method of sale; preliminary and final pricing information; and any written reports or recommendations of financial advisors or consultants relating to those obligations;

(c) Promptly after each sale of those obligations: final terms, including sale price, maturity schedule and yields, and sources and uses; names of the original purchasers or underwriters; a copy of the final offering document and of the transcript of proceedings; and any other pertinent information requested by the director.

(3) The issuer of obligations pursuant to section 151.06 or 151.08 or Chapter 154. or 3318. of the Revised Code shall submit to the director:

(a) For review and mutual agreement: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; and the proposed structure and maturity schedule;

(b) For review and comment: the authorizing order or resolution; preliminary and final offering documents; method of sale; preliminary and final pricing information; and any written reports or recommendations of financial advisors or consultants relating to those obligations;

(c) Promptly after each sale of those obligations: final terms, including sale price, maturity schedule and yields, and sources and uses; names of the original purchasers or underwriters; a copy of the final offering document and of the transcript of proceedings; and any other pertinent information requested by the director.

(4) The issuers of obligations pursuant to Chapter 166., 4981., 5540., or 6121., or section 5531.10, of the Revised Code shall submit to the director:

(a) For review and comment: the projected sale date, amount, and type of obligations proposed to be sold; the purpose, security, and source of payment; and preliminary and final offering documents;

(b) Promptly after each sale of those obligations: final terms, including a maturity schedule; names of the original purchasers or underwriters; a copy of the complete continuing disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent rule as from time to time in effect; and any other pertinent information requested by the director.

~~(B)~~(5) Not later than ~~ninety~~ thirty days after the end of ~~its~~ a fiscal year, ~~every~~ each issuer of ~~or state obligor on~~ obligations ~~referred~~ subject to ~~in division~~ divisions (A) and (B) of this section~~, every issuer of securities issued~~ shall submit to the director and to the treasurer of state a sale plan for the then current fiscal year for each type of obligation, projecting the amount and term of each issuance, the method of sale, and the month of sale.

(B) Issuers of obligations pursuant to Chapter 122., 166., 175., 3345., 3347., 3366., 3377., ~~or~~ 3706., 3737., 5537., 6121., or 6123. of the Revised Code, and ~~every issuer~~ issuers of securities issued pursuant to Chapter 165. of the Revised Code other than a county or municipal corporation, shall submit ~~a report~~ to the director ~~of the total amount of obligations issued or entered into during such fiscal year and the amount of obligations, by type, outstanding at the end of such fiscal year.~~

~~(C) Statements or tables~~ Copies of the preliminary and final offering documents upon their availability if not previously submitted pursuant to division (A) of this section.

(C) Not later than the first day of January of each year, every state agency obligated to make payments on outstanding public obligations with respect to which fractionalized interests have been publicly issued, such as certificates of participation, shall submit a report to the director of the

amounts payable from state appropriations under those public obligations during the then current and next two fiscal years, identifying the appropriation or intended appropriation from which payment is expected to be made.

(D)(1) Information relating generally to the historic, current, or future demographics or economy or financial condition or funds or general operations of the state, and descriptions of any state contractual obligations relating to public obligations, to be contained in any ~~official statement,~~ offering ~~circular, prospectus, or similar~~ document, continuing disclosure document, or written presentation prepared, approved, ~~updated,~~ or ~~authorized~~ provided, or committed to be provided, by an issuer ~~or state obligor~~ in connection with the original issuance and sale of, or rating, remarketing, or credit enhancement facilities relating to, public obligations referred to in division (A) of this section shall be approved as to format and accuracy by the director ~~or the director's designee~~ before being presented, published, or disseminated in preliminary, draft, or final form, or publicly filed in paper, electronic, or other format.

~~(D)~~(2) Except for information described in division (D)(1) of this section that is to be contained in an offering document, continuing disclosure document, or written presentation, division (D)(1) of this section does not inhibit direct communication between an issuer and a rating agency, remarketing agent, or credit enhancement provider concerning an issuance of public obligations referred to in division (A) of this section or matters associated with that issuance.

(3) The materials approved and provided pursuant to division (D) of this section are the information relating to the particular subjects provided by the state or state agencies that are required or contemplated by any applicable state or federal securities laws and any commitments by the state or state agencies made under those laws. Reliance for the purpose should not be placed on any other information publicly provided, in any format including electronic, by any state agency for other purposes, including general information provided to the public or to portions of the public. A statement to that effect shall be included in those materials so approved or provided.

(E) Issuers of ~~or state obligors on~~ obligations referred to in division (A) of this section may take steps, by formal agreement, covenants in the proceedings, or otherwise, as may be necessary or appropriate to comply or permit compliance with applicable lawful disclosure requirements relating to those obligations, and may, subject to division (D) of this section, provide, make available, or file copies of any required disclosure materials as necessary or appropriate. Any such formal agreement or covenant relating

to subjects referred to in division (D) of this section, and any description of that agreement or covenant to be contained in any ~~official statement,~~ offering ~~circular, prospectus, or similar~~ document, shall be approved by the director ~~of budget and management or the director's designee~~ before being entered into or published or publicly disseminated in preliminary, draft, or final form~~,~~ or publicly filed in paper, electronic, or other format. The director shall be responsible for making all filings in compliance with those requirements relating to direct obligations of the state, including fractionalized interests in those obligations.

~~(E)~~(F) No state agency or official shall, without the approval of the director of budget and management ~~or the director's designee~~, do either of the following:

(1) Enter into or commit to enter into a public obligation ~~in~~ under which fractionalized interests in the payments are to be publicly offered, ~~and payments under~~ which payments are anticipated to be made from money from any source appropriated or to be appropriated by the general assembly or in which the provision stated in section 9.94 of the Revised Code is not included;

(2) Except as otherwise expressly authorized for the purpose by law, agree or commit to provide, from money from any source to be appropriated in the future by the general assembly, financial assistance to or participation in the costs of capital facilities, or the payment of debt charges, directly or by way of a credit enhancement facility, a reserve, rental payments, or otherwise, on obligations issued to pay costs of capital facilities.

~~(F)~~(G) As used in this section, "credit enhancement facilities," "debt charges," "fractionalized interests in public obligations," "obligor," "public issuer," and "securities" have the same meanings as in section 133.01 of the Revised Code; "public obligation" has the same meaning as in division (GG)(2) of section 133.01 of the Revised Code; ~~and~~ "obligations" means ~~those~~ securities or public obligations or fractionalized interests in them; "issuers" means issuers of securities or state obligors on public obligations; "offering document" means an official statement, offering circular, private placement memorandum, or prospectus, or similar document; and "director" means the director of budget and management or the employee of the office of budget and management designated by the director for the purpose.

Sec. 126.14. The release of any money appropriated for the purchase of real estate shall be approved by the controlling board. The release of money appropriated for all other capital projects is also subject to the approval of the controlling board, except that the director of budget and management may approve the release of money appropriated for specific projects in

accordance with the requirements of this section and except that the director of budget and management may approve the release of unencumbered capital balances, for a project to repair, remove, or prevent a public exigency declared to exist by the director of administrative services under section 123.15 of the Revised Code, in the amount designated in that declaration.

Within sixty days after the effective date of any act appropriating money for capital projects, the director shall determine which appropriations are for general projects and which are for specific projects. Specific projects may include specific higher education projects that are to be funded from general purpose appropriations from the higher education improvement fund created in section 154.21 of the Revised Code. Upon determining which projects are general and which are specific, the director shall submit to the controlling board a list that includes a brief description of and the estimated expenditures for each specific project. The release of money for any specific higher education projects that are to be funded from general purpose appropriations from the higher education improvement fund but that are not included on the list, and the release of money for any specific higher education projects included on the list that will exceed the estimated expenditures by more than ten per cent, are subject to the approval of the controlling board. The director may create new appropriation line items and make transfers of appropriations to them for specific higher education projects included on the list that are to be funded from general purpose appropriations for basic renovations that are made from the higher education improvement fund.

Sec. 126.16. (A) This section is in implementation of division (D) of Section 17 of Article VIII, Ohio Constitution, for purposes of issuing direct obligations of the state subject to that section.

(B) For purposes of the computation of debt service under Section 17 of Article VIII, Ohio Constitution, there shall be included debt service payable on bonds that are direct obligations of the state issued under Article VIII, Ohio Constitution, and on those bonds anticipated by bond anticipation notes, to the extent that debt service on those bonds is anticipated to be paid from the state general revenue fund or net state lottery proceeds. Examples of bonds the debt service on which is not anticipated to be paid from either of those sources are bonds of the state issued for highway purposes pursuant to Section 2i or 2m of Article VIII, Ohio Constitution, which, although general obligations of the state, have been and are anticipated to be paid from highway user receipts and not from the general revenue fund or net state lottery proceeds.

(C) If there is no separate constitutional or statutory provision

plicable for the purpose, debt service on bonds anticipated by bond anticipation notes shall be estimated as provided in division (C) of this section. That amount, to be certified either by the issuing authority of the particular notes or by the governor or the governor's designee pursuant to division (E) of this section, shall be the estimated amount that would have been payable on bonds maturing serially in each fiscal year after the fiscal year of the issuance of the notes over the maximum period of maturity for the bonds authorized in the particular governing constitutional or statutory provision, as if those bonds had been issued without the prior issuance of the notes, and computed on a substantially level debt service basis applying an interest rate or rates certified to be market rates at the time of issuance of the notes.

(D) In the case of bonds issued to refund or retire bonds, the debt service on the new bonds shall be counted and the debt service on the bonds being refunded or retired shall not be counted.

(E) The governor, or the governor's designee for the purpose, shall determine and certify the fiscal year amounts required to be applied or set aside for payment of debt service, including debt service on any variable rate bonds, the securities to which that debt service relates, the total office of budget and management estimated revenues of the state for the general revenue fund and from net state lottery proceeds during the particular fiscal year, and any other financial data necessary or appropriate for the purpose of the computations under division (A) of Section 17 of Article VIII, Ohio Constitution, and this section. Those determinations and certifications shall be filed with the director of budget and management, the treasurer of state, and the issuing authority for the particular obligations, at or prior to the time those securities are issued. The governor's designee for the purpose may be the director or assistant director of budget and management, or any employee or official of the governor's office.

(F) For purposes of this section, "securities," "interest or interest equivalent," and "outstanding" have the same meanings as in section 133.01 of the Revised Code, and "debt service" means principal, including any mandatory sinking fund deposits and mandatory redemption payments, and interest or interest equivalent payable on securities, as those payments are stated to come due and to be payable.

Sec. 129.72. There is hereby created in the state treasury the public improvements bond retirement fund. The faith and credit of the state and the excises and taxes thereof, excluding ad valorem taxes on real or personal property, income taxes, and fees, excises or license taxes relating to the registration, operation, or use of vehicles on the public highways, or fuels

used for propelling such vehicles, are hereby pledged to the payment of the principal of and interest on the obligations issued pursuant to Section 2i~~,~~ of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code, and so long as such obligations are outstanding, there shall be levied and collected, in amounts sufficient to pay the principal of and interest on such obligations, excises and taxes, excluding those above excepted. The principal of and interest on such obligations are payable from such excises and taxes, except those above excepted, during such time as such obligations are outstanding, and so long as moneys in the public improvements bond retirement fund are insufficient to pay all interest, principal, and charges of such obligations becoming due in each year, a sufficient amount of such excises and taxes~~, after making provision in accordance with sections 129.54, 129.55, and 129.63 of the Revised Code for the amounts required by Sections 2f and 2h of Article VIII, Ohio Constitution, for obligations heretofore or hereafter issued pursuant to those sections,~~ is hereby appropriated in each year for the purpose of paying the interest, principal, and charges for the issuance and retirement of such obligations becoming due in that year without necessity for further act of appropriation for such purpose, and the levy and collection of such excises and taxes and their application to the payment of the interest, principal, and charges for the issuance and retirement of such obligations, as provided by this section, shall continue and is hereby covenanted with the holders of such obligations to be continued so long as such obligations are outstanding and the moneys to the credit of the public improvements bond retirement fund are insufficient to pay all interest, principal, and charges of all such obligations.

The moneys credited to the public improvements bond retirement fund shall be expended for the purpose of paying principal, interest, and charges for the issuance and retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code. All moneys credited to such fund are hereby pledged and appropriated, without necessity for further act of appropriation, to meet payments of principal, interest, and charges for the issuance and retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code under the order of the commissioners of the sinking fund.

The commissioners of the sinking fund may invest moneys to the credit of the public improvements bond retirement fund in the classifications of obligations eligible for investment or deposit provided for in section 135.14 of the Revised Code.

Sec. 129.73. (A) The commissioners of the sinking fund, prior to the

twentieth day of December of each year, shall certify to the treasurer of state:

(1) The amount of moneys required during the next succeeding calendar year to meet in full, as they become due, payments of principal, interest, and charges for the issuance and retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code, and the date of such payments;

(2) The amount of money to the credit of the public improvements bond retirement fund created under section 129.72 of the Revised Code on the date the certification is made.

(B) The commissioners of the sinking fund, not earlier than the thirtieth day nor later than the twentieth day, prior to the date any payments of principal, interest, or charges for the issuance or retirement of obligations issued under Section 2i of Article VIII, Ohio Constitution, or former section 129.70 of the Revised Code become due, shall certify to the treasurer of state~~:~~

~~(1) The~~ The total amount of such payments of principal, interest, or charges, the amount of moneys then to the credit of the public improvements bond retirement fund created under section 129.72 of the Revised Code that may be expended for such payments, and any amounts of additional money necessary to meet such payments in full when due~~;~~

~~(2) The amount of any payments of principal, interest, or charges for the issuance or retirement of bonds or notes issued under Section 2f of Article VIII, Ohio Constitution, which will become due on or before the tenth day following the date of payment referred to in division (B)(1) of this section, the amount then to the credit of the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and any amounts of additional money necessary to meet such payments from such fund when due;~~

~~(3) The amount of any payments of principal, interest, or charges for the issuance or retirement of bonds or notes issued under Section 2h of Article VIII, Ohio Constitution, which will become due on or before the tenth day following the date of payment referred to in division (B)(1) of this section, the amounts then to the credit of the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, any amounts of additional money necessary to meet such payments from such fund when due~~.

(C) Upon receipt of the ~~certifications~~ certification required under division (B) of this section, the treasurer of state shall~~:~~

~~(1) Transfer to the improvements bond retirement fund created by~~

~~Section 2f of Article VIII, Ohio Constitution, from the revenues authorized by section 129.55 of the Revised Code to be paid into such fund and in the order described in such section, the amounts of additional money, if any, certified as necessary under division (B)(2) of this section to make the payments from such fund as certified under such division;~~

~~(2) Transfer to the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, from the revenues authorized by section 129.63 of the Revised Code to be paid into such fund and in the order described in such section, the amounts of additional money, if any, certified as necessary under division (B)(3) of this section to make the payments from such fund as certified under such division;~~

~~(3) Transfer, after making whatever transfers are required by divisions (C)(1) and (2) of this section,~~ Transfer the additional amounts of money, if any, certified as necessary under division (B)~~(1)~~ of this section to make the payments of principal, interest, or charges as certified under such division to the public improvements bond retirement fund created by section 129.72 of the Revised Code, from the undistributed revenues derived from all excises and taxes of the state, except ad valorem taxes on real and personal property, income taxes, and fees, excises or license taxes relating to registration, operation, or use of vehicles on the public highways, or to fuels used for propelling such vehicles, which excises and taxes, other than those excepted, are and shall be deemed to be levied, in addition to the purposes otherwise provided for by law, to provide in accordance with the provisions of this section for the payment of interest, principal, and charges on tax supported obligations, including bonds and notes, issued pursuant to Section 2i of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code, provided that the treasurer of state shall draw first upon the undistributed revenues derived from the tax levied by section 5739.02 of the Revised Code ~~remaining after any transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, of such amounts of those revenues as may be required by sections 129.55 and 129.63 of the Revised Code to be so transferred,~~ and then from the undistributed revenues derived from the taxes levied by sections 3769.08, 4301.42, 4301.43, 4305.01, 5725.18, 5727.24, 5727.38, 5729.03, 5731.02, 5731.18, 5731.19, 5733.06, 5741.02, 5743.02, and 5743.32 of the Revised Code in proportion to the amount of undistributed revenues from each such tax ~~remaining after the transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and the development bond retirement fund created by~~

~~Section 2h of Article VIII, Ohio Constitution, of such amount of those revenues as may be required by sections 129.55 and 129.63 of the Revised Code to be so transferred~~.

(D) If on presentation for payment when due of either principal or interest on obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code, there are insufficient moneys for the payment of such principal and interest, the treasurer of state shall also transfer to the public improvements bond retirement fund from the undistributed revenues referred to in division (C)~~(3)~~ of this section and in the order specified therein such additional amounts as may be required for such payments.

Sec. 133.20. (A) This section applies to bonds that are general obligation Chapter 133. securities. If the bonds are payable as to principal by provision for annual installments, the period of limitations on their last maturity, referred to as their maximum maturity, shall be measured from a date twelve months prior to the first date on which provision for payment of principal is made. If the bonds are payable as to principal by provision for semiannual installments, the period of limitations on their last maturity shall be measured from a date six months prior to the first date on which provision for payment of principal is made.

(B) Bonds issued for the following permanent improvements or for permanent improvements for the following purposes shall have maximum maturities not exceeding the number of years stated:

(1) Fifty years:

(a) The clearance and preparation of real property for redevelopment as an urban redevelopment project;

(b) Acquiring, constructing, widening, relocating, enlarging, extending, and improving a publicly owned railroad or line of railway or a light or heavy rail rapid transit system, including related bridges, overpasses, underpasses, and tunnels, but not including rolling stock or equipment.

(2) Forty years:

(a) General waterworks or water system permanent improvements, including buildings, water mains, or other structures and facilities in connection therewith;

(b) Sewers or sewage treatment or disposal works or facilities, including fireproof buildings or other structures in connection therewith;

(c) Storm water drainage, surface water, and flood prevention facilities.

(3) Thirty-five years: sports facilities.

(4) Thirty years:

(a) Municipal recreation, excluding recreational equipment;

(b) Urban redevelopment projects;

(c) Acquisition of real property;

(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.

~~(4)~~(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.

~~(5)~~(6) Fifteen years:

(a) Resurfacing roads, highways, streets, or alleys;

(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;

(c) Passenger buses used for mass transportation;

(d) Energy conservation measures as authorized by section 133.06 of the Revised Code.

~~(6)~~(7) Ten years:

(a) Water meters;

(b) Fire department apparatus and equipment;

(c) Road rollers and other road construction and servicing vehicles;

(d) Furniture, equipment, and furnishings;

(e) Landscape planting and other site improvements;

(f) Playground, athletic, and recreational equipment and apparatus;

(g) Energy conservation measures as authorized by section 307.041, 505.264, or 717.02 of the Revised Code.

~~(7)~~(8) Five years: New motor vehicles other than those described in any other division of this section and those for which provision is made in other provisions of the Revised Code.

(C) Bonds issued for any permanent improvements not within the categories set forth in division (B) of this section shall have maximum maturities of from five to thirty years as the fiscal officer estimates is the estimated life or period of usefulness of those permanent improvements. Bonds issued under section 133.51 of the Revised Code for purposes other than permanent improvements shall have ~~such~~ the maturities, not to exceed forty years, ~~as~~ that the taxing authority shall specify.

(D) Securities issued under section 505.265 or 717.07 of the Revised Code shall mature not later than December 31, 2035.

(E) A securities issue for one purpose may include permanent improvements within two or more categories under divisions (B) and (C) of this section. The maximum maturity of such a bond issue shall not exceed

the average number of years of life or period of usefulness of the permanent improvements as measured by the weighted average of the amounts expended or proposed to be expended for the categories of permanent improvements.

Sec. 135.14. (A) As used in this section~~, "treasurer~~:

(1) Treasurer" does not include the treasurer of state, and "governing board" does not include the state board of deposit.

(2) "Other obligations" includes notes whether or not issued in anticipation of the issuance of bonds.

(B) The treasurer or governing board may invest or deposit any part or all of the interim moneys. The following classifications of obligations shall be eligible for such investment or deposit:

(1) United States treasury bills, notes, bonds, or any other obligation or security issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States.

Nothing in the classification of eligible obligations set forth in division (B)(1) of this section or in the classifications of eligible obligations set forth in divisions (B)(2) to (7) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible obligations.

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, government national mortgage association, and student loan marketing association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.

(3) Interim deposits in the eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code. The award of interim deposits shall be made in accordance with section 135.09 of the Revised Code and the treasurer or the governing board shall determine the periods for which such interim deposits are to be made and shall award such interim deposits for such periods, provided that any eligible institution receiving an interim deposit award may, upon notification that the award has been made, decline to accept the interim deposit in which event the award shall be made as though the institution had not applied for such interim deposit.

(4) Bonds and other obligations of this state;

(5) No-load money market mutual funds consisting exclusively of obligations described in division (B)(1) or (2) of this section and repurchase

agreements secured by such obligations, provided that investments in securities described in this division are made only through eligible institutions mentioned in section 135.03 of the Revised Code;

(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;

(7) Up to twenty-five per cent of interim moneys available for investment in either of the following:

(a) Commercial paper notes issued by an entity that is defined in division (D) of section 1705.01 of the Revised Code and that has assets exceeding five hundred million dollars, to which notes all of the following apply:

(i) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.

(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.

(iii) The notes mature not later than one hundred eighty days after purchase.

(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and to which both of the following apply:

(i) The obligations are eligible for purchase by the federal reserve system.

(ii) The obligations mature not later than one hundred eighty days after purchase.

No investment shall be made pursuant to division (B)(7) of this section unless the treasurer or governing board has completed additional training for making the investments authorized by division (B)(7) of this section. The type and amount of additional training shall be approved by the auditor of state and may be conducted by or provided under the supervision of the auditor of state.

(C) Nothing in the classifications of eligible obligations set forth in divisions (B)(1) to (7) of this section shall be construed to authorize any investment in a derivative, and no treasurer or governing board shall invest in a derivative. For purposes of this division, "derivative" means a financial instrument or contract or obligation whose value or return is based upon or linked to another asset or index, or both, separate from the financial instrument, contract, or obligation itself. Any security, obligation, trust account, or other instrument that is created from an issue of the United States treasury or is created from an obligation of a federal agency or

instrumentality or is created from both is considered a derivative instrument. An eligible investment described in this section with a variable interest rate payment, based upon a single interest payment or single index comprised of other eligible investments provided for in division (B)(1) or (2) of this section, is not a derivative, provided that such variable rate investment has a maximum maturity of two years.

(D) Except as provided in division (E) of this section, any investment made pursuant to this section must mature within five years from the date of settlement, unless the investment is matched to a specific obligation or debt of the subdivision.

(E) The treasurer or governing board may also enter into a written repurchase agreement with any eligible institution mentioned in section 135.03 of the Revised Code or any eligible dealer pursuant to division (M) of this section, under the terms of which agreement the treasurer or governing board purchases, and such institution or dealer agrees unconditionally to repurchase any of the securities listed in divisions (B)(1) to (5), except letters of credit described in division (B)(2), of section 135.18 of the Revised Code. The market value of securities subject to an overnight written repurchase agreement must exceed the principal value of the overnight repurchase agreement by at least two per cent. A written repurchase agreement shall not exceed thirty days and the market value of securities subject to a written repurchase agreement must exceed the principal value of the written repurchase agreement by at least two per cent and be marked to market daily. All securities purchased pursuant to this division shall be delivered into the custody of the treasurer or governing board or an agent designated by the treasurer or governing board. A written repurchase agreement with an eligible securities dealer shall be transacted on a delivery versus payment basis. The agreement shall contain the requirement that for each transaction pursuant to the agreement the participating institution or dealer shall provide all of the following information:

(1) The par value of the securities;

(2) The type, rate, and maturity date of the securities;

(3) A numerical identifier generally accepted in the securities industry that designates the securities.

No treasurer or governing board shall enter into a written repurchase agreement under the terms of which the treasurer or governing board agrees to sell securities owned by the subdivision to a purchaser and agrees with that purchaser to unconditionally repurchase those securities.

(F) No treasurer or governing board shall make an investment under this

section, unless the treasurer or governing board, at the time of making the investment, reasonably expects that the investment can be held until its maturity.

(G) No treasurer or governing board shall pay interim moneys into a fund established by another subdivision, treasurer, governing board, or investing authority, if that fund was established for the purpose of investing the public moneys of other subdivisions. This division does not apply to the payment of public moneys into either of the following:

(1) The Ohio subdivision's fund pursuant to division (B)(6) of this section;

(2) A fund created solely for the purpose of acquiring, constructing, owning, leasing, or operating municipal utilities pursuant to the authority provided under section 715.02 of the Revised Code or Section 4 of Article XVIII, Ohio Constitution.

For purposes of division (G) of this section, "subdivision" includes a county.

(H) The use of leverage, in which the treasurer or governing board uses its current investment assets as collateral for the purpose of purchasing other assets, is prohibited. The issuance of taxable notes for the purpose of arbitrage is prohibited. Contracting to sell securities that have not yet been acquired by the treasurer or governing board, for the purpose of purchasing such securities on the speculation that bond prices will decline, is prohibited.

(I) Whenever, during a period of designation, the treasurer classifies public moneys as interim moneys, the treasurer shall notify the governing board of such action. The notification shall be given within thirty days after such classification and in the event the governing board does not concur in such classification or in the investments or deposits made under this section, the governing board may order the treasurer to sell or liquidate any of such investments or deposits, and any such order shall specifically describe the investments or deposits and fix the date upon which they are to be sold or liquidated. Investments or deposits so ordered to be sold or liquidated shall be sold or liquidated for cash by the treasurer on the date fixed in such order at the then current market price. Neither the treasurer nor the members of the board shall be held accountable for any loss occasioned by sales or liquidations of investments or deposits at prices lower than their cost. Any loss or expense incurred in making such sales or liquidations is payable as other expenses of the treasurer's office.

(J) If any investments or deposits purchased under the authority of this section are issuable to a designated payee or to the order of a designated payee, the name of the treasurer and the title of the treasurer's office shall be

so designated. If any such securities are registrable either as to principal or interest, or both, then such securities shall be registered in the name of the treasurer as such.

(K) The treasurer is responsible for the safekeeping of all documents evidencing a deposit or investment acquired by the treasurer under this section. Any securities may be deposited for safekeeping with a qualified trustee as provided in section 135.18 of the Revised Code, except the delivery of securities acquired under any repurchase agreement under this section shall be made to a qualified trustee, provided, however, that the qualified trustee shall be required to report to the treasurer, governing board, auditor of state, or an authorized outside auditor at any time upon request as to the identity, market value, and location of the document evidencing each security, and that if the participating institution is a designated depository of the subdivision for the current period of designation, the securities that are the subject of the repurchase agreement may be delivered to the treasurer or held in trust by the participating institution on behalf of the subdivision. Interest earned on any investments or deposits authorized by this section shall be collected by the treasurer and credited by the treasurer to the proper fund of the subdivision.

Upon the expiration of the term of office of a treasurer or in the event of a vacancy in the office of treasurer by reason of death, resignation, removal from office, or otherwise, the treasurer or the treasurer's legal representative shall transfer and deliver to the treasurer's successor all documents evidencing a deposit or investment held by the treasurer. For the investments and deposits so transferred and delivered, such treasurer shall be credited with and the treasurer's successor shall be charged with the amount of money held in such investments and deposits.

(L) Whenever investments or deposits acquired under this section mature and become due and payable, the treasurer shall present them for payment according to their tenor, and shall collect the moneys payable thereon. The moneys so collected shall be treated as public moneys subject to sections 135.01 to 135.21 of the Revised Code.

(M)(1) All investments, except for investments in securities described in divisions (B)(5) and (6) of this section and for investments by a municipal corporation in the issues of such municipal corporation, shall be made only through a member of the national association of securities dealers, through a bank, savings bank, or savings and loan association regulated by the superintendent of financial institutions, or through an institution regulated by the comptroller of the currency, federal deposit insurance corporation, or board of governors of the federal reserve system.

(2) Payment for investments shall be made only upon the delivery of securities representing such investments to the treasurer, governing board, or qualified trustee. If the securities transferred are not represented by a certificate, payment shall be made only upon receipt of confirmation of transfer from the custodian by the treasurer, governing board, or qualified trustee.

(N) In making investments authorized by this section, a treasurer or governing board may retain the services of an investment advisor, provided the advisor is licensed by the division of securities under section 1707.141 of the Revised Code or is registered with the securities and exchange commission, and possesses experience in public funds investment management, specifically in the area of state and local government investment portfolios, or the advisor is an eligible institution mentioned in section 135.03 of the Revised Code.

(O)(1) Except as otherwise provided in divisions (O)(2) and (3) of this section, no treasurer or governing board shall make an investment or deposit under this section, unless there is on file with the auditor of state a written investment policy approved by the treasurer or governing board. The policy shall require that all entities conducting investment business with the treasurer or governing board shall sign the investment policy of that subdivision. All brokers, dealers, and financial institutions, described in division (M)(1) of this section, initiating transactions with the treasurer or governing board by giving advice or making investment recommendations shall sign the treasurer's or governing board's investment policy thereby acknowledging their agreement to abide by the policy's contents. All brokers, dealers, and financial institutions, described in division (M)(1) of this section, executing transactions initiated by the treasurer or governing board, having read the policy's contents, shall sign the investment policy thereby acknowledging their comprehension and receipt.

(2) If a written investment policy described in division (O)(1) of this section is not filed on behalf of the subdivision with the auditor of state, the treasurer or governing board of that subdivision shall invest the subdivision's interim moneys only in interim deposits pursuant to division (B)(3) of this section, no-load money market mutual funds pursuant to division (B)(5) of this section, or the Ohio subdivision's fund pursuant to division (B)(6) of this section.

(3) Divisions (O)(1) and (2) of this section do not apply to a treasurer or governing board of a subdivision whose average annual portfolio of investments held pursuant to this section is one hundred thousand dollars or less, provided that the treasurer or governing board certifies, on a form

prescribed by the auditor of state, that the treasurer or governing board will comply and is in compliance with the provisions of sections 135.01 to 135.21 of the Revised Code.

(P) A treasurer or governing board may enter into a written investment or deposit agreement that includes a provision under which the parties agree to submit to nonbinding arbitration to settle any controversy that may arise out of the agreement, including any controversy pertaining to losses of public moneys resulting from investment or deposit. The arbitration provision shall be set forth entirely in the agreement, and the agreement shall include a conspicuous notice to the parties that any party to the arbitration may apply to the court of common pleas of the county in which the arbitration was held for an order to vacate, modify, or correct the award. Any such party may also apply to the court for an order to change venue to a court of common pleas located more than one hundred miles from the county in which the treasurer or governing board is located.

For purposes of this division, "investment or deposit agreement" means any agreement between a treasurer or governing board and a person, under which agreement the person agrees to invest, deposit, or otherwise manage a subdivision's interim moneys on behalf of the treasurer or governing board, or agrees to provide investment advice to the treasurer or governing board.

(Q) An investment made by the treasurer or governing board pursuant to this section prior to September 27, 1996, that was a legal investment under the law as it existed before September 27, 1996, may be held until maturity, or if the investment does not have a maturity date, it may be held until five years from September 27, 1996, regardless of whether the investment would qualify as a legal investment under the terms of this section as amended.

Sec. 145.01. As used in this chapter:

(A) "Public employee" means:

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

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

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

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

In all cases of doubt, the public employees retirement board shall determine whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C)(2) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical college, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in this division not covered by section 3307.01 or 3309.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior service" means all service as a public employee rendered before January 1, 1935, and all service as an employee of any employer who comes within the state teachers retirement system or of the school employees retirement system or of any other retirement system established under the laws of this state rendered prior to January 1, 1935, provided that if the employee claiming the service was employed in any capacity covered by that other system after that other system was established, credit for the service may be allowed by the public employees retirement system only when the employee has made payment, to be computed on the salary earned from the date of appointment to the date membership was established in the public employees retirement system, at the rate in effect at the time of payment, and the employer has made payment of the corresponding full liability as provided by section 145.44 of the Revised Code. "Prior service" also means all service credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

If an employee who has been granted prior service credit by the public employees retirement system for service rendered prior to January 1, 1935, as an employee of a board of education establishes, before retirement, one year or more of contributing service in the state teachers retirement system or school employees retirement system, then the prior service ceases to be the liability of this system.

If the board determines that a position of any member in any calendar year prior to January 1, 1935, was a part-time position, the board shall determine what fractional part of a year's credit shall be allowed by the following formula:

(1) When the member has been either elected or appointed to an office the term of which was two or more years and for which an annual salary is established, the fractional part of the year's credit shall be computed as follows:

First, when the member's annual salary is one thousand dollars or less, the service credit for each such calendar year shall be forty per cent of a year.

Second, for each full one hundred dollars of annual salary above one thousand dollars, the member's service credit for each such calendar year shall be increased by two and one-half per cent.

(2) When the member is paid on a per diem basis, the service credit for any single year of the service shall be determined by using the number of days of service for which the compensation was received in any such year as a numerator and using two hundred fifty days as a denominator.

(3) When the member is paid on an hourly basis, the service credit for

any single year of the service shall be determined by using the number of hours of service for which the compensation was received in any such year as a numerator and using two thousand hours as a denominator.

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code.

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

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's prior service credit; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. In addition, "total service credit" includes any period, not in excess of three years, during which a member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system.

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

(3) Where a member also is a member of the state teachers retirement system or the school employees retirement system, or both, except in cases of retirement on a combined basis pursuant to section 145.37 of the Revised

Code, service credit for any period shall be credited on the basis of the ratio that contributions to the public employees retirement system bear to total contributions in all state retirement systems.

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

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

(I) "Regular or current interest" means interest at any rates for the respective funds and accounts as the public employees retirement board may determine from time to time, except as follows:

(1) Subsequent to December 31, 1958, the retirement board shall discontinue the annual crediting of current interest to the individual accounts of contributors. The noncrediting of current interest shall not affect the rate of interest at retirement guaranteed under division (I) of this section.

(2) The rate of interest credited on a contributor's contributions at retirement shall be four per cent per annum, compounded annually, to and including December 31, 1955; three per cent per annum, compounded annually, from January 1, 1956, to and including December 31, 1963; three and one-quarter per cent per annum, compounded annually, from January 1, 1964, to and including December 31, 1969; and thereafter four per cent per annum, compounded annually.

In determining the reserve value for the purpose of computing the amount of the contributor's annuity, the rate of interest used in the annuity values shall be four per cent per annum, compounded annually, for contributors retiring before October 1, 1956, and after December 31, 1969; three per cent per annum, compounded annually, for contributors retiring between October 1, 1956, and December 31, 1963; and three and one-quarter per cent per annum, compounded annually, for contributors retiring from January 1, 1964, to December 31, 1969. Interest on contributions from contributors within any one calendar year shall begin on the first day of the calendar year next following and shall be computed at the end of each calendar year, except in the case of a contributor who retires before the end of the year.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's individual account in the employees' savings fund together with any current interest thereon, but does not include the interest adjustment at retirement.

(K)(1) "Final average salary" means the quotient obtained by dividing by three the sum of the three full calendar years of contributing service in which the member's earnable salary was highest, except that if the member

has a partial year of contributing service in the year the member's employment terminates and the member's earnable salary for the partial year is higher than for any comparable period in the three years, the member's earnable salary for the partial year shall be substituted for the member's earnable salary for the comparable period during the three years in which the member's earnable salary was lowest.

(2) If a member has less than three years of contributing service, the member's final average salary shall be the member's total earnable salary divided by the total number of years, including any fraction of a year, of the member's contributing service.

(3) For the purpose of calculating benefits payable to a member qualifying for service credit under division (Z) of this section, "final average salary" means the total earnable salary on which contributions were made divided by the total number of years during which contributions were made, including any fraction of a year. If contributions were made for less than twelve months, "final average salary" means the member's total earnable salary.

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

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

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

(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.

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

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

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

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are

credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.

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

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

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for full maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to divisions (K)(3) and (Y) of this section.

(2) "Earnable salary" does not include any of the following:

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;

(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage,

or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;

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

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

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

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

(g) Payments made under division (B) or (D) of section 5923.05 of the Revised Code or Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly;

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

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

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

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

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

(T)(1) "Contributing service" means all service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed by the

following formula:

(a) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit.

(b) For each month for which the member's earnable salary is less than two hundred fifty dollars, allow a fraction of a month's credit. The numerator of this fraction shall be the earnable salary during the month, and the denominator shall be two hundred fifty dollars, except that if the member's annual earnable salary is less than six hundred dollars, the member's credit shall not be reduced below twenty per cent of a year for a calendar year of employment during which the member worked each month. Division (T)(1)(b) of this section shall not reduce any credit earned before January 1, 1985.

(2) Notwithstanding division (T)(1) of this section, an elected official who prior to January 1, 1980, was granted a full year of credit for each year of service as an elected official shall be considered to have earned a full year of credit for each year of service regardless of whether the service was full-time or part-time. The public employees retirement board has no authority to reduce the credit.

(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.34, and 145.46 of the Revised Code.

(W) "Employer contribution" means the amount paid by an employer as determined by the employer rate including the normal and deficiency contribution rates.

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) When a member has been elected or appointed to an office, the term of which is two or more years, for which an annual salary is established, and in the event that the salary of the office is increased and the member is denied the additional salary by reason of any constitutional provision prohibiting an increase in salary during a term of office, the member may elect to have the amount of the member's contributions calculated upon the basis of the increased salary for the office. At the member's request, the board shall compute the total additional amount the member would have contributed, or the amount by which each of the member's contributions would have increased, had the member received the increased salary for the

office the member holds. If the member elects to have the amount by which the member's contribution would have increased withheld from the member's salary, the member shall notify the employer, and the employer shall make the withholding and transmit it to the retirement system. A member who has not elected to have that amount withheld may elect at any time to make a payment to the retirement system equal to the additional amount the member's contribution would have increased, plus interest on that contribution, compounded annually at a rate established by the board and computed from the date on which the last contribution would have been withheld from the member's salary to the date of payment. A member may make a payment for part of the period for which the increased contribution was not withheld, in which case the interest shall be computed from the date the last contribution would have been withheld for the period for which the payment is made. Upon the payment of the increased contributions as provided in this division, the increased annual salary as provided by law for the office for the period for which the member paid increased contributions thereon shall be used in determining the member's earnable salary for the purpose of computing the member's final average salary.

(Z) "Five years of service credit," for the exclusive purpose of satisfying the service credit requirements and of determining eligibility for benefits under section 145.33 of the Revised Code, means employment covered under this chapter or under a former retirement plan operated, recognized, or endorsed by the employer prior to coverage under this chapter or under a combination of the coverage.

(AA) "Deputy sheriff" means any person who is commissioned and employed as a full-time peace officer by the sheriff of any county, and has been so employed since on or before December 31, 1965, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state; or any person deputized by the sheriff of any county and employed pursuant to section 2301.12 of the Revised Code as a criminal bailiff or court constable who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this

state.

(BB) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.

(CC) "Drug agent" means any person who is either of the following:

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

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

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

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

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

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

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

(II) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13

of the Revised Code and is in compliance with section 109.77 of the Revised Code.

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

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

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

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

(NN) "Ohio veterans' home police officer" means any person who is employed at the Ohio veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.14 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

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

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

(RR) "Hamilton county municipal court bailiff" means a person appointed by the clerk of courts of the Hamilton county municipal court under division (A)(3) of section 1901.32 of the Revised Code who is employed full-time as a bailiff or deputy bailiff, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by division (C) of section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, to

protect life and property, and to enforce the laws of this state.

(SS) Notwithstanding section 2901.01 of the Revised Code, "law enforcement officer" means a sheriff, deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, Ohio veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, state university law enforcement officer, Hamilton county municipal court bailiff, or municipal police officer.

(TT) "Fiduciary" means a person who does any of the following:

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

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

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

(UU) "Actuary" means an individual who satisfies all of the following requirements:

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

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

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

Sec. 145.015. As used in this section, "county historical society" means a private, non-profit organization exempt from federal income taxation pursuant to section 501 (a) and (c)(3) of the Internal Revenue Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, that collects, preserves, and interprets the historical physical and intellectual resources of a county.

An administrative employee of a county historical society who is a contributor on the effective date of this section may elect to remain a contributing member of the public employees retirement system by giving notice to the system not later than ninety days after the effective date of this section. The election once made is irrevocable.

Sec. 149.32. (A) The Ohio bicentennial commission, created by division (B) of this section, shall do all of the following:

(1) Promote, encourage, and coordinate the celebration and commemoration of the bicentennial anniversary of ~~Ohio's~~ this state's

on to the union;

(2) Determine if there are sites within the state that are especially appropriate for the bicentennial celebration and ensure that appropriate observances and exhibits are held at ~~such~~ those sites during the bicentennial celebration;

(3) Receive any proposed plans and programs that may be submitted to it by political subdivisions and representative civic bodies in connection with the bicentennial celebrations;

(4) Submit to the governor, the Ohio historical society, and the members of the general assembly, at the earliest practical time, its recommendations for the bicentennial celebration.

(B)(1) There is hereby created the Ohio bicentennial commission. The commission shall consist of fifty-one members. The commission shall include and be guided by a sixteen-member executive committee. A vacancy on either the executive committee or the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The commission members shall be appointed by the governor except as otherwise provided in divisions (B)(1)(a) to ~~(8)~~(h) of this section. ~~The~~

The executive committee shall consist of the following:

~~(1)~~(a) The governor or ~~his~~ the governor's representative;

~~(2)~~(b) Two members of the senate appointed by the president of the senate, not more than one of whom is a member of the same political party;

~~(3)~~(c) Two members of the house of representatives appointed by the speaker of the house of representatives, not more than one of whom is a member of the same political party;

~~(4)~~(d) The superintendent of public instruction;

~~(5)~~(e) The director of development;

~~(6)~~(f) The director of the Ohio historical society;

~~(7)~~(g) The chief justice of the supreme court or ~~his~~ the chief justice's representative;

~~(8)~~(h) The ~~chairman~~ chairperson of the capitol square review and advisory board;

~~(9)~~(i) Six other residents of this state appointed by the governor, at least one of whom shall be a representative of a state university named in section 3345.011 of the Revised Code. ~~The~~

(2) The executive committee shall select a ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the commission from among the members of the executive committee~~, and~~.

(3) The executive committee shall recommend to the governor

thirty-five persons for appointment as commission members. The governor may appoint any person so recommended. No person not recommended by the executive committee is eligible for appointment to the commission.

(C)(1) The members of the executive committee who the governor appoints under division (B)(1)(i) of this section are entitled to receive an annual compensation in the amount of three thousand dollars for carrying out their official duties as members of the executive committee if those members attend at least two-thirds of the meetings of the executive committee in a given calendar year. These executive committee members also shall be reimbursed for their actual and necessary expenses incurred in carrying out their official duties.

(2) The members of the executive committee referred to in divisions (B)(1)(a) to (h) of this section and the members of the commission referred to in division (B)(3) of this section shall serve without any additional compensation, but shall be reimbursed for their actual and necessary expenses incurred in carrying out their official duties as executive committee members or commission members.

(3) If the chairperson or vice-chairperson of the commission selected pursuant to division (B)(2) of this section is among the members of the executive committee whom the governor appoints under division (B)(1)(i) of this section, the chairperson or vice-chairperson is entitled to receive the annual compensation prescribed by, as well as actual and necessary expense reimbursements as authorized by, division (C)(1) of this section. if the chairperson or vice-chairperson of the commission selected pursuant to division (B)(2) of this section is not among the members of the executive committee whom the governor appoints under division (B)(1)(i) of this section, the chairperson or vice-chairperson is not entitled to receive any additional compensation for the carrying out of the chairperson's or vice-chairperson's official duties as an executive committee member, as a member of the commission, or as an officer of the commission, but shall be reimbursed for the chairperson's or vice-chairperson's actual and necessary expenses incurred in carrying out those official duties.

(D) The director of the Ohio historical society shall serve as secretary of the commission. ~~All officers and members of the commission shall serve without additional compensation, but shall be reimbursed for the actual and necessary expenses they incur in carrying out their official duties on behalf of the commission.~~ The Ohio historical society and the department of development shall jointly provide staff, supplies, and equipment needed by the commission. The commission may accept gifts and donations of money, property, and personal services to carry out its duties under this section. The

commission may seek appropriations from the state and call upon any other state departments or agencies for their advice and assistance in carrying out the purposes of this section. The Ohio historical society shall maintain financial records regarding the commission's income and expenditures.

Sec. 149.43. (A) As used in this section:

(1) "Public record" means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that "public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 5101.313 of the Revised Code, the division of child support in the department or a child support enforcement agency;

(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of ~~human~~ job and family

services pursuant to section 5101.312 of the Revised Code;

(p) Peace officer residential and familial information;

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(s) Records the release of which is prohibited by state or federal law.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic,

technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer residential and familial information" means information that discloses any of the following:

(a) The address of the actual personal residence of a peace officer, except for the state or political subdivision in which the peace officer resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer by the peace officer's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's employer from the peace officer's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer.

As used in divisions (A)(7) and (B)(5) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code, except that "peace officer" does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

(B)(1) Subject to division (B)(4) of this section, all public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(4) of this section, upon request, a public office or person responsible for public

records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices shall maintain public records in a manner that they can be made available for inspection in accordance with this division.

(2) If any person chooses to obtain a copy of a public record in accordance with division (B)(1) of this section, the public office or person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy.

(3) Upon a request made in accordance with division (B)(1) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage and other supplies used in the mailing.

Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

In any policy and procedures adopted under this division, a public office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(4) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any

public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(5) Upon written request made and signed by a journalist on or after ~~the effective date of this amendment~~ December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer shall disclose to the journalist the address of the actual personal residence of the peace officer and, if the peace officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

As used in division (B)(5) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C) If a person allegedly is aggrieved by the failure of a public office to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section, or if a person who has requested a copy of a public record allegedly is aggrieved by the failure of a public office or the person responsible for the public record to make a copy available to the person allegedly aggrieved in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section and that awards reasonable attorney's fees to the person that instituted the mandamus action. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this

section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in divisions (B)(3) and (E)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or data base by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (E)(1) and (2) of this section, "commercial surveys, marketing, solicitation, or resale" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Sec. 151.01. (A) As used in sections 151.01 to 151.08 of the Revised Code and in the applicable bond proceedings unless otherwise provided:

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

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

(3) "Capital facilities" means capital facilities or projects as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code.

(4) "Costs of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, and of the financing of those costs. "Costs of capital facilities" includes, without limitation, and in addition to costs referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code, the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the issuing authority, costs of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, financing costs, interest on obligations from their date to the time when interest is to be paid from sources other than proceeds of obligations, amounts necessary to establish any reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by or borrowed from any person or governmental agency or entity for the payment of any item of costs of capital facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing of those costs, and the placing of the capital facilities in use and operation, including any one, part of, or combination of those classes of costs and expenses.

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

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

(7) "Issuing authority" means the Ohio public facilities commission created in section 151.02 of the Revised Code for obligations issued under section 151.03, 151.04, 151.05, or 151.07 of the Revised Code, or the treasurer of state, or the officer who by law performs the functions of that office, for obligations issued under section 151.06 or 151.08 of the Revised Code.

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

(9) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any appertaining interest coupons, issued pursuant to sections 151.01 to 151.08 of the Revised Code.

(10) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the amount on which interest or interest equivalent on particular obligations is initially calculated. Principal amount does not include any premium paid to the state by the initial purchaser of the obligations.

(11) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. Special funds do not include the school building program assistance fund created by section 3318.25 of the Revised Code, the higher education improvement fund created by division (F) of section 154.21 of the Revised Code, the highway capital improvement bond fund created by section 5528.53 of the Revised Code, the state parks and natural resources fund created by section 1557.02 of the Revised Code, the coal research and development fund created by section 1555.15 of the Revised Code, or other funds created by

the bond proceedings that are not stated by those proceedings to be special funds.

(B) Subject to section 2l, 2m, 2n, or 15, and Section 17 of Article VIII, Ohio Constitution, the state, by the issuing authority, is authorized to issue and sell, as provided in sections 151.03 to 151.08 of the Revised Code, and in respective aggregate principal amounts as from time to time provided or authorized by the general assembly, general obligations of this state for the purpose of paying costs of capital facilities or projects identified by or pursuant to general assembly action.

(C) Each issue of obligations shall be authorized by resolution or order of the issuing authority. The bond proceedings shall provide for or authorize the manner for determining the principal amount or maximum principal amount of obligations of an issue, the principal maturity or maturities, the interest rate or rates, the date of and the dates of payment of interest on the obligations, their denominations, and the place or places of payment of debt service which may be within or outside the state. Unless otherwise provided by law, the latest principal maturity may not be later than the earlier of the thirty-first day of December of the twenty-fifth calendar year after the year of issuance of the particular obligations or of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to obligations. The purpose of the obligations may be stated in the bond proceedings in general terms, such as, as applicable, "financing or assisting in the financing of projects as provided in Section 2l of Article VIII, Ohio Constitution," "financing or assisting in the financing of highway capital improvement projects as provided in Section 2m of Article VIII, Ohio Constitution," "paying costs of capital facilities for a system of common schools throughout the state as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of capital facilities for state-supported and state-assisted institutions of higher education as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of coal research and development as authorized by Section 15 of Article VIII, Ohio Constitution," or "financing or assisting in the financing of local subdivision capital improvement projects as authorized by Section 2m of Article VIII, Ohio Constitution."

(D) The issuing authority may appoint or provide for the appointment of paying agents, bond registrars, securities depositories, clearing corporations, and transfer agents, and may without need for any other approval retain or contract for the services of underwriters, investment bankers, financial advisers, accounting experts, marketing, remarketing, indexing, and

administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the issuing authority to carry out its functions under Chapter 151. of the Revised Code. When the issuing authority is the Ohio public facilities commission, the issuing authority also may without need for any other approval retain or contract for the services of attorneys and other professionals for that purpose. Financing costs are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose.

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

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

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

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of sections 151.01 to 151.08 of the Revised Code with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.

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

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

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

(7) The rights and remedies of the holders or owners of obligations or of

book-entry interests in them, and of third parties under any credit enhancement facility, and provisions for protecting and enforcing those rights and remedies, including limitations on rights of individual holders or owners;

(8) The replacement of mutilated, destroyed, lost, or stolen obligations;

(9) The funding, refunding, or advance refunding, or other provision for payment, of obligations that will then no longer be outstanding for purposes of this section or of the applicable bond proceedings;

(10) Amendment of the bond proceedings;

(11) Any other or additional agreements with the owners of obligations, and such other provisions as the issuing authority determines, including limitations, conditions, or qualifications, relating to any of the foregoing.

(F) The great seal of the state or a facsimile of it may be affixed to or printed on the obligations. The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings. Any obligations may be signed by the individual who on the date of execution is the authorized signer although on the date of these obligations that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery.

(G) Obligations are investment securities under Chapter 1308. of the Revised Code. Obligations may be issued in bearer or in registered form, registrable as to principal alone or as to both principal and interest, or both, or in certificated or uncertificated form, as the issuing authority determines. Provision may be made for the exchange, conversion, or transfer of obligations and for reasonable charges for registration, exchange, conversion, and transfer. Pending preparation of final obligations, the issuing authority may provide for the issuance of interim instruments to be exchanged for the final obligations.

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

(I) Except to the extent that rights are restricted by the bond proceedings, any owner of obligations or provider of a credit enhancement facility may by any suitable form of legal proceedings protect and enforce any rights relating to obligations or that facility under the laws of this state or granted by the bond proceedings. Those rights include the right to compel the performance of all applicable duties of the issuing authority and the

te. Each duty of the issuing authority and that authority's officers, staff, and employees, and of each state entity or agency, or using district or using institution, and its officers, members, staff, or employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the entity or individual having authority to perform that duty, specifically enjoined by law and resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The individuals who are from time to time the issuing authority, members or officers of the issuing authority, or those members' designees acting pursuant to section 154.02 of the Revised Code, or the issuing authority's officers, staff, or employees, are not liable in their personal capacities on any obligations or otherwise under the bond proceedings.

(J)(1) Subject to section 2l, 2m, 2n, or 15, and Section 17, of Article VIII, Ohio Constitution and sections 151.01 to 151.08 of the Revised Code, the issuing authority may, in addition to the authority referred to in division (B) of this section, authorize and provide for the issuance of:

(a) Obligations in the form of bond anticipation notes, and may provide for the renewal of those notes from time to time by the issuance of new notes. The holders of notes or appertaining interest coupons have the right to have debt service on those notes paid solely from the moneys and special funds that are or may be pledged to that payment, including the proceeds of bonds or renewal notes or both, as the issuing authority provides in the bond proceedings authorizing the notes. Notes may be additionally secured by covenants of the issuing authority to the effect that the issuing authority and the state will do all things necessary for the issuance of bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide moneys to pay when due the debt service on the notes, and apply their proceeds to the extent necessary, to make full and timely payment of debt service on the notes as provided in the applicable bond proceedings. In the bond proceedings authorizing the issuance of bond anticipation notes the issuing authority shall set forth for the bonds anticipated an estimated schedule of annual principal payments the latest of which shall be no later than provided in division (C) of this section. While the notes are outstanding there shall be deposited, as shall be provided in the bond proceedings for those notes, from the sources authorized for payment of debt service on the bonds, amounts sufficient to pay the principal of the bonds anticipated as set forth in that estimated schedule during the time the notes are outstanding, which amounts shall be used solely to pay the principal of those notes or of the bonds anticipated.

(b) Obligations for the refunding, including funding and retirement, and

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

(2) Except as otherwise provided in sections 151.01 to 151.08 of the Revised Code, bonds or notes authorized pursuant to division (J) of this section are subject to the provisions of those sections pertaining to obligations generally.

(3) The principal amount of refunding or renewal obligations issued pursuant to division (J) of this section shall be in addition to the amount authorized by the general assembly as referred to in division (B) of the following sections: section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code.

(K) Obligations are lawful investments for banks, savings and loan associations, credit union share guaranty corporations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of the state and political subdivisions and taxing districts of this state, the sinking fund, the administrator of workers' compensation subject to the approval of the workers' compensation board, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant to those provisions by any state agency with respect to investments by them, and are also acceptable as security for the repayment of the deposit of public moneys. The exemptions from taxation in Ohio as provided for in particular sections of the Ohio Constitution and section 5709.76 of the Revised Code apply to the obligations.

(L)(1) Unless otherwise provided or provided for in any applicable bond

proceedings, moneys to the credit of or in a special fund shall be disbursed on the order of the issuing authority. No such order is required for the payment, from the bond service fund or other special fund, when due of debt service or required payments under credit enhancement facilities.

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

(M) The full faith and credit, revenue, and taxing power of the state are and shall be pledged to the timely payment of debt service on outstanding obligations as it comes due, all in accordance with Section 2l, 2m, 2n, or 15 of Article VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code. Moneys referred to in Section 5a of Article XII, Ohio Constitution, may not be pledged or used for the payment of debt service except on obligations referred to in section 151.06 of the Revised Code. The state covenants, and that covenant shall be controlling notwithstanding any other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, shall, so long as any obligations are outstanding in accordance with their terms, maintain statutory authority for and cause to be levied, collected and applied sufficient pledged excises, taxes, and revenues of the state so that the revenues shall be sufficient in amounts to pay debt service when due, to establish and maintain any reserves and other requirements, and to pay financing costs, including costs of or relating to credit enhancement facilities, all as provided for in the bond proceedings. Those excises, taxes, and revenues are and shall be deemed to be levied and collected, in addition to the purposes otherwise provided for by law, to provide for the payment of debt service and financing costs in accordance with sections 151.01 to 151.08 of the Revised Code and the bond proceedings.

(N) The general assembly may from time to time repeal or reduce any excise, tax, or other source of revenue pledged to the payment of the debt service pursuant to Section 2l, 2m, 2n, or 15 of Article VIII, Ohio Constitution, and sections 151.01 to 151.08 of the Revised Code, and may levy, collect and apply any new or increased excise, tax, or revenue to meet the pledge, to the payment of debt service on outstanding obligations, of the state's full faith and credit, revenue and taxing power, except fees, excises or taxes referred to in Section 5a of Article XII, Ohio Constitution, for other than obligations referred to in section 151.05 of the Revised Code and except net state lottery proceeds for other than obligations referred to in section 151.03 of the Revised Code. Nothing in division (N) of this section

authorizes any impairment of the obligation of this state to levy and collect sufficient excises, taxes, and revenues to pay debt service on obligations outstanding in accordance with their terms.

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

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

(Q) The issuing authority shall by the fifteenth day of the July of each fiscal year, certify or cause to be certified to the office of budget and management the total amount of moneys required during the current fiscal year to meet in full all debt service on the respective obligations and any related financing costs payable from the applicable bond service fund and not from the proceeds of refunding or renewal obligations. The issuing authority shall make or cause to be made supplemental certifications to the office of budget and management for each debt service payment date and at such other times during each fiscal year as may be provided in the bond proceedings or requested by that office. Debt service, costs of credit enhancement facilities, and other financing costs shall be set forth separately in each certification. If and so long as the moneys to the credit of the bond service fund, together with any other moneys available for the purpose, are insufficient to meet in full all payments when due of the amount required as stated in the certificate or otherwise, the office of budget and management shall at the times as provided in the bond proceedings, and consistent with any particular provisions in sections 151.03 to 151.08 of the Revised Code, transfer a sufficient amount to the bond service fund from the revenues derived from excises, taxes, and other revenues, including net state lottery proceeds in the case of obligations referred to in section 151.03 of the Revised Code.

(R) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of special funds may be invested by or on behalf of the

state only in one or more of the following:

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

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

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

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

The income from investments referred to in division (R) of this section shall, unless otherwise provided in sections 151.01 to 151.08 of the Revised Code, be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.

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

Sec. 151.02. (A) Pursuant to the powers granted to the general assembly under Article VIII, Ohio Constitution, to authorize the issuance of obligations, and pursuant to other authority vested in the general assembly, there is hereby created a body, both corporate and politic, constituting an agency and instrumentality of the state of Ohio and performing essential functions of the state, to be known as the "Ohio public facilities commission," which in that name may contract and be contracted with, sue and be sued, and exercise all other authority vested in that commission by sections 151.01 to 151.05 and 151.07 and Chapter 154. of the Revised Code.

(B) The commission shall consist of, in each case ex officio, the governor, the treasurer of state, the auditor of state, the secretary of state, the attorney general, and the director of budget and management. The governor shall serve as the chairman of the commission, the director of budget and management shall serve as its secretary, and the commission shall have such other officers as it determines, who may but need not be members of the commission. Four members of the commission constitute a quorum and the affirmative vote of four members is necessary for any action taken by vote of the commission. No vacancy in the membership of the commission shall

impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the commission. Each of the state officers above identified may designate an employee or officer of that officer's office to attend meetings of the commission when that officer is absent or unable for any reason to attend and that designee, when present, shall be counted in determining whether a quorum is present at any meeting and may vote and participate in all proceedings and actions of the commission. A designee may not execute or cause a facsimile signature to be placed on any obligation. That designation shall be in writing, executed by the designating member, and be filed with the secretary of the commission. A designation may be changed from time to time by a similar written designation. The commission may delegate to such of its members, officers, or employees as it determines those powers and duties as it deems appropriate. No member of the commission or designee shall, by reason of being or serving as a member of the commission, be required to abstain from action in any other capacity as an incumbent of a state office or position or from any action as a member of the commission in any matter affecting or in any way pertaining to both that office or position and the commission, or for any purpose be deemed to be disqualified from either such office or position or as a member of the commission by reason of so acting or to have violated any law by reason thereof. The commission may adopt and alter bylaws and rules for the conduct of its affairs, including provisions for meetings, and for the manner, subject to this chapter and Chapter 154. of the Revised Code, in which its powers and functions are to be exercised and embodied and may adopt and alter at will an official seal to be affixed to official documents, provided that the failure to affix any such seal shall not affect the legality of such documents. Members of the commission shall receive no added compensation for their services as such members but may be reimbursed, as determined by the commission, for their necessary and actual expenses incurred in the conduct of the commission's business.

(C) In connection with the exercise of its powers pursuant to this chapter, the commission may enter into contracts and execute all instruments necessary or incidental to the performance of the commission's duties and the execution of the authority's powers and do all other acts necessary or proper to the fulfillment of the commission's purposes and to carry out the powers expressly granted in this chapter.

Sec. 151.03. This section applies to obligations as defined in this section.

(A) As used in this section:

(1) "Costs of capital facilities" includes related direct administrative

expenses and allocable portions of direct costs of the using school district and the Ohio school facilities commission.

(2) "Net state lottery proceeds" means the amount determined by the director of budget and management to be an excess amount to the credit of the state lottery fund and to be transferred to the lottery profits education fund, and moneys from time to time in the lottery profits education fund, all as provided for and referred to in section 3770.06 of the Revised Code.

(3) "Ohio school facilities commission" and "school district" have the same meanings as in section 3318.01 of the Revised Code.

(4) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of capital facilities for a system of common schools throughout the state.

(5) "Using school district" means the school district, or two or more school districts acting jointly, that are the ultimate users of the capital facilities for a system of common schools financed with net proceeds of obligations.

(B) The issuing authority shall issue obligations to pay costs of capital facilities for a system of common schools throughout the state pursuant to Section 2n of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. The issuing authority, upon the certification by the Ohio school facilities commission to it of the amount of moneys needed in the school building program assistance fund created by section 3318.25 of the Revised Code for purposes of that fund, shall issue obligations in the amount determined to be required by the issuing authority.

(C) Net proceeds of obligations shall be deposited into the school building program assistance fund created by section 3318.25 of the Revised Code.

(D) There is hereby created in the state treasury the "common schools capital facilities bond service fund." All moneys received by the state and required by the bond proceedings, consistent with sections 151.01 and 151.03 of the Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable

from the proceeds of renewal notes or bonds anticipated) and due in the particular fiscal year, a sufficient amount of revenues of the state, including net state lottery proceeds, is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

Sec. 151.04. This section applies to obligations as defined in this section.

(A) As used in this section:

(1) "Costs of capital facilities" include related direct administrative expenses and allocable portions of direct costs of the using institution.

(2) "Obligations" means obligations as defined in section 154.30 of the Revised Code issued to pay costs of capital facilities for state-supported or state-assisted institutions of higher education.

(3) "State-supported or state-assisted institutions of higher education" means a state university or college, or community college district, technical college district, university branch district, or state community college, or other institution for education, including technical education, beyond the high school, receiving state support or assistance for its expenses of operation. "State university or college" means each of the state universities identified in section 3345.011 of the Revised Code, the northeastern Ohio universities college of medicine, and the medical college of Ohio at Toledo.

(4) "Using institution" means the state-supported or state-assisted institution of higher education, or two or more institutions acting jointly, that are the ultimate users of capital facilities for state-supported and state-assisted institutions of higher education financed with net proceeds of obligations.

(B) The issuing authority shall issue obligations to pay costs of capital facilities for state-supported and state-assisted institutions of higher education pursuant to Section 2n of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section.

(C) Net proceeds of obligations shall be deposited into the higher education improvement fund created by division (F) of section 154.21 of the Revised Code.

(D) There is hereby created in the state treasury the "higher education capital facilities bond service fund." All moneys received by the state and required by the bond proceedings, consistent with sections 151.01 and 151.04 of the Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond

proceedings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated) and due in the particular fiscal year, a sufficient amount of revenues of the state is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

Sec. 151.05. This section applies to obligations as defined in this section.

(A) As used in this section:

(1) "Capital facilities" means any project or capital improvements for any of the following: state and local parks and land and water recreation facilities; soil and water restoration and protection; land management, including preservation of natural areas and reforestation; water management, including dam safety, stream and lake management, and flood control and flood damage reduction; fish and wildlife resource management; and any other improvements that enhance the use and enjoyment of natural resources by individuals.

(2) "Costs of capital facilities" include related direct administrative expenses and allocable portions of direct costs of the Ohio department of natural resources.

(3) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of capital facilities.

(B) The issuing authority shall issue obligations to pay costs of capital facilities pursuant to Section 2l of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. The total principal amount of obligations outstanding at any one time shall not exceed two hundred million dollars, and not more than fifty million dollars in principal amount of obligations to pay costs of capital facilities may be issued in any fiscal year, all determined as provided in section 151.01 of the Revised Code and this section.

(C) Net proceeds of obligations shall be deposited into the Ohio parks and natural resources fund created by section 1557.02 of the Revised Code.

(D) There is hereby created in the state treasury the "natural resources projects bond service fund." All moneys received by the state and required by the bond proceedings, consistent with sections 151.01 and 151.05 of the

Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated) and due in the particular fiscal year, a sufficient amount of revenues of the state is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

Sec. 151.06. This section applies to obligations as defined in this section.

(A) As used in this section:

(1) "Capital facilities" or "projects" means highway capital improvements, which shall be limited to highways, including those on the state highway system and urban extensions thereof, those within or leading to public parks or recreation areas, and those within or leading to municipal corporations.

(2) "Costs of capital facilities" include related direct administrative expenses and allocable portions of direct costs of the Ohio department of transportation.

(3) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of capital facilities.

(B) The issuing authority shall issue obligations to pay costs of capital facilities and projects pursuant to Section 2m of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. Not more than two hundred twenty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal years could have been, but were not, issued within that two-hundred-twenty-million dollar fiscal year limit, may be issued in any fiscal year, and not more than one billion two hundred million dollars principal amount of obligations may be outstanding at any one time, all determined as provided in section 151.01 of the Revised Code and this section.

(C) Net proceeds of obligations shall be deposited into the highway capital improvement fund created by section 5528.53 of the Revised Code.

(D) There is hereby created in the state treasury the "highway capital

improvement bond service fund." All moneys received by the state and required by the bond proceedings, consistent with sections 151.01 and 151.06 of the Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated) and due in the particular fiscal year, a sufficient amount of revenues of the state, including those referred to in Section 5a of Article XII, Ohio Constitution, is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due. In each year that moneys referred to in Section 5a of Article XII, Ohio Constitution, pledged to the payment of bond service charges on obligations issued pursuant to this section are available for that purpose, those moneys shall be appropriated thereto and the required application of any other excises, taxes, and revenues shall be reduced in corresponding amount.

(E) The issuing authority may authorize and enter into agreements regarding the issuance of obligations, and may authorize the issuance of those obligations pursuant to such agreements, within amounts authorized from time to time by the general assembly, in support of and in combination with the issuance of infrastructure project obligations pursuant to section 5531.10 of the Revised Code for the purpose of assisting in the financing of projects, all in accordance with Section 2m of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section except as otherwise provided in division (E) of this section. Any agreement authorized and entered into under this division (E) may be irrevocable and may contain such other terms and conditions as shall be approved by the issuing authority consistent with this section and section 151.01 of the Revised Code.

The principal amount of obligations at the time authorized by the issuing authority to be issued pursuant to division (E) of this section shall be included in the fiscal year limitation provided for in division (B) of this section for the fiscal year in which the authorization occurs and shall also be

included in the maximum principal amount which may be outstanding at any one time under division (B) of this section until such time as the related infrastructure project obligations are no longer outstanding. The issuing authority shall covenant with the holders of the related infrastructure project obligations issued in combination with obligations under division (E) of this section that the obligations that may be issued under division (E) of this section shall not exceed the limits set forth in this section, and such covenant may be enforced as provided in division (I) of section 151.01 of the Revised Code.

Except as otherwise provided in division (E) of this section, section 151.01 of the Revised Code applies to obligations authorized under this section.

The bond proceedings for obligations issued under division (E) of this section may provide that the sale proceeds of the obligations shall be deposited in a special fund and used to pay bond service charges on the infrastructure project obligations or that those obligations, which need not be interest-bearing, may be deposited with the trustee for the infrastructure project obligations, in either case in exchange for an assignment of all or part of the revenues to be received by the trustee for payment of bond service charges on those infrastructure project obligations.

Any agreement authorized and delivered under division (E) of this section in combination with infrastructure project obligations shall be presumed to be in conformity with all legal requirements, and its terms and provisions shall be incontestable unless otherwise challenged in the manner referred to in division (B) of section 133.02 of the Revised Code prior to the delivery of the related infrastructure project obligations.

Sec. 151.07. This section applies to obligations as defined in this section.

(A) As used in this section:

(1) "Costs of capital facilities" or "costs of projects" includes related direct administrative expenses and allocable portions of direct costs of the Ohio coal development office, the cost of demolishing or removing any buildings or structures on land acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery, furnishings, and equipment, surveys, estimates of cost and revenues, working capital, other expenses necessary to determining the feasibility or practicability of acquiring or constructing such project, and such other expense as may be necessary to the acquisition or construction of the project, the financing of such acquisition or construction, and the financing of the placing of such project in operation. Any obligation, cost, or

expense incurred by any person or educational or scientific institution for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the acquisition or construction of a project may be regarded as a part of the cost of that project.

(2) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of projects.

(3) "Project" means any coal research and development, or any coal research and development facility, both as defined in section 1555.01 of the Revised Code, including undivided or other interests, acquired or to be acquired, constructed or to be constructed, or operating or to be operated by a person doing business in this state or by an educational or scientific institution located in this state with all or a part of the cost of the project being paid from a loan or grant from the Ohio coal development office or a loan guaranteed by the office under Chapter 1555. of the Revised Code, including all buildings and facilities that the office determines necessary for the operation of the project, together with all property, rights, easements, and interests that may be required for the operation of the project.

(B) The issuing authority shall issue obligations to pay costs of projects pursuant to Section 15 of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section upon certification by the director of the Ohio coal development office of the amount of moneys or additional moneys needed in the coal research and development fund for the purpose of making grants or loans for allowable costs of projects, or needed for capitalized interest, for funding reserves, or providing moneys for loan guarantees. Such obligations may be issued to the extent necessary to satisfy the covenants in contracts of guarantee made under section 1555.05 of the Revised Code to issue obligations to meet such guarantees, notwithstanding limitations otherwise applicable to the issuance of obligations under this section except the one-hundred-million-dollar limitation provided in Section 15 of Article VIII, Ohio Constitution.

(C) Net proceeds of obligations shall be deposited into the coal research and development fund created by section 1555.15 of the Revised Code.

(D) There is hereby created in the state treasury the "coal research and development bond service fund." All moneys received by the state and required by the bond proceedings, consistent with sections 151.01 and 151.07 of the Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond

dings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated) and due in the particular fiscal year, a sufficient amount of revenues of the state is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

Sec. 151.08. This section applies to obligations as defined in this section.

(A) As used in this section:

(1) "Capital facilities" or "capital improvement projects" means the acquisition, construction, reconstruction, improvement, planning, and equipping of roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, flood control systems, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related or incidental to those facilities.

(2) "Costs of capital facilities" include related direct administrative expenses and allocable portions of direct costs of the Ohio public works commission and the local subdivision.

(3) "Local subdivision" means any county, municipal corporation, township, sanitary district, or regional water and sewer district.

(4) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of capital facilities.

(B) The issuing authority shall issue obligations to pay costs of financing or assisting in the financing of the capital improvement projects of local subdivisions pursuant to Section 2m of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. Not more than one hundred twenty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal years could have been, but were not, issued within that one-hundred-twenty-million dollar fiscal year limit, may be issued in any fiscal year. Not more than one billion two hundred million dollars principal amount of obligations may be issued for the purposes of this section and division (B)(2) of section 164.09 of the Revised Code.

(C) Net proceeds of obligations shall be deposited into the state capital improvements fund created by section 164.08 of the Revised Code.

(D) There is hereby created in the state treasury the "state capital improvements bond service fund." All moneys received by the state and required by the bond proceedings, consistent with this section and section 151.01 of the Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated) and due in the particular fiscal year, a sufficient amount of revenues of the state is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

Sec. 153.01. Whenever any building or structure for the use of the state or any institution supported in whole or in part by the state or in or upon the public works of the state that is administered by the director of administrative services or by any other state officer or state agency authorized by law to administer a project, including an educational institution listed in section 3345.50 of the Revised Code, is to be erected or constructed, whenever additions, alterations, or structural or other improvements are to be made, or whenever heating, cooling, or ventilating plants or other equipment is to be installed or material supplied therefor, the aggregate cost of which amounts to ~~ten~~ fifty thousand dollars or more, each officer, board, or other authority upon which devolves the duty of constructing, erecting, altering, or installing the same, referred to in sections 153.01 to 153.60 of the Revised Code as the owner, shall cause to be made, by an architect or engineer whose contract of employment shall be prepared and approved by the attorney general, the following:

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

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

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

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

(E) A full and accurate estimate of each item of expense and the aggregate cost ~~thereof~~ of those items of expense;

(F) A life-cycle cost analysis;

(G) ~~Such further~~ Further data as may be required by the department of administrative services.

Sec. 154.01. As used in Chapter 154. of the Revised Code:

(A) "Commission" means the Ohio public facilities commission created in section ~~154.03~~ 151.02 of the Revised Code~~, and "members of the commission" means the governor, treasurer of state, auditor of state, secretary of state, attorney general, director of budget and management, and officers who by law perform the functions of such offices during any vacancy therein, and includes those officers or employees designated and acting pursuant to section 154.04 of the Revised Code~~.

(B) "Obligations" means bonds, notes, or other evidences of obligation, including interest coupons pertaining thereto, issued pursuant to Chapter 154. of the Revised Code.

(C) "Bond proceedings" means the order or orders, resolution or resolutions, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security of, obligations issued pursuant to Chapter 154. of the Revised Code, and the provisions contained in such obligations.

(D) "State agencies" means the state of Ohio and officers, boards, commissions, departments, divisions, or other units or agencies of the state.

(E) "Governmental agency" means state agencies, state supported and assisted institutions of higher education, municipal corporations, counties, townships, school districts, and any other political subdivision or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United States or any department, division, or agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(F) "Institutions of higher education" and "state supported or state assisted institutions of higher education" means the state universities identified in section 3345.011 of the Revised Code, the medical college of Ohio at Toledo, the northeastern Ohio universities college of medicine, state universities or colleges at any time created, community college districts, university branch districts, and technical college districts at any time

established or operating under Chapter 3354., 3355., or 3357. of the Revised Code, ~~institutions at any time established or operating under Chapter 3349. of the Revised Code,~~ and other institutions for education, including technical education, beyond the high school, receiving state support or assistance for their expenses of operation.

(G) "Governing body" means:

(1) In the case of institutions of higher education, the board of trustees, board of directors, commission, or other body vested by law with the general management, conduct, and control of one or more institutions of higher education;

(2) In the case of a county, the board of county commissioners or other legislative body; in the case of a municipal corporation, the council or other legislative body; in the case of a township, the board of township trustees; in the case of a school district, the board of education;

(3) In the case of any other governmental agency, the officer, board, commission, authority or other body having the general management thereof or having jurisdiction or authority in the particular circumstances.

(H) "Person" means any person, firm, partnership, association, or corporation.

(I) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the ~~Ohio public facilities commission~~ state on obligations.

(J) "Capital facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, within the state, and any one, part of, or combination of the foregoing, to serve the general purposes for which the ~~commission~~ issuing authority is authorized to issue obligations pursuant to Chapter 154. of the Revised Code, including, but not limited to, drives, roadways, parking facilities, walks, lighting, machinery, furnishings, utilities, landscaping, wharves, docks, piers, reservoirs, dams, tunnels, bridges, retaining walls, riprap, culverts, ditches, channels, watercourses, retention basins, standpipes and water storage facilities, waste treatment and disposal facilities, heating, air conditioning and communications facilities, inns, lodges, cabins, camping sites, golf courses, boat and bathing facilities, athletic and recreational facilities, and site improvements.

(K) "Costs of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, and the financing thereof, including the cost of clearance and preparation of the site

and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the commission or issuing authority and department of administrative services, or other designees of the commission under section 154.17 of the Revised Code, cost of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, legal fees, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when interest is to be covered from sources other than proceeds of obligations, amounts necessary to establish reserves as required by the bond proceedings, costs of audits, the reimbursement of all moneys advanced or applied by or borrowed from any governmental agency, whether to or by the commission or others, from whatever source provided, for the payment of any item or items of cost of the capital facilities, any share of the cost undertaken by the commission pursuant to arrangements made with governmental agencies under division (H) of section 154.06 of the Revised Code, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing thereof and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses.

(L) "Public service facilities" means inns, lodges, hotels, cabins, camping sites, scenic trails, picnic sites, restaurants, commissaries, golf courses, boating and bathing facilities and other similar facilities in state parks.

(M) "State parks" means:

(1) State reservoirs described and identified in section 1541.06 of the Revised Code;

(2) All lands or interests therein of the state identified as administered by the division of parks and recreation in the "inventory of state owned lands administered by the department of natural resources as of June 1, 1963," as recorded in the journal of the director, which inventory was prepared by the real estate section of the department and is supported by maps now on file in said real estate section;

(3) All lands or interests in lands of the state designated after June 1,

1963, as state parks in the journal of the director with the approval of the recreation and resources council.

State parks do not include any lands or interest in lands of the state administered jointly by two or more divisions of the department of natural resources. The designation of lands as state parks under divisions (M)(1) to (3) of this section is conclusive and such lands shall be under the control of and administered by the division of parks and recreation. No order or proceeding designating lands as state parks or park purchase areas is subject to any appeal or review by any officer, board, commission, or court.

(N) "Bond service fund" means the applicable fund ~~of the commission~~ created for and pledged to the payment of bond service charges under section 154.20, 154.21, or 154.22~~, or 154.23~~ of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(O) "Improvement fund" means the applicable fund ~~of the commission~~ created for the payment of costs of capital facilities under section 154.20, 154.21, or 154.22~~, or 154.23~~ of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(P) "Special funds" or "funds" means, except where the context does not permit, the bond service funds, the improvements funds, and any other funds for similar or different purposes created under bond proceedings, including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(Q) "Year" unless the context indicates a different meaning or intent, means a calendar year beginning on the first day of January and ending on the thirty-first day of December.

(R) "Fiscal year" means the period of twelve months beginning on the first day of July and ending on the thirtieth day of June.

(S) "Issuing authority" means the treasurer of state or the officer or employee who by law performs the functions of that office.

Sec. 154.02. (A) Pursuant to the provisions of Chapter 154. of the Revised Code, the ~~Ohio public facilities commission~~ issuing authority may issue obligations as from time to time authorized by or pursuant to act or resolution of the general assembly, consistent with such limitations thereon, subject to section 154.12 of the Revised Code, as the general assembly may thereby prescribe as to principal amount, bond service charges, or otherwise, and shall cause the proceeds thereof to be applied to those capital facilities designated by or pursuant to act of the general assembly for mental hygiene and retardation, state supported and assisted institutions of higher education,

including technical education, and parks and recreation~~, and housing of branches and agencies of state government, including capital facilities for the purposes of housing personnel, equipment, or functions, or any combination thereof that the state agencies are responsible for housing~~.

(B) The authority provided by Chapter 154. of the Revised Code is in addition to any other authority provided by law for the same or similar purposes, except as may otherwise specifically be provided in Chapter 154. of the Revised Code. In case any section or provision of Chapter 154. of the Revised Code or in case any covenant, stipulation, obligation, resolution, trust agreement, indenture, lease agreement, act, or action, or part thereof, made, assumed, entered into, or taken under Chapter 154. of the Revised Code, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision of Chapter 154. of the Revised Code or any other covenant, stipulation, obligation, resolution, trust agreement, indenture, lease, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under such chapter, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity or any application thereof affect any legal and valid application thereof, and each such section, provision, covenant, stipulation, obligation, resolution, trust agreement, indenture, lease, agreement, act, or action, or part thereof, shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

Sec. 154.05. (A) The ~~Ohio public facilities commission may adopt and alter bylaws and rules for the conduct of its affairs, including provisions for meetings, and for the manner, subject to Chapter 154. of the Revised Code, in which its powers and functions shall be exercised and embodied, and adopt and alter at will an official seal to be affixed to official documents, provided that the failure to affix such seal shall not affect the legality of such documents. Members of the commission shall receive no added compensation for their services as such members but may be reimbursed, as determined by the commission, for their necessary and actual expenses incurred in the conduct of the commission's business.~~

~~(B) The commission~~ issuing authority shall annually make a full and detailed report of its proceedings to the governor and to the general assembly, to include the following:

(1) The principal amount of obligations issued and sold during the annual period under authority of Chapter 154. of the Revised Code, the purposes for which they were issued, their dates, the dates and amounts of

payment of principal and interest, and the interest rates on such issues~~, and the interest rate estimated for such issues prior to sale~~;

(2) The total amount of ~~such~~ obligations outstanding at the end of the annual period and the amount authorized but not issued;

(3) The amount of ~~such~~ obligations which were retired during the annual period, the sources from which moneys were derived for ~~such~~ that purpose, the amount of anticipatory notes retired by issuance of bonds, and the amount of ~~such~~ notes retired by issuance of renewal notes;

(4) The amounts of money, dates upon which it must be made available, and proposed sources of payment, in order to make payments during the next annual period of bond service charges on the obligations outstanding at the end of the annual period;

(5) The amounts credited to the several bond service funds created in connection with ~~such~~ the obligations during the annual period and the balances in ~~such~~ those funds at the end of the annual period, the amount, if any, in ~~such~~ those funds ~~which~~ that is restricted to payment of bond service charges on specified issues of notes or bonds, and the specified issues of notes or bonds with respect to which such amount is so restricted;

(6) A description of such other transactions and proceedings as may be necessary in order to provide a full and detailed report of the activities of the ~~commission~~ issuing authority in connection with obligations authorized under Chapter 154. of the Revised Code.

(B) The reports required by this ~~division~~ section shall each be for annual periods ending on the thirtieth day of June of each year, and shall be submitted to the governor and the general assembly no later than ninety days after the end of each annual period.

Sec. 154.06. In connection with capital facilities financed ~~by the Ohio public facilities commission~~ pursuant to this chapter and authorization by the general assembly, the commission may:

(A) Acquire by appropriation, subject to Chapter 163. of the Revised Code, or by gift, grant, lease, or purchase, or combination thereof, and hold, lease, and dispose of real estate and interests therein and personal property for the purposes of Chapter 154. of the Revised Code;

(B) Acquire, purchase, construct, reconstruct, equip, furnish, improve, alter, enlarge, remodel, renovate, rehabilitate, maintain, repair, and operate capital facilities for the purposes set forth in Chapter 154. of the Revised Code;

(C) Enter into agreements with the director of administrative services providing for the director to acquire by appropriation, subject to Chapter 163. of the Revised Code, real estate and interests therein on behalf of the

commission for the purposes of Chapter 154. of the Revised Code and the director may enter into such agreements and appropriate pursuant thereto;

(D) Enter into leases or other agreements with governmental agencies upon such terms as are mutually satisfactory, which may include provisions, among others, for rental payments commencing at or at any time after execution of such lease and before completion of the capital facilities leased thereby, provisions relating to the disposition of such capital facilities, and provisions, if determined by the commission, for waiver of rights of repossession by the commission; and such governmental agencies may enter into such leases and agreements with the commission and into subleases and agreements between governmental agencies pertaining to capital facilities financed by the commission, upon terms and conditions mutually satisfactory to the parties and without competitive bidding, and any agreement of such governmental agency to make rental, use, or other payments or payment of purchase price, in installments or otherwise, or repayments to or ~~on account~~ at the direction of the commission, and the obligations ~~issued by the commission~~ shall not be deemed to constitute indebtedness, bonded or otherwise, or bonds, notes, or other evidence of indebtedness of such governmental agency for the purpose of Chapter 133. of the Revised Code or any other purpose; such lease and agreements requiring payments beyond the current year are continuing contracts for the purposes of sections 5705.41 and 5705.44 of the Revised Code;

(E) Contract for the services of financial consultants, appraisers, consulting engineers, architects, construction and accounting experts, ~~attorneys,~~ and other consultants and independent contractors, as are necessary in its judgment to carry out its functions and responsibilities under Chapter 154. of the Revised Code;

(F) Enter into agreements with one or more governmental agencies or any combination thereof for the management or general custodial care and supervision of capital facilities, and such governmental agencies are authorized to enter into such agreements with the commission upon terms and conditions mutually satisfactory to the parties;

(G) Borrow money or accept advances, loans, gifts, grants, devises, or bequests from, and enter into contracts or agreements therefor with, any governmental agency or person, and hold and apply advances, loans, gifts, grants, devises, or bequests, and the capital facilities to which the same relate, according to the terms thereof, which advances, loans, gifts, grants, or devises may, as to real estate be in fee simple or of any lesser estate and may be subject to reasonable reservations, and which advances or loans received from any governmental agency or person may be repaid in accordance with

the terms of such advance or loan;

(H) Enter into agreements or arrangements with the appropriate governmental agency for the planning and installation of streets, roads, alleys, public parks and recreation areas, public utility facilities, and other necessary appurtenances to its capital facilities;

(I) Purchase or provide for fire and extended coverage insurance for its property and such other insurance the commission may agree to provide under applicable bond proceedings;

(J) Enter into contracts and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers and do all other acts necessary or proper to the fulfillment of its purposes and to carry out the powers expressly granted in Chapter 154. of the Revised Code.

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

Sec. 154.07. For the respective purposes provided in sections 154.20, 154.21, and 154.22~~, and 154.23~~ of the Revised Code, the ~~Ohio public facilities commission~~ issuing authority may issue obligations of the state of Ohio ~~or of the commission~~ as provided in Chapter 154. of the Revised Code, provided that the holders or owners of ~~such~~ obligations shall have no right to have excises or taxes levied by the general assembly for the payment of the bond service charges ~~thereon~~. The right of ~~such~~ holders and owners to payment of ~~such~~ bond service charges shall be limited to the revenues or receipts and funds pledged thereto in accordance with Chapter 154. of the Revised Code, and each ~~such~~ obligation shall bear on its face a statement to that effect. Chapter 154. of the Revised Code does not permit, and no provision ~~thereof~~ of that chapter shall be applied to authorize or grant, a pledge of charges for the treatment or care of mental hygiene and retardation patients to bond service charges on obligations other than those issued for capital facilities for mental hygiene and retardation, or a pledge of any receipts of or on behalf of state supported or state assisted institutions of higher education to bond service charges on obligations other than those issued for capital facilities for state supported or state assisted institutions of higher education, or a pledge of receipts with respect to parks and recreation to bond service charges on obligations other than those issued for capital facilities for parks and recreation, or a pledge of revenues or receipts received by or on behalf of any state agency to bond service charges on obligations other than those issued for capital facilities which are in whole or in part useful to, constructed by, or financed by the state agency that

receives the revenues or receipts so pledged.

Sec. 154.08. (A) Obligations issued ~~by the Ohio public facilities commission~~ under this chapter shall be authorized by order or resolution of the ~~commission~~ issuing authority, and the bond proceedings shall provide for the purpose thereof, the principal amount, the permitted discount, if any, the principal maturity or maturities, not exceeding forty years from the date of issuance, the interest rate or rates, which may be a variable rate or rates, or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, the manner of sale for purposes of division (D) of this section, and the establishment within or without the state of a place or places of payment of principal of and interest on ~~such~~ obligations. The purpose of ~~such~~ obligations may be stated in the bond proceedings in terms describing the general purpose to be served by the capital facilities to be financed by such obligations. The bond proceedings shall also provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the ~~commission~~ issuing authority may determine, of the applicable revenues or receipts which may be pledged to the payment of bond service charges on obligations issued for such purpose as authorized by Chapter 154. of the Revised Code, and a pledge of the applicable bond service fund and other special funds to the payment of the bond service charges on such obligations, which pledges may be made either prior or subordinate to other expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued by the ~~commission~~ authority, if and to the extent provided in the bond proceedings. The revenues, receipts, bond service fund, and other special funds so pledged and thereafter received by the ~~commission~~ issuing authority are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge is valid and binding against all parties having claims of any kind against the ~~commission~~ authority, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement, or other document with respect thereto; and the pledge of such revenues, receipts, bond service funds, and the special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to

he benefit of the owners and holders of obligations authorized by Chapter 154. of the Revised Code, and to any trustee therefor, for the further securing of the payment of the bond service charges and all or any rights under any agreement or lease made under this section may be assigned for such purpose.

(B) The bond proceedings may contain additional provisions as to:

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

(2) The acquisition, construction, reconstruction, equipment, furnishing, improvement, operation, alteration, enlargement, maintenance, insurance, and repair of capital facilities, sites therefor, and the duties of the commission with reference thereto;

(3) Other terms of the obligations;

(4) Limitations on the purposes to which the proceeds of the obligations may be applied;

(5) The rentals for the use of the capital facilities, including limitations upon the power of the commission to modify such rentals;

(6) The use and expenditure of the revenues of the ~~commission~~ issuing authority in such manner and to such extent as ~~is determined~~ the authority determines, which may include provision for the payment of the expenses of ~~operation, maintenance, and repair of capital facilities, and of~~ the operation and administration of the ~~commission~~ authority relating to obligations so that ~~such~~ those expenses, or part ~~thereof~~ of them, shall be paid or provided as a charge prior or subsequent to the payment of bond service charges and any other payments required to be made by the bond proceedings;

(7) Limitations on the issuance of additional obligations;

(8) The terms of any trust agreement or indenture securing the obligations or under which the obligations may be issued;

(9) The deposit, investment and application of special funds, and the safeguarding of funds on hand or on deposit without regard to Chapter 131. or 135. of the Revised Code, but subject to special provisions of Chapter 154. of the Revised Code with respect to particular funds~~, provided that the commission may, subject to the provisions of any applicable bond proceedings, designate the treasurer of state as the ex officio treasurer of the commission~~; and any bank or trust company which acts as depository of any moneys of the commission or authority may furnish such indemnifying bonds or may pledge such securities as required by the commission or authority;

(10) That any or every provision of the bond proceedings is binding

on such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(11) Any provision which may be made in a trust agreement or indenture;

(12) Credit enhancement facilities, as defined in section 133.01 of the Revised Code, the cost of which may be included in the costs of issuance of the obligations, and the pledge, holding, and disposition of the proceeds thereof;

(13) Any other or additional agreements with the holders of the obligations, or the trustee therefor, with respect to the operation of the ~~commission and~~ issuing authority with respect to ~~its property,~~ obligations and related funds, and revenues, and insurance thereof, and of the commission~~,~~ and its members~~,~~ or officers~~, and employees~~.

(C) The obligations may have the great seal of the ~~commission~~ state or a facsimile thereof affixed thereto or printed thereon and shall be executed by the treasurer of state or such ~~members or~~ other executive officers of the ~~commission~~ state as are designated in the bond proceedings, provided that, consistent with section 9.96 of the Revised Code, all but one of such signatures on obligations, whenever issued, may be facsimile signatures. Any coupons pertaining to obligations shall bear the facsimile signature of ~~such member or~~ the individual officer ~~of the commission~~ or officers as is designated in the bond proceedings. Any obligations or coupons may be executed by ~~a member or officer~~ an individual who, on the date of execution, is the proper ~~member or~~ officer although on the date of such bonds or coupons such person was not the proper ~~member or~~ officer. In case any ~~member or~~ officer whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be ~~a member or~~ such officer before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if ~~he~~ the officer had remained ~~a member or~~ such officer until such delivery; and in case the great seal of the ~~commission or the seal to be affixed to obligations issued by the commission~~ state has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

All obligations ~~issued by the commission~~ are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may

be issued in coupon or in registered form, or both, as the ~~commission~~ issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(D) Obligations ~~issued by the commission~~ may be sold at public sale or at private sale, in such manner, and at such price, as determined by and provided by the issuing authority in the bond proceedings ~~The sale of obligations at private sale shall be subject to the approval of the controlling board. Obligations which are sold at public sale shall be sold either, as determined in the bond proceedings, to the highest bidder or bidders therefor based on the lowest interest cost to absolute maturity, or to the bidder or combination of bidders bidding the lowest interest rate or combination of rates.~~ Notice of sale of obligations to be sold at public sale shall be published once, before the date of sale, in one or more financial journals or via appropriate electronic media Each ~~of such~~ published ~~notices~~ notice shall state or provide for, or provide for the manner of determining: the day, hour, and place of the sale and manner and method of bidding; the total principal amount, the permitted discount, if any, and date of the obligations to be sold; and the dates of payment of principal and interest; whether or not they are or may be callable; and information relative to the denominations, and amounts of principal maturities, together with such other information as the ~~commission~~ issuing authority may determine or authorize, including without limitation thereto, the method, including that of discounting present value, of determining the lowest interest cost or lowest combination of interest rates, limitations on interest rates, and any other conditions and terms of the sale or bidding. The ~~commission~~ issuing authority may reject all bids and readvertise and reoffer obligations for sale.

(E) Pending preparation of definitive obligations, the ~~commission~~ issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(F) In connection with the issuance of obligations pursuant to this chapter, the issuing authority may:

(1) Contract for the services of financial consultants, accounting experts, and other consultants and independent contractors, as are necessary in that authority's judgment to carry out the authority's functions and responsibilities under this chapter;

(2) Enter into contracts and execute all instruments necessary or incidental to the performance of the authority's duties and the execution of the authority's powers and do all other acts necessary or proper to the fulfillment of the authority's purposes and to carry out the powers expressly granted in this chapter.

(G) The issuing authority shall have responsibility for keeping records, making reports, and making payments related to arbitrage compliance and rebate requirements under the bond proceedings for obligations issued pursuant to this chapter.

Sec. 154.09. In the discretion of the ~~Ohio public facilities commission~~ issuing authority, obligations may be secured additionally by a trust agreement or indenture between the ~~commission~~ state and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without this state but authorized to exercise trust powers within this state. Any such agreement or indenture may contain the resolution or order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including but not limited to:

(A) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the commission or issuing authority has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made.

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

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

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

(E) Such other provisions as the trustee and the ~~commission~~ issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

Sec. 154.10. Any holder of obligations issued pursuant to Chapter 154. of the Revised Code or a trustee under the bond proceedings, except to the extent that their rights are restricted by the bond proceedings, may by any

suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the ~~Ohio public facilities~~ commission and issuing authority required by Chapter 154. of the Revised Code or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the commission or authority in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the revenues, receipts, and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the commission or authority or the state or state agencies to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any capital facilities.

Each duty of the commission and issuing authority and ~~its~~ their members, officers, and employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any agreement or lease made under authority of Chapter 154. of the Revised Code, and in every agreement by or with the commission or authority, is hereby established as a duty of the commission or authority, and of each such member, officer, or employee having authority to perform such duty, specifically enjoined by law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

The persons who are at the time the ~~members~~ issuing authority or that authority's employees, and the members or officers of the commission ~~or its officers or employees~~ are not liable in their personal capacities on any obligations ~~issued by the commission~~, or any related lease, contract, or other agreement of or with the commission or authority.

Sec. 154.11. The ~~Ohio public facilities commission~~ issuing authority may authorize and issue obligations for the refunding, including funding and retirement, of any obligations previously issued ~~by the commission~~ under this chapter. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing

prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this section to be applied to bond service charges on the prior obligations shall be credited to the bond service fund for ~~said~~ those prior obligations. Obligations authorized under this section shall be deemed to be issued for those purposes for which ~~such~~ those prior obligations were issued and are subject to the provisions of Chapter 154. of the Revised Code pertaining to other obligations, except as otherwise indicated by this section and except for division (A) of section 154.02 of the Revised Code, provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to ~~such~~ that division with respect to bond service charges applicable to the prior obligations shall be applicable to the obligations issued under this section to refund, fund, or retire ~~such~~ those prior obligations.

Sec. 154.12. The authority to issue obligations under Chapter 154. of the Revised Code includes authority to issue obligations in the form of bond anticipation notes and to renew the same from time to time by the issuance of new notes, but the maximum maturity of ~~such~~ notes, including renewals thereof, unless otherwise authorized by the general assembly, shall not exceed five years from the date of the issuance of the original notes. The holders of such notes or interest coupons pertaining thereto shall have a right to be paid solely from the revenues, receipts, and funds that may be pledged to the payment of ~~such~~ the bonds, or from the proceeds of ~~such~~ the bonds or renewal notes, or both, as the ~~commission~~ issuing authority provides in its resolution or order authorizing ~~such~~ the notes. ~~Such notes~~ Notes may be additionally secured by covenants of the ~~Ohio public facilities commission~~ authority to the effect that the ~~commission~~ authority will do ~~such or~~ all things necessary for the issuance of ~~such~~ bonds or renewal notes in appropriate amount, and either exchange ~~such~~ those bonds or renewal notes therefor or apply ~~the~~ their proceeds ~~thereof~~ to the extent necessary, to make full payment of the principal of and interest on ~~such~~ those notes at the time or times contemplated, as provided in such resolution or order. For ~~such~~ that purpose, the ~~commission~~ authority may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide funds to pay when required the principal of and interest on ~~such~~ those notes, notwithstanding any limitations prescribed by or for purposes of Chapter 154. of the Revised Code. Subject to this section, all provisions for

and references to obligations in Chapter 154. of the Revised Code are applicable to notes authorized under this section.

The ~~commission~~ issuing authority in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for ~~such~~ the bonds anticipated an estimated interest rate and a schedule of principal payments for such bonds and the annual maturity dates thereof, and for purposes of any limitation on bond service charges prescribed under division (A) of section 154.02 of the Revised Code, the amount of bond service charges on ~~such~~ those bond anticipation notes shall be deemed to be the bond service charges for the bonds anticipated ~~thereby~~ by them as set forth in the bond proceedings applicable to ~~such~~ those notes, but this provision does not modify any authority in Chapter 154. of the Revised Code to pledge applicable revenues, receipts, and funds to the payment of principal of, premium, if any, and interest on such notes.

Sec. 154.14. All property, real or personal, purchased, acquired, constructed, or owned by the ~~Ohio public facilities~~ commission under this chapter, or financed in whole or in part by obligations issued ~~by the commission~~ under this chapter, and used by the commission or any governmental agency for the exercise of its powers and duties, is public property used exclusively for a public purpose, and such property and the income of the commission or issuing authority or any governmental agency therefrom is exempt from all taxation and assessment within this state, including ad valorem and excise taxes. The obligations issued under Chapter 154. of the Revised Code, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state. The transfer of tangible personal property by lease under authority of Chapter 154. of the Revised Code is not a sale as used in Chapter 5739. of the Revised Code.

Sec. 154.15. Any governmental agency may enter into an agreement with the ~~Ohio public facilities~~ commission permitting the commission to use for purposes of the commission any property in the use of such governmental agency or under its control upon such terms and conditions as they may mutually agree upon, provided only that the consent of the governing body of such governmental agency shall be obtained, and if title to such property is in the name of the state the consent of the governor also shall be obtained. The agreement shall specify the boundaries of any land to which it pertains. Such agreement shall be irrevocable so long as obligations issued under Chapter 154. of the Revised Code to pay costs of capital facilities on the land referred to in ~~such~~ that agreement are outstanding. Such agreement may provide that the plans and specifications for the capital

ities to be constructed on any property to which the permission relates are subject to approval by the governmental agency granting ~~such~~ that permission, or by such officer, board, ~~commission~~ or other body designated by it in or pursuant to such agreement, prior to advertisement for bids for such construction or by such other time therein provided.

Sec. 154.16. Any governmental agency may lease, grant, or convey to the ~~Ohio public facilities~~ commission, at its request, any real property or interests therein including improvements thereto or personal property of or under the control of such governmental agency which is necessary or convenient to the effectuation of the authorized purposes of the commission, including public roads and other real property or interests therein, including improvements thereto or personal property already devoted to public use, upon such terms as the governing body of the governmental agency, and the governor in the case of real estate title of which is in the name of the state, and the commission agree and without the necessity for advertisement, auction, competitive bidding, order of court, or other action or formality, other than the regular and formal action of ~~such~~ that governing body, and the governor ~~in the instance~~ as above ~~stated~~ provided. Title to all real estate acquired by the commission shall be taken in the name of the state.

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

Sec. 154.17. The departments of administrative services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and natural resources, the Ohio board of regents, institutions of higher education, and other state officers and state agencies shall cooperate with the ~~Ohio public facilities~~ commission in providing services and information requested by the commission for purposes of Chapter 154. of the Revised Code, and the commission may make mutually satisfactory arrangements therefor and may thereunder designate any governmental agency for the management or performance of particular functions of the commission, other than the authorization and issuance of obligations provided for in Chapter 154. of the Revised Code, pursuant to which designation, upon acceptance thereof by ~~such~~ that governmental agency, ~~such~~ that function may be carried out with the full force and effect as if performed by the commission. Any such designation shall be made only by formal action or written agreement of the commission. In the management of capital facilities ~~financed by the commission~~ or performance of other functions with respect thereto, a governmental agency may exercise all powers which it has under law with respect to other similar facilities under

its jurisdiction.

Contracts relating to capital facilities shall be made in accordance with the law pertaining to the governmental agency designated under authority of this section to perform such contracting function, and in any other case shall be made in accordance with Chapter 153. of the Revised Code, for which purpose the commission shall be considered the owner, provided that the commission may assign the function of owner to the department of administrative services or other governmental agency as it determines. The commission may acquire by assignment from any governmental agency contracts which are not completed and which involve acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, provided that such governmental agency has complied with the procedures prescribed by laws for its letting of such contract.

No contract shall be let or assignment thereof accepted under this section involving performance in accordance with plans and specifications until such plans and specifications have been submitted to and approved by the governmental agency to have responsibility for the management of the capital facilities provided for in such plans and specifications, which approval shall be considered to be given if no approval or disapproval is communicated in writing to the commission or its designee for such purpose within sixty days following such submission of plans and specifications. Approval by such governmental agency of changes in plans and specifications is not required if the director of administrative services or the designee of the commission for such purpose shall certify that such changes do not substantially change the location, character, or extent of such capital facilities.

Sec. 154.18. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several ~~improvement funds,~~ bond service funds~~,~~ or other special funds established ~~by or pursuant to~~ under this chapter may be invested by or on behalf of the ~~Ohio public facilities commission~~ issuing authority only in ~~notes, bonds, or other obligations of the United States, or of any agency or instrumentality thereof, obligations guaranteed as to principal and interest by the United States, obligations of this state or any political subdivision thereof, and certificates of deposit of any national bank located~~ investments referred to in ~~this state and any bank as defined by~~ division (R) of section ~~1101.01~~ 151.01 of the Revised Code~~, subject to inspection by the superintendent of financial institutions If the law or the instrument creating a trust pursuant to section 154.09 of the Revised Code expressly permits investment in direct~~

~~obligations of the United States or an agency thereof, unless expressly prohibited by the instrument, such moneys also may be invested in no front end load money market mutual funds consisting exclusively of obligations of the United States or an agency thereof and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency thereof; and in collective investment funds established in accordance with section 1111.14 of the Revised Code and consisting exclusively of any such securities, notwithstanding division (A)(1)(c) of that section. The income from such investments shall be credited to such funds as the commission determines, and such investments may be sold at such times as the commission determines or authorizes.~~

Sec. 154.19. Notwithstanding any other provisions of Chapter 154. of the Revised Code with respect to bond service funds and improvement funds, provision may be made in the applicable bond proceedings for the establishment of separate accounts in any ~~such~~ bond service fund or the improvement fund and for the application of ~~such~~ those accounts only to the specified bond service charges on obligations pertinent to ~~such~~ that bond service fund and to costs of capital facilities of only specified ~~facilites~~ facilities germane to the purpose of ~~such~~ that improvement fund, and for other accounts ~~therein~~ in that fund within the general purposes of ~~such funds~~ that fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several bond service or other special funds established pursuant to Chapter 154. of the Revised Code shall be disbursed on the order of the ~~Ohio public facilities commission by the treasurer of state~~ issuing authority, provided that no such order is required for the payment ~~by the treasurer~~ from the applicable bond service fund when due of bond service charges on obligations, and provided that moneys to the credit of the improvement funds shall be disbursed as provided in the applicable appropriation measure.

Sec. 154.20. (A) Subject to authorization by the general assembly under section 154.02 of the Revised Code, the ~~Ohio public facilities commission~~ issuing authority may issue obligations pursuant to this chapter to pay costs of capital facilities for mental hygiene and retardation.

(B) Any capital facilities for mental hygiene or retardation may be leased by the commission to the department of mental health, the department of mental retardation and developmental disabilities, or the department of alcohol and drug addiction services, and other agreements may be made by the commission and any one or more of these departments with respect to the use or purchase of such capital facilities or, subject to the approval of the director of the department, the commission may lease such

capital facilities to, and make or provide for other agreements with respect to the use or purchase thereof with, any governmental agency having authority under law to operate such capital facilities, and the director of the department may sublease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any such governmental agency, which may include provisions for transmittal to the mental health bond service trust fund created under division (E) of this section, by such governmental agency or by a nonprofit corporation providing mental hygiene and retardation services for or under contract with or the supervision of that governmental agency, of receipts of that agency or nonprofit corporation from charges for the treatment or care of mental hygiene and retardation patients, all upon such terms and conditions as the parties may agree upon and pursuant to this chapter, notwithstanding any other provision of law affecting the leasing, acquisition, or disposition of capital facilities by the parties.

(C) For purposes of this section, "available receipts" means all receipts of the state from charges for the treatment or care of mental hygiene and retardation patients, including support payments received under Chapter 5121. of the Revised Code and moneys required to be transmitted to the mental health bond service trust fund pursuant to subleases and other agreements between any of the departments and another governmental agency pursuant to division (B) of this section as the subleases and other agreements may be further implemented for internal planning, budgeting, and accounting purposes pursuant to rules adopted by the director of mental health, director of mental retardation and developmental disabilities, or director of alcohol and drug addiction services, any revenues or receipts derived by the commission from the operation, leasing, or other disposition of capital facilities financed under this section, the proceeds of obligations issued under this section and sections 154.11 and 154.12 of the Revised Code, and also means any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges on such obligations. The ~~commission~~ issuing authority may pledge all, or such portion as ~~it~~ that authority determines, of the available receipts to the payment of bond service charges on obligations issued under this section and under sections 154.11 and 154.12 of the Revised Code and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to such available receipts as authorized by this chapter, which provisions shall be controlling notwithstanding any other provision of law pertaining thereto.

(D) The ~~commission~~ issuing authority may covenant in the bond

proceedings that the state and state agencies shall, so long as any obligations issued under this section are outstanding, cause to be charged and collected charges for the treatment or care of mental hygiene and retardation patients sufficient in amount to provide for the payment of bond service charges on such obligations and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and such covenants shall be controlling notwithstanding any other provision of law pertaining to such charges.

(E) There is hereby created the mental health bond service trust fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the commission or issuing authority or state agencies and required by the applicable bond proceedings to be deposited, transferred, or credited to the fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited with the treasurer of state and credited to such fund, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. The mental health bond service trust fund is a trust fund and is hereby pledged to the payment of bond service charges on the obligations issued pursuant to this section and sections 154.11 and 154.12 of the Revised Code to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(F) There is hereby created in the state treasury the mental health facilities improvement fund. Subject to the bond proceedings therefor, all of the proceeds of the sale of obligations pursuant to this section shall be credited to the fund, except that any accrued interest shall be credited to the mental health bond service fund. The mental health facilities improvement fund may also be comprised of gifts, grants, appropriated moneys, and other sums and securities received to the credit of such fund. The fund shall be applied only to the purpose of paying costs of capital facilities for mental hygiene and retardation under the jurisdiction of the department of mental health, department of mental retardation and developmental disabilities, or department of alcohol and drug addiction services or for participation in capital facilities for mental hygiene and retardation with the federal government, municipal corporations, counties, or other governmental agencies, or to a nonprofit corporation specifically chartered to provide a mental health or mental retardation service when such service fulfills a public purpose, which participation may be by grants or contributions to them for such capital facilities.

(G) This section is to be applied with other applicable provisions of this

chapter.

Sec. 154.21. (A) Subject to authorization by the general assembly under section 154.02 of the Revised Code, the ~~Ohio public facilities commission~~ issuing authority may authorize and issue obligations pursuant to this chapter to pay the cost of capital facilities for state-supported and state-assisted institutions of higher education.

(B) Capital facilities for institutions of higher education financed under this section may be leased by the commission to institutions of higher education or to the Ohio board of regents for the use of institutions of higher education, and such parties may make other agreement for the use or sale and purchase of the facilities; the Ohio board of regents may sublease such capital facilities to institutions of higher education, and such parties may make other agreement for the use or sale and purchase of the facilities, in any manner permitted by the lease or agreement between the commission and the Ohio board of regents; all upon such terms and conditions as the parties may agree upon and pursuant to this chapter, notwithstanding other provisions of law affecting the leasing, acquisition, or disposition of capital facilities by such parties. Any such leases, subleases, or agreements may contain provisions setting forth the responsibilities of the commission or issuing authority, institutions of higher education, and Ohio board of regents as to the financing, construction, operation, maintenance, and insuring of such facilities and other terms and conditions applicable thereto, including designation of the "owner" for purposes of Chapter 153. of the Revised Code, and any other provisions mutually agreed upon for the purposes of this chapter. Promptly upon execution thereof, a signed or conformed copy of each such lease or agreement, and any supplement thereto, between an institution of higher education or the Ohio board of regents and the commission shall be filed by the commission with the Ohio board of regents, the issuing authority, and the director of budget and management, and promptly upon execution thereof, a signed or conformed copy of each such sublease or agreement between the Ohio board of regents and an institution of higher education shall be filed by the Ohio board of regents with the commission and the director.

(C) For purposes of this section, "available receipts" means fees, tuitions, charges, revenues, and all other receipts of or on behalf of state-supported and state-assisted institutions of higher education, any revenues or receipts derived by the commission from the operation, leasing, or other disposition of capital facilities financed under this section, the proceeds of obligations issued under this section and sections 154.11 and 154.12 of the Revised Code, and also means any gifts, grants, donations, and

pledges, and receipts therefrom, available for the payment of bond service charges on such obligations. Subject to any pledge of that portion of available receipts, comprised of fees, tuitions, charges, revenues, and receipts derived directly by an institution of higher education, which has been or may thereafter be made pursuant to section 3345.07, 3345.11, 3345.12, 3349.05, 3354.121, or 3357.112 of the Revised Code, the ~~commission~~ issuing authority may pledge all or such portion as ~~it~~ that authority determines of the available receipts to the payment of bond service charges on obligations issued under this section and sections 154.11 and 154.12 of the Revised Code and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to such available receipts as authorized by this chapter, which provisions shall be controlling, notwithstanding any other provision of law pertaining thereto.

(D) In the event that moneys in the higher education bond service fund and available receipts from payments to be made to the commission or issuing authority under leases and agreements with the Ohio board of regents, together with any other funds made available by the general assembly, will be insufficient, without application of reserves, for the payment of bond service charges and for the establishment and maintenance of reserves, as provided in the bond proceedings, then the commission, upon consultation with the institutions of higher education to be affected and the Ohio board of regents, may require the institutions of higher education to charge, collect, and transmit to the credit of the higher education bond service fund provided for in division (E) of this section, a special student fee, which may be a segregated part of the established instruction fee or other fee, in such amount or amounts as are necessary for the payment of the bond service charges on obligations issued under this section and sections 154.11 and 154.12 of the Revised Code and for the establishment and maintenance of any reserves, as provided in the bond proceedings. Such special fee constitutes "available receipts" within the meaning thereof in division (C) of this section, and may be pledged as therein provided in addition to, or in lieu of, or to be applied prior to, other available receipts, as provided in the bond proceedings; provided, that such special fee shall not be deemed to be pledged by the institutions of higher education under section 3345.07, 3345.11, 3345.12, 3349.05, 3354.121, or 3357.112 of the Revised Code. The ~~commission~~ issuing authority may covenant in the bond proceedings to require such special fee to be charged, collected, and transmitted pursuant to this division. In the event the initiation of such special fee is required in accordance with such covenant, the commission

shall by rules transmitted to each institution of higher education affected thereby, fix, establish, and from time to time modify, as it may consider appropriate, the amount or amounts of the fee, exemptions therefrom, such distinctions, if any, as it may determine appropriate for full-time and part-time students or students enrolled in different programs, or other bases for distinction among students, so that students throughout the state in similar classifications under such rules are so far as feasible treated alike, and establish and from time to time modify other rules, procedures, and definitions for the charge, collection, and transmission of such special fees. Notwithstanding any other provision of law pertaining thereto, the governing boards of the institutions of higher education shall charge, collect, and transmit such special fee in accordance with such rules.

(E) There is hereby created the higher education bond service trust fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the commission or issuing authority and required by the applicable bond proceedings to be deposited, transferred, or credited to the higher education bond service trust fund, and all other moneys transferred or allocated to or received for the purposes of the higher education bond service trust fund, shall be deposited with the treasurer of state and credited to such fund, subject to any applicable provisions of the bond proceedings, without necessity for any act of appropriation. The higher education bond service trust fund is a trust fund and is hereby pledged to the payment of bond service charges on the obligations issued pursuant to this section and sections 154.11 and 154.12 of the Revised Code to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(F) There is hereby created in the state treasury the higher education improvement fund. Subject to the bond proceedings therefor, all of the proceeds of the sale of higher education obligations issued pursuant to this section or section 151.04 of the Revised Code shall be credited to the fund, except that any accrued interest received on obligations issued pursuant to this section shall be credited to the higher education bond service fund. The higher education improvement fund may also be comprised of gifts, grants, appropriated moneys, and other sums and securities received to the credit of such fund. The fund shall be applied only to the purpose of paying costs of capital facilities for state-supported and state-assisted institutions of higher education, which may include participation with one or more such institutions of higher education in any such capital facilities by way of

grants, loans, or contributions to them for such capital facilities.

(G) This section shall be applied with other applicable provisions of this chapter.

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

Sec. 154.22. (A) Subject to authorization by the general assembly under section 154.02 of the Revised Code, the ~~Ohio public facilities commission~~ issuing authority may authorize and issue obligations pursuant to this chapter to pay costs of capital facilities for parks and recreation.

(B) Any capital facilities for parks and recreation may be leased by the commission to the department of natural resources and other agreements may be made by the commission and such department with respect to the use or purchase of such capital facilities or, subject to the approval of the director of such department, the commission may lease such capital facilities to, and make other agreements with respect to their use or purchase with, any governmental agency having authority under law to operate such capital facilities, and the director of such department may sublease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any such governmental agency, or such director may sublease or contract for the operation of such capital facilities in accordance with the applicable provisions of sections 1501.09, 1501.091, and 1501.10 of the Revised Code, all upon such terms and conditions as the parties may agree upon and pursuant to this chapter, notwithstanding any other provisions of law affecting the leasing, acquisition, or disposition of capital facilities by such parties.

(C) For purposes of this section, "available receipts" means all receipts, including fees, charges, and rentals, derived or to be derived from state parks and public service facilities in any state park or parks, any other receipts of state agencies with respect to parks and recreational facilities, any revenues or receipts derived by the commission from the operation, leasing, or other disposition of capital facilities financed under this section, the proceeds of obligations issued under this section and sections 154.11 and 154.12 of the Revised Code, and also means any gifts, grants, donations, and pledges, and receipts thereon, available for the payment of bond service charges on obligations issued under this section. The ~~commission~~ issuing authority may pledge all, or such portion as it determines, of the available receipts to the payment of bond service charges on obligations issued under this section and sections 154.11 and 154.12 of the Revised Code and for the establishment and maintenance of any reserves, as provided in the bond

proceedings, and make other provisions therein with respect to such available receipts as authorized by this chapter, which provisions shall be controlling notwithstanding any other provision of law pertaining thereto.

(D) The ~~commission~~ issuing authority may covenant in the bond proceeding that the state and state agencies shall, so long as any obligations issued under this section are outstanding, cause to be charged and collected fees, charges, and rentals for the use of state parks and public service facilities and other fees and charges with respect to parks and recreation sufficient in amount to provide for the payment of bond service charges on such obligations and for the establishment and maintenance of any reserves as provided in the bond proceedings, and such covenants shall be controlling notwithstanding any other provision of law pertaining to such charges except any provision of law prohibiting or limiting charges for the use of swimming facilities of state parks and public service facilities by persons under sixteen years of age.

(E) There is hereby created the parks and recreation bond service trust fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the commission or issuing authority or state agencies and required by the applicable bond proceedings to be deposited, transferred, or allocated to or received for the purposes of the trust fund shall be deposited with the treasurer of state and credited to such fund, subject to applicable provisions of the bond proceedings but without necessity for any act of appropriation. The trust fund is hereby pledged to the payment of bond service charges on the obligations issued pursuant to this section and sections 154.11 and 154.12 of the Revised Code to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(F) There is hereby created in the state treasury the parks and recreation improvement fund. Subject to the bond proceedings therefor, all of the proceeds of the sale of obligations issued pursuant to this section shall be credited to such fund, except that any accrued interest received shall be credited to the parks and recreation bond service trust fund. The parks and recreation improvement fund may also be comprised of gifts, grants, appropriated moneys, and other sums and securities received to the credit of such fund. Such fund shall be applied only to the purpose of paying costs of capital facilities for parks and recreation under the jurisdiction of the department of natural resources or for participation in capital facilities for

parks and recreation with the federal government, municipal corporations, counties, or other governmental agencies, or any one or more of them, which participation may be by grants or contributions to them for such capital facilities.

(G) All state parks shall be exclusively under the control and administration of the division of parks and recreation. With the approval of the recreation and resources council, the director of natural resources may by order remove from the classification as state parks any of the lands or interests therein referred to in divisions (M)(2) and (3) of section 154.01 of the Revised Code, subject to the limitations, provisions, and conditions in any order authorizing state park revenue bonds, in any trust agreement securing such bonds, or in bond proceedings with respect to obligations issued pursuant to this section. Lands or interests therein so removed shall be transferred to other divisions of the department for administration or may be sold as provided by law. Proceeds of any sale shall be used or transferred as provided in the order authorizing state park revenue bonds or in such trust agreement, or in bond proceedings with respect to obligations issued pursuant to this section, and if no such provision is made shall be transferred to the state park fund created by section 1541.22 of the Revised Code.

(H) This section shall be applied with other applicable provisions of this chapter.

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

Sec. 164.01. As used in this chapter:

(A) "Capital improvement" or "capital improvement project" or "project" means the acquisition, construction, reconstruction, improvement, planning, and equipping of roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, flood control systems, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related or incidental to those facilities.

(B) "Local subdivision" means any county, municipal corporation, township, sanitary district, or regional water and sewer district.

(C) "Bond proceedings" means the resolutions, orders, trust agreements, indentures, and other agreements, credit facilities and credit enhancement facilities, and amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of obligations, and the provisions contained in those obligations.

(D) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, and any redemption premium payable on obligations. If not prohibited by the applicable bond proceedings, bond service charges include costs of credit enhancement facilities that are related to, and represent or are intended to provide a source of payment of or limitation on, other bond service charges.

(E) "Bond service fund" means the fund, and any accounts in that fund, created by section 164.10 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited to that fund and accounts as provided in the bond proceedings.

(F) "Cost of capital improvement projects" means the costs of acquiring, constructing, reconstructing, expanding, improving, and engineering capital improvement projects, and related financing costs.

(G) "Credit enhancement facilities" means letters of credit, lines of credit, stand-by, contingent, or firm securities purchase agreements, interest rate hedges including without limitation interest rate swaps, insurance or surety arrangements, reserve or guarantee funds, and guarantees, and other arrangements that provide for contingent or direct payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of obligations, or for making or providing funds for making payment of bond service charges to, and at the option and on demand of, holders of obligations or at the option of the issuer under put or similar arrangements, or for otherwise supporting the credit or liquidity of obligations, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, purchase, and subrogation agreements, and other agreements and arrangements for reimbursement of the person providing the credit enhancement facility and the security for that reimbursement. As used in this division, obligations include debt obligations of local subdivisions.

(H) "Financing costs" means all costs and expenses relating to the authorization, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, and servicing of obligations, including without limitation costs and expenses for or relating to, or payment obligations under, publication and printing, postage and express delivery, official statements, offering circulars, and informational statements, travel and transportation, paying agents, bond registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting services, legal services and obtaining approving legal opinions and other

legal opinions, credit ratings, original issue discount, credit facilities, and credit enhancement facilities. Financing costs may be paid from any moneys lawfully available for the purpose, including, unless otherwise provided in the bond proceedings, from the proceeds of the obligations to which they relate and from the same sources from which bond service charges on the obligations are paid and as though bond service charges.

(I) "Issuer" means the treasurer of state, or the officer who by law performs the functions of such officer.

(J) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any interest coupons pertaining thereto, issued pursuant to sections 164.09 to 164.12 of the Revised Code.

(K) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to the particular fund. Special funds do not include the state capital improvements fund created by section 164.08 of the Revised Code or, if so provided in the bond proceedings, a rebate fund or account established for purposes of federal tax laws.

(L) "Net proceeds" means amounts received from the sale of obligations pursuant to this chapter, excluding amounts used to refund or retire outstanding obligations, and does not include amounts required to be deposited in special funds pursuant to the applicable bond proceedings, or financing costs paid from such amounts received.

(M) "Local debt support and credit enhancements" means a full or partial pledge of support for any local bond issue, the payment of all or a part of the premium for bond insurance obtained from a private insurer, the subsidization of the interest rate on a loan obtained by the subdivision, or a source of revenue pledged in support of revenue bonds issued by a subdivision.

(N) "Principal amount" refers to the aggregate of the amount as stated or provided for in the bond proceedings authorizing the obligations as the amount on which interest or interest equivalent is initially calculated.

Sec. 164.08. (A) Except as provided in sections 151.01 and 151.08 or section 164.09 of the Revised Code, the net proceeds of obligations issued and sold by the treasurer of state pursuant to section 164.09 of the Revised Code before September 30, 2000, or pursuant to sections 151.01 and 151.08 of the Revised Code, for the purpose of financing or assisting in the financing of the cost of public infrastructure capital improvement projects of local subdivisions, as provided for in Section 2k or 2m of Article VIII, Ohio

Constitution, and this chapter, shall be paid into the state capital improvements fund, which is hereby created in the state treasury. Investment earnings on moneys in the fund shall be credited to the fund.

(B) Each program year the amount of obligations authorized by the general assembly in accordance with sections 151.01 and 151.08 or section 164.09 of the Revised Code, excluding the proceeds of refunding or renewal obligations, shall be allocated by the director of the Ohio public works commission as follows:

(1) First, twelve million dollars of the amount of obligations authorized shall be allocated to provide financial assistance to villages and to townships with populations in the unincorporated areas of the township of less than five thousand persons, for capital improvements in accordance with section 164.051 and division (D) of section 164.06 of the Revised Code. As used in division (B)(1) of this section, "capital improvements" includes resurfacing and improving roads.

(2) Following the allocation required by division (B)(1) of this section, the director may allocate two million five hundred thousand dollars of the authorized obligations to provide financial assistance to local subdivisions for capital improvement projects which in the judgment of the director of the Ohio public works commission are necessary for the immediate preservation of the health, safety, and welfare of the citizens of the local subdivision requesting assistance.

(3) For the second, third, fourth, and fifth years that obligations are authorized and are available for allocation under this chapter, one million dollars shall be allocated to the sewer and water fund created in section 1525.11 of the Revised Code. Money from this allocation shall be transferred to that fund when needed to support specific payments from that fund.

(4) For program years twelve and fourteen that obligations are authorized and available for allocation under this chapter, two million dollars each program year shall be allocated to the small county capital improvement program for use in providing financial assistance under division (F) of section 164.02 of the Revised Code.

(5) After the allocation required by division (B)(3) of this section is made, the director shall determine the amount of the remaining obligations authorized to be issued and sold that each county would receive if such amounts were allocated on a per capita basis each year. If a county's per capita share for the year would be less than three hundred thousand dollars, the director shall allocate to the district in which that county is located an amount equal to the difference between three hundred thousand dollars and

the county's per capita share.

(6) After making the allocation required by division (B)(5) of this section, the director shall allocate the remaining amount to each district on a per capita basis.

(C)(1) There is hereby created in the state treasury the state capital improvements revolving loan fund, into which shall be deposited all repayments of loans made to local subdivisions for capital improvements pursuant to this chapter. Investment earnings on moneys in the fund shall be credited to the fund.

(2) There may also be deposited in the state capital improvements revolving loan fund moneys obtained from federal or private grants, or from other sources, which are to be used for any of the purposes authorized by this chapter. Such moneys shall be allocated each year in accordance with division (B)(6) of this section.

(3) Moneys deposited into the state capital improvements revolving loan fund shall be used to make loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

(4) Investment earnings credited to the state capital improvements revolving loan fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements shall be used to pay costs incurred by the public works commission in administering this section. Investment earnings credited to the state capital improvements revolving loan fund that exceed the amounts required to pay for the administrative costs and estimated rebate requirements shall be allocated to each district on a per capita basis.

(5) Each program year, loan repayments received and on deposit in the state capital improvements revolving loan fund shall be allocated as follows:

(a) Each district public works integrating committee shall be allocated an amount equal to the sum of all loan repayments made to the state capital improvements revolving loan fund by local subdivisions that are part of the district. Moneys not used in a program year may be used in the next program year in the same manner and for the same purpose as originally allocated.

(b) Loan repayments made pursuant to projects approved under division (B)(1) of this section shall be used to make loans in accordance with section 164.051 and division (D) of section 164.06 of the Revised Code. Allocations for this purpose made pursuant to division (C)(5) of this section shall be in addition to the allocation provided in division (B)(1) of this section.

(c) Loan repayments made pursuant to projects approved under division

(B)(2) of this section shall be used to make loans in accordance with division (B)(2) of this section. Allocations for this purpose made pursuant to division (C)(5) of this section shall be in addition to the allocation provided in division (B)(2) of this section.

(d) Loans made from the state capital improvements revolving loan fund shall not be limited in their usage by divisions (E), (F), (G), (H), and (I) of section 164.05 of the Revised Code.

(D) Investment earnings credited to the state capital improvements fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements shall be used to pay costs incurred by the public works commission in administering sections 164.01 to 164.12 of the Revised Code.

(E) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section and such information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations.

(F) If the amount of a district's allocation in a program year exceeds the amount of financial assistance approved for the district by the commission for that year, the remaining portion of the district's allocation shall be added to the district's allocation pursuant to division (B) of this section for the next succeeding year for use in the same manner and for the same purposes as it was originally allocated, except that any portion of a district's allocation which was available for use on new or expanded infrastructure pursuant to division (H) of section 164.05 of the Revised Code shall be available in succeeding years only for the repair and replacement of existing infrastructure.

(G) When an allocation based on population is made by the director pursuant to division (B) of this section, the director shall use the most recent decennial census statistics, and shall not make any reallocations based upon a change in a district's population.

Sec. 164.09. (A) The issuer is authorized to issue and sell, as provided in this section and in amounts from time to time authorized by the general assembly, general obligations of this state for the purpose of financing or assisting in the financing of the costs of public infrastructure capital improvements for local subdivisions. The full faith and credit, revenues, and taxing power of the state are and shall be pledged to the timely payment of bond service charges on outstanding obligations, all in accordance with Section 2k or 2m of Article VIII, Ohio Constitution and sections 164.09 to 164.12 of the Revised Code, excluding from that pledge fees, excises, or taxes relating to the registration, operation, or use of vehicles on the public

highways, or to fuels used for propelling those vehicles, and so long as such obligations are outstanding there shall be levied and collected excises and taxes, excluding those excepted above, in amounts sufficient to pay the bond service charges on such obligations and costs relating to credit facilities.

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

(2) The total principal amount of obligations issued for the purposes of this section pursuant to Section 2m of Article VIII, Ohio Constitution, shall not exceed one billion two hundred million dollars. Not more than one hundred twenty million dollars in principal amount of such obligations, plus the principal amount of such obligations that in any prior fiscal years could have been but were not issued within the one-hundred-twenty-million-dollar fiscal year limit, may be issued in any fiscal year. No obligations shall be issued for the purposes of this section pursuant to Section 2m of Article VIII, Ohio Constitution, until at least one billion one hundred ninety-nine million five hundred thousand dollars aggregate principal amount of obligations have been issued pursuant to Section 2k of Article VIII, Ohio Constitution. The amounts specified under division (B)(2) of this section shall be determined as provided in sections 164.09 to 164.12 of the Revised Code.

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

(D) The proceeds of the obligations, except for any portion to be deposited in special funds, or in escrow funds for the purpose of refunding

outstanding obligations, all as may be provided in the bond proceedings, shall be deposited to the state capital improvements fund established by section 164.08 of the Revised Code.

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

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

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

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

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

(4) Any or every provision of the bond proceedings binding upon the issuer and such state agency or local subdivision, officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

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

(6) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuer made as a part of a contract under which the obligations were issued or secured, the

enforcement of such payments or agreements by mandamus, suit in equity, action at law, or any combination of the foregoing;

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

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

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

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

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

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

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

(H) The obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. Obligations may be issued in coupon or in fully registered form, or both, as the issuer determines. Provision may be made for the registration of any obligations with coupons attached as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached of any obligations registered as to both principal and interest, and for reasonable charges for such registration,

exchange, conversion, and reconversion. Pending preparation of definitive obligations, the issuer may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

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

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

(K) Except to the extent that their rights are restricted by the bond proceedings, any holder of obligations, or a trustee under the bond proceedings, may by any suitable form of legal proceedings protect and enforce any rights under the laws of this state or granted by the bond proceedings. Such rights include the right to compel the performance of all duties of the issuer and the state. Each duty of the issuer and the issuer's employees, and of each state agency and local public entity and its officers, members, or employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the issuer, and of each such agency, local subdivision, officer, member, or employee having authority to perform such duty, specifically enjoined by the law and resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the issuer, or the issuer's employees, are not liable in their personal capacities on any obligations or any agreements of or with the issuer relating to obligations or under the bond proceedings.

(L) ~~The issuer may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued. Such refunding obligations may be issued in amounts sufficient to pay or to provide for payment of the principal amount, including principal amounts maturing prior to the redemption of the remaining obligations, any redemption premium, and interest accrued or to accrue to the maturity or redemption date or dates, payable on the refunded obligations, and related financing costs and any expenses incurred or to be incurred in connection with such issuance and refunding. Subject to the bond proceedings therefor, the portion of the proceeds of the sale of refunding obligations issued under this division to be applied to bond service charges on the prior obligations~~

~~shall be credited to an appropriate separate account in the bond service fund and held in trust for the purpose by the commissioners of the sinking fund or by a corporate trustee. Obligations authorized under this division shall be considered to be issued for those purposes for which such prior obligations were issued, and, except as otherwise provided in sections 164.09 to 164.12 of the Revised Code are subject to the provisions of sections 164.09 to 164.12 of the Revised Code pertaining to other obligations.~~

~~(M) The issuer may authorize and issue obligations in the form of bond anticipation notes and renew those notes from time to time by the issuance of new notes. The holders of such notes or appertaining interest coupons have the right to have bond service charges on those notes paid solely from the moneys and special funds that are or may be pledged to the payment of bond service charges on those notes, including the proceeds of such bonds or renewal notes, or both, as the issuer provides in the bond proceedings authorizing the notes. Such notes may be additionally secured by covenants of the issuer to the effect that the issuer and the state will do any or all things necessary for the issuance of bonds or renewal notes in appropriate amount, and apply the proceeds thereof to the extent necessary, to make full and timely payment of the principal of and interest on such notes as provided in such bond proceedings. For such purposes, the issuer may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide moneys to pay when due the principal of and interest on such notes. Except as otherwise provided in sections 164.08 to 164.12 of the Revised Code, notes authorized pursuant to this division are subject to sections 164.08 to 164.12 of the Revised Code pertaining to other obligations.~~

~~The issuer in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for the bonds anticipated by such notes an estimated schedule of annual principal payments for such bonds over a period of thirty years from the earlier of the date of issuance of the notes or the date of original issuance of prior notes in anticipation of those bonds. While the notes are outstanding there shall be deposited, as shall be provided in the bond proceedings for those notes, from the sources authorized for payment of bond service charges on the bonds, amounts sufficient to pay the principal of the bonds anticipated as set forth in that estimated schedule during the time the notes are outstanding, which amounts shall be used solely to pay the principal of those notes or of the bonds anticipated.~~

~~(N) Refunding or renewal obligations issued pursuant to division (L) or (M) of this section shall not be counted against the limitations on principal~~

~~amount provided for in divisions (B)(1) and (2) of this section, and shall be in addition to the amount authorized by the general assembly as provided for in division (A) of this section, to the extent the principal amount of those obligations does not exceed the then outstanding principal amount of the obligations to be refunded, renewed, or retired. For purposes of this section only, the principal amount of an obligation issued to refund an outstanding obligation is the amount on which interest or interest equivalent is initially calculated and shall not be deemed to include any premium paid by the initial purchaser of such obligation.~~

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

~~(P)~~(M) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the issuer only in notes, bonds, or other direct obligations of the United States or of any agency or instrumentality of the United States, in obligations of this state or any political subdivision of this state, in certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions, in the Ohio subdivision's fund established pursuant to section 135.45 of the Revised Code, in no-front-end-load money market mutual funds consisting exclusively of direct obligations of the United States or of an agency or instrumentality of the United States, and in repurchase agreements, including those issued by any fiduciary, secured by direct obligations of the United States or an agency or instrumentality of the United States, and in collective investment funds established in accordance with section 1111.14 of the Revised Code and consisting exclusively of direct obligations of the United States or of an agency or instrumentality of the United States, notwithstanding division (A)(1)(c) of that section. The income from investments shall be credited to such special funds or

otherwise as the issuer determines in the bond proceedings, and the investments may be sold or exchanged at such times as the issuer determines or authorizes.

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

~~(R)~~(O) The issuer may covenant in the bond proceedings, and any such covenants shall be controlling notwithstanding any other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, so long as any obligations are outstanding in accordance with their terms, shall maintain statutory authority for and cause to be charged and collected taxes, excises, and other receipts of the state so that the receipts to the bond service fund shall be sufficient in amounts to meet bond service charges and for the establishment and maintenance of any reserves and other requirements, including payment of financing costs, provided for in the bond proceedings.

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

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

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

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

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

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

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

Sec. 164.10. (A) There is hereby created in the state treasury the "state capital improvements bond service fund." All moneys received by the state and required by the bond proceedings, consistent with sections 164.08 to 164.12 of the Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund and to any separate accounts in that fund, subject to any applicable provisions of the bond proceedings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during such time as any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay all bond service charges on such obligations ~~and~~, including costs ~~relating to~~ of or payments under credit enhancement facilities, becoming due in each year, except the principal amounts of bond anticipation notes and costs ~~relating to~~ of or payments under credit enhancement facilities payable from the proceeds of renewal notes or of the bonds anticipated by such notes, a sufficient amount of moneys of the state ~~are~~ is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund in each year for the purpose of paying those bond service charges ~~and~~, including costs ~~relating to~~ of or payments under credit enhancement facilities, becoming due in that year. The bond service fund is a trust fund and is hereby pledged to the payment of bond service charges ~~and~~, including costs ~~relating to~~ of or payments under credit enhancement facilities to the extent provided in the applicable bond proceedings, and payment of bond service charges ~~and~~, including costs ~~relating to~~ of or payments under credit enhancement facilities, from the bond service fund shall be made or provided for by the issuer in accordance with the bond proceedings without necessity for any act of appropriation.

(B) The bond proceedings may provide for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specific bond service charges on obligations ~~and~~, including costs ~~relating to~~ of or payments under credit enhancement facilities, pertinent to such accounts and for other accounts therein within the general purposes of the bond service fund.

(C) Subject to the bond proceedings for any obligations then outstanding in accordance with their terms, the issuer may pledge all, or such portion as the issuer determines, of the receipts of the bond service fund to the payment of bond service charges on obligations ~~and~~, including costs ~~relating to~~ of or payments under credit enhancement facilities, and for

the establishment and maintenance of any reserves for payment of bond service charges ~~and~~, including costs ~~relating to~~ of or payments under credit enhancement facilities, as provided in the bond proceedings, and make other provisions therein with respect to receipts as authorized by this section which provisions shall be controlling notwithstanding any other provisions of law pertaining thereto.

Sec. 169.01. As used in this chapter, unless the context otherwise requires:

(A) "Financial organization" means any bank, trust company, savings bank, safe deposit company, mutual savings bank without mutual stock, savings and loan association, credit union, or investment company.

(B)(1) "Unclaimed funds" means any moneys, rights to moneys, or intangible property, described in section 169.02 of the Revised Code, when, as shown by the records of the holder, the owner has not, within the times provided in section 169.02 of the Revised Code, done any of the following:

~~(1)~~(a) Increased, decreased, or adjusted the amount of such funds;

~~(2)~~(b) Assigned, paid premiums, or encumbered such funds;

~~(3)~~(c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;

~~(4)~~(d) Corresponded with the holder concerning such funds;

~~(5)~~(e) Otherwise indicated an interest in or knowledge of such funds;

~~(6)~~(f) Transacted business with the holder.

(2) "Unclaimed funds" does not include ~~money~~ any of the following:

(a) Money received or collected under section 9.39 of the Revised Code;

(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;

(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates.

For purposes of divisions (B)(2)(b) and (c) of this section, "business association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals, whether or not the entity is for profit.

(C) "Owner" means any person, or ~~his~~ the person's legal representative, entitled to receive or having a legal or equitable interest in or claim against

moneys, rights to moneys, or other intangible property, subject to this chapter.

(D)(1) "Holder" means any person that has possession, custody, or control of moneys, rights to moneys, or other intangible property, or that is indebted to another, if any of the following applies:

(a) Such person resides in this state;

(b) Such person is formed under the laws of this state;

(c) Such person is formed under the laws of the United States and has an office or principal place of business in this state;

(d) The records of such person indicate that the last known address of the owner of such moneys, rights to moneys, or other intangible property is in this state;

(e) The records of such person do not indicate the last known address of the owner of the moneys, rights to moneys, or other intangible property and the entity originating or issuing the moneys, rights to moneys, or other intangible property is this state or any political subdivision of this state, or is incorporated, organized, created, or otherwise located in this state. Division (D)(1)(e) of this section applies to all moneys, rights to moneys, or other intangible property that is in the possession, custody, or control of such person on or after ~~the effective date of this amendment~~ JULY 22, 1994, whether the moneys, rights to moneys, or other intangible property becomes unclaimed funds prior to or on or after such date.

(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political subdivision. Any entity in order to be exempt from the definition of "holder" pursuant to this division shall make a reasonable, good-faith effort to contact the owner of the unclaimed funds.

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated association or organization; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(F) "Mortgage funds" means the mortgage insurance fund created by section 122.561 of the Revised Code, and the housing guarantee fund created by division (D) of section 128.11 of the Revised Code.

(G) "Lawful claims" means any vested right a holder of unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by division (A) of section 745.01 or by section 4905.02 of the Revised Code.

(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an income-bearing account by purchase or otherwise.

(J) "Income-bearing account" means a time or savings account, whether or not evidenced by a certificate of deposit, or an investment account through which investments are made solely in obligations of the United States or its agencies or instrumentalities or guaranteed as to principal and interest by the United States or its agencies or instrumentalities, debt securities rated as investment grade by at least two nationally recognized rating services, debt securities which the director of commerce has determined to have been issued for the safety and welfare of the residents of this state, and equity interests in mutual funds that invest solely in some or all of the above-listed securities and involve no general liability, without regard to whether income earned on such accounts, securities, or interests is paid periodically or at the end of a term.

Sec. 169.02. Subject to division (B) of section 169.01 of the Revised Code, the following constitute unclaimed funds:

(A) Except as provided in division (R) of this section, any demand, savings, or matured time deposit account, or matured certificate of deposit, together with any interest or dividend on it, less any lawful claims, that is held or owed by a holder which is a financial organization, unclaimed for a period of five years;

(B) Any funds paid toward the purchase of withdrawable shares or other interest in a financial organization, and any interest or dividends on them, less any lawful claims, that is held or owed by a holder which is a financial organization, unclaimed for a period of five years;

(C) Except as provided in division (A) of section 3903.45 of the Revised Code, moneys held or owed by a holder, including a fraternal association, providing life insurance, including annuity or endowment coverage, unclaimed for three years after becoming payable as established from the records of such holder under any life or endowment insurance policy or annuity contract that has matured or terminated. An insurance policy, the proceeds of which are payable on the death of the insured, not matured by proof of death of the insured is deemed matured and the proceeds payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based.

Moneys otherwise payable according to the records of such holder are deemed payable although the policy or contract has not been surrendered as required.

(D) Any deposit made to secure payment or any sum paid in advance for utility services of a public utility and any amount refundable from rates or charges collected by a public utility for utility services held or owed by a holder, less any lawful claims, that has remained unclaimed for one year after the termination of the services for which the deposit or advance payment was made or one year from the date the refund was payable, whichever is earlier;

(E) Except as provided in division (R) of this section, any certificates, securities as defined in section 1707.01 of the Revised Code, nonwithdrawable shares, other instruments evidencing ownership, or rights to them or funds paid toward the purchase of them, or any dividend, capital credit, profit, distribution, interest, or payment on principal or other sum, held or owed by a holder, including funds deposited with a fiscal agent or fiduciary for payment of them, and instruments representing an ownership interest, unclaimed for five years. Any underlying share or other intangible instrument representing an ownership interest in a business association, in which the issuer has recorded on its books the issuance of the share but has been unable to deliver the certificate to the shareholder, constitutes unclaimed funds if such underlying share is unclaimed for five years. In addition, an underlying share constitutes unclaimed funds if a dividend, distribution, or other sum payable as a result of the underlying share has remained unclaimed by the owner for five years.

This division shall not prejudice the rights of fiscal agents or fiduciaries for payment to return the items described in this division to their principals, according to the terms of an agency or fiduciary agreement, but such a return shall constitute the principal as the holder of the items and shall not interrupt the period for computing the time for which the items have remained unclaimed.

In the case of any such funds accruing and held or owed by a corporation under division (E) of section 1701.24 of the Revised Code, such corporation shall comply with this chapter, subject to the limitation contained in section 1701.34 of the Revised Code. The period of time for which such funds have gone unclaimed specified in section 1701.34 of the Revised Code shall be computed, with respect to dividends or distributions, commencing as of the dates when such dividends or distributions would have been payable to the shareholder had such shareholder surrendered the certificates for cancellation and exchange by the date specified in the order

relating to them.

Capital credits of a cooperative which after January 1, 1972, have been allocated to members and which by agreement are expressly required to be paid if claimed after death of the owner are deemed payable, for the purpose of this chapter, fifteen years after either the termination of service by the cooperative to the owner or upon the nonactivity as provided in division (B) of section 169.01 of the Revised Code, whichever occurs later, provided that this provision does not apply if the payment is not mandatory.

(F) Any sum payable on certified checks or other written instruments certified or issued and representing funds held or owed by a holder, less any lawful claims, that are unclaimed for five years, and traveler's checks that are unclaimed for fifteen years from the date payable, or from the date of issuance if payable on demand.

As used in this division, "written instruments" include, but are not limited to, certified checks, cashier's checks, bills of exchange, letters of credit, drafts, money orders, and traveler's checks.

If there is no address of record for the owner or other person entitled to the funds, such address is presumed to be the address where the instrument was certified or issued.

(G) Except as provided in division (R) of this section, all moneys, rights to moneys, or other intangible property, arising out of the business of engaging in the purchase or sale of securities, or otherwise dealing in intangibles, less any lawful claims, that are held or owed by a holder and are unclaimed for five years from the date of transaction.

(H) Except as provided in division (A) of section 3903.45 of the Revised Code, all moneys, rights to moneys, and other intangible property distributable in the course of dissolution or liquidation of a holder that are unclaimed for one year after the date set by the holder for distribution;

(I) All moneys, rights to moneys, or other intangible property removed from a safe-deposit box or other safekeeping repository located in this state or removed from a safe-deposit box or other safekeeping repository of a holder, on which the lease or rental period has expired, or any amount arising from the sale of such property, less any lawful claims, that are unclaimed for three years from the date on which the lease or rental period expired;

(J) Subject to division (M)(2) of this section, all moneys, rights to moneys, or other intangible property, and any income or increment on them, held or owed by a holder which is a fiduciary for the benefit of another, or a fiduciary or custodian of a qualified retirement plan or individual retirement arrangement under section 401 or 408 of the Internal Revenue Code,

nclaimed for three years after the final date for distribution;

(K) All moneys, rights to moneys, or other intangible property held or owed in this state or held for or owed to an owner whose last known address is within this state, by the United States government or any state, as those terms are described in division (E) of section 169.01 of the Revised Code, unclaimed by the owner for three years, excluding any property in the control of any court in a proceeding in which a final adjudication has not been made;

(L) Amounts payable pursuant to the terms of any policy of insurance, other than life insurance, or any refund available under such a policy, held or owed by any holder, unclaimed for three years from the date payable or distributable;

(M)(1) Subject to division (M)(2) of this section, any funds constituting rents or lease payments due, any deposit made to secure payment of rents or leases, or any sum paid in advance for rents, leases, possible damage to property, unused services, performance requirements, or any other purpose, held or owed by a holder unclaimed for one year;

(2) Any escrow funds, security deposits, or other moneys that are received by a licensed broker in a fiduciary capacity and that, pursuant to division (A)(26) of section 4735.18 of the Revised Code, are required to be deposited into and maintained in a special or trust, noninterest-bearing bank account separate and distinct from any personal or other account of the licensed broker, held or owed by the licensed broker unclaimed for two years.

(N) Any sum payable as wages, salaries, or commissions, any sum payable for services rendered, funds owed or held as royalties, oil and mineral proceeds, funds held for or owed to suppliers, and moneys owed under pension and profit-sharing plans, held or owed by any holder unclaimed for one year from date payable or distributable, and all other credits held or owed, or to be refunded to a retail customer, by any holder unclaimed for three years from date payable or distributable;

(O) Amounts held in respect of or represented by lay-aways sold after January 1, 1972, less any lawful claims, when such lay-aways are unclaimed for three years after the sale of them;

(P) All moneys, rights to moneys, and other intangible property not otherwise constituted as unclaimed funds by this section, including any income or increment on them, less any lawful claims, which are held or owed by any holder, other than a holder which holds a permit issued pursuant to Chapter 3769. of the Revised Code, and which have remained unclaimed for three years after becoming payable or distributable;

(Q) All moneys that arise out of a sale held pursuant to section 5322.03 of the Revised Code, that are held by a holder for delivery on demand to the appropriate person pursuant to division (I) of that section, and that are unclaimed for two years after the date of the sale.

(R)(1) Any funds that are subject to an agreement between the holder and owner providing for automatic reinvestment and that constitute dividends, distributions, or other sums held or owed by a holder in connection with a security as defined in section 1707.01 of the Revised Code~~.~~, an ownership interest in an investment company registered under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a certificate of deposit, unclaimed for a period of five years.

(2) The five-year period under division (R)(1) of this section commences from the date a second shareholder notification or communication mailing to the owner of the funds is returned to the holder as undeliverable by the United States postal service or other carrier. The notification or communication mailing by the holder shall be no less frequent than quarterly.

All moneys in a personal allowance account, as defined by rules adopted by the director of job and family services, up to and including the maximum resource limitation, of a medicaid patient who has died after receiving care in a long-term care facility, and for whom there is no identifiable heir or sponsor, are not subject to this chapter.

Sec. 505.261. A board of township trustees may acquire suitable lands and materials, including landscape planting and other site improvement materials and playground, athletic, and recreational equipment and apparatus, to establish a township park pursuant to section 505.26 of the Revised Code and for those purposes may issue, subject to Chapter 133. of the Revised Code, securities and other public obligations as defined in division (GG) of section 133.01 of the Revised Code.

If lands are purchased, the board may pay for them over a period of thirty years from the date of purchase, and may issue securities of the township covering the deferred payments pursuant to division (B)~~(3)~~(4)(c) of section 133.20 of the Revised Code. If materials, including landscape planting or other site improvement materials and playground, athletic, and recreational equipment and apparatus, are purchased, the board may issue securities of the township for that purpose having a maximum maturity as specified in division (B)~~(6)~~(7)(e) or (f) of section 133.20 of the Revised Code covering the deferred payments. The securities may bear interest not to exceed the rate determined as provided in section 9.95 of the Revised Code. The securities shall not be included in the computation of the net

indebtedness of the township under section 133.09 of the Revised Code.

The resolution authorizing the issuance of the securities shall provide for amounts sufficient to pay the interest on and principal of the securities. For this purpose, the board may expend funds from the township general fund, or the board may levy a tax, not to exceed one-half of one mill, on the taxable property of the township for a period not to exceed four years. The tax shall be collected as other taxes and appropriated to pay the interest on and principal of the securities. The securities shall contain an option for prepayment. The securities shall be offered for sale on the open market or may be given to the vendor or contractor if no sale is made on the open market.

The board shall have surveys and plats made of the lands acquired for a township park and shall establish permanent monuments on the boundaries of the lands. The plats, when executed according to sections 711.01 to 711.38 of the Revised Code, shall be recorded in the office of the county recorder, and such records shall be admissible in evidence for the purpose of locating and ascertaining the true boundaries of the park. In furtherance of the use and enjoyment of the park lands controlled by it, the board may accept donations of money or other property, or may act as trustees of land, money, or other property, and use and administer them as stipulated by the donor, or as provided in the trust agreement. The terms of each donation or trust shall first be approved by the court of common pleas before acceptance by the board.

The board may receive and expend grants for park purposes from agencies and instrumentalities of the United States or of this state, and may enter into contracts or agreements with the agencies and instrumentalities, or with other townships, township park boards, municipal corporations, municipal park boards, counties, park districts, or other similar park authorities, to carry out the purposes for which the grants were furnished.

The board shall devise plans for the maintenance and improvement of the park and award all contracts for maintenance and improvement in the manner provided by the law governing township trustees in awarding contracts for public improvements. The board may appoint all necessary employees, fix their compensation, and prescribe their duties. The board may prohibit selling, giving away, or using any intoxicating liquors in the township park, and may pass bylaws and adopt rules for the government of the park and provide for their enforcement by fines and penalties.

Sec. 505.264. (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, an existing building, to reduce energy consumption. It

includes the following:

(1) Insulation of the building structure and of systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(3) Automatic energy control systems;

(4) Heating, ventilating, or air conditioning system modifications or replacements;

(5) Caulking and weatherstripping;

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Energy recovery systems;

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Any other modification, installation, or remodeling approved by the board of township trustees as an energy conservation measure.

(B) For the purpose of evaluating township buildings for energy conservation measures, a township may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for a report that analyzes the buildings' energy needs and presents recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings owned by that township. The report shall include estimates of all costs of the installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, and repairs, and estimates of the amounts by which energy consumption could be reduced.

(C) A township desiring to implement energy conservation measures may proceed under either of the following methods:

(1) Using a report or any part of a report prepared under division (B) of this section, advertise for bids and comply with the bidding procedures set forth in sections 307.86 to 307.92 of the Revised Code;

(2) Request proposals from at least three vendors for the implementation of energy conservation measures. Prior to sending any installer of energy

conservation measures a copy of any such request, the township shall advertise its intent to request proposals for the installation of energy conservation measures in a newspaper of general circulation in the township once a week for two consecutive weeks. The notice shall state that the township intends to request proposals for the installation of energy conservation measures; indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to installers of energy conservation measures; and state that any installer of energy conservation measures interested in receiving the request for proposal shall submit written notice to the township not later than noon of the day on which the request for proposal will be mailed.

Upon receiving the proposals the township shall analyze them and select the proposal or proposals most likely to result in the greatest energy savings considering the cost of the project and the township's ability to pay for the improvements with current revenues or by financing the improvements. The awarding of a contract to install energy conservation measures under division (C)(2) of this section shall be conditioned upon a finding by the township that the amount of money spent on energy savings measures is not likely to exceed the amount of money the township would save in energy and operating costs over ten years or a lesser period as determined by the township or, in the case of contracts for cogeneration systems, over five years or a lesser period as determined by the township. Nothing in this section prohibits a township from rejecting all proposals or from selecting more than one proposal.

(D) A board of township trustees may enter into an installment payment contract for the purchase and installation of energy conservation measures. Any provisions of those installment payment contracts that deal with interest charges and financing terms shall not be subject to the competitive bidding procedures of section 307.86 of the Revised Code. Unless otherwise approved by a resolution of the board, an installment payment contract entered into by a board of township trustees under this section shall require the board to contract in accordance with the procedures set forth in section 307.86 of the Revised Code for the installation, modification, or remodeling of energy conservation measures pursuant to this section.

(E) The board may issue securities of the township specifying the terms of the purchase and securing the deferred payments, payable at the times provided and bearing interest at a rate not exceeding the rate determined as provided in section 9.95 of the Revised Code. The maximum maturity of the securities shall be as provided in division (B)~~(6)~~(7)(g) of section 133.20 of the Revised Code. The securities may contain an option for prepayment and

shall not be subject to Chapter 133. of the Revised Code. Revenues derived from local taxes or otherwise, for the purpose of conserving energy or for defraying the current operating expenses of the township, may be applied to the payment of interest and the retirement of the securities. The securities may be sold at private sale or given to the contractor under the installment payment contract authorized by division (D) of this section.

(F) Debt incurred under this section shall not be included in the calculation of the net indebtedness of a township under section 133.09 of the Revised Code.

Sec. 1347.08. (A) Every state or local agency that maintains a personal information system, upon the request and the proper identification of any person who is the subject of personal information in the system, shall:

(1) Inform the person of the existence of any personal information in the system of which the person is the subject;

(2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of which the person is the subject;

(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.

(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice.

(C)(1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless a physician, psychiatrist, or psychologist determines for the agency that the disclosure of the information is likely to have an adverse effect on the person, in which case the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian.

(2) Upon the signed written request of either a licensed attorney at law or a licensed physician designated by the inmate, together with the signed written request of an inmate of a correctional institution under the administration of the department of rehabilitation and correction, the department shall disclose medical information to the designated attorney or physician as provided in division (C) of section 5120.21 of the Revised Code.

(D) If an individual who is authorized to inspect personal information that is maintained in a personal information system requests the state or

local agency that maintains the system to provide a copy of any personal information that the individual is authorized to inspect, the agency shall provide a copy of the personal information to the individual. Each state and local agency may establish reasonable fees for the service of copying, upon request, personal information that is maintained by the agency.

(E)(1) This section regulates access to personal information that is maintained in a personal information system by persons who are the subject of the information, but does not limit the authority of any person, including a person who is the subject of personal information maintained in a personal information system, to inspect or have copied, pursuant to section 149.43 of the Revised Code, a public record as defined in that section.

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

(F) This section does not apply to any of the following:

(1) The contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 5101.313 of the Revised Code, the division of child support in the department or a child support enforcement agency;

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

(4) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) of section 3721.23 of the Revised Code;

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;

(8) Records that identify an individual described in division (A)(1) of

section 5111.61 of the Revised Code, or that would tend to identify such an individual;

(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer.

Sec. 1551.12. The director of development may:

(A) Seek, solicit, or acquire personal property or any estate, interest, or right in real property, or services, funds, and other things of value of any kind or character by purchase, lease, gift, grant, contribution, exchange, or otherwise from any person or governmental agency to be held, used, and applied in accordance with and for the purposes of this chapter;

(B) Contract for the operation of, and establish rules for the use of, facilities over which the director has supervision or control, which rules may include the limitation of ingress to or egress from such facilities as may be necessary to maintain the security of such facilities and to provide for the safety of those on the premises of such facilities;

(C) Purchase such fire and extended coverage insurance and insurance protecting against liability for damage to property or injury to or death of persons as the director may consider necessary and proper under this chapter;

(D) Sponsor, conduct, assist, and encourage conferences, seminars, meetings, institutes, and other forms of meetings; authorize, prepare, publish, and disseminate any form of studies, reports, and other publications; originate, prepare, and assist proposals for the expenditure or granting of funds by any governmental agency or person for purposes of energy resource development; and investigate, initiate, sponsor, participate in, and assist with cooperative activities and programs involving governmental agencies and other entities of other states and jurisdictions;

(E) Do all acts and things necessary and proper to carry out the powers granted and the duties imposed by this chapter;

(F) Make grants of funds to any person, organization, or governmental agency of the state for the furnishing of goods or performance of services.

Any person or governmental agency that receives funds from the department of development, or utilizes the facilities of the department under this chapter shall agree in writing that all know-how, trade secrets, and other forms of property, rights, and interest arising out of developments, discoveries, or inventions, including patents, copyrights, or royalties thereon, which result in whole or in part from research, studies, or testing

conducted by use of such funds or facilities shall be the sole property of the department, except as may be otherwise negotiated and provided by contract in advance of such research, studies, or testing. However, such exceptions do not apply to the director or employees of the department participating in or performing research, tests, or studies.

Rights retained by the department may be assigned, licensed, transferred, sold, or otherwise disposed of, in whole or in part, to any person or governmental agency. ~~Except as otherwise provided in section 1551.36 of the Revised Code, any~~ Any and all income, royalties, or proceeds derived or retained from such dispositions shall be paid to the state and credited to the general revenue fund.

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

Sec. 1551.30. As used in sections 1551.30 to ~~1551.36~~ 1551.35 of the Revised Code:

(A) "Coal development facility" means any coal resource development, beneficiation, or utilization facility of commercial availability or scale, including, without limitation, any commercial-scale demonstration facility and, when necessary or appropriate to demonstrate the commercial acceptability of a specific technology, up to three installations within this state utilizing the specific technology, that enhances the market for, or marketability of, Ohio coal and that is consistent with the purposes of the Ohio coal development office established under section 1551.32 of the Revised Code. ~~Such a~~ "Coal development facility" includes all support buildings and facilities that the director of the Ohio coal development office determines are necessary for the operation of the facility together with all property, rights, easements, and interests that may be required for the operation of the facility.

(B) "Coal" includes coal, coke, and fuels derived from coal, including, but not limited to, synthetic fuels and coal-oil or coal-oil-water mixtures.

(C) "Person" includes an individual, receiver, assignee, trustee in bankruptcy, estate, firm, partnership, association, joint-stock company, joint venture, club, society, corporation, and combination of individuals in any form.

(D) "Governmental agency" and "construction" have the same meanings as in section 1551.01 of the Revised Code.

Sec. 1551.31. The general assembly hereby finds and declares that:

(A) Coal is one of this state's best, most abundant energy resources~~;~~.

(B) In recent years the coal industry in this state has experienced

omic difficulties that have resulted in a loss of jobs in that industry~~;~~.

(C) Some coal users are reluctant to use coal from this state because of its high sulfur content~~;~~.

(D) The increased use of Ohio coal in this state could enable the state to be more energy self-sufficient~~;~~.

(E) It is therefore imperative for this state to have a strong, viable coal industry in order to create and preserve jobs and improve the economy of this state and that, in order to strengthen that industry, methods must be found to use Ohio coal in an environmentally acceptable, cost effective manner.

Accordingly, it is declared to be the public policy of the state, through operation of sections 1551.30 to ~~1551.36~~ 1551.35 of the Revised Code and other applicable laws and authority vested in the general assembly, to assist in the development of facilities and technologies that will lead to increased, environmentally sound use of Ohio coal.

Sec. 1551.33. (A) The director of development shall appoint and fix the compensation of the director of the Ohio coal development office established under section 1551.32 of the Revised Code. The director of the office shall serve at the pleasure of the director of development.

(B) The director of the office shall do all of the following:

(1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code;

(2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda;

(3) ~~Apportion for the office's administrative costs no more than ten per cent of the moneys credited to the Ohio coal development fund created under section 1551.36 of the Revised Code;~~

~~(4)~~ Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda;

~~(5)~~(4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person;

~~(6)~~(5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office;

~~(7)~~(6) Appoint specified members of and convene the technical advisory committee established under section 1551.35 of the Revised Code;

~~(8)~~(7) Review, with the assistance of the technical advisory committee,

proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purposes of sections 4905.301, 4905.304, and 4909.191 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public utilities commission a report recommending that the commission allow the recovery of costs associated with the facility or project under section 4905.301, 4905.304, or 4909.191 of the Revised Code and including the reasons for the recommendation~~;~~.

~~(9)~~(8) Establish such policies, procedures, and guidelines as are necessary to achieve the office's purposes.

(C) With the approval of the director of development, the director of the office may exercise any of the powers and duties of the director of development as the directors consider appropriate or desirable to achieve the office's purposes, including, but not limited to, the powers and duties enumerated in sections 1551.11, 1551.12, 1551.13, and 1551.15 of the Revised Code.

Additionally, the director of the office may make loans to governmental agencies or persons for projects to carry out the office's purposes. Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of the loans shall be such as the director of the office determines to be appropriate and in furtherance of the purposes for which the loans are made. The mortgage lien securing any moneys lent by the director of the office may be subordinate to the mortgage lien securing any moneys lent or invested by a financial institution, but shall be superior to that securing any moneys lent or expended by any other person. The moneys used in making the loans shall be disbursed upon order of the director of the office.

Sec. 1551.34. On or before the thirty-first day of March of the second year of each biennium, the director of the Ohio coal development office established under section 1551.32 of the Revised Code shall submit to the governor and the general assembly an Ohio coal development agenda. Prior to each submission, the office shall solicit public comment on the agenda to give interested parties an opportunity to comment on the agenda. The director shall consider any public comments received prior to the agenda's submission. The agenda shall include, but is not limited to, all of the following:

(A) A characterization of Ohio coal, constraints on its maximum use, and opportunities for overcoming those constraints;

(B) A characterization of the current and potential markets for Ohio coal, constraints on increased market demand for it, and opportunities for overcoming those constraints;

(C) Identification of each of the office's programs and its correspondence to the purposes of the office;

(D) A description of the office's current projects that includes the status of each project and a specific description of the office's activities in all of the following areas:

(1) Commercialization of available technology;

(2) Marketplace adoption of that technology;

(3) Enhancement of user markets for Ohio coal.

(E) The types of projects to be funded in the succeeding biennium;

(F) Anticipated expenditures for, the relative priority of, and the potential benefits of each type of project to be funded in the succeeding biennium;

(G) The results obtained from completed projects and dissemination of those results;

(H) A fiscal report of the office's activities under sections 1551.30 to ~~1551.36~~ 1551.35 and Chapter 1555. of the Revised Code during the preceding biennium;

(I) The criteria used to select the office's specific types of projects. The criteria shall consider all of the following:

(1) A project's relationship to and support of the office's purposes;

(2) The technology involved, its applicability to Ohio coal, and its potential rate and probability of marketplace adoption;

(3) The commercial readiness of a project's facility, technology, or equipment;

(4) The cost and relative risk to the state and the participation of other investors or interested parties in a project's financing;

(5) The likelihood that results of a project would not be achieved in the absence of the office's assistance.

Sec. 1555.02. It is hereby declared to be the public policy of the state through the operations of the Ohio coal development office under this chapter to contribute toward one or more of the following: to provide for the comfort, health, safety, and general welfare of all employees and other inhabitants of the state through research and development directed toward the discovery of new technologies or the demonstration or application of existing technologies to enable the conversion or use of Ohio coal as a fuel

or chemical feedstock in an environmentally acceptable manner thereby enhancing the marketability and fostering the use of this state's vast reserves of coal, to assist in the financing of coal research and development and coal research and development projects or facilities for persons doing business in this state and educational and scientific institutions located in this state, to create or preserve jobs and employment opportunities or improve the economic welfare of the people of the state, or to assist and cooperate with such persons and educational and scientific institutions in conducting coal research and development. In furtherance of such public policy, the Ohio coal development office may, with the advice of the technical advisory committee created in section 1551.35 of the Revised Code and the approval of the director of development, make loans, guarantee loans, and make grants to persons doing business in this state or to educational or scientific institutions located in this state for coal research and development projects by such persons or educational or scientific institutions; may, with the advice of the technical advisory committee and the approval of the director of development, request the issuance of coal research and development general obligations under section ~~1555.08~~ 151.07 of the Revised Code to provide funds for making such loans, loan guarantees, and grants; and may, with the advice of the technical advisory committee and the approval of the director of development, expend moneys credited to the coal research and development fund created in section 1555.15 of the Revised Code for the purpose of making such loans, loan guarantees, and grants. Determinations by the director of the Ohio coal development office that coal research and development or a coal research and development facility is a coal research and development project under this chapter and is consistent with the purposes of Section 15 of Article VIII, Ohio Constitution, and this chapter shall be conclusive as to the validity and enforceability of the coal research and development general obligations issued to finance such project and of the authorizations, trust agreements or indentures, loan agreements, loan guarantee agreements, or grant agreements, and other agreements made in connection therewith, all in accordance with their terms.

Sec. 1555.03. For the purposes of this chapter, the director of the Ohio coal development office may:

(A) With the advice of the technical advisory committee created in section 1551.35 of the Revised Code and the approval of the director of development, make loans, guarantee loans, and make grants to persons doing business in this state or to educational or scientific institutions located in this state for coal research and development projects by any such person or educational or scientific institution and adopt rules under Chapter 119. of

the Revised Code for making such loans, guarantees, and grants.

(B) In making loans, loan guarantees, and grants under division (A) of this section and section 1555.04 of the Revised Code, the director of the office shall ensure that an adequate portion of the total amount of those loans, loan guarantees, and grants, as determined by the director with the advice of the technical advisory committee, be used for conducting research on fundamental scientific problems related to the utilization of Ohio coal and shall ensure, to the maximum feasible extent, joint financial participation by the federal government or other investors or interested parties in conjunction with any such loan, loan guarantee, or grant. The director, in each grant agreement or contract under division (A) of this section, loan contract or agreement under this division or section 1555.04 of the Revised Code, and contract of guarantee under section 1555.05 of the Revised Code, shall require that the facility or project be maintained and kept in good condition and repair by the person or educational or scientific institution to whom the grant or loan was made or for whom the guarantee was made.

(C) From time to time, with the advice of the technical advisory committee and the approval of the director of development, request the issuance of coal research and development general obligations under section ~~1555.08~~ 151.07 of the Revised Code, for any of the purposes set forth in Section 15 of Article VIII, Ohio Constitution, and subject to the limitations therein upon the aggregate total amount of obligations that may be outstanding at any time.

(D) Include as a condition of any loan, loan guarantee, or grant contract or agreement with any such person or educational or scientific institution that the director of the office receive, in addition to payments of principal and interest on any such loan or service charges for any such guarantee, as appropriate, as authorized by Section 15, Article VIII, Ohio Constitution, a reasonable royalty or portion of the income or profits arising out of the developments, discoveries, or inventions, including patents or copyrights which result in whole or in part from coal research and development projects conducted under any such contract or agreement, in such amounts and for such period of years as may be negotiated and provided by the contract or agreement in advance of the making of the grant, loan, or loan guarantee. Moneys so received by the director of the office shall be credited to the coal research and development bond service fund ~~created in section 1555.08 of the Revised Code~~.

(E) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting

perts, architects, and such other consultants and independent contractors as are necessary in ~~his~~ the judgment of the director of the office to carry out this chapter, and fix the compensation thereof.

(F) Receive and accept from any federal agency, subject to the approval of the governor, grants for or in aid of the construction or operation of any coal research and development project or for coal research and development, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made.

(G) Purchase fire and extended coverage and liability insurance for any coal research and development project, insurance protecting the office and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the director of the office determines necessary or proper under this chapter. Any moneys received by the director from the proceeds of any such insurance with respect to a coal research and development project and any moneys received by the director from the proceeds of any settlement, judgment, foreclosure, or other insurance with respect to a coal research and development project or facility shall be credited to the coal research and development bond service fund.

(H) In the exercise of ~~his~~ the powers of the director of the office under this chapter, call to ~~his~~ the director's assistance, temporarily, from time to time, any engineers, technical experts, financial experts, and other employees in any state department, agency, or commission, or in the Ohio state university, or other educational institutions financed wholly or partially by the state for purposes of assisting the director of the office with reviewing and evaluating applications for financial assistance under this chapter, monitoring performance of coal research and development projects receiving financial assistance under this chapter, and reviewing and evaluating the progress and findings of those projects. Such engineers, experts, and employees shall not receive any additional compensation over that which they receive from the department, agency, commission, or educational institution by which they are employed, but they shall be reimbursed for their actual and necessary expenses incurred while working under the direction of the director.

(I) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Sec. 1555.05. (A) Subject to any limitations as to aggregate amounts thereof that may from time to time be prescribed by the general assembly and to other applicable provisions of this chapter, and subject to the one

hundred million dollar limitation provided in Section 15 of Article VIII, Ohio Constitution, the director of the Ohio coal development office may, on behalf of the state, with the advice of the technical advisory committee created in section 1551.35 of the Revised Code and the approval of the director of development, enter into contracts to guarantee the repayment or payment of the unpaid principal amount of loans made to pay the costs of coal research and development projects.

(B) The contract of guarantee may make provision for the conditions of, time for, and manner of fulfillment of the guarantee commitment, subrogation of the state to the rights of the parties guaranteed and exercise of such parties' rights by the state, giving the state the option of making payment of the principal amount guaranteed in one or more installments and, if deferred, to pay interest thereon from the source specified in division (A) of this section, and any other terms or conditions customary to such guarantees and as the director of the office may approve, and may contain provisions for securing the guarantee in the manner consistent with this section, covenants on behalf of the state to issue obligations under section 1555.08 of the Revised Code to provide moneys to fulfill such guarantees and covenants, and covenants restricting the aggregate amount of guarantees that may be contracted under this section and obligations that may be issued under section ~~1555.08~~ 151.07 of the Revised Code, and terms pertinent to either, to better secure the parties guaranteed.

(C) The director of the office may fix service charges for making a guarantee. Such charges shall be payable at such times and place and in such amounts and manner as may be prescribed by the director. Moneys received from such charges shall be credited to the coal research and development bond service fund.

(D) Any guaranteed parties under this section, except to the extent that their rights are restricted by the guarantee documents, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such guarantee or guarantee documents. Such rights include the right to compel the performance of all duties of the office required by this section or the guarantee or guarantee documents; and in the event of default with respect to the payment of any guarantees, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the moneys pledged to such guarantee with full power to pay, and to provide for payment of, such guarantee, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge or apply additional revenues or receipts or other income or moneys of the state. Each duty of the office and

its director and employees required or undertaken under this section or a guarantee made under this section is hereby established as a duty of the office and of its director and each such employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the director of the office, or its employees, are not liable in their personal capacities on any guarantees or contracts to make guarantees by the director.

Sec. 1555.08. (A) Subject to the limitations provided in Section 15 of Article VIII, Ohio Constitution, the commissioners of the sinking fund, upon certification by the director of the Ohio coal development office of the amount of moneys or additional moneys needed in the coal research and development fund for the purpose of making grants or loans for allowable costs, or needed for capitalized interest, for funding reserves, and for paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, or providing moneys for loan guarantees, shall issue obligations of the state under this section in amounts authorized by the general assembly; provided that such obligations may be issued to the extent necessary to satisfy the covenants in contracts of guarantee made under section 1555.05 of the Revised Code to issue obligations to meet such guarantees, notwithstanding limitations otherwise applicable to the issuance of obligations under this section except the one-hundred-million-dollar limitation provided in Section 15 of Article VIII, Ohio Constitution. The proceeds of such obligations, except for the portion to be deposited in the coal research and development bond service fund as may be provided in the bond proceedings, shall as provided in the bond proceedings be deposited in the coal research and development fund. The commissioners of the sinking fund may appoint trustees, paying agents, and transfer agents and may retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in their judgment to carry out this section.

(B) The full faith and credit of the state of Ohio is hereby pledged to

obligations issued under this section ~~except as otherwise provided in section 1555.12 of the Revised Code~~. The right of the holders and owners to payment of bond service charges is limited to all or that portion of the moneys pledged thereto pursuant to the bond proceedings in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(C) Obligations shall be authorized by resolution of the commissioners of the sinking fund on request of the director of the Ohio coal development office as provided in section 1555.02 of the Revised Code and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding forty years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code apply to obligations issued under this section~~, subject to any applicable limitation under section 1555.12 of the Revised Code~~. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings shall also provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the commissioners of the sinking fund may determine, of the moneys credited to the coal research and development bond service fund to the payment of bond service charges, which pledges may be made either prior or subordinate to other expenses, claims, or payments and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The moneys so pledged and thereafter received by the state are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement or other document with respect thereto; and the pledge of such moneys is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made

with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

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

(1) The redemption of obligations prior to maturity at the option of the commissioners of the sinking fund at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

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

(5) The deposit, investment, and application of the coal research and development bond service fund, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular moneys; provided, that any bank or trust company which acts as depository of any moneys in the fund may furnish such indemnifying bonds or may pledge such securities as required by the commissioners of the sinking fund;

(6) Any other provision of the bond proceedings being binding upon the commissioners of the sinking fund, or such other body or person as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

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

(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under this chapter.

(E) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations shall be signed by such members of the commissioners of the sinking fund as are designated in the resolution authorizing the obligations or bear the facsimile signatures of such members. Any coupons attached to the obligations shall bear the facsimile signature of the treasurer of state. Any obligations may be executed by the persons who, on the date of execution, are the commissioners although on the date of such bonds the persons were not the commissioners. Any coupons may be executed by the person who, on the date of execution, is the treasurer of state although on the date of such coupons the person was not the treasurer of state. In case any officer or

commissioner whose signature or a facsimile of whose signature appears on any such obligations or any coupons ceases to be such officer or commissioner before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the individual had remained such officer or commissioner until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

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

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

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

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

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

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

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

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

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

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

(J) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the commissioners of the sinking fund, the director of development or the Ohio coal development office required by this chapter and Chapter 1551. of the Revised Code or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the commissioners, the director, or the office in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the moneys pledged, other than those in the custody of the treasurer of state, that are pledged to the payment of the bond service charges on such obligations or that are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the commissioners of the sinking fund or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project.

Each duty of the commissioners of the sinking fund and their employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any grant, loan, or loan guarantee agreement made under authority of this chapter, and in every agreement by or with the commissioners, is hereby established as a duty of the commissioners, and of each such officer, member, or employee

having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

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

(K) ~~The commissioners of the sinking fund may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued by the commissioners. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any allowable costs including expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this division to be applied to bond service charges on the prior obligations shall be credited to an appropriate account held by the trustee for such prior or new obligations or to the appropriate account in the coal research and development bond service fund for such obligations. Obligations authorized under this division are deemed to be issued for those purposes for which such prior obligations were issued and are subject to the provisions of this section pertaining to other obligations, except as otherwise provided in this section; provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to this section with respect to bond service charges applicable to the prior obligations applies to the obligations issued under this division to refund, fund, advance refund, or retire such prior obligations.~~

~~(L) The authority to issue obligations under this section includes authority to issue obligations in the form of bond anticipation notes and to renew the notes from time to time by the issuance of new notes. The holders of such notes or interest coupons pertaining thereto shall have a right to be paid solely from the moneys that may be pledged to the payment of the bonds anticipated, or from the proceeds of such bonds or renewal notes, or both, as the commissioners of the sinking fund provide in any resolution authorizing such notes. Such notes may be additionally secured by covenants of the commissioners to the effect that they and the state will do~~

~~such or all things necessary for the issuance of such bonds or renewal notes in appropriate amount, and apply the proceeds thereof to the extent necessary, to make full payment of the principal of and interest on such notes at the time or times contemplated, as provided in such resolution. For such purpose, the commissioners may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide funds to pay when required the principal of and interest on such notes, notwithstanding any limitations prescribed by or for purposes of this section except the one-hundred-million-dollar limitation provided in Section 15 of Article VIII, Ohio Constitution. Subject to this division, all provisions for and references to obligations in this section apply to notes authorized under this division.~~

~~The commissioners of the sinking fund in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for such bonds an estimated interest rate and a schedule of principal payments for such bonds and the annual maturity dates thereof.~~

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

~~(N)~~(L) If the law or the instrument creating a trust pursuant to division (I) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no-front-end-load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds established in accordance with section 1111.14 of the Revised Code and consisting exclusively of any such securities, notwithstanding division (A)(1)(c) of that section. The income from such

investments shall be credited to such funds as the commissioners of the sinking fund determine, and such investments may be sold at such times as the commissioners determine or authorize.

~~(O)~~(M) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Moneys to the credit of the bond service fund shall be disbursed on the order of the treasurer of state; provided, that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

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

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

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

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

~~(R) There is hereby created in the state treasury the coal research and development bond service fund.~~ (P) All moneys received by or on account of the state and required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to the coal research and development bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of

appropriation. During the period beginning with the date of the first issuance of obligations and continuing during such time as any such obligations are outstanding, and so long as moneys in the bond service fund are insufficient to pay all bond service charges on such obligations becoming due in each year, a sufficient amount of moneys of the state ~~except as provided in section 1555.12 of the Revised Code~~ are committed and shall be paid to the bond service fund in each year for the purpose of paying the bond service charges becoming due in that year without necessity for further act of appropriation for such purpose. The bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation. All investment earnings of the fund shall be credited to the fund.

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

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

Sec. 1555.15. There is hereby created in the state treasury the coal research and development fund. Moneys obtained for coal research and development projects from federal grants or loans, private grants, and other sources, and moneys paid into the fund pursuant to section 151.07 or 1555.08 of the Revised Code, shall be expended for the purpose of making grants and making or guaranteeing loans for coal research and development projects that will encourage the use of Ohio coal, to any individual, association, or corporation doing business in this state, or to any educational or scientific institution located in this state as provided for in Section 15 of Article VIII, Ohio Constitution and section 1555.08 of the Revised Code, when appropriated for such purposes by the general assembly.

The director of budget and management shall establish and maintain records or accounts for or within the coal research and development fund in such manner as to show the amounts credited to such fund pursuant to section 1555.08 of the Revised Code and that the amounts so credited have been expended for the purposes set forth in Section 15 of Article VIII, Ohio Constitution, and section ~~1555.02~~ 151.07 of the Revised Code. The director of budget and management may otherwise manage the fund to comply with any requirements established by federal grants or loans, private grants, or

moneys from other sources.

Sec. 1557.01. As used in this chapter:

(A) "Bond proceedings" means the resolutions, trust agreements, and other agreements, credit enhancement facilities, and amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of obligations, and the provisions contained in those obligations.

(B) "Debt charges" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, and any redemption premium payable on obligations.

(C) "Bond service fund" means the fund, and any accounts in that fund, created by former section 1557.04 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited to that fund and accounts as and to the extent provided in the bond proceedings.

(D) "Commissioners" or "commissioners of the sinking fund" means the board of commissioners of the sinking fund under Section 8 of Article VIII, Ohio Constitution, and section 129.01 of the Revised Code.

(E) "Costs of projects" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing projects, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with projects, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the commissioners and department of natural resources, cost of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, legal fees, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when interest is to be covered from sources other than proceeds of obligations, amounts necessary to establish reserves as required by the bond proceedings, costs of audits, the reimbursement of all moneys advanced or applied by or borrowed from any governmental agency, whether to or by the commissioners or others, from whatever source provided, for the payment of any item or items of cost of the projects, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to projects, and such

other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of projects, the financing thereof and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses.

(F) "Credit enhancement facilities" has the meaning given in division (A) of section 133.01 of the Revised Code.

(G) "Financing costs" has the meaning given in division (K) of section 133.01 of the Revised Code.

(H) "Interest" or "interest equivalent" has the meaning given in division (R) of section 133.01 of the Revised Code.

(I) "Local government entities" means any county, municipal corporation, township, metropolitan or township park district, soil and water conservation district, conservancy district, or joint recreation district.

(J) "Net proceeds" means amounts received from the sale of obligations pursuant to this chapter, excluding amounts used to refund or retire outstanding obligations, and does not include amounts required to be deposited in special funds pursuant to the applicable bond proceedings, or financing costs paid from such amounts received.

(K) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any interest coupons pertaining thereto, issued pursuant to ~~sections 1557.03 to 1557.05~~ Chapter 1557. of the Revised Code.

(L) "Principal amount" refers to the aggregate of the amount as stated or provided for in the bond proceedings authorizing the obligations as the amount on which interest or interest equivalent is initially calculated, and does not include any premium paid by the initial purchaser of the obligations.

(M) "Project" means any capital improvements for state and local parks and land and water recreation facilities; soil and water restoration and protection; land management including preservation of natural areas and reforestation; water management including dam safety, stream and lake management, and flood control and flood damage reduction; fish and wildlife resource management; and any other improvements that enhance the use and enjoyment of natural resources by individuals.

(N) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to the particular fund. Special funds do not include the Ohio parks and natural resources fund created by section

1557.02 of the Revised Code or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.

Sec. 1557.02. The Ohio parks and natural resources fund is hereby created in the state treasury. The fund shall consist of the proceeds of obligations issued pursuant to ~~sections 1557.03 to 1557.05~~ Chapter 1557. of the Revised Code before September 30, 2000, and pursuant to sections 151.01 and 151.05 of the Revised Code, except for amounts deposited in special funds, or in escrow funds for the purpose of refunding outstanding obligations. Moneys to the credit of this fund may be expended to pay costs of projects. The state may participate by grants or contributions in financing projects of local government entities. All investment earnings of the fund shall be credited to the fund.

Sec. 1557.03. (A)(1) The commissioners of the sinking fund are authorized to issue and sell, as provided in this section and in amounts from time to time authorized by the general assembly, general obligations of this state for the purpose of financing or assisting in the financing of the costs of projects. The full faith and credit, revenues, and taxing power of the state are and shall be pledged to the timely payment of debt charges on outstanding obligations, all in accordance with Section 2l of Article VIII, Ohio Constitution, and ~~sections 1557.03 to 1557.05~~ Chapter 1557. of the Revised Code, excluding from that pledge fees, excises, or taxes relating to the registration, operation, or use of vehicles on the public highways, or to fuels used for propelling those vehicles, and so long as such obligations are outstanding there shall be levied and collected excises and taxes, excluding those excepted above, in amount sufficient to pay the debt charges on such obligations and financing costs relating to credit enhancement facilities.

(2) For meetings of the commissioners of the sinking fund pertaining to the obligations under this chapter, each of the commissioners may designate an employee or officer of that commissioner's office to attend meetings when that commissioner is absent for any reason, and such designee, when present, shall be counted in determining whether a quorum is present at any meeting and may vote and participate in all proceedings and actions of the commissioners at that meeting pertaining to the obligations, provided, that such designee shall not execute or cause a facsimile of the designee's signature to be placed on any obligation, or execute any trust agreement or indenture of the commissioners. Such designation shall be in writing, executed by the designating member, and shall be filed with the secretary of the commissioners and such designation may be changed from time to time by a similar written designation.

(B) The total principal amount of obligations outstanding at any one

time shall not exceed two hundred million dollars, and not more than fifty million dollars in principal amount of obligations to pay costs of projects may be issued in any fiscal year, all determined as provided in ~~sections 1557.03 to 1557.05~~ Chapter 1557. of the Revised Code.

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

(D) Each issue of obligations shall be authorized by resolution of the commissioners of the sinking fund. The bond proceedings shall provide for the principal amount or maximum principal amount of obligations of an issue, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding the earlier of twenty-five years from the date the debt represented by the particular obligations was originally contracted, the interest rate or rates, the date of and the dates of payment of interest on the obligations, their denominations, and the establishment within or without the state of a place or places of payment of debt charges. Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable to the obligations. The purpose of the obligations may be stated in the bond proceedings as "financing or assisting in the financing of projects as provided in Section 2l of Article VIII, Ohio Constitution."

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

(F) The commissioners of the sinking fund may appoint paying agents, bond registrars, securities depositories, and transfer agents, and may retain the services of financial advisers and accounting experts, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the commissioners to carry out ~~sections 1557.01 to 1557.05~~ this chapter of the Revised Code. Financing costs are payable, as provided in the bond

proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose.

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

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

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

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

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

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

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

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

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

(9) Provision for the funding, refunding, or advance refunding or other provision for payment of obligations which will then no longer be or be

deemed to be outstanding for purposes of this section or of the bond proceedings;

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

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

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

(H) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations shall be signed by or bear the facsimile signatures of two or more of the commissioners of the sinking fund as provided in the bond proceedings. Any obligations may be signed by the person who, on the date of execution, is the authorized signer although on the date of such obligations such person was not a commissioner. In case the individual whose signature or a facsimile of whose signature appears on any obligation ceases to be a commissioner before delivery of the obligation, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the individual had remained the member until such delivery, and in case the seal to be affixed to or printed on obligations has been changed after the seal has been affixed to or a facsimile of the seal has been printed on the obligations, that seal or facsimile seal shall continue to be sufficient as to those obligations and obligations issued in substitution or exchange therefor.

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

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

(K) In the discretion of the commissioners of the sinking fund, obligations may be secured additionally by a trust agreement between the

tate and a corporate trustee which may be any trust company or bank having its principal place of business within the state. Any trust agreement may contain the resolution authorizing the issuance of the obligations, any provisions that may be contained in the bond proceedings, and other provisions that are customary or appropriate in an agreement of the type.

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

(M) ~~The commissioners of the sinking fund may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued. Such refunding obligations may be issued in amounts sufficient to pay or to provide for payment of the principal amount, including principal amounts maturing prior to the redemption of the remaining obligations, any redemption premium, and interest and other accreted amounts accrued or to accrue to the maturity or redemption date or dates, payable on the refunded obligations, and related financing costs and any expenses incurred or to be incurred in connection with such issuance and refunding. Subject to the bond proceedings therefor, the portion of the proceeds of the sale of refunding obligations issued under this division to be applied to debt charges on the prior obligations shall be credited to an appropriate separate account in the bond service fund and held in trust for the purpose by the commissioners or by a corporate trustee. Obligations authorized under this division shall be considered to be issued for those purposes for which such prior obligations were issued, and, except as otherwise provided in sections 1557.03 to 1557.05 of the Revised Code pertaining to other obligations.~~

~~(N) The commissioners of the sinking fund may authorize and issue obligations in the form of bond anticipation notes and renew those notes from time to time by the issuance of new notes. The holders of such notes or appertaining interest coupons have the right to have debt charges on those notes paid solely from the moneys and special funds that are or may be pledged to the payment of debt charges on those notes, including the proceeds of such bonds or renewal notes, or both, as the commissioners provide in the bond proceedings authorizing the notes. Such notes may be additionally secured by covenants of the commissioners to the effect that the commissioners and the state will do such or all things necessary for the issuance of bonds or renewal notes in appropriate amount, and apply the proceeds thereof to the extent necessary, to make full and timely payment of the debt charges on such notes as provided in such bond proceedings. For such purposes, the commissioners may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide moneys to pay when due the debt charges on such notes. Except as otherwise provided in sections 1557.03 to 1557.05 of the Revised Code, notes authorized pursuant to this division are subject to sections 1557.03 to 1557.05 of the Revised Code pertaining to other obligations.~~

~~The commissioners of the sinking fund shall set forth in the bond proceedings authorizing the issuance of bond anticipation notes an estimated schedule of annual principal payments for the bonds anticipated by such notes over a period of not to exceed the maximum period permitted by division (D) of this section. While the notes are outstanding there shall be deposited, as shall be provided in the bond proceedings for those notes, from the sources authorized for payment of debt charges on the bonds, amounts sufficient to pay the principal of the bonds anticipated as set forth in that estimated schedule during the time the notes are outstanding, which amounts shall be used solely to pay the principal of those notes or of the bonds anticipated.~~

~~(O) Refunding or renewal obligations issued pursuant to division (M) or (N) of this section shall not be counted against the limitation on principal amount provided for in division (B) of this section and shall be in addition to the amount authorized by the general assembly as provided for in division (A) of this section, to the extent the principal amount of those obligations does not exceed the then outstanding principal amount of the obligations to be refunded, renewed, or retired.~~

~~(P)~~ Obligations are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic

for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any state agency with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

~~(Q)~~(N) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the commissioners of the sinking fund only in notes, bonds, or other direct obligations of the United States or of any agency or instrumentality of the United States, in obligations of this state or any political subdivision of this state, in certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions, in the Ohio subdivision's fund established pursuant to section 135.45 of the Revised Code, in no-front-end-load money market mutual funds consisting exclusively of direct obligations of the United States or of an agency or instrumentality of the United States, and in repurchase agreements, including those issued by any fiduciary, secured by direct obligations of the United States or an agency or instrumentality of the United States, and in collective investment funds established in accordance with section 1111.14 of the Revised Code and consisting exclusively of direct obligations of the United States or of an agency or instrumentality of the United States, notwithstanding division (A)(1)(c) of that section. The income from investments shall be credited to such special funds or otherwise as the commissioners of the sinking fund determine in the bond proceedings, and the investments may be sold or exchanged at such times as the commissioners determine or authorize.

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

~~(S)~~(P) The commissioners of the sinking fund may covenant in the bond proceedings, and any such covenants shall be controlling notwithstanding

y other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, so long as any obligations are outstanding in accordance with their terms, shall maintain statutory authority for and cause to be charged and collected taxes, excises, and other receipts of the state so that the receipts to the bond service fund shall be sufficient in amounts to meet debt charges and for the establishment and maintenance of any reserves and other requirements, including payment of the costs of credit enhancement facilities, provided for in the bond proceedings.

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

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

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified.

(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:

(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:

(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.

(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.

(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.

(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.

(3) "Adjacent district" means a city, exempted village, or local school

district having territory that abuts the territory of a district adopting a resolution under this section.

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

(6) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(7) "Adjusted formula amount" means the formula amount ~~defined in division (B) of section 3317.02 of the Revised Code~~ multiplied by the cost-of-doing-business factor for a district defined in ~~division (N) of~~ section 3317.02 of the Revised Code.

~~(7)~~(8) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the director of the office of community services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

~~(8)~~(9) "IEP" means an individualized education program defined by division (E) of section 3323.01 of the Revised Code.

~~(9)~~(10) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

~~(10)~~(11) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

~~(11)~~(12) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of handicapping conditions, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies. The board may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the state board adopts such rules, no school board shall adopt a policy that conflicts with those rules.

(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract.

(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district.

Sec. 3313.981. (A) The state board shall adopt rules requiring all of the following:

(1) The board of education of each city, exempted village, and local school district to annually report to the department of education all of the following:

(a) The number of adjacent district or other district students, as applicable, and adjacent district or other district joint vocational students, as applicable, enrolled in the district and the number of native students enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code; ~~each~~

(b) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district; ~~and each~~

(c) The full-time equivalent number of adjacent district or other district students enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code and the full-time equivalent number of such students enrolled in vocational education programs or classes described in division (B) of that section;

(d) Each native student's date of enrollment in an adjacent or other district~~;~~.

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district ~~and, for~~;

(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code and the full-time equivalent number of such students enrolled in vocational education programs or classes described in division (B) of that section;

(c) For each ~~such~~ adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.

(3) Prior to the first full school week in October each year, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to notify each adjacent

or other district where those students are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code of the number of the adjacent or other district's native students who are enrolled in the superintendent's district under the policy.

The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student.

(B) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually subtract both of the following:

(1) An amount equal to the number of the district's native students reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the adjusted formula amount for the district;

(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;

(3) For the full-time equivalent number of the district's native students reported under division (A)(1)(c) or (2)(b) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section.

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:

(1) An amount equal to the adjusted formula amount for the district multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section;

(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students, except for any adjacent or other district joint vocational students, receiving special education and related services in the district;

(3) For the full-time equivalent number of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(c) of this section as enrolled in vocational education programs or classes described in section 3317.014 of

the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section;

(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to one-fourth of the adjusted formula amount for the district.

(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, ~~an~~ both of the following:

(1) An amount equal to ~~three-fourths of~~ the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;

(2) An amount equal to the full-time equivalent number of students reported pursuant to division (A)(2)(b) of this section times the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code.

(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:

(a) Subtract the adjusted formula amount for the district from the actual costs to educate the student;

(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.

(2) The board shall report the excess costs computed under this division to the department of education.

(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.

(F) ~~Notwithstanding~~ As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its ~~average daily membership~~ formula ADM certified under section 3317.03 of the Revised Code.

(G) No city, exempted village, or local school district shall receive a

payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, if for the same school year that student is counted in the district's formula ADM ~~or average daily membership~~ certified under section 3317.03 of the Revised Code.

(H) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the state board of education, such board may reimburse the parent from funds received under division (D) of section 3317.022 of the Revised Code for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section.

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract.

(3) One-fourth of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;

(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts:

(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;

(2) The number of all handicapped preschool children enrolled as of the

first day of December in classes in the district that are eligible for approval by the state board of education under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a community school established under Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school, or are participating in a program operated by a county MR/DD board or a state institution;

(4) The number of pupils enrolled in joint vocational schools;

(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving category two special education services, described in division (B) of section 3317.013 of the Revised Code;

(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section identified as having any of the handicaps specified in division (F)(3) of section 3317.02 of the Revised Code;

(8) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center;

(9) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district,

other than a joint vocational school district, or by an educational service center;

(10) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

(11)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;

(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category two special education services, described in division (B) of section 3317.013 of the Revised Code;

(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category three special education services, described in division (F)(3) of section 3317.02 of the Revised Code.

(C) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (9) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to (9), or division (D) of this section, except as follows:

(1) A child with a handicap described in section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code may be counted both in formula ADM and in category one, two, or three special education ADM and, if applicable, in category one or two vocational education ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, or three special education ADM in the same proportion that the child is counted in formula ADM.

(2) A child enrolled in vocational education programs or classes described in section 3314.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, or three special education ADM. Such a child shall be counted in category one or two vocational education ADM in

the same proportion as the percentage of time that the child spends in the vocational education programs or classes. ~~Based~~

Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students:

(a) Students enrolled in each grade included in the joint vocational district schools;

(b) Handicapped children receiving category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(c) Handicapped children receiving category two special education services, described in division (B) of section 3317.013 of the Revised Code;

(d) Handicapped children identified as having any of the handicaps specified in division (F)(3) of section 3317.02 of the Revised Code;

(e) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;

(f) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.

The superintendent of each joint vocational school district shall also

indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for the following:

(a) Persons suffering from tuberculosis and receiving treatment in any approved state, county, district, or municipal tuberculosis hospital who have not graduated from the twelfth grade of a public high school;

(b) Veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge.

If, however, any veteran described by division (E)(4)(b) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership.

Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction

grants a waiver from the requirement to take the test to the specific pupil. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

Except as provided in division (B)(2) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the first full school week in October by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those handicapped children currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February.

(2) If on the first school day of April the total number of classes or units for handicapped preschool children that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the state board of education determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the board shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so

approved, the department of education shall pay an amount computed in the manner prescribed in section 3317.161 or 3317.19 and section 3317.162 of the Revised Code.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education the average daily membership of all handicapped children in classes or programs approved annually by the state board of education, in the manner prescribed by the superintendent of public instruction.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes or units approved by the state board of education pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes and units approved under division (D)(1) of section 3317.05 of the Revised Code for each school district that has placed children in the classes or units;

(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

(3)(a) If during the first full school week in February the average daily membership of the classes or units maintained by the county MR/DD board that are eligible for approval under division (D)(1) of section 3317.05 of the Revised Code is greater than the average daily membership for the preceding October, the superintendent of the board shall make the certifications required by this section for such week.

(b) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

(c) If the state board determines that additional classes or units can be

approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) or (b) of this section, the board shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department of education shall pay an amount computed in the manner prescribed in sections 3317.161 and 3317.162 of the Revised Code.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 through 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in ~~division (A)(9) of~~ section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3318.21. As used in sections 3318.21 to 3318.29 of the Revised Code:

(A) "Allowable costs" means all or part of the costs of a permanent improvement that may be financed with, and paid from the proceeds of, securities issued pursuant to section 133.15 of the Revised Code.

(B) "Bond proceedings" means the resolution, order, trust agreement, indenture, loan agreement, lease agreement, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to section 3318.26 of the Revised Code, and the provisions contained in the obligations.

(C) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations, and, if provided in the applicable bond proceedings, may include any corresponding lease or sublease payments to be made with respect thereto to the issuing authority by the state or any agency of state government.

(D) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, either the school building program bond service fund created by division ~~(R)~~(Q) of section 3318.26 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited thereto.

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

(F) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to section 3318.26 of the Revised Code.

(G) "Permanent improvement" or "improvement" means a permanent improvement or improvement as defined under division (CC) of section 133.01 of the Revised Code to be used for housing agencies of state government, including classroom facilities as defined in division (B) of section 3318.01 of the Revised Code.

(H) "Pledged receipts," in the case of obligations issued to provide moneys for the school building program assistance fund created in section 3318.25 of the Revised Code, means any or all of the following:

(1) Moneys in the lottery profits education fund created in section 3770.06 of the Revised Code appropriated by the general assembly and pledged for the purpose of paying bond service charges on one or more

issuances of such obligations;

(2) Accrued interest received from the sale of obligations;

(3) Income from the investment of the special funds;

(4) Any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges.

(I) "School district" means a school district as defined under division (D) of section 3318.01 of the Revised Code, acting as an agency of state government, performing essential governmental functions of state government pursuant to sections 3318.21 to 3318.29 of the Revised Code.

(J) "Securities" means securities as defined under division (KK) in section 133.01 of the Revised Code.

(K) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the school building program bond service fund created by division ~~(R)~~(Q) of section 3318.26 of the Revised Code to the extent provided in the bond proceedings, including all moneys and investments, and earnings from investment, credited and to be credited thereto.

Sec. 3318.25. There is hereby created in the state treasury the school building program assistance fund. The fund shall consist of the proceeds of obligations issued for the purposes of such fund pursuant to section 3318.26 of the Revised Code that are payable from moneys in the lottery profits education fund created in section 3770.06 of the Revised Code or pursuant to section 151.03 of the Revised Code. All investment earnings of the fund shall be credited to the fund. Moneys in the fund shall be used as directed by the Ohio school facilities commission for the cost to the state of constructing classroom facilities under sections 3318.01 to 3318.20 of the Revised Code.

Sec. 3318.26. (A) The provisions of this section apply only to obligations issued by the issuing authority prior to December 1, 1999.

(B) Subject to the limitations provided in section 3318.29 of the Revised Code, the issuing authority, upon the certification by the Ohio school facilities commission to the issuing authority of the amount of moneys or additional moneys needed in the school building program assistance fund for the purposes of sections 3318.01 to 3318.20 of the Revised Code, or needed for capitalized interest, for funding reserves, and for paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative

ements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for obligations issued to provide moneys for the school building program assistance fund shall be deposited by the treasurer of state in special funds, including reserve funds, as provided in the bond proceedings. The issuing authority may appoint trustees, paying agents, and transfer agents and may retain the services of financial advisors and accounting experts and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from the school building program assistance fund or any special fund determined by the issuing authority.

~~(B)~~(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any money or property received by the commission, treasurer of state, or the state, or from any other use of the proceeds of the sale of the obligations, and no such moneys may be used for the payment of bond service charges, except for accrued interest, capitalized interest, and reserves funded from proceeds received upon the sale of the obligations and except as otherwise expressly provided in the applicable bond proceedings pursuant to written directions by the treasurer of state. The right of such holders and owners to payment of bond service charges shall be limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

~~(C)~~(D) Obligations shall be authorized by resolution or order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding the limits specified in section 3318.29 of the Revised Code, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section, subject

to any applicable limitation under section 3318.29 of the Revised Code. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings shall also provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the issuing authority may determine, of the pledged receipts and the applicable special fund or funds to the payment of bond service charges, which pledges may be made either prior or subordinate to other expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement or other document with respect thereto; and the pledge of such pledged receipts and special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation, except as required by section 3770.06 of the Revised Code. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

~~(D)~~(E) The bond proceedings may contain additional provisions as to:

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

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

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

(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131., 133., or 135. of the Revised Code, but subject to any special provisions of sections 3318.21 to 3318.29 of the Revised Code, with respect to

ular funds or moneys, provided that any bank or trust company that acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;

(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

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

(8) The lease or sublease of any interest of the school district or the state in one or more projects as defined in division (C) of section 3318.01 of the Revised Code, or in one or more permanent improvements, to or from the issuing authority, as provided in one or more lease or sublease agreements between the school or the state and the issuing authority;

(9) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor.

~~(E)~~(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. In case the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the issuing authority had remained the issuing authority until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

~~(F)~~(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into

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

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

~~(H)~~(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

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

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

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

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

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

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

~~(J)~~(K) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the commission, or the director of budget and management required by sections 3318.21 to 3318.29

of the Revised Code or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority, the commission, or the director of budget and management in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state or the commission, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any permanent improvement.

Each duty of the issuing authority and the issuing authority's officers and employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any agreement or loan made under authority of sections 3318.21 to 3318.29 of the Revised Code, and in every agreement by or with the issuing authority, is hereby established as a duty of the issuing authority, and of each such officer, member, or employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

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

~~(K) The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued by the issuing authority. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any allowable costs including expenses incurred or to be incurred in connection with such~~

~~issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this division to be applied to bond service charges on the prior obligations shall be credited to an appropriate account held by the trustee for such prior or new obligations or to the appropriate account in the bond service fund for such obligations. Obligations authorized under this division shall be deemed to be issued for those purposes for which such prior obligations were issued and are subject to the provisions of this section pertaining to other obligations, except as otherwise provided in this section; provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to this section with respect to bond service charges applicable to the prior obligations shall be applicable to the obligations issued under this division to refund, fund, advance refund, or retire such prior obligations.~~

~~(L) The authority to issue obligations under this section includes authority to refund or refinance any obligations previously issued by the state under sections 3318.21 to 3318.29 of the Revised Code.~~

~~The authority to issue obligations under this section also includes authority to issue obligations in the form of bond anticipation notes and to renew the same from time to time by the issuance of new notes. The holders of such notes or interest coupons pertaining thereto shall have a right to be paid solely from the pledged receipts and special funds that may be pledged to the payment of the bonds anticipated, or from the proceeds of such bonds or renewal notes, or both, as the issuing authority provides in the resolution or order authorizing such notes. Such notes may be additionally secured by covenants of the issuing authority to the effect that the issuing authority and the state will do such or all things necessary for the issuance of such bonds or renewal notes in appropriate amount, and apply the proceeds thereof to the extent necessary, to make full payment of the principal of and interest on such notes at the time or times contemplated, as provided in such resolution or order. For such purpose, the issuing authority may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide funds to pay when required the principal of and interest on such notes, notwithstanding any limitations prescribed by or for purposes of this section. Subject to this division, all provisions for and references to obligations in this section are applicable to notes authorized under this division.~~

~~The issuing authority in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for such bonds an estimated interest rate and a schedule of principal payments for such bonds and the annual~~

~~maturity dates thereof, and for purposes of any limitation on bond service charges prescribed under section 3318.29 of the Revised Code, the amount of bond service charges on such bond anticipation notes shall be deemed to be the bond service charges for the bonds anticipated thereby as set forth in the bond proceedings applicable to such notes, but this provision does not modify any authority in this section to pledge pledged receipts and special funds to, and covenant to issue bonds to fund, the payment of principal of and interest and any premium on such notes.~~

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

~~(N)~~(M) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the issuing authority only in notes, bonds, or other obligations of the United States, or of any agency or instrumentality of the United States, obligations guaranteed as to principal and interest by the United States, obligations of this state or any political subdivision of this state, and certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions. If the law or the instrument creating a trust pursuant to division ~~(I)~~(J) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no front end load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds established in accordance with section 1111.14 of the Revised Code and consisting exclusively of any such securities,

notwithstanding division ~~(A)~~(B)(1)(c) of that section. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

~~(O)~~(N) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

~~(P)~~(O) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions shall be controlling notwithstanding any other provisions of law pertaining thereto.

~~(Q)~~(P) The issuing authority may covenant in the bond proceedings, and any such covenants shall be controlling notwithstanding any other provision of law, that the state and applicable officers and governmental agencies of the state, including the general assembly, so long as any obligations are outstanding, shall:

(1) Maintain statutory authority for and cause to be operated the state lottery, including the transfers to and from the lottery profits education fund created in section 3770.06 of the Revised Code so that the pledged receipts shall be sufficient in amount to meet bond service charges, and the establishment and maintenance of any reserves and other requirements provided for in the bond proceedings;

(2) Take or permit no action, by statute or otherwise, that would impair the exclusion from gross income for federal income tax purposes of the interest on any obligations designated by the bond proceeding as tax-exempt obligations.

~~(R)~~(Q) There is hereby created the school building program bond service fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and

required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to the school building program bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation, except as required by section 3770.06 of the Revised Code. During the period beginning with the date of the first issuance of obligations and continuing during such time as any such obligations are outstanding, and so long as moneys in the school building program bond service fund are insufficient to pay all bond service charges on such obligations becoming due in each year, a sufficient amount of the moneys from the lottery profits education fund included in pledged receipts, subject to appropriation for such purpose as provided in section 3770.06 of the Revised Code, are committed and shall be paid to the school building program bond service fund in each year for the purpose of paying the bond service charges becoming due in that year. The school building program bond service fund is a trust fund and is hereby pledged to the payment of bond service charges solely on obligations issued to provide moneys for the school building program assistance fund to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation except as required by section 3770.06 of the Revised Code.

~~(S) of~~ (R) The obligations, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, at all times shall be free from taxation within the state.

Sec. 3325.07. The state board of education in carrying out this section and section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following methods of instruction:

(A) Classes for parents of deaf or hard of hearing children of preschool age;

(B) A nursery school where parent and child would enter the nursery school as a unit;

(C) Correspondence course;

(D) Personal consultations and interviews;

(E) Day-care or child development courses;

(F) Summer enrichment courses;

(G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of

hearing child of preschool age to construct a pattern of communication at an early age.

The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.

The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.

Sec. 3333.13. (A) Money appropriated to state supported and state assisted institutions of higher education and to the Ohio board of regents for the purposes of this division shall be paid at the times and in the amounts necessary to meet all payments required to be made by such institutions and by the board to the Ohio public facilities commission or treasurer of state pursuant to leases or agreements made by them ~~with such commission~~ under division (B) of section 154.21 of the Revised Code, as certified under division (C) of this section, including supplements to such certifications.

(B) Each such institution of higher education and the board shall include in its estimate of proposed expenses submitted pursuant to section 126.02 of the Revised Code the estimated amounts of all such payments to be made by it. The board shall include the estimated amounts of all such payments to be made by each such institution and of such payments to be made by it in recommendations for appropriation required by division (J) of section 3333.04 of the Revised Code. The director of budget and management shall include in the state budget estimates provided for in section 126.02 of the Revised Code the estimated amount of all such payments to be made during the next biennium, and this amount shall be included in the state budget to be submitted by the governor to the general assembly pursuant to section 107.03 of the Revised Code.

(C) On the first day of July of each year, or as soon thereafter as is practicable, the chancellor of the board shall certify to the director the payments contracted to be made, during the period of the then current appropriations made for the purposes of division (A) of this section, to the commission or treasurer of state by each state supported and state assisted

institution of higher education and by the board pursuant to leases and agreements made under division (B) of section 154.21 of the Revised Code. The certification shall state the amounts and dates of payment required therefor as to each such institution of higher education and the board, and the amounts to be credited pursuant to such leases and agreements to the higher education bond service trust fund and other special funds established pursuant to Chapter 154. of the Revised Code. If the director finds such certification to be correct, ~~he~~ the director shall promptly add ~~his~~ the director's certification thereto and submit it to the treasurer of state. Such annual certification shall be supplemented in similar manner upon the execution of each new lease or agreement, any supplement to an existing lease or agreement, or any amendment thereof, affecting the amounts of ~~such~~ those payments.

Sec. 3383.01. As used in this chapter:

(A) "Arts" means any of the following:

(1) Visual, musical, dramatic, graphic, and other arts and includes, but is not limited to, architecture, dance, literature, motion pictures, music, painting, photography, sculpture, and theater;

(2) The presentation or making available, in museums or other indoor or outdoor facilities, of principles of science and their development, use, or application in business, industry, or commerce or of the history, heritage, development, presentation, and uses of the arts as defined above and of transportation;

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

(B) "Arts organization" means either of the following:

(1) A governmental agency or Ohio nonprofit corporation that provides programs or activities in areas directly concerned with the arts;

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

(C) "Arts project" means all or any portion of an Ohio arts facility for which the general assembly has specifically authorized the spending of money, or made an appropriation, pursuant to division (D)(3) of section 3383.07 of the Revised Code.

(D) "Costs of operation" means amounts required to manage an Ohio arts facility that are incurred following the completion of construction of its arts project, provided that both of the following apply:

(1) Those amounts either:

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

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

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

(E) "General building services" means general building services for an Ohio arts facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

~~(D)~~(F) "Governmental agency" means a state agency, a state-supported or state-assisted institution of higher education, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, ~~or~~ any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities~~, or,~~; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.

~~(E)~~(G) "Local contributions" means the value of an asset provided by or on behalf of an arts organization from sources other than the state, the value and nature of which shall be approved by the Ohio arts and sports facilities commission, in its sole discretion. "Local contributions" may include the value of the site where an arts project is to be constructed. All "local contributions," except a contribution attributable to such a site, shall be for the costs of construction of an arts project or the costs of operation of an arts facility.

(H) "local historical facility" means a site or facility, other than a state historical facility, of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by an arts organization, provided the facility meets the requirements of division (J)(2)(b) of this section, is managed by or pursuant to a contract with the Ohio arts and sports facilities commission, and is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public.

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

(1) Relating to the arts for an Ohio arts facility, including as applicable, but not limited to, providing for displays, exhibitions, specimens, and models; booking of artists, performances, or presentations; scheduling; and

hiring or contracting for directors, curators, technical and scientific staff, ushers, stage managers, and others directly related to the arts activities in the facility; but not including general building services;

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

~~(F)~~(J) "Ohio arts facility" means any of the following:

(1) The three theaters located in the state office tower at 77 South High street in Columbus;

(2) Any capital facility in this state to which all of the following apply:

(a) The construction of ~~the facility~~ an arts project related to the facility was authorized or funded by the general assembly pursuant to division (D)(3) of section 3383.07 of the Revised Code.

(b) The state owns or has sufficient real property interests in the facility or in the portion of the facility financed from the proceeds of obligations or in the site of the facility for a period of no less than the greater of the useful life of the portion of the facility financed from the proceeds of those obligations as determined by the director of budget and management using the guidelines for maximum maturities as provided under divisions (B), (C), and (E) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding obligations issued by the Ohio building authority allocable to costs of that portion of the facility, as determined by the director of budget and management, in either case as certified to the Ohio arts and sports facilities commission and the Ohio building authority.

(c) The facility is managed directly by, or by contract with, the Ohio arts and sports facilities commission, and used for or in connection with the activities of the commission, including the presentation or making available of arts to the public.

(3) A state historical facility or a local historical facility.

~~(G)~~(K) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies ~~of the state~~.

~~(H)~~(L) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.

~~(I)~~(M) "State historical facility" means a site or facility of

aeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by or is located on real property owned by the state or by an arts organization, so long as the real property of the arts organization meets the requirements of division ~~(F)~~(J)(2)(b) of this section and is contiguous to state-owned real property that is in the care, custody, and control of an arts organization, and that is managed directly by or by contract with the Ohio arts and sports facilities commission, and that is used for or in connection with the ~~commission's~~ activities of the commission, including the presentation or making available of arts to the public.

~~(J)~~(N) "Ohio sports facility" means all or a portion of a stadium, arena, or other capital facility in Ohio, a primary purpose of which is to provide a site or venue for the presentation to the public of events of one or more major or minor league professional athletic or sports teams that are associated with the state or with ~~an Ohio~~ a city or region of the state, which facility is owned by or is located on real property owned by the state or a governmental agency, and including all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real and personal property and interests and rights therein, that may be appropriate for or used for or in connection with the facility or its operation, for capital costs of which state funds are spent pursuant to this chapter. A facility constructed as an Ohio sports facility may be both an Ohio arts facility and an Ohio sports facility.

Sec. 3383.03. The Ohio arts and sports facilities commission shall do the following:

(A) From time to time, determine the need for arts projects, Ohio arts facilities, and Ohio sports facilities, report to the governor and the general assembly on the need for any additional arts projects, Ohio arts facilities, and ~~any additional~~ Ohio sports facilities. This division does not apply to state historical facilities.

(B) Have jurisdiction, control, and possession of, and supervision over the use and disposition of, all property, rights, licenses, money, contracts, accounts, liens, books, records, and other property rights and interests conveyed, delivered, transferred, or assigned to it;

(C) Use, and provide for the use of, Ohio arts facilities and Ohio sports facilities for the commission's purposes and functions, and conduct ~~such~~ reviews ~~as are~~ necessary to ensure that uses of those facilities are consistent with statewide interests and the commission's purposes, including the presentation or making available arts and professional athletics and sports to

the public in this state;

(D) Hold a meeting, including the organizational meeting required by division (E) of section 3383.02 of the Revised Code, at least quarterly to conduct its business;

(E) Cooperate with any governmental agency or arts organization that provides services in, to, or for an Ohio arts facility, and cooperate with any governmental agency or nonprofit corporation for the provision or operation of any Ohio sports facilities.

Sec. 3383.07. (A) The department of administrative services shall provide for the construction of an ~~Ohio~~ arts ~~facility~~ project in conformity with Chapter 153. of the Revised Code, except as follows:

(1) For ~~a facility~~ an arts project that has an estimated construction cost, excluding the cost of acquisition, of twenty-five million dollars or more, and that is financed by the Ohio building authority, construction services may be provided by the authority if the authority determines it should provide those services.

(2) For an arts project other than a state historical facility, construction services may be provided on behalf of the state by the Ohio arts and sports facilities commission, or by a governmental agency or an arts organization that occupies, will occupy, or is responsible for the Ohio arts facility, as determined by the department of administrative services. Construction services to be provided by a governmental agency or an arts organization shall be specified in an agreement between the commission and the governmental agency or arts organization. the agreement, or any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.151 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

(3) For ~~a facility~~ an arts project that is a state historical facility, construction services may be provided by the Ohio arts and sports facilities commission or by an arts organization that occupies, will occupy, or is responsible for the facility, as determined by the commission. The construction services to be provided by the arts organization shall be specified in an agreement between the commission and the arts organization, and the agreement, and any actions taken under it, are not subject to Chapter 123., 153., or 4115. of the Revised Code.

(B) For an Ohio sports facility that is financed in part by the Ohio building authority, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility, all as determined by the commission. Any construction services to

be provided by a governmental agency or nonprofit corporation shall be specified in an agreement between the commission and the governmental agency or nonprofit corporation, and the agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.151 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

(C) General building services for an Ohio arts facility shall be provided by the department of administrative services in conformity with Chapter 123. of the Revised Code, except that the Ohio building authority may elect to provide such services for Ohio arts facilities it financed and such services may be provided by the Ohio arts and sports facilities commission or by an arts organization that occupies, will occupy, or is responsible for the facility, as determined by the commission. The costs of management and general building services shall be paid by the arts organization ~~which~~ that occupies, will occupy, or is responsible for the facility as provided in an agreement between the commission and the arts organization, except that the state may pay for general building services for state-owned arts facilities constructed on state-owned land. General building services for an Ohio sports facility shall be provided by or at the direction of the governmental agency or nonprofit corporation that will be responsible for the management of the facility, all as determined by the commission. Any general building services to be provided by a governmental agency or nonprofit corporation shall be specified in an agreement between the commission and the governmental agency or nonprofit corporation, and that agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.151 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

(D) This division does not apply to a state historical facility. No state funds, including any state bond proceeds, shall be spent on the construction of any ~~Ohio~~ arts ~~facility~~ project under this chapter unless, with respect to the arts project and to ~~that~~ the Ohio arts facility related to the project, all of the following apply:

(1) The Ohio arts and sports facilities commission has determined that there is a need for the arts project and the Ohio arts facility related to the project in the region of the state for which the Ohio arts facility is proposed to be located;

(2) ~~As~~ The commission has determined that, as an indication of substantial regional support for the ~~facility,~~ arts project, the arts organization has made provision ~~has been made, by agreement or otherwise,~~ satisfactory to the commission, in its sole discretion, for ~~a contribution~~ local

contributions amounting to not less than ~~one-third~~ fifty per cent of the total ~~estimated cost of the facility, including any cost of the site, from sources other than the state of Ohio to be used for costs of construction of the facility, costs of management of the facility, or both~~ state funding for the arts project;

(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the ~~facility~~ arts project, or for rental payments relating to the financing of the construction of the ~~facility~~ arts project. Authorization to spend money, or an appropriation, for planning the ~~facility~~ arts project does not constitute authorization to spend money on, or an appropriation for, construction of the ~~facility~~ arts project.

(E) No state funds, including any state bond proceeds, shall be spent on the construction of any state historical facility under this chapter unless the general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the arts project related to the facility, or for rental payments relating to the financing of the construction of the ~~facility~~ arts project. Authorization to spend money, or an appropriation, for planning the ~~facility~~ arts project does not constitute authorization to spend money on, or an appropriation for, the construction of the ~~facility~~ arts project.

(F) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio arts and sports facilities commission has determined that there is a need for the facility in the region of the state for which the facility is proposed to provide the function of an Ohio sports facility as provided for in this chapter.

(2) As an indication of substantial local support for the facility, the commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an

on, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.

(4) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the facility for the presentation of sport and athletic events to the public at the facility, extending for a period of not less than the greater of the useful life of the portion of the facility financed from proceeds of those bonds as determined using the guidelines for maximum maturities as provided under divisions (B), (C), and (D) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding state bonds allocable to costs of the facility, all as determined by the director of budget and management and certified by the director to the Ohio arts and sports facilities commission and to the Ohio building authority.

Sec. 3701.024. (A)(1) Under a procedure established in rules adopted under section 3701.021 of the Revised Code, the department of health shall determine the amount each county shall provide annually for the program for medically handicapped children, based on a proportion of the county's total general property tax duplicate, not to exceed <u>one-tenth of a mill through fiscal year 2005 and</u> three-tenths of a mill <u>thereafter</u>, and charge the county for any part of expenses incurred under the program for treatment services on behalf of medically handicapped children having legal settlement in the county that is not paid from federal funds or through the medical assistance program established under section 5111.01 of the Revised Code. The department shall not charge the county for expenses exceeding the difference between the amount determined under division (A)(1) of this section and any amounts retained under divisions (A)(2) and (3) of this section.

All amounts collected by the department under division (A)(1) of this section shall be deposited into the state treasury to the credit of the medically handicapped children-county assessment fund, which is hereby created. The fund shall be used by the department to comply with sections 3701.021 to 3701.028 of the Revised Code.

(2) The department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow each county to retain up to ten per cent of the amount determined under division (A)(1) of this section to

de funds to city or general health districts of the county with which the districts shall provide service coordination, public health nursing, or transportation services for medically handicapped children.

(3) In addition to any amount retained under division (A)(2) of this section, the department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow counties that it determines have significant numbers of potentially eligible medically handicapped children to retain an amount equal to the difference between:

(a) Twenty-five per cent of the amount determined under division (A)(1) of this section;

(b) Any amount retained under division (A)(2) of this section.

Counties shall use amounts retained under division (A)(3) of this section to provide funds to city or general health districts of the county with which the districts shall conduct outreach activities to increase participation in the program for medically handicapped children.

(4) Prior to any increase in the millage charged to a county, the public health council shall hold a public hearing on the proposed increase and shall give notice of the hearing to each board of county commissioners that would be affected by the increase at least thirty days prior to the date set for the hearing. Any county commissioner may appear and give testimony at the hearing. Any increase in the millage any county is required to provide for the program for medically handicapped children shall be determined, and notice of the amount of the increase shall be provided to each affected board of county commissioners, no later than the first day of June of the fiscal year next preceding the fiscal year in which the increase will take effect.

(B) Each board of county commissioners shall establish a medically handicapped children's fund and shall appropriate thereto an amount, determined in accordance with division (A)(1) of this section, for the county's share in providing medical, surgical, and other aid to medically handicapped children residing in such county and for the purposes specified in divisions (A)(2) and (3) of this section. Each county shall use money retained under divisions (A)(2) and (3) of this section only for the purposes specified in those divisions.

Sec. 3701.132. The department of health is hereby designated as the state agency to administer the "special supplemental ~~food~~ nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. The public health council may adopt rules pursuant to Chapter 119. of the Revised Code as necessary for administering the program. The rules may include civil money penalties for violations of the rules.

In determining eligibility for services provided under the program, the department may use the application form established under section 5111.013 of the Revised Code for the healthy start program. The department may require applicants to furnish their social security numbers.

If the department determines that a vendor has committed an act with respect to the program that federal statutes or regulations or state statutes or rules prohibit, the department shall take action against the vendor in the manner required by 7 C.F.R. part 246, including imposition of a civil money penalty in accordance with 7 C.F.R. 246.12, or rules adopted under this section.

Sec. 3701.23. (A) The director of health shall have charge of the laboratory authorized by section 3701.22 of the Revised Code. The director may employ an assistant for the laboratory who shall be a person skilled in chemistry and bacteriology, and receive ~~for his services~~ such compensation as the director may allow. All expenses of such laboratory shall be paid from appropriations made for the department of health.

(B)(1) The public health council, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend or rescind, rules establishing reasonable fees to be charged for services that the laboratory performs. The council need not prescribe fees to be charged in any case where the council believes that the charging of fees would significantly and adversely affect the public health. Except as provided in division (B)(2) of this section, all fees collected for services that the laboratory performs shall be deposited into the state treasury to the credit of the "laboratory handling fee fund," which is hereby created for the purpose of defraying expenses of operating the laboratory.

(2) The council, in accordance with division (B)(1) of this section, shall adopt a rule establishing a fee of not less than fourteen dollars for tests of newborn children conducted under section 3701.501 of the Revised Code. Of each such fee collected on or after the rule's effective date, not less than ten dollars and twenty-five cents shall be deposited into the state treasury to the credit of the genetics services fund, which is hereby created, and not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. ~~Three~~ Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs. ~~Seven~~ Not less than seven dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Money credited to the sickle cell fund shall be used to defray costs of programs authorized by

ion 3701.131 of the Revised Code.

Sec. 3770.06. (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All gross revenues received from sales of lottery tickets, fines, fees, and related proceeds shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the director of the state lottery commission or the director's designee. All revenues of the state lottery gross revenue fund that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not paid to lottery sales agents in the form of agent bonuses, commissions, or reimbursements, and that are not paid to financial institutions to reimburse such institutions for sales agent nonsufficient funds shall be transferred to the state lottery fund, which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund. Moneys shall be disbursed from the state lottery fund pursuant to vouchers approved by the director of the state lottery commission. Total disbursements for monetary prize awards to holders of winning lottery tickets and purchases of goods and services awarded as prizes to holders of winning lottery tickets shall be of an amount equal to at least fifty per cent of the total revenue accruing from the sale of lottery tickets.

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, there is hereby established in the state treasury the lottery profits education fund. Whenever, in the judgment of the director of budget and management, the amount to the credit of the state lottery fund is in excess of that needed to meet the maturing obligations of the commission and as working capital for its further operations, the director shall transfer the excess to the lottery profits education fund, provided that the amount to be transferred into the lottery profits education fund shall equal no less than thirty per cent of the total revenue accruing from the sale of lottery tickets. Investment earnings of the lottery profits education fund shall be credited to the fund. There shall also be credited to the fund any repayments of moneys loaned from the educational excellence investment fund. The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the

state pursuant to section 2n of Article VIII, Ohio Constitution When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

From the amounts that the director of budget and management transfers in any fiscal year from the state lottery fund to the lottery profits education fund, the director shall transfer the initial ten million dollars of such amounts from the lottery profits education fund to the school building program bond service fund created in division ~~(R)~~(Q) of section 3318.26 of the Revised Code to be pledged for the purpose of paying bond service charges as defined in division (C) of section 3318.21 of the Revised Code on one or more issuances of obligations, which obligations are issued to provide moneys for the school building program assistance fund created in section 3318.25 of the Revised Code.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the fund. Within sixty days after the end of each fiscal year, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for continued funding of deferred prizes. Any earnings credited in excess of this certified amount shall be transferred to the lottery profits education fund. To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund in obligations of the type permitted for the investment of state funds but whose maturities are thirty years or less. Investments of the deferred prizes trust fund are not subject to the provisions of division (A)(10) of section 135.143 of the Revised Code limiting to five per cent the amount of the state's total average portfolio that may be invested in debt interests and limiting to one half of one per cent the amount that may be invested in debt interests of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and

such other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and such records of lottery sales agents as pertain to their activities as agents, for purposes of conducting authorized audits.

The state lottery commission shall establish an internal audit program before the beginning of each fiscal year, subject to the approval of the auditor of state. At the end of each fiscal year, the commission shall prepare and submit an annual report to the auditor of state for the auditor of state's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit program. The form and content of the report shall be prescribed by the auditor of state under division (C) of section 117.20 of the Revised Code.

(E) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of division (E) of this section are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 4104.45. (A) Except as otherwise provided in section 4104.44 of the Revised Code, new power, refrigerating, hydraulic, heating, liquefied petroleum gas, oxygen, and other gaseous piping systems shall be thoroughly inspected in accordance with the rules of the board of building standards. Such inspection shall be by one of the following:

(1) General inspectors of pressure piping systems;

(2) Special inspectors provided for in section 4104.43 of the Revised Code;

(3) Local inspectors provided for in section 4104.43 of the Revised Code.

(B) Owners or users of pressure piping systems required to be inspected under this section shall pay to the division of industrial compliance in the department of commerce a fee of one hundred fifty dollars plus an additional fee determined as follows:

(1) On or before June 30, 2000, two per cent of the actual cost of the system for each inspection made by a general inspector;

(2) On July 1, 2000, and through June 30, 2001, one and eight-tenths per

cent of the actual cost of the system for each inspection made by a general inspector;

(3) On and after July 1, 2001, one per cent of the actual cost of the system for each inspection made by a general inspector.

(C) The board of building standards, subject to the approval of the controlling board, may establish a fee in excess of the fee provided in division (B) of this section, provided that the fee does not exceed the amount established in this section by more than fifty per cent.

(D) In addition to the fee assessed in division (B) of this section, the board of building standards shall assess the owner or user a fee of three dollars and twenty-five cents for each system inspected pursuant to this section. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent of the division of industrial compliance in the department of commerce shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

(E) Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(F) Any person who fails to pay an inspection fee required for any inspection conducted by the division pursuant to this chapter within forty-five days after the inspection is conducted shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

(G) The superintendent may issue adjudication orders as necessary for the enforcement of sections 4104.41 to 4104.46 of the Revised Code and rules adopted under those sections. No person shall violate or fail to comply with the terms and conditions of an adjudication order issued under this division. Adjudication orders issued pursuant to this division and appeals thereof are governed by section 3781.19 of the Revised Code.

Sec. 4105.12. (A) The superintendent of the division of industrial compliance shall adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of certificates of competency and certificates of operation, for the conduct of hearings related to these actions, and for the inspection of elevators~~, and in no way~~.

(B) Notwithstanding division (A) of this section, the superintendent shall not adopt rules relating to construction, maintenance, and repair of elevators.

Sec. 4105.15. No certificate of operation for any elevator shall be issued by the director of commerce until such elevator has been inspected ~~and the report thereof filed with the superintendent of the division of industrial~~

~~compliance. Such certificate~~ as required by this chapter. Certificates of operation~~, when issued, shall bear the date of inspection, and~~ shall be renewed ~~as of the date of the subsequent inspection, provided such inspection is made at least one year after the issuance of such certificate. If such inspection is made during the year such certificate is in force, the renewal date shall be one year from the date of the certificate being renewed and the renewal certificate shall show the date of inspection. No renewal of such certificate shall be authorized except under~~ by the owner or user of the elevator in accordance with rules adopted by the superintendent of the division of industrial compliance pursuant to section ~~4105.11~~ 4105.12 of the Revised Code.

Sec. 4751.04. (A) The board of examiners of nursing home administrators shall:

(1) Develop, adopt, impose, and enforce regulations prescribing standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators are of good character and are otherwise suitable, and who, by training and experience, are qualified to serve as nursing home administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses or registrations previously issued by the board in any case where the individual holding such license or registration is determined to have failed substantially to conform to the requirements of such standards;

(4) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during any period that they serve as such, comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;

(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;

(6) Take such other actions as may be necessary to enable the state to meet the requirements set forth in the "Social Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g;

(7) Pay all license and registration fees collected under Chapter 4751. of

the Revised Code into the general operations fund created by section 3701.83 of the Revised Code to be used in administering and enforcing this chapter and the rules adopted under it;

(8) ~~Hold~~ Administer, or contract with a government or private entity to administer, examinations ~~at least two times each year, at such times and places as the board shall designate~~ for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury.

(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section 119.11 of the Revised Code. The court, at its discretion, may grant a stay of any regulation in its application against the person filing the notice of appeal.

Sec. 4751.041. Except when the board of examiners of nursing home administrators considers it necessary, the board shall not disclose test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer.

Sec. 4751.05. (A) The board of examiners of nursing home administrators, or a government or private entity under contract with the board to administer examinations for licensure as a nursing home administrator, shall admit to an examination ~~for licensure as a nursing home administrator~~ any candidate who:

(1) Pays the application fee of fifty dollars;

(2) Submits evidence of good moral character and suitability;

(3) Is at least eighteen years of age;

(4) Has completed educational requirements and work experience satisfactory to the board;

(5) Submits an application on forms prescribed by the board;

(6) Pays the examination fee ~~of one hundred fifty dollars~~ charged by the board or government or private entity.

(B) Nothing in Chapter 4751. of the Revised Code or the rules adopted thereunder shall be construed to require an applicant for licensure or a

temporary license, who is employed by an institution for the care and treatment of the sick to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided by the institution if the institution is all of the following:

(1) Operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs;

(2) Accredited by a national accrediting organization;

(3) Exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended;

(4) Providing twenty-four hour nursing care pursuant to the exemption in division (G) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

(C) If a person fails three times to attain a passing grade on the examination, said person, before the person may again be admitted to examination, shall meet such additional education or experience requirements, or both, as may be prescribed by the board.

Sec. 4751.06. (A) An applicant for licensure as a nursing home administrator who has successfully completed the requirements of section 4751.05 of the Revised Code, passed the examination ~~prescribed~~ administered by the board of examiners of nursing home administrators or a government or private entity under contract with the board, and paid to the board an original license fee of two hundred ten dollars shall be issued a license on a form provided by the board. Such license shall certify that the applicant has met the licensure requirements of Chapter 4751. of the Revised Code and is entitled to practice as a licensed nursing home administrator.

(B) A temporary license for a period not to exceed one hundred eighty days may be issued to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness, or other unexpected cause, pursuant to regulations adopted by the board.

(C) The fee for a temporary license is one hundred dollars. Said fee must accompany the application for the temporary license.

(D) Any license or temporary license issued by the board pursuant to this section shall be under the hand of the chairperson and the secretary of the board.

(E) A duplicate of the original certificate of registration or license may be secured to replace one that has been lost or destroyed by submitting to the board a notarized statement explaining the conditions of the loss,

mutilation, or destruction of the certificate or license and by paying a fee of twenty-five dollars.

(F) A duplicate certificate of registration and license may be issued in the event of a legal change of name by submitting to the board a certified copy of the court order or marriage license establishing the change of name, by returning at the same time the original license and certificate of registration, and by paying a fee of twenty-five dollars.

Sec. 4905.01. As used in this chapter:

(A) "Railroad" has the meaning set forth in section 4907.02 of the Revised Code.

(B) "Motor transportation company" has the meaning set forth in sections 4905.03 and 4921.02 of the Revised Code.

(C) "Trailer," "public highway," "fixed termini," "regular route," and "irregular route" have the meanings set forth in section 4921.02 of the Revised Code.

(D) "Private motor carrier," "contract carrier by motor vehicle," "motor vehicle," and "charter party trip" have the meanings set forth in section 4923.02 of the Revised Code.

(E) "Delivery cost" means the cost of delivery of fuel, to be used for the generation of electricity, from the site of production directly to the site of an electric generating facility.

(F) "Acquisition cost" means the cost to an electric light company of acquiring fuel for generation of electricity. In the case of a fuel supply owned by the company, such term shall also include the cost of legally extracting the fuel and its handling prior to its shipment to the company. In the case of a coal supply owned or controlled in whole or in part by the company, such term shall not exceed a price that is, in the judgment of the public utilities commission, reasonable when compared to the average cost per million British thermal units of similar quality coal purchased from all independent like mining operations under similar term contracts during the same period. In determining a reasonable price for coal from a coal supply owned or controlled in whole or in part by the company, the public utilities commission shall consider the use of:

(1) Capital by the developer of the mining operation in a manner that did not:

(a) Take into account intermediate or long-term trends in the coal mining industry; or

(b) Incorporate a design consistent with long-term dependability; and

(c) Take into account the intermediate or long-term cost and reliable energy supply interests of the company's customers; or

(2) Ineffective operating techniques. ~~Such term~~

"Acquisition cost" does not embrace any associated cost, including, but not limited to, delivery cost, the cost of handling the fuel after its delivery to such facility, the cost of such processing, readying, or refinement of the fuel as may be necessary in order to use the fuel to generate electricity, or the cost of disposing of any residue of such fuel after it has been so used. To the extent the washing of coal is required, by law or rule, to remove or reduce sulfur compounds or any other impurity, "acquisition cost" includes the cost of such washing.

(G) "Fuel component" means acquisition and delivery costs of fuel for the generation of electricity, including the allowable costs of purchased power as defined in section 4909.159 of the Revised Code, divided by the corresponding number of net kilowatt hours generated and purchased.

(H) "Base period" means the most recent six-month period for which the public utilities commission has determined either the amount of the fuel component or the fuel cost per kilowatt hour included in the base rates of an electric light company, whichever is last determined.

(I) "Current period" means the six-month period immediately succeeding the base period for which the public utilities commission has determined the amount of the fuel component in the base rate of an electric light company.

(J) "Ohio coal research and development costs" means all reasonable costs associated with a facility or project undertaken by a public utility for which a recommendation to allow the recovery of costs associated therewith has been made under division (B)~~(8)~~(7) of section 1551.33 of the Revised Code, including, but not limited to, capital costs, such as costs of debt and equity; construction and operation costs; termination and retirement costs; costs of feasibility and marketing studies associated with the project; and the acquisition and delivery costs of Ohio coal used in the project, less any expenditures of grant moneys.

(K) "Compliance facility" means property that is designed, constructed, or installed, and used, at a coal-fired electric generating facility for the primary purpose of complying with Phase I acid rain control requirements under Title IV of the "Clean Air Act Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, and that controls or limits emissions of sulfur or nitrogen compounds resulting from the combustion of coal through the removal or reduction of those compounds before, during, or after the combustion of the coal, but before the combustion products are emitted into the atmosphere. "Compliance facility" also includes any of the following:

(1) A facility that removes sulfur compounds from coal before the

bustion of the coal and that is located off the premises of the electric generating facility where the coal processed by the compliance facility is burned;

(2) Modifications to the electric generating facility where the compliance facility is constructed or installed that are necessary to accommodate the construction or installation, and operation, of the compliance facility;

(3) A byproduct disposal facility, as defined in section 3734.051 of the Revised Code, that exclusively disposes of wastes produced by the compliance facility and other coal combustion byproducts produced by the generating unit in or to which the compliance facility is incorporated or connected regardless of whether the byproduct disposal facility is located on the same premises as the compliance facility or generating unit that produces the wastes disposed of at the facility;

(4) Facilities or equipment that is acquired, constructed, or installed, and used, at a coal-fired electric generating facility exclusively for the purpose of handling the byproducts produced by the compliance facility or other coal combustion byproducts produced by the generating unit in or to which the compliance facility is incorporated or connected.

Sec. 4906.03. The power siting board shall:

(A) Require such information from persons subject to its jurisdiction as it considers necessary to assist in the conduct of hearings and any investigations or studies it may undertake;

(B) Conduct any studies or investigations ~~which~~ that it considers necessary or appropriate to carry out its responsibilities under this chapter;

(C) Adopt rules establishing criteria for evaluating the effects on environmental values of proposed and alternative sites, and projected needs for electric power, and such other rules as are necessary and convenient to implement this chapter, including rules governing application fees, supplemental application fees, and other reasonable fees to be paid by persons subject to the board's jurisdiction. The board shall make an annual accounting of its collection and use of these fees and shall issue an annual report of its accounting, in the form and manner prescribed by its rules, not later than the last day of June of the year following the calendar year to which the report applies.

(D) Approve or disapprove applications for certificates;

(E) Notwithstanding sections 4906.06 to 4906.14 of the Revised Code, the board may adopt rules to provide for an abbreviated review of an application for a construction certificate for construction of a major utility facility related to a coal research and development project as defined in

ction 1555.01 of the Revised Code, or to a coal development project as defined in section 1551.30 of the Revised Code, submitted to the Ohio coal development office for review under division (B)~~(8)~~(7) of section 1551.33 of the Revised Code. Applications for construction certificates for construction of major utility facilities for Ohio coal research and development shall be filed with the board on the same day as the proposed facility or project is submitted to the Ohio coal development office for review.

The board shall render a decision on an application for a construction certificate within ninety days after receipt of the application and all of the data and information it may require from the applicant. In rendering a decision on an application for a construction certificate, the board shall only consider the criteria and make the findings and determinations set forth in divisions (A)(2), (3), (5), and (7) and division (B) of section 4906.10 of the Revised Code.

Sec. 4928.20. (A) ~~On or after the starting date of competitive retail electric service, the~~ the legislative authority of a municipal corporation may adopt an ordinance, or the board of township trustees of a township or the board of county commissioners of a county may adopt a resolution, under which, on or after the starting date of competitive retail electric service, it may aggregate in accordance with this section the retail electrical loads located, respectively, within the municipal corporation, township, or unincorporated area of the county and, for that purpose, may enter into service agreements to facilitate for those loads the sale and purchase of electricity. The legislative authority or board also may exercise such authority jointly with any other such legislative authority or board. An ordinance or resolution under this division shall specify whether the aggregation will occur only with the prior consent of each person owning, occupying, controlling, or using an electric load center proposed to be aggregated or will occur automatically for all such persons pursuant to the opt-out requirements of division (D) of this section. Nothing in this division, however, authorizes the aggregation of such retail electric loads of an electric load center, as defined in section 4933.81 of the Revised Code, that is located in the certified territory of a nonprofit electric supplier under sections 4933.81 to 4933.90 of the Revised Code or an electric load center served by transmission or distribution facilities of a municipal electric utility.

(B) If an ordinance or resolution adopted under division (A) of this section specifies that aggregation will occur automatically as described in that division, the ordinance or resolution shall direct the board of elections

to submit the question of the authority to aggregate to the electors of the respective municipal corporation, township, or unincorporated area of a county at a special election on the day of the next primary or general election in the municipal corporation, township, or county. The legislative authority or board shall certify a copy of the ordinance or resolution to the board of elections not less than seventy-five days before the day of the special election. No ordinance or resolution adopted under division (A) of this section that provides for an election under this division shall take effect unless approved by a majority of the electors voting upon the ordinance or resolution at the election held pursuant to this division.

(C) Upon the applicable requisite authority under divisions (A) and (B) of this section, the legislative authority or board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this division, the legislative authority or board shall hold at least two public hearings on the plan. Before the first hearing, the legislative authority or board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the jurisdiction. The notice shall summarize the plan and state the date, time, and location of each hearing.

(D) No legislative authority or board, pursuant to an ordinance or resolution under divisions (A) and (B) of this section that provides for automatic aggregation as described in division (A) of this section, shall aggregate the electrical load of any electric load center located within its jurisdiction unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the aggregation program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the aggregation program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts out of the aggregation program pursuant to the stated procedure shall default to the standard service offer provided under division (A) of section 4928.14 or division (D) of section 4928.35 of the Revised Code until the person chooses an alternative supplier.

(E)(1) With respect to a governmental aggregation for a municipal corporation that is authorized pursuant to division (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.41 of the Revised Code.

(2) With respect to a governmental aggregation for a township or the

unincorporated area of a county, which aggregation is authorized pursuant to division (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.40 of the Revised Code, except that:

(a) The petitions shall be filed, respectively, with the township clerk or the board of county commissioners, who shall perform those duties imposed under those sections upon the city auditor or village clerk.

(b) The petitions shall contain the signatures of not less than ten per cent of the total number of electors in, respectively, the township or the unincorporated area of the county who voted for the office of governor at the preceding general election for that office in that area.

(F) A governmental aggregator under division (A) of this section is not a public utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregated service is not a wholesale utility transaction. A governmental aggregator shall be subject to supervision and regulation by the public utilities commission only to the extent of any competitive retail electric service it provides and commission authority under this chapter.

(G) This section does not apply in the case of a municipal corporation that supplies such aggregated service to electric load centers to which its municipal electric utility also supplies a noncompetitive retail electric service through transmission or distribution facilities the utility singly or jointly owns or operates.

Sec. 5528.32. There is hereby created in the state treasury the highway obligations bond retirement fund. The faith and credit of the state and the excises, and taxes thereof, excluding ad valorem taxes on real and personal property and income taxes, but including fees, excises, or license taxes relating to the registration, operation, or use of vehicles on the public highways, or to fuels used for propelling such vehicles, are hereby pledged to the payment of the principal of and interest on highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code, and so long as such obligations are outstanding, there shall be levied and collected, in amounts sufficient to pay the principal of and interest on such obligations, excises, and taxes, excluding those above excepted. The principal of and interest on such highway obligations are payable from such excises and taxes, except those above enumerated, and, during the period beginning with the effective date of the first authorization to issue such highway obligations and continuing during such time as such highway obligations are outstanding, and so long as moneys in the fund are insufficient to pay all interest, principal, and charges of such highway obligations becoming due in each year, a sufficient

amount of such excises and taxes, after making provision in accordance with sections ~~129.54, 129.55, 129.63,~~ 129.73, 5528.14, 5528.15, 5528.16, and 5528.17 of the Revised Code, for the amounts required by ~~Sections 2f,~~ Section 2g~~, and 2h~~ of Article VIII, Ohio Constitution, for obligations heretofore or hereafter issued pursuant to such ~~sections~~ section of Article VIII, Ohio Constitution, and pursuant to former section 129.70 of the Revised Code and Section 2i of Article VIII, Ohio Constitution, is hereby appropriated in each year for the purpose of paying the interest, principal, and charges for the issuance and retirement of highway obligations issued pursuant to sections 5528.30 and 5528.31 of the Revised Code becoming due in that year without necessity for further act of appropriation for such purpose, and the levy and collection of such excises and taxes and their application to the payment of the interest, principal, and charges for the issuance and retirement of such obligations, as provided in this section, shall continue and is hereby covenanted with the holders of such obligations to be continued so long as such obligations are outstanding and the moneys to the credit of the fund are insufficient to pay all interest, principal, and charges of all such highway obligations.

The director of budget and management shall establish and maintain records or accounts for or within the fund in such manner as to show that the amounts paid to such fund pursuant to section 5528.31 of the Revised Code are used only for the payment of principal of notes or bonds as provided for in such section. Except as otherwise provided in the second paragraph of section 5528.31 of the Revised Code, the moneys credited to the fund shall be expended for the purpose of paying interest, principal, and charges for the issuance and retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code. All moneys credited to such fund are hereby pledged and appropriated without necessity for further act of appropriation to meet payments of interest, principal, and charges for the issuance and retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code upon the order of the commissioners of the sinking fund, provided that moneys credited to such fund pursuant to the second paragraph of section 5528.31 of the Revised Code are hereby pledged and appropriated to meet only payments of principal of notes or bonds issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code as provided for in the second paragraph of section 5528.31 of the Revised Code.

Sec. 5528.36. In the event the moneys to the credit of the highway

obligations bond retirement fund created by section 5528.32 of the Revised Code are insufficient, either in amount or by reason of restrictions provided for in the second paragraph of section 5528.31 of the Revised Code on the use thereof to the payment only of the principal of specified issues of notes or of bonds, to meet in full all payments of interest, principal, and charges for the retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, except the principal of notes that the commissioners of the sinking fund certify will be retired by the issuance of bonds or renewal notes but including deposits required by the second paragraph of section 5528.31 of the Revised Code, the commissioners of the sinking fund may on or before the fifteenth day of January of any such year or any time or times during such calendar year, but shall in any event within ten days prior to the time any such payments are due or prior to the date the payments required by the second paragraph of section 5528.31 of the Revised Code become due, certify to the treasurer of state the total amount of such payments of principal, interest, or charges, the amount of moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code, the amount thereof the use of which is restricted by the second paragraph of section 5528.31 of the Revised Code to the payment only of the principal of specified issues of notes or of bonds, and the specified issue or issues of notes or such bonds with respect to which such amount is so restricted, and the amount of additional money necessary to be credited to such bond retirement fund to meet in full the payment of such interest, principal, or charges when due and the amount required to make the payments required by the second paragraph of section 5528.31 of the Revised Code.

Upon the receipt of such certification, or if on presentation for payment when due of either principal or interest on obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, there are insufficient moneys for payment of such principal and interest, the treasurer of state, after making any transfer of moneys to the highway improvement bond retirement fund created by section 5528.12 of the Revised Code for the payment of interest, principal, and charges due and payable for the retirement of bonds issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code as required by section 5528.16 of the Revised Code, shall transfer the amount required as the additional moneys necessary to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections

5528.30 and 5528.31 of the Revised Code or the amount required to make the payments required by the second paragraph of section 5528.31 of the Revised Code to the highway obligations bond retirement fund created by section 5528.32 of the Revised Code from the undistributed revenues derived from fees, excise, or license taxes, levied by the state, relating to registration, operation, or use of vehicles on public highways, or to fuels used for propelling such vehicles.

If, after the transfer of undistributed revenues to the highway obligations bond retirement fund in accordance with the foregoing paragraph of this section, there be insufficient moneys for the payment of such principal and interest or to make the payments required by the second paragraph of section 5528.31 of the Revised Code as certified to the treasurer of state, the treasurer of state, after making whatever transfers are required by ~~divisions~~ division (C)~~(1), (2), and (3)~~ of section 129.73 of the Revised Code, shall transfer a sufficient amount to the highway obligations bond retirement fund from the undistributed revenues derived from all excises and taxes of the state, except ad valorem taxes on real and personal property and income taxes, which excises and taxes, other than those excepted, are and shall be deemed to be levied, in addition to the purposes otherwise provided for by law, to provide in accordance with the provisions of this section for the payment of interest, principal, and charges on highway obligations, including bonds and notes, issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code, provided that the treasurer shall draw from the undistributed revenues derived from the taxes levied by sections 3769.08, 4301.42, 4301.43, 4305.01, 5725.18, 5727.24, 5727.38, 5729.03, 5731.02, 5731.18, 5731.19, 5733.06, 5739.02, 5741.02, 5743.02, and 5743.32 of the Revised Code in proportion to the amount of undistributed revenues from each such tax remaining after the transfer to the ~~improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, and the~~ public improvements bond retirement fund created by section 129.72 of the Revised Code, of such amount of those revenues as may be required by ~~sections 129.55, 129.63, and~~ section 129.73 of the Revised Code to be so transferred; provided, however, that the commissioners of the sinking fund, in any resolution authorizing the issuance of such highway obligations, may provide for the reservation of the right to have the undistributed revenues referred to in this paragraph applied first to such bonds or other obligations as may thereafter be issued and in priority to application thereof to the payment of the principal and interest on

such highway obligations, but such reservation shall not in any way qualify the obligation of the state, which shall be absolute and unconditional, to levy and collect at all times sufficient excises and taxes, other than those excepted in Section 2i of Article VIII, Ohio Constitution, as will produce adequate revenues available for the payment of the principal and interest of such highway obligations.

Sec. 5528.51. As used in sections 5528.51 to 5328.56 of the Revised Code:

(A) "Bond proceedings" means the resolutions, trust agreements, indentures, and other agreements, credit enhancement facilities, and amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of obligations, and the provisions contained in those obligations.

(B) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, and any redemption premium, payable on obligations.

(C) "Bond service fund" means the fund, and any accounts in that fund, created by former section 5528.55 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited to that fund and accounts as and to the extent provided in the bond proceedings.

(D) "Commissioners of the sinking fund" or "commissioners" means the board of commissioners of the sinking fund referred to in Section 8 of Article VIII, Ohio Constitution, and section 129.01 of the Revised Code.

(E) "Costs of projects" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing projects, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with projects, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the commissioners and department of transportation, cost of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, legal fees, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when interest is to be covered from sources other than proceeds of obligations, amounts necessary to

establish any reserves as required by the bond proceedings, costs of audits, the reimbursement of all moneys advanced or applied by or borrowed from any governmental agency, whether to or by the commissioners or others, from whatever source provided, for the payment of any item or items of cost of projects, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to projects, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of projects, the financing thereof and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses.

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

(G) "Infrastructure project obligations" means those obligations issued for a project pursuant to section 5531.10 of the Revised Code.

(H) "Local government entity" means any county, municipal corporation, township, or transportation improvement district, or any other local government agency designated by law including by any capital appropriations act.

(I) "Net proceeds" means amounts received from the sale of obligations, excluding amounts used to refund or retire outstanding obligations, and does not include amounts required to be deposited into special funds pursuant to the applicable bond proceedings, or financing costs paid from such amounts received.

(J) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any interest coupons pertaining thereto, issued pursuant to sections 5528.51 to 5528.56 of the Revised Code.

(K) "Principal amount" means the aggregate of the amount as stated or provided for in the bond proceedings authorizing the obligations as the amount on which interest or interest equivalent is initially calculated and shall not include any premium paid by the initial purchaser of the obligations.

(L) "Project" means highway capital improvements, which shall be limited to highways, including those on the state highway system and urban extensions thereof, those within or leading to public parks or recreation areas, and those within or leading to municipal corporations.

(M) "Special funds" or "funds", unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in

those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to the particular fund. Special funds do not include the highway capital improvement fund created by section 5528.53 of the Revised Code or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.

Sec. 5528.53. The highway capital improvement fund is hereby created in the state treasury. The fund shall consist of the proceeds of obligations issued pursuant to ~~sections 5528.51 to 5528.56~~ section 151.01 and 151.06 of the Revised Code, and issued prior to September 30, 2000, pursuant to section 5528.54 of the Revised Code, except for amounts deposited into special funds, or into escrow funds for the purpose of refunding outstanding obligations~~, or pursuant to section 5528.57 of the Revised Code~~ Money to the credit of this fund may be expended to pay costs of projects. All investment earnings of the fund shall be credited to the fund. The state may participate in financing projects by grants, loans, or contributions to local government entities. To the extent practicable, Ohio products, materials, services, and labor shall be used in any project financed in whole or in part from the fund.

Sec. 5528.54. (A) The commissioners of the sinking fund are authorized to issue and sell, as provided in this section and in amounts from time to time authorized by the general assembly, general obligations of this state for the purpose of financing or assisting in the financing of the costs of projects. The full faith and credit, revenues, and taxing power of the state are and shall be pledged to the timely payment of bond service charges on outstanding obligations, all in accordance with Section 2m of Article VIII, Ohio Constitution, and sections 5528.51 to ~~5528.56~~ 5528.53 of the Revised Code, and so long as such obligations are outstanding there shall be levied and collected excises, taxes, and other revenues in amounts sufficient to pay the bond service charges on such obligations and costs relating to credit enhancement facilities.

(B) Not more than two hundred twenty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal years could have been, but were not issued within that two-hundred-twenty-million-dollar fiscal year limit, may be issued in any fiscal year, and not more that one billion two hundred million dollars principal amount of obligations may be outstanding at any one time, all determined as provided in sections 5528.51 to ~~5528.56~~ 5528.53 of the Revised Code.

(C) The state may participate in financing projects by grants, loans, or contributions to local government entities.

(D) Each issue of obligations shall be authorized by resolution of the commissioners. The bond proceedings shall provide for the principal amount or maximum principal amount of obligations of an issue, and shall provide for or authorize the manner for determining the principal maturity or maturities, not exceeding the earlier of thirty years from the date of issuance of the particular obligations or thirty years from the date the debt represented by the particular obligations was originally contracted, the interest rate or rates, the date of and the dates of payment of interest on the obligations, their denominations, and the establishment within or outside the state of a place or places of payment of bond service charges. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code are applicable to the obligations. The purpose of the obligations may be stated in the bond proceedings as "financing or assisting in the financing of highway capital improvement projects as provided in Section 2m of Article VIII, Ohio Constitution."

(E) The proceeds of the obligations, except for any portion to be deposited into special funds, or into escrow funds for the purpose of refunding outstanding obligations, ~~or pursuant to section 5528.57 of the Revised Code,~~ all as may be provided in the bond proceedings, shall be deposited into the highway capital improvement fund established by section 5528.53 of the Revised Code.

(F) The commissioners may appoint or provide for the appointment of paying agents, bond registrars, securities depositories, and transfer agents, and may retain the services of financial advisers and accounting experts, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the commissioners to carry out sections 5528.51 to ~~5528.56~~ 5528.53 of the Revised Code. Financing costs are payable, as provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose.

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

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

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

(3) The establishment, deposit, investment, and application of special

funds, and the safeguarding of moneys on hand or on deposit, in lieu of otherwise applicable provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to particular funds or moneys, and provided that any bank or trust company that acts as a depository of any moneys in special funds may furnish such indemnifying bonds or may pledge such securities as required by the commissioners;

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

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

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

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

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

(9) Provision for the funding, refunding, or advance refunding or other provision for payment of obligations that will then no longer be outstanding for purposes of sections 5528.51 to 5528.56 of the Revised Code or of the bond proceedings;

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

(11) Any other or additional agreements with the holders of the obligations relating to any of the foregoing;

(12) Such other provisions as the commissioners determine, including limitations, conditions, or qualifications relating to any of the foregoing.

(H) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations requiring signatures by the

commissioners shall be signed by or bear the facsimile signatures of two or more of the commissioners as provided in the bond proceedings. Any obligations may be signed by the person who, on the date of execution, is the authorized signer although on the date of such obligations such person was not a commissioner. In case the individual whose signature or a facsimile of whose signature appears on any obligation ceases to be a commissioner before delivery of the obligation, such signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the member until such delivery, and in case the seal to be affixed to or printed on obligations has been changed after the seal has been affixed to or a facsimile of the seal has been printed on the obligations, that seal or facsimile seal shall continue to be sufficient as to those obligations and obligations issued in substitution or exchange therefor.

(I) The obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. Obligations may be issued in coupon or in fully registered form, or both, as the commissioners determine. Provision may be made for the registration of any obligations with coupons attached as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion. Pending preparation of definitive obligations, the commissioners may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

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

(K) In the discretion of the commissioners, obligations may be secured additionally by a trust agreement between the state and a corporate trustee which may be any trust company or bank having its principal place of business within the state. Any trust agreement may contain the resolution authorizing the issuance of the obligations, any provisions that may be contained in the bond proceedings, and other provisions that are customary or appropriate in an agreement of the type.

(L) Except to the extent that their rights are restricted by the bond proceedings, any holder of obligations, or a trustee under the bond proceedings may by any suitable form of legal proceedings protect and enforce any rights under the laws of this state or granted by the bond proceedings. Such rights include the right to compel the performance of all

duties of the commissioners and the state. Each duty of the commissioners and its employees, and of each state agency and local government entity and its officers, members, or employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the commissioners, and of each such agency, local government entity, officer, member, or employee having authority to perform such duty, specifically enjoined by the law and resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the commissioners of the sinking fund, or its employees, are not liable in their personal capacities on any obligations or any agreements of or with the commissioners relating to obligations or under the bond proceedings.

(M) ~~The commissioners may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued. Such refunding obligations may be issued in amounts sufficient to pay or to provide for payment of the principal amount, including principal amounts maturing prior to the redemption of the remaining obligations, any redemption premium, and interest accrued or to accrue to the maturity or redemption date or dates, payable on the refunded obligations, and related financing costs and any expenses incurred or to be incurred in connection with such issuance and refunding. Subject to the applicable bond proceedings, the portion of the proceeds of the sale of refunding obligations issued under this division to be applied to bond service charges on the prior obligations shall be credited to an appropriate separate account in the bond service fund and held in trust for the purpose by the commissioners or by a corporate trustee. Obligations authorized under this division shall be considered to be issued for those purposes for which such prior obligations were issued, and, except as otherwise provided in sections 5528.51 to 5528.56 of the Revised Code pertaining to other obligations.~~

~~issuance of bonds or renewal notes in the appropriate amount, and apply the proceeds thereof to the extent necessary, to make full and timely payment of the principal of and interest on such notes as provided in such bond proceedings. For such purposes, the commissioners may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide moneys to pay when due the principal of and interest on such notes. Except as otherwise provided in sections 5528.51 to 5528.56 of the Revised Code, notes authorized pursuant to this division are subject to sections 5528.51 to 5528.56 of the Revised Code pertaining to other obligations.~~

~~The commissioners in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for the bonds anticipated by such notes an estimated schedule of annual principal payments for such bonds over a period of thirty years from the earlier of the date of issuance of the notes or the date of original issuance of prior notes in anticipation of those bonds. While the notes are outstanding there shall be deposited, as shall be provided in the bond proceedings for those notes, from the sources authorized for payment of bond service charges on the bonds, amounts sufficient to pay the principal of the bonds anticipated as set forth in that estimated schedule during the time the notes are outstanding, which amounts shall be used solely to pay the principal of those notes or of the bonds anticipated.~~

~~(O) Refunding or renewal obligations issued pursuant to division (M) or (N) of this section shall not be counted against the limitation on principal amount provided for in division (B) of this section and shall be in addition to the amount authorized by the general assembly as provided for in division (A) of this section, to the extent the principal amount of those obligations does not exceed the then outstanding principal amount of the obligations to be refunded, renewed, or retired. For the purposes of this section only, the principal amount of an obligation issued to refund an outstanding obligation is the amount on which interest or interest equivalent is initially calculated and shall not be considered to include any premium paid by the initial purchaser of such obligation.~~

~~(P)~~ Obligations are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund, the administrator of workers' compensation, subject to the approval of the

workers' compensation board and the industrial commission, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any state agency with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

~~(Q)~~(N) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the commissioners only in notes, bonds, or other direct obligations of the United States or of any agency or instrumentality thereof, in obligations of this state or any political subdivision of this state, in certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions, in the Ohio subdivision's fund established pursuant to section 135.45 of the Revised Code, in no-front-end-load money market mutual funds consisting exclusively of direct obligations of the United States or of an agency or instrumentality thereof, and in repurchase agreements, including those issued by any fiduciary, secured by direct obligations of the United States or an agency or instrumentality thereof, and in common trust funds established in accordance with section 1109.20 of the Revised Code and consisting exclusively of direct obligations of the United States or of an agency or instrumentality thereof, notwithstanding division (A)(4) of that section. The income from investments shall be credited to such special funds or otherwise as the commissioners determine in the bond proceedings, and the investments may be sold or exchanged at such times as the commissioners determine or authorize.

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

~~(S)~~(P) The commissioners may covenant in the bond proceedings, and any such covenants shall be controlling notwithstanding any other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, shall, so long as any obligations are outstanding in accordance with their terms, maintain statutory authority for and cause to be charged and collected taxes, excises, and other receipts of the state so that the receipts to the bond service fund shall be sufficient in amounts to meet bond service charges and for the establishment and

maintenance of any reserves and other requirements, including payment of financing costs, provided for in the bond proceedings.

~~(T)~~(Q) The obligations, and the transfer of, and the interest, interest equivalent, and other income and accreted amounts from, including any profit made on the sale, exchange, or other disposition of, the obligations shall at all times be free from taxation, direct or indirect, within the state.

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

Sec. 5727.01. As used in this chapter:

(A) "Public utility" means each person referred to as a telephone company, telegraph company, electric company, natural gas company, pipe-line company, water-works company, water transportation company, heating company, rural electric company, ~~or~~ railroad company, or combined company.

(B) "Gross receipts" means the entire receipts for business done by any person from operation as a public utility, or incidental thereto, or in connection therewith, including any receipts received under Chapter 4928. of the Revised Code. The gross receipts for business done by an incorporated company engaged in operation as a public utility includes the entire receipts for business done by such company under the exercise of its corporate powers, whether from the operation as a public utility or from any other business.

(C) "Rural electric company" means any nonprofit corporation, organization, association, or cooperative engaged in the business of supplying electricity to its members or persons owning an interest therein in an area the major portion of which is rural.

(D) Any person:

(1) Is a telegraph company when engaged in the business of transmitting telegraphic messages to, from, through, or in this state;

(2) Is a telephone company when primarily engaged in the business of providing local exchange telephone service, excluding cellular radio service, in this state;

(3) Is an electric company when engaged in the business of generating, transmitting, or distributing electricity within this state for use by others, but excludes a rural electric company;

(4) Is a natural gas company when engaged in the business of supplying natural gas for lighting, power, or heating purposes to consumers within this state;

(5) Is a pipe-line company when engaged in the business of transporting natural gas, oil, or coal or its derivatives through pipes or tubing, either

wholly or partially within this state;

(6) Is a water-works company when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state;

(7) Is a water transportation company when engaged in the transportation of passengers or property, by boat or other watercraft, over any waterway, whether natural or artificial, from one point within this state to another point within this state, or between points within this state and points without this state;

(8) Is a heating company when engaged in the business of supplying water, steam, or air through pipes or tubing to consumers within this state for heating purposes;

(9) Is a railroad company when engaged in the business of owning or operating a railroad either wholly or partially within this state on rights-of-way acquired and held exclusively by such company, or otherwise, and includes a passenger, street, suburban, or interurban railroad company.

As used in division (D)(2) of this section, "local exchange telephone service" means making available or furnishing access and a dial tone to all persons within a local calling area for use in originating and receiving voice grade communications over a switched network operated by the provider of the service within the area and for gaining access to other telecommunication services.

(E) "Taxable property" means the property required by section 5727.06 of the Revised Code to be assessed by the tax commissioner, but does not include either of the following:

(1) An item of tangible personal property that for the period subsequent to the effective date of an air, water, or noise pollution control certificate and continuing so long as the certificate is in force, has been certified as part of the pollution control facility with respect to which the certificate has been issued;

(2) An item of tangible personal property that during the construction of a plant or facility and until the item is first capable of operation, whether actually used in operation or not, is incorporated in or being held exclusively for incorporation in that plant or facility.

(F) "Taxing district" means a municipal corporation or township, or part thereof, in which the aggregate rate of taxation is uniform.

(G) "Telecommunications service" has the same meaning as in division (AA) of section 5739.01 of the Revised Code.

(H) "Interexchange telecommunications company" means a person that is engaged in the business of transmitting telephonic messages to, from,

through, or in this state, but that is not a telephone company.

(I) "Sale and leaseback transaction" means a transaction in which a public utility or interexchange telecommunications company sells any tangible personal property to a person other than a public utility or interexchange telecommunications company and leases that property back from the buyer.

(J) "Production equipment" means all taxable steam, nuclear, hydraulic, and other production plant equipment used to generate electricity. For tax years prior to 2001, "production equipment" includes taxable station equipment that is located at a production plant.

(K) "Tax year" means the year for which property or gross receipts are subject to assessment under this chapter. This division does not limit the tax commissioner's ability to assess and value property or gross receipts outside the tax year.

(L) "Combined company" means any person engaged in the activity of an electric company or rural electric company that is also engaged in the activity of a heating company or a natural gas company, or any combination thereof.

~~(J) Combined electric and gas company means a person who primarily engages in the activities of an electric company, but also engages in the activities of a natural gas company.~~

Sec. 5727.03. (A) A combined company shall file a separate report under section 5727.08 of the Revised Code for each listed activity of a combined company. The tax commissioner shall separately value, apportion, and assess the company's property. Divisions (B)(1), (2), and (3) of this section shall be used to determine the taxable property that cannot be directly ~~be~~ attributed to providing one of the listed activities of a combined company. ~~Beginning with the public utility excise tax assessed by the tax commissioner on or before the first Monday in November 2002, division (C) of this section shall be used by the tax commissioner to separate the gross receipts of a combined company attributed to the activity of an electric company or a rural electric company.~~

(B)(1) The taxable property to attribute to an electric company or a rural electric company activity shall be the taxable cost of the property that cannot be directly attributed to a listed activity of a combined company multiplied by a numerator that is the taxable cost of property that can be directly attributed to the activity of an electric company or a rural electric company and a denominator that is the sum of the taxable cost that can be directly attributed to all the listed activities of a combined company.

(2) The taxable property to attribute to a heating company activity shall

be the taxable cost of the property that cannot be directly attributed to a listed activity of a combined company multiplied by a numerator that is the taxable cost of property that can be directly attributed to the activity of a heating company and a denominator that is the sum of the taxable cost that can be directly attributed to all listed activities of a combined company.

(3) The taxable property to attribute to a natural gas company activity shall be the taxable cost of the property that cannot be directly attributed to a listed activity of a combined company multiplied by a numerator that is the taxable cost of property that can be directly attributed to the activity of a natural gas company and a denominator that is the sum of the taxable cost that can be directly attributed to all the listed activities of a combined company.

(C) ~~Notwithstanding any other provision of the Revised Code, a~~ A combined company shall ~~continue to be~~ file a separate report under section 5727.31 of the Revised Code for each public utility activity subject to the excise tax imposed by section 5727.30 of the Revised Code. ~~From the report filed by a combined company under section 5727.31 of the Revised Code, the~~ The tax commissioner shall exclude from the assessment issued by the tax commissioner on or before the first Monday in November 2002, and thereafter, the taxable gross receipts directly attributable to the activity of an electric company or a rural electric company. In addition, the tax commissioner shall exclude the portion of taxable gross receipts that cannot be attributed to a listed combined ~~public utility~~ company activity or another public utility activity subject to the excise tax imposed by section 5727.30 of the Revised Code by multiplying those taxable gross receipts by a numerator that is the taxable gross receipts that can be directly attributed to an electric company or a rural electric company activity, and a denominator that is the sum of the taxable gross receipts that can be directly attributed to a listed combined company activity or another public utility activity subject to the excise tax imposed by section 5727.30 of the Revised Code. ~~For purposes of determining the taxable gross receipts for providing electric company or rural electric company service under this division, the taxable gross receipts as reported under section 5727.32 of the Revised Code and determined under section 5727.33 of the Revised Code, prior to the amendment of those sections by Substitute Senate Bill No. 3 of the 123rd general assembly, shall be used.~~

(D) A combined company subject to the excise tax imposed by section 5727.24 of the Revised Code shall file a return under section 5727.25 of the Revised Code. The excise tax imposed by section 5727.24 of the Revised Code shall be levied only on the following gross receipts of a combined

company:

(1) The taxable gross receipts directly attributed to the activity of a natural gas company;

(2) The portion of taxable gross receipts that cannot be directly attributed to a listed combined company activity or another public utility activity subject to the excise tax imposed by section 5727.30 of the Revised Code, by multiplying those taxable gross receipts by a numerator that is the taxable gross receipts that can be directly attributed to a natural gas company activity, and a denominator that is the sum of the taxable gross receipts that can be directly attributed to a listed combined company activity or another public utility activity subject to the excise tax imposed by section 5727.30 of the Revised Code.

Sec. 5727.111. The taxable property of each public utility, except a railroad company, and of each interexchange telecommunications company shall be assessed at the following percentages of true value:

(A) ~~Fifty~~ (1) Except as provided in division (A)(2) of this section, fifty per cent in the case of a rural electric company;

(2) For tax year 2001 and thereafter, fifty per cent in the case of the taxable transmission and distribution property of a rural electric company, and twenty-five per cent for all its other taxable property;

(B) In the case of a telephone or telegraph company, ~~(F)~~ twenty-five per cent for taxable property first subject to taxation in this state for tax year 1995 or thereafter, and eighty-eight per cent for all other taxable property;

(C) Eighty-eight per cent in the case of a natural gas or pipe-line company;

(D) Eighty-eight per cent in the case of a water-works or heating company;

(E)(1) Except as provided in division (E)(2) or (3) of this section, one hundred per cent in the case of the taxable production equipment of an electric company and eighty-eight per cent for all its other taxable property;

(2) For tax year 2001 and thereafter, eighty-eight per cent in the case of the taxable transmission and distribution property of an electric company, and twenty-five per cent for all ~~such~~ its other taxable property;

~~(2)~~(3) Property listed and assessed under divisions (B)(1) and (2) of section 5711.22 of the Revised Code and leased to an electric company shall continue to be assessed at one hundred per cent for production equipment and eighty-eight per cent for all such other taxable property until January 1, 2002.

~~(F)~~(F) Twenty-five per cent in the case of an interexchange telecommunications company;

(G) Twenty-five per cent in the case of a water transportation company.

Sec. 5727.15. When all the taxable property of a public utility is located in one taxing district, the tax commissioner shall apportion the total taxable value thereof to that taxing district.

When taxable property of a public utility is located in more than one taxing district, the commissioner shall apportion the total taxable value thereof among the taxing districts as follows:

(A)(1) In the case of a telegraph, interexchange telecommunications, or telephone company that owns miles of wire in this state, the value apportioned to each taxing district shall be the same percentage of the total value apportioned to all taxing districts as the miles of wire owned by the company within the taxing district are to the total miles of wire owned by the company within this state;

(2) In the case of a telegraph, interexchange telecommunications, or telephone company that does not own miles of wire in this state, the value apportioned to each taxing district shall be the same percentage of the total value apportioned to all taxing districts as the cost of the taxable property physically located in the taxing district is of the total cost of all taxable property physically located in this state.

(B) In the case of a railroad company:

(1) The taxable value of real and personal property not used in railroad operations shall be apportioned according to its situs;

(2) The taxable value of personal property used in railroad operations shall be apportioned to each taxing district in proportion to the miles of track and trackage rights, weighted to reflect the relative use of such personal property in each taxing district;

(3) The taxable value of real property used in railroad operations shall be apportioned to each taxing district in proportion to its relative value in each taxing district.

(C) ~~In~~ (1) Prior to tax year 2001, in the case of an electric company:

~~(1)~~(a) Seventy per cent of the taxable value of all production equipment and of all station equipment that is not production equipment shall be apportioned to the taxing district in which such property is physically located; and

(b) The remaining value of such property, together with the value of all other taxable personal property, shall be apportioned to each taxing district in the per cent that the cost of all transmission and distribution property physically located in the taxing district is of the total cost of all transmission and distribution property physically located in this state.

(c) If an electric company's taxable value for the current year includes

the value of any production equipment at a plant at which the initial cost of the plant's production equipment exceeded one billion dollars, then prior to making the apportionments required for that company by division (C)(1)(a) and (b) of this section, the tax commissioner shall do the following:

(i) Subtract four hundred twenty million dollars from the total taxable value of the production equipment at that plant for the current tax year.

(ii) Multiply the difference thus obtained by a fraction, the numerator of which is the portion of the taxable value of that plant's production equipment included in the company's total value for the current tax year, and the denominator of which is the total taxable value of such equipment included in the total taxable value of all electric companies for such year;

(iii) Apportion the product thus obtained to taxing districts in the manner prescribed in division (C)(1)(b) of this section.

(iv) Deduct the amounts so apportioned from the taxable value of the company's production equipment at the plant, prior to making the apportionments required by divisions (C)(1)(a) and (b) of this section.

For purposes of division (C)(1)(c) of this section, "initial cost" applies only to production equipment of plants placed in commercial operation on or after January 1, 1987, and means the cost of all production equipment at a plant for the first year the plant's equipment was subject to taxation.

(2) For tax year 2001 and thereafter, in the case of an electric company:

(a) The taxable value of all production equipment shall be apportioned to the taxing district in which such property is physically located; and

~~(2)~~(b) The value of ~~all other~~ taxable personal property, other than production equipment, shall be apportioned to each taxing district in the proportion that the cost of ~~the~~ such other taxable personal property physically located in each taxing district is of the total cost of ~~all~~ such other taxable personal property physically located in this state.

(D) In the case of all other public utilities, the value of the property to be apportioned shall be apportioned to each taxing district in proportion to the entire value of such property within this state.

Sec. 5727.24. For the purpose of providing revenue to meet the needs of the state, on and after May 1, 2000, an excise tax is hereby levied on the gross receipts of a natural gas company and on the gross receipts of a combined ~~electric and gas~~ company from operating as a natural gas company. The tax shall be computed by multiplying the taxable gross receipts as determined ~~by the tax commissioner~~ under section 5727.33 of the Revised Code by four and three-fourths per cent. A combined ~~electric and gas~~ company shall be subject to this tax on any gross receipts derived from operating as a natural gas company, as determined under division (D) of

section 5727.03 of the Revised Code, and, if applicable, shall be subject to the tax imposed by section 5727.30 of the Revised Code for all other gross receipts~~, excluding the gross receipts subject to the tax imposed by this section~~.

Sec. 5727.25. (A) Except as provided in division (B) of this section, within forty-five days after the last day of March, June, September, and December, each natural gas company or combined ~~electric and gas~~ company subject to the excise tax imposed by section 5727.24 of the Revised Code shall file a return with the treasurer of state, in such form as the tax commissioner prescribes, and pay the full amount of the tax due on its taxable gross receipts for the preceding calendar quarter, except that the first payment of this tax shall be made on or before November 15, 2000, for the five-month period of May 1, 2000, to September 30, 2000. ~~Thereafter, payments shall be made quarterly in accordance with this division.~~ All payments made under this division shall be made by electronic funds transfer in accordance with section 5727.311 of the Revised Code.

(B) Any natural gas company or combined ~~electric and gas~~ company subject to the excise tax imposed by this section that has an annual tax liability for the preceding calendar year ending on the thirty-first day of December of less than three hundred twenty-five thousand dollars ~~shall~~ may elect to file an annual return with the treasurer of state, in such form as the tax commissioner prescribes, for the next year. A company that elects to file an annual return for the calendar year shall file the return and remit the taxes due ~~for that year~~ on its taxable gross receipts within forty-five days after the thirty-first day of December. The first payment of the tax under this division shall be made on or before February 14, 2001, for the ~~year ending~~ period of May 1, 2000, to December 31, 2000. The minimum tax for a natural gas company or combined ~~electric and gas~~ company subject to this division shall be ~~ten~~ fifty dollars, and the company shall not be required to remit the tax due by electronic funds transfer.

(C) A return required to be filed under division (A) or (B) of this section shall show the amount of tax due from the company for the period covered by the return and any other information as prescribed by the tax commissioner. A return shall be considered filed when received by the treasurer of state. The commissioner may extend the time for making and filing returns and paying the tax.

(D) Any natural gas company or combined ~~electric and gas~~ company that fails to file a return or pay the full amount of the tax due within the period prescribed under this section shall pay an additional charge of fifty dollars or ten per cent of the tax required to be paid for the reporting period,

whichever is greater. If any tax due is not paid timely in accordance with this section, the company liable for the tax shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first. The tax commissioner may collect any additional charge or interest imposed by this section by assessment in the manner provided in section 5727.26 of the Revised Code. The commissioner may abate all or a portion of the additional charge and may adopt rules governing such abatements.

(E) The taxes, additional charges, penalties, and interest collected under sections 5727.24 to 5727.29 of the Revised Code shall be credited in accordance with section 5727.45 of the Revised Code.

Sec. 5727.26. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas company or combined ~~electric and gas~~ company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment by personal service or certified mail. A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the remission of the penalty.

(B) If a party to whom the notice of assessment is directed objects to the assessment, the party may file a petition for reassessment with the tax commissioner. The petition must be made in writing, signed by the party or the party's authorized agent having knowledge of the facts, and filed with the commissioner, either personally or by certified mail, within thirty days after service of the notice of assessment. The petition shall indicate the objections of the company assessed, but additional objections may be raised in writing if received prior to the date shown on the final determination of the commissioner. Upon receipt of a properly filed petition, the commissioner shall notify the treasurer of state.

Unless the petitioner waives a hearing, the commissioner shall grant the petitioner a hearing on the petition, assign a time and place for the hearing, and notify the petitioner of the time and place of the hearing, by personal service or certified mail. The commissioner may continue the hearing from time to time, if necessary.

If the party to whom the notice of assessment is directed does not file a petition for reassessment, the assessment is final and the amount of the assessment is due and payable from the company assessed to the treasurer of state.

(C) The tax commissioner may make any correction to the assessment that the commissioner finds proper and shall issue a final determination thereon. The commissioner shall serve a copy of the final determination on the petitioner either by personal service or certified mail, and the commissioner's decision in the matter is final, subject to appeal under section 5717.02 of the Revised Code. The commissioner also shall transmit a copy of the final determination to the treasurer of state. Only objections decided on the merits by the board of tax appeals or a court shall be given collateral estoppel or res judicata effect in considering an application for refund of an amount paid pursuant to the assessment.

(D) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the natural gas company's or combined ~~electric and gas~~ company's principal place of business is located, or in the office of the clerk of court of common pleas of Franklin county.

The clerk, immediately on the filing of the entry, must enter judgment for the state against the company assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the public utility excise tax on natural gas and combined ~~electric and gas~~ companies," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

The portion of the assessment not paid within thirty days after the day the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. On issuance of the jeopardy assessment, the commissioner immediately shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the party assessed or the party's legal representative within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless

the person assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) All interest collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(G) No assessment shall be made or issued against a natural gas company or combined ~~electric and gas~~ company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

Sec. 5727.27. Every natural gas company or combined ~~electric and gas~~ company liable for the tax imposed by section 5727.24 of the Revised Code shall keep complete and accurate records as prescribed by the tax commissioner. The records shall be preserved for four years after the return for the tax to which the records pertain is due or filed, whichever is later. The natural gas company or combined ~~electric and gas~~ company shall make the records available for inspection by the commissioner or the commissioner's agent, on the request of the commissioner or agent.

Sec. 5727.28. (A) The treasurer of state shall refund to a natural gas company or combined ~~electric and gas~~ company subject to the tax imposed by section 5727.24 of the Revised Code, the amount of tax paid illegally or erroneously, or paid on an illegal or erroneous assessment. Applications for a refund shall be filed with the tax commissioner, on a form prescribed by the commissioner, within four years of the illegal or erroneous payment of the tax.

On the filing of the application for a refund, the commissioner shall determine the amount of refund due and certify that amount to the director of budget and management and treasurer of state for payment from the tax refund fund under section 5703.052 of the Revised Code. If the application for refund is for taxes paid on an illegal or erroneous assessment, the tax commissioner shall include in the certified amount interest calculated at the rate per annum prescribed under section 5703.47 of the Revised Code from the date of overpayment to the date of the commissioner's certification.

(B) If a natural gas company or combined ~~electric and gas~~ company entitled to a refund of taxes under this section is indebted to the state for any tax or fee administered by the tax commissioner that is paid to the state or

any charge, penalty, or interest arising from such a tax or fee, the amount refundable may be applied in satisfaction of that debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded.

(C) In lieu of granting a refund under division (A) or (B) of this section, the tax commissioner may allow a natural gas company or combined ~~electric and gas~~ company to claim a credit of the amount of the tax refund on the return for the period during which the tax became refundable. The commissioner may require the company to submit information to support a claim for a credit under this division, and the commissioner may disallow the credit if the information is not provided.

Sec. 5727.29. (A) Natural gas companies and combined ~~electric and gas~~ companies shall be entitled to a refundable credit equal to the following:

(1) For natural gas companies, the sum of the three payments of the excise tax on gross receipts made pursuant to section 5727.31 of the Revised Code on or before October 15, 1999, and on or before the first day of March and June 2000;

(2) For combined ~~electric and gas~~ companies, the sum of the three estimated payments of the excise tax on gross receipts ~~derived from operating as a natural gas company~~ made pursuant to section 5727.31 of the Revised Code on or before October 15, 1999, and on or before the first day of March and June 2000, multiplied by a numerator that is the taxable gross receipts from operating as a natural gas company as determined under division (D) of section 5727.03 of the Revised Code, and a denominator that is the entire taxable gross receipts for the combined company, for the period ending April 30, 2000 To calculate the credit allowed under division (A)(2) of this section, each combined ~~electric and gas~~ company shall file a separate report as prescribed by the tax commissioner segregating gross receipts from operating as an electric company and gross receipts from operating as a natural gas company, for the period ending April 30, 2000.

(B) Natural gas companies and combined ~~electric and gas~~ companies shall claim one-sixtieth of the credit calculated under division (A) of this section on each return filed under division (A) of section 5727.25 of the Revised Code until the full amount of the credit is claimed. The credit first may be claimed on the return filed on or before November 15, 2001, pursuant to division (A) of section 5727.25 of the Revised Code. If the credit allowed under this section exceeds the total taxes due for any quarter, the tax commissioner shall refund or credit the excess in accordance with

section 5727.28 of the Revised Code. In the event a natural gas company or combined company entitled to the credit sells or transfers all or a majority of its natural gas assets, any such unused credit shall transfer to the new owner of those assets. If the sale or transfer takes place after April 30, 2000, the credit for the tax period in which all or a majority of the assets are sold shall be split proportionally between the natural gas company or combined company and the new owner, based on a ratio that is the number of days in the tax period that the assets were owned by the company as compared to the new owner.

(C) If the excise tax imposed by section 5727.24 of the Revised Code is repealed or amended after the effective date of this amendment, natural gas companies and combined ~~electric and gas~~ companies and their successors and assigns shall be allowed to apply the credit allowed under this section to any other tax, additional charge, penalty, interest, or fee administered by the tax commissioner. Under no circumstances shall payment of the refundable credit granted by this section be accelerated.

Sec. 5727.30. ~~Each~~ (A) Except as provided in divisions (B) and (C) of this section, each public utility, except ~~electric companies, rural electric companies, and~~ railroad companies ~~and natural gas companies~~, shall be subject to an annual excise tax, as provided by sections 5727.31 to 5727.62 of the Revised Code, for the privilege of owning property in this state or doing business in this state during the twelve-month period next succeeding the period upon which the tax is based. The tax shall be imposed against each such public utility that, on the first day of such twelve-month period, owns property in this state or is doing business in this state, and the lien for the tax, including any penalties and interest accruing thereon, shall attach on such day to the property of the public utility in this state.

(B) An electric company's or a rural electric company's gross receipts received after April 30, 2001, are not subject to the annual excise tax imposed by this section.

(C) A natural gas company's gross receipts received after April 30, 2000, are not subject to the annual excise tax imposed by this section.

Sec. 5727.31. (A) Each public utility subject to the excise tax imposed ~~under~~ by section 5727.30 of the Revised Code, annually, on or before the first day of August, shall file with the tax commissioner a statement in such form as the commissioner prescribes.

(B)(1) Annually, on or before the fifteenth day of October of the current year, each public utility whose estimated excise taxes for the current year as based upon the statement required to be filed in that year by division (A) of this section are one thousand dollars or more shall file with the treasurer of

state a report, in such form as the tax commissioner prescribes, showing the amount of excise tax estimated to be charged or levied pursuant to law for the current year upon the basis of such annual statement, and shall remit a portion of the estimated excise taxes shown to be due by the report. The portion of the estimated excise taxes due at the time the report is filed shall be one-third of its total excise taxes estimated to be charged or levied for the current year based upon the annual statement filed under division (A) of this section.

(2) Annually, on or before the first day of March and June, each public utility whose excise taxes as based upon its last preceding annual statement filed under division (A) of this section prior to the first day of January were one thousand dollars or more shall file with the treasurer of state a report, in such form as the tax commissioner prescribes, showing the amount of excise tax charged or levied pursuant to law upon the basis of such annual statement, and shall remit a portion of the excise taxes shown to be due by each such report. The portion of the excise taxes due at the time each such report is filed shall be one-third of its total excise taxes so charged or levied based upon such annual statement.

(C) Any public utility subject to the excise taxes imposed by section 5727.30 of the Revised Code whose tax as certified under section 5727.38 of the Revised Code in a year equals or exceeds the amount specified for that year in section 5727.311 of the Revised Code shall make the payments required under this section in the second ensuing and each succeeding year in the manner prescribed by section 5727.311 of the Revised Code, except as otherwise prescribed by that section.

(D)(1) For purposes of this section, a report required to be filed under division (B) of this section is considered filed when it is received by the treasurer of state.

(2) For purposes of this section and sections 5727.311 and 5727.42 of the Revised Code, remittance of an excise tax required to be made under this section is considered to be made when the remittance is received by the treasurer of state, or when credited to an account designated by the treasurer of state for the receipt of tax remittances.

Sec. 5727.311. (A) Any public utility subject to an excise tax imposed by section 5727.30 of the Revised Code whose tax as certified by the tax commissioner under section 5727.38 of the Revised Code equals or exceeds fifty thousand dollars shall make each payment required under division (B) of section 5727.31 of the Revised Code for the second ensuing and each succeeding year by electronic funds transfer as prescribed by division ~~(B)~~(C) of this section.

If the tax certified by the tax commissioner in each of two consecutive years is less than fifty thousand dollars, the public utility is relieved of the requirement to remit taxes by electronic funds transfer for the year that next follows the second of the consecutive years in which the tax certified is less than fifty thousand dollars, and is relieved of that requirement for each succeeding year unless the tax certified in a subsequent year equals or exceeds fifty thousand dollars.

(B) The tax commissioner shall notify each public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer of the public utility's obligation to do so, shall maintain an updated list of those public utilities, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a public utility subject to this section to remit taxes by electronic funds transfer does not relieve the public utility of its obligation to remit taxes by electronic funds transfer.

(C) Public utilities required by this section or section 5727.25 of the Revised Code to remit periodic payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by rules adopted by the treasurer of state under section 113.061 of the Revised Code. The payment of public utility excise taxes by electronic funds transfer does not affect a public utility's obligation to file the annual statement and periodic reports in the manner and at the times prescribed by section 5727.31 of the Revised Code.

A public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer may apply to the treasurer of state in the manner prescribed by the treasurer of state to be excused from that requirement. The treasurer of state may excuse the public utility from remittance by electronic funds transfer for good cause shown for the period of time requested by the public utility or for a portion of that period. The treasurer of state shall notify the tax commissioner and the public utility of the treasurer of state's decision as soon as is practicable.

(D) If a public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by this section and the rules adopted by the treasurer of state, and the treasurer of state determines that the failure to remit taxes as required was not due to reasonable cause or was due to willful neglect, the treasurer of state may impose an additional charge on the public utility equal to five per cent of the amount of the taxes required to be paid by electronic funds transfer, but not to exceed five thousand dollars. Any additional charge imposed under this

section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from excise taxes imposed by this chapter.

No additional charge shall be assessed under this division against a public utility that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be assessed upon the remittance of any subsequent tax payment that the public utility remits by some means other than electronic funds transfer.

Sec. 5727.32. ~~The~~ (A) For the purpose of the tax imposed by section 5727.30 of the Revised Code, the statement required by section 5727.31 of the Revised Code ~~for the purpose of the tax imposed by section 5727.30 of the Revised Code~~ shall contain:

~~(A)~~(1) The name of the company;

~~(B)~~(2) The nature of the company, whether a person, association, or corporation, and under the laws of what state or country organized;

~~(C)~~(3) The location of its principal office;

~~(D)~~(4) The name and post-office address of the president, secretary, auditor, treasurer, and superintendent or general manager;

~~(E)~~(5) The name and post-office address of the chief officer or managing agent of the company in this state;

~~(F)~~(6) The amount of the excise taxes paid or to be paid with the reports made during the current calendar year as provided by section 5727.31 of the Revised Code;

~~(G)~~(7) In the case of telegraph and telephone companies:

~~(1)~~(a) The gross receipts from all sources, whether messages, telephone tolls, rentals, or otherwise, for business done within this state, including all sums earned or charged, whether actually received or not, for the year ending on the thirtieth day of June, and the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons, or associations, but excluding all of the following:

~~(a)~~(i) All of the receipts derived wholly from interstate business or business done for or with the federal government;

~~(b)~~(ii) The receipts of amounts billed on behalf of other entities;

~~(c)~~(iii) The receipts from sales to other telephone companies for resale;

~~(d)~~(iv) The ~~Receipts~~ receipts from sales to providers of telecommunications service for resale, receipts from incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight-hundred-type service, and receipts from

private communications service.

As used in this division, "receipts from sales to other telephone companies for resale" and "receipts from sales to providers of telecommunications service for resale" include, but are not limited to, receipts of carrier access charges. "Carrier access charges" means compensation paid to the taxpayer telephone company by another telephone company or by a provider of telecommunications service for the use of the taxpayer's facilities to originate or terminate telephone calls or telecommunications service.

~~(2)~~(b) The total gross receipts for such period from business done within this state.

~~(H)~~(8) In the case of all public utilities subject to the tax imposed by section 5727.30 of the Revised Code, except ~~electric companies, rural electric companies, natural gas companies and~~ telegraph ~~companies,~~ and telephone companies:

~~(1)~~(a) The gross receipts of the company, actually received, from all sources for business done within this state for the year next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons, or associations, but excluding all of the following:

~~(a)~~(i) Receipts from interstate business or business done for the federal government;

~~(b)~~(ii) Receipts from sales to ~~other~~ another public ~~utilities~~ utility for resale, provided such other public utility is ~~required to file a statement pursuant~~ subject to the tax levied by section ~~5727.31~~ 5727.24 or 5727.30 of the Revised Code;

~~(c) Receipts that~~ (iii) Receipts from the transmission or delivery of electricity to or for a rural electric company, provided that the electricity that has been so transmitted or delivered is for resale by the rural electric company. This division does not apply to tax years 2002 and thereafter.

(iv) Receipts of an electric company, derived from the provision of electricity and other services to a qualified former owner of the production facilities that generated the electricity from which those receipts were derived. This division does not apply to tax years 2002 and thereafter. As used in this division, a "qualified former owner" means a person who meets both of the following conditions:

(I) On or before October 11, 1991, the person had sold to an electric company part of the production facility at which the electricity is generated, and, for at least twenty years prior to that sale, the facility was used to

generate electricity, but it was not owned in whole or in part during that period by an electric company.

(II) At the time the electric company provided the electricity or other services for which the exclusion is claimed, the person, or a successor or assign of the person, owned not less than twenty per cent of the production facility and the rights to not less than twenty per cent of the production of that facility; and the person, or a successor or assign of the person, engaged primarily in a business other than providing electricity to others.

(v) Receipts of a combined ~~electric and gas~~ company derived from operating as a natural gas company ~~if the receipts are~~ that is subject to the tax imposed by section 5727.24 of the Revised Code.

~~(2)~~(b) The total gross receipts of ~~such~~ the company, for ~~such period~~ the year next preceding the first day of May, in this state from business done within the state.

(B) The reports required by section 5727.31 of the Revised Code shall contain:

~~(a)~~(1) The name and principal mailing address of the company;

~~(b)~~(2) The total amount of the gross receipts excise taxes charged or levied as based upon its last preceding annual statement filed prior to the first day of January of the year in which such report is filed;

~~(c)~~(3) The amount of the excise taxes due with the report as provided by section 5727.31 of the Revised Code.

Sec. 5727.33. (A) For the purpose of computing the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code, ~~the tax commissioner shall ascertain and determine~~ the entire gross receipts actually received from all sources for business done within this state are taxable gross receipts, excluding the receipts described in divisions (B), (C), (D), and ~~(F)~~(E) of this section~~, of each combined electric and gas, pipe-line, water-works, heating, and water transportation company for business done within this state for the year ending on the thirtieth day of April, of each natural gas company for business done within this state quarterly or yearly as provided in section 5727.25 of the Revised Code, and~~. The gross receipts for the tax year of each telegraph and telephone company ~~for business done within this state for the year ending on~~ shall be computed for the period of the first day of July prior to the tax year to the thirtieth day of June of the tax year The gross receipts of each natural gas company, including a combined company's taxable gross receipts attributed to a natural gas company activity, shall be computed in the manner required by section 5727.25 of the Revised Code. The gross receipts for the tax year of any other public utility subject to section 5727.30 of the Revised Code shall be computed for the period of the

first day of May prior to the tax year to the thirtieth day of April of the tax year.

(B) In ascertaining and determining the gross receipts of each ~~of the companies named in~~ public utility subject to this section, ~~the commissioner shall exclude all of~~ the following gross receipts are excluded:

(1) All receipts derived wholly from interstate business;

(2) All receipts derived wholly from business done for or with the federal government;

(3) ~~All~~ All receipts derived wholly from the transmission or delivery of electricity to or for a rural electric company, provided that the electricity that has been so transmitted or delivered is for resale by the rural electric company. This division does not apply to tax years 2002 and thereafter.

(4) All receipts from the sale of merchandise;

~~(4)~~(5) All receipts from sales to other public utilities, except railroad, telegraph, and telephone companies, for resale, provided the other public utility is ~~required to file a statement pursuant~~ subject to the tax levied by section ~~5727.31~~ 5727.24 or 5727.30 of the Revised Code.

(C) In ascertaining and determining the gross receipts of a telephone company, ~~the commissioner shall exclude all of~~ the following gross receipts are excluded:

(1) Receipts of amounts billed on behalf of other entities;

(2) Receipts from sales to other telephone companies for resale, as defined in division ~~(G)~~(A)(7) of section 5727.32 of the Revised Code;

(3) Receipts from incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight-hundred-type service;

(4) Receipts from private communications service as described in division (AA)(2) of section 5739.01 of the Revised Code;

(5) Receipts from sales to providers of telecommunications service for resale, as defined in division ~~(G)~~(A)(7) of section 5727.32 of the Revised Code.

(D) In ascertaining and determining the gross receipts of an electric company, receipts derived from the provision of electricity and other services to a qualified former owner of the production facilities that generated the electricity from which those receipts were derived are excluded. This division does not apply to tax years 2002 and thereafter. As used in this division, a "qualified former owner" means a person who meets both of the following conditions:

(1) On or before October 11, 1991, the person had sold to an electric company part of the production facility at which the electricity is generated,

and, for at least twenty years prior to that sale, the facility was used to generate electricity, but it was not owned in whole or part during that period by an electric company.

(2) At the time the electric company provided the electricity or other services for which the exclusion is claimed, the person, or a successor or assign of the person, owned not less than a twenty per cent ownership of the production facility and the rights to not less than twenty per cent of the production of that facility.

(E) In ascertaining and determining the gross receipts of a natural gas company, ~~the commissioner shall exclude~~ receipts of amounts billed on behalf of other entities are excluded Transportation and billing and collection fees charged to other entities shall be included in the gross receipts of a natural gas company.

(F) In ascertaining and determining the gross receipts of a combined ~~electric and gas~~ company subject to the tax imposed by section 5727.30 of the Revised Code, ~~the commissioner shall exclude~~ all receipts derived from operating as a natural gas company that are subject to the tax imposed by section 5727.24 of the Revised Code are excluded.

(G) Except as provided in division (H) of this section, the amount ascertained by the commissioner under this section, less a deduction of twenty-five thousand dollars, shall be the taxable gross receipts of such companies for business done within this state for that year.

(H) The amount ascertained ~~by the commissioner~~ under this section, less the following deduction, shall be the taxable gross receipts of a natural gas company or combined ~~electric and gas~~ company subject to the tax imposed by section 5727.24 of the Revised Code for business done within this state:

(1) For a natural gas company that files quarterly returns of the tax imposed by section 5727.24 of the Revised Code, six thousand two hundred fifty dollars for each quarterly return;

(2) For a natural gas company that files an annual return of the tax imposed by section 5727.24 of the Revised Code, twenty-five thousand dollars for each annual return;

(3) For a combined ~~electric and gas~~ company, twenty-five thousand dollars on the annual statement filed under section 5727.31 of the Revised Code. A combined ~~electric and gas~~ company shall not be entitled to a deduction in computing gross receipts subject to the tax imposed by section 5727.24 of the Revised Code.

Sec. 5727.38. On or before the first Monday of November, annually, the tax commissioner shall assess an excise tax against each public utility~~, and natural gas companies~~ subject to the excise tax under section 5727.30 of the

Revised Code. The tax shall be computed by multiplying the taxable gross receipts as determined by the commissioner under section 5727.33 of the Revised Code by six and three-fourths per cent in the case of pipe-line companies, and four and three-fourths per cent in the case of all other companies. The minimum tax for any such company for owning property or doing business in this state shall be fifty dollars. The assessment shall be certified to the taxpayer and treasurer of state.

Sec. 5727.42. (A) The treasurer of state shall maintain a list of all taxes levied and payments made pursuant to the annual excise tax imposed by section 5727.30 of the Revised Code. The treasurer of state shall collect and the taxpayer shall pay all taxes and any penalties thereon. Payments of the tax ~~imposed by section 5727.30 of the Revised Code~~ may be made by mail, in person, by electronic funds transfer if required to do so by section 5727.311 of the Revised Code, or by any other means authorized by the treasurer of state. The treasurer of state may adopt rules concerning the methods and timeliness of payment.

(B) Each tax bill issued pursuant to this section shall separately reflect the taxes due, due date, and any other information considered necessary. The last day on which payment may be made without penalty shall be at least twenty but not more than thirty days from the date of mailing the tax bill. The treasurer of state shall mail the tax bill, and the mailing ~~thereof~~ of it shall be prima-facie evidence of receipt thereof by the taxpayer.

(C) The treasurer of state shall refund taxes levied and payments made for the tax imposed by section 5727.30 of the Revised Code as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this section that remains unpaid. The treasurer of state may consult the attorney general regarding such claims.

(D) Within twenty days after receipt of any excise tax assessment certified to the treasurer of state for the tax imposed by section 5727.30 of the Revised Code, the treasurer of state shall:

(1) Ascertain the difference between the total taxes shown on such assessment and the sum of all estimated payments, exclusive of any penalties thereon, previously made for that year.

(2) If the difference is a deficiency, the treasurer of state shall issue a tax bill.

(3) If the difference is an excess, the treasurer of state shall certify the name of the taxpayer and the amount to be refunded to the director of budget and management for payment to the taxpayer.

If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two years, the

treasurer of state may determine the net result and, depending on such result, proceed to mail a tax bill or certify a refund.

(E) If a taxpayer fails to pay all taxes on or before the due date shown on the tax bill, or fails to make an estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, but makes payment within ten calendar days of such date, the treasurer of state shall add a penalty equal to five per cent of the amount that should have been timely paid. If payment is not made within ten days of such date, the treasurer of state shall add a penalty equal to fifteen per cent of the amount that should have been timely paid. The treasurer of state shall prepare a delinquent claim for each tax bill on which penalties were added and certify such claims to the attorney general and tax commissioner. The attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the treasurer of state and tax commissioner of all collections.

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Sec. 5727.60. If a person fails to file a report within the time prescribed by section 5727.08 or 5727.31 of the Revised Code, including any extensions of time granted by the tax commissioner, a penalty of fifty dollars per month, not to exceed five hundred dollars, may be imposed for each month or fraction of a month elapsing between the due date of the report, including any extensions, and the date the report was filed. The penalty under this section for failing to file a report required by section 5727.08 of the Revised Code shall be paid into the state general revenue fund. If the penalty is not paid within fifteen days after notice of the penalty is mailed to the person who failed to timely file the report, the tax commissioner shall certify the penalty as a claim to the attorney general for collection. The penalty under this section for failing to file the report required by section 5727.31 of the Revised Code shall be deposited into the state treasury in the same manner as the tax ~~is deposited~~, and the commissioner may collect the penalty by assessment pursuant to section 5727.38 of the Revised Code. The tax commissioner may abate this penalty in full or in part.

Sec. 5733.33. (A) As used in this section:

(1) "Manufacturing machinery and equipment" means engines and machinery, and tools and implements, of every kind used, or designed to be used, in refining and manufacturing. "Manufacturing machinery and equipment" does not include property acquired after December 31, 1999, that is used:

(a) For the transmission and distribution of electricity;

(b) For the generation of electricity, if fifty per cent or more of the electricity that the property generates is consumed, during the one-hundred-twenty-month period commencing with the date the property is placed in service, by persons that are not related members to the person who generates the electricity.

(2) "New manufacturing machinery and equipment" means ~~manufac turing~~ manufacturing machinery and equipment, the original use in this state of which commences with the taxpayer or with a partnership of which the taxpayer is a partner. "New manufacturing machinery and equipment" does not include property acquired after December 31, 1999, that is used:

(a) For the transmission and distribution of electricity;

(b) For the generation of electricity, if fifty per cent or more of the electricity that the property generates is consumed, during the one-hundred-twenty-month period commencing with the date the property is placed in service, by persons that are not related members to the person who generates the electricity.

(3)(a) "Purchase" has the same meaning as in ~~section~~ section 179(d)(2) of the Internal Revenue Code.

(b) For purposes of this section, any property that is not manufactured or assembled primarily by the taxpayer is considered purchased at the time the agreement to acquire the property becomes binding. Any property that is manufactured or assembled primarily by the taxpayer is considered purchased at the time the taxpayer places the property in service in the county for which the taxpayer will calculate the county excess amount.

(c) Notwithstanding section 179(d) of the Internal Revenue Code, a taxpayer's direct or indirect acquisition of new manufacturing machinery and equipment is not purchased on or after July 1, 1995, if the taxpayer, or a person whose relationship to the taxpayer is described in subparagraphs (A), (B), or (C) of section 179(d)(2) of the Internal Revenue Code, had directly or indirectly entered into a binding agreement to acquire the property at any time prior to July 1, 1995.

(4) "Qualifying period" means the period that begins July 1, 1995, and ends December 31, 2005.

(5) "County average new manufacturing machinery and equipment investment" means either of the following:

(a) The average annual cost of new manufacturing machinery and equipment purchased for use in the county during baseline years, in the case of a taxpayer ~~or partnership~~ that was in existence for more than one year during baseline years.

(b) Zero, in the case of a taxpayer ~~or partnership~~ that was not in

xistence for more than one year during baseline years.

(6) "Partnership" includes a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation.

(7) "Partner" includes a member of a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation.

(8) "Distressed area" means either a municipal corporation that has a population of at least fifty thousand or a county that meets two of the following criteria of economic distress, or a municipal corporation the majority of the population of which is situated in such a county:

(a) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period;

(b) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau;

(c)(i) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line;

(ii) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent.

(9) "Eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area.

(10) "Inner city area" means, in a municipal corporation that has a population of at least one hundred thousand and does not meet the criteria of a labor surplus area or a distressed area, targeted investment areas established by the municipal corporation within its boundaries that are comprised of the most recent census block tracts that individually have at least twenty per cent of their population at or below the state poverty level or other census block tracts contiguous to such census block tracts.

(11) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.

(12) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code.

(13) "Situational distress area" means a county or a municipal

orporation that has experienced or is experiencing a closing or downsizing of a major employer, that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include written documentation that demonstrates all of the following adverse effects on the local economy:

(a) The number of jobs lost by the closing or downsizing;

(b) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the state director of job and family services;

~~(e)~~(c) The annual payroll associated with the job loss;

(d) The amount of state and local taxes associated with the job loss;

(e) The impact that the closing or downsizing has on the suppliers located in the county or municipal corporation.

(14) "Cost" has the same meaning and limitation as in section 179(d)(3) ~~6f~~ of the Internal Revenue Code.

(15) "Baseline years" means:

(a) Calendar years 1992, 1993, and 1994, with regard to a credit claimed for the purchase during calendar year 1995, 1996, 1997, or 1998 of new manufacturing machinery and equipment;

(b) Calendar years 1993, 1994, and 1995, with regard to a credit claimed for the purchase during calendar year 1999 of new manufacturing machinery and equipment;

(c) Calendar years 1994, 1995, and 1996, with regard to a credit claimed for the purchase during calendar year 2000 of new manufacturing machinery and equipment;

(d) Calendar years 1995, 1996, and 1997, with regard to a credit claimed for the purchase during calendar year 2001 of new manufacturing machinery and equipment;

(e) Calendar years 1996, 1997, and 1998, with regard to a credit claimed for the purchase during calendar year 2002 of new manufacturing machinery and equipment;

(f) Calendar years 1997, 1998, and 1999, with regard to a credit claimed for the purchase during calendar year 2003 of new manufacturing machinery and equipment;

(g) Calendar years 1998, 1999, and 2000, with regard to a credit claimed for the purchase during calendar year 2004 of new manufacturing machinery and equipment;

(h) Calendar years 1999, 2000, and 2001, with regard to a credit claimed

for the purchase during calendar year 2005 of new manufacturing machinery and equipment;

(16) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(B)(1) Subject to division ~~(J)~~(I) of this section, a nonrefundable credit is allowed against the tax imposed by section 5733.06 of the Revised Code for a taxpayer that purchases new manufacturing machinery and equipment during the qualifying period, provided that the new manufacturing machinery and equipment are installed in this state no later than December 31, 2006.

(2) ~~The credit is also available to a taxpayer that is a partner in a partnership that purchases new manufacturing machinery and equipment during the qualifying period, provided that the partnership installs the new manufacturing machinery and equipment in this state no later than December 31, 2006. The taxpayer shall determine the credit amount as provided in division (H) of this section.~~

~~(3)~~(a) Except as otherwise provided in division (B)~~(3)~~(2)(b) of this section, a credit may be claimed under this section in excess of one million dollars only if the cost of all manufacturing machinery and equipment owned in this state by the taxpayer claiming the credit on the last day of the calendar year exceeds the cost of all manufacturing machinery and equipment owned in this state by the taxpayer on the first day of that calendar year.

As used in division (B)~~(3)~~(2)(a) of this section, "calendar year" means the calendar year in which the machinery and equipment for which the credit is claimed was purchased.

(b) Division (B)~~(3)~~(2)(a) of this section does not apply if the taxpayer claiming the credit applies for and is issued a waiver of the requirement of that division. A taxpayer may apply to the director of development for such a waiver in the manner prescribed by the director, and the director may issue such a waiver if the director determines that granting the credit is necessary to increase or retain employees in this state, and that the credit has not caused relocation of manufacturing machinery and equipment among counties within this state for the primary purpose of qualifying for the credit.

(C)(1) Except as otherwise provided in division (C)(2) and division ~~(J)~~(I) of this section, the credit amount is equal to seven and one-half per cent of the excess of the cost of the new manufacturing machinery and equipment purchased during the calendar year for use in a county over the county average new manufacturing machinery and equipment investment for that county.

(2) Subject to division ~~(J)~~(I) of this section, as used in division (C)(2) of this section "county excess" means the taxpayer's excess cost for a county as computed under division (C)(1) of this section.

Subject to division ~~(J)~~(I) of this section, a taxpayer with a county excess, whose purchases included purchases for use in any eligible area in the county, the credit amount is equal to thirteen and one-half per cent of the cost of the new manufacturing machinery and equipment purchased during the calendar year for use in the eligible areas in the county, provided that the cost subject to the thirteen and one-half per cent rate shall not exceed the county excess. If the county excess is greater than the cost of the new manufacturing machinery and equipment purchased during the calendar year for use in eligible areas in the county, the credit amount also shall include an amount equal to seven and one-half per cent of the amount of the difference.

(3) If a taxpayer is allowed a credit for purchases of new manufacturing machinery and equipment in more than one county or eligible area, it shall aggregate the amount of those credits each year.

(4) The taxpayer shall claim one-seventh of the credit amount for the tax year immediately following the calendar year in which the new manufacturing machinery and equipment is purchased for use in the county by the taxpayer or partnership. One-seventh of the taxpayer credit amount is allowed for each of the six ensuing tax years. Except for carried-forward amounts, the taxpayer is not allowed any credit amount remaining if the new manufacturing machinery and equipment is sold by the taxpayer or partnership or is transferred by the taxpayer or partnership out of the county before the end of the seven-year period unless, at the time of the sale or transfer, the new manufacturing machinery and equipment has been fully depreciated for federal income tax purposes.

(5)(a) A taxpayer that acquires manufacturing machinery and equipment as a result of a merger with the taxpayer with whom commenced the original use in this state of the manufacturing machinery and equipment, or with a taxpayer that was a partner in a partnership with whom commenced the original use in this state of the manufacturing machinery and equipment, is entitled to any remaining or carried-forward credit amounts to which the taxpayer was entitled.

(b) A taxpayer that enters into an agreement under division (C)(3) of section 5709.62 of the Revised Code and that acquires manufacturing machinery or equipment as a result of purchasing a large manufacturing facility, as defined in section 5709.61 of the Revised Code, from another taxpayer with whom commenced the original use in this state of the manufacturing machinery or equipment, and that operates the large

manufacturing facility so purchased, is entitled to any remaining or carried-forward credit amounts to which the other taxpayer who sold the facility would have been entitled under this section had the other taxpayer not sold the manufacturing facility or equipment.

(c) New manufacturing machinery and equipment is not considered sold if a pass-through entity transfers to another pass-through entity substantially all of its assets as part of a plan of reorganization under which substantially all gain and loss is not recognized by the pass-through entity that is transferring the new manufacturing machinery and equipment to the transferee and under which the transferee's basis in the new manufacturing machinery and equipment is determined, in whole or in part, by reference to the basis of the pass-through entity which transferred the new manufacturing machinery and equipment to the transferee.

(d) Division (C)(5) of this section shall apply only if the acquiring taxpayer or transferee does not sell the new manufacturing machinery and equipment or transfer the new manufacturing machinery and equipment out of the county before the end of the seven-year period to which division (C)(4) of this section refers.

(e) Division (C)(5)(b) of this section applies only to the extent that the taxpayer that sold the manufacturing machinery or equipment, upon request, timely provides to the tax commissioner any information that the tax commissioner considers to be necessary to ascertain any remaining or carried-forward amounts to which the taxpayer that sold the facility would have been entitled under this section had the taxpayer not sold the manufacturing machinery or equipment. Nothing in division (C)(5)(b) or (e) of this section shall be construed to allow a taxpayer to claim any credit amount with respect to the acquired manufacturing machinery or equipment that is greater than the amount that would have been available to the other taxpayer that sold the manufacturing machinery or equipment had the other taxpayer not sold the manufacturing machinery or equipment.

(D) The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. Each year, any credit amount in excess of the tax due under section 5733.06 of the Revised Code after allowing for any other credits that precede the credit under this section in that order may be carried forward for three tax years.

(E) A taxpayer purchasing new manufacturing machinery and equipment and intending to claim the credit shall file, with the department of development, a notice of intent to claim the credit on a form prescribed by the department of development. The department of development shall inform the tax commissioner of the notice of intent to claim the credit.

(F) The director of development shall annually certify, by the first day of January of each year during the qualifying period, the eligible areas for the tax credit for the calendar year that includes that first day of January. The director shall send a copy of the certification to the tax commissioner.

(G) New manufacturing machinery and equipment for which a taxpayer claims the credit under section 5733.31, 5733.311, 5747.26, or 5747.261 of the Revised Code shall not be considered new manufacturing machinery and equipment for purposes of the credit under this section.

(H)~~(1) With regard to a taxpayer that is a partner in a partnership, the county average new manufacturing machinery and equipment investment shall be determined based on the number of years, if any, the partnership was in existence during baseline years. In determining the county average new manufacturing machinery and equipment investment, the excess of the cost of new manufacturing machinery and equipment purchased during the calendar year, and all other amounts necessary to calculate the credit allowed by this section, the taxpayer shall include the taxpayer's proportionate share of the cost of new manufacturing machinery and equipment purchased by a partnership in which the corporation had a direct or indirect investment during the calendar year prior to the first day of a tax year for which the taxpayer is claiming the credit. These determinations and calculations shall be made for the taxpayer's calendar year during which the partnership made the purchase.~~

~~(2) Nothing in this section shall be construed to limit or disallow pass-through treatment of a pass-through entity's income, deductions, credits, or other amounts necessary to compute the tax imposed by section 5733.06 of the Revised Code and the credits allowed by this chapter.~~

~~(I)~~(1) Notwithstanding sections 5733.11 and 5747.13 of the Revised Code, but subject to division ~~(I)~~(H)(2) of this section, the tax commissioner may issue an assessment against a person with respect to a credit claimed under this section for new manufacturing machinery and equipment described in division (A)(1)(b) or (2)(b) of this section, if the machinery or equipment subsequently does not qualify for the credit.

(2) Division ~~(I)~~(H)(1) of this section shall not apply after the twenty-fourth month following the last day of the period described in divisions (A)(1)(b) and (2)(b) of this section.

~~(J) In~~ (I) Notwithstanding any other provision of this section to the contrary, in the case of a ~~taxpayer having a related member or a group of taxpayers having a related member~~ qualifying controlled group, the credit available under this section to ~~the~~ a taxpayer or ~~group of~~ taxpayers in the qualifying controlled group shall be computed as if ~~the taxpayer or~~ all

~~taxpayers of~~ corporations in the group ~~and all such related members~~ were a ~~consolidated,~~ single ~~taxpayer~~ corporation The credit shall be allocated to such a taxpayer or ~~to such group of~~ taxpayers in the group in any amount elected for the taxable year by the ~~taxpayer or~~ group. Such election shall be revocable and amendable during the period described in division (B) of section 5733.12 of the Revised Code ~~with respect to the tax imposed by section 5733.06 of the Revised Code and the period described in division (B) of section 5747.11 of the Revised Code with respect to the tax imposed by section 5747.02 of the Revised Code. Nothing in this section shall be construed to treat as a purchase the acquisition of new manufacturing machinery and equipment if such purchase would not qualify as a purchase of new manufacturing machinery and equipment without regard to the consolidation requirement set forth in this section~~.

This division applies to all purchases of new manufacturing machinery and equipment made on or after January 1, 2001, and to all baseline years used to compute any credit attributable to such purchases; provided, that this division may be applied solely at the election of the qualifying controlled group with respect to all purchases of new MANUFACTURING machinery and EQUIPMENT made before that DATE, AND TO all baseline years used to compute any credit attributable to such purchases. THE QUALIFYING CONTROLLED GROUP AT ANY TIME MAY ELECT TO APPLY THIS DIVISION TO PURCHASES MADE PRIOR TO JANUARY 1, 2001, SUBJECT TO THE FOLLOWING:

(1) THE ELECTION IS IRREVOCABLE;

(2) THE ELECTION NEED NOT ACCOMPANY A TIMELY FILED REPORT, BUT THE ELECTION MAY ACCOMPANY A SUBSEQUENTLY FILED BUT TIMELY APPLICATION FOR REFUND, A SUBSEQUENTLY FILED BUT TIMELY AMENDED REPORT, OR A SUBSEQUENTLY FILED BUT TIMELY PETITION FOR REASSESSMENT.

Sec. 5735.05. (A) To provide revenue for maintaining the state highway system; to widen existing surfaces on such highways; to resurface such highways; to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to enable the counties of the state properly to plan, maintain, and repair their roads and to pay principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for highway improvements; to enable the

municipal corporations to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets, and to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for highway improvements; to enable the Ohio turnpike commission to construct, reconstruct, maintain, and repair turnpike projects; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the costs apportioned to the public under sections 4907.47 and 4907.471 of the Revised Code and to supplement revenue already available for such purposes; to pay the costs incurred by the public utilities commission in administering sections 4907.47 to 4907.476 of the Revised Code; to distribute equitably among those persons using the privilege of driving motor vehicles upon such highways and streets the cost of maintaining and repairing them; to pay the interest, principal, and charges on highway capital improvements bonds and other obligations issued pursuant to Section 2m of Article VIII, Ohio Constitution, and ~~sections 5528.51 to 5528.56~~ section 151.06 of the Revised Code; to pay the interest, principal, and charges on highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code; and to provide revenue for the purposes of sections 1547.71 to 1547.78 of the Revised Code, a motor fuel excise tax is hereby imposed on all motor fuel dealers upon receipt of motor fuel within this state at the rate of two cents plus the cents per gallon rate on each gallon so received, to be computed in the manner set forth in section 5735.06 of the Revised Code; provided that no tax is hereby imposed upon the following transactions:

(1) The sale of dyed diesel fuel by a licensed motor fuel dealer from a location other than a retail service station provided the licensed motor fuel dealer places on the face of the delivery document or invoice, or both if both are used, a conspicuous notice stating that the fuel is dyed and is not for taxable use, and that taxable use of that fuel is subject to a penalty. The tax commissioner, by rule, may provide that any notice conforming to rules or regulations issued by the United States department of the treasury or the Internal Revenue Service is sufficient notice for the purposes of division (A)(1) of this section~~;~~.

(2) The sale of K-1 (water clear) kerosene to a retail service station, except when placed directly in the fuel supply tank of a motor vehicle. Such sale shall be rebuttably presumed to not be distributed or sold for use or used to generate power for the operation of motor vehicles upon the public highways or upon the waters within the boundaries of this state.

(3) The sale of motor fuel by a licensed motor fuel dealer to another licensed motor fuel dealer;

(4) The exportation of motor fuel by a licensed motor fuel dealer from this state to any other state or foreign country;

(5) The sale of motor fuel to the United States government or any of its agencies, except such tax as is permitted by it, where such sale is evidenced by an exemption certificate, in form approved by the tax commissioner, executed by the United States government or an agency thereof certifying that the motor fuel therein identified has been purchased for the exclusive use of the United States government or its agency;

(6) The sale of motor fuel which is in the process of transportation in foreign or interstate commerce, except in so far as it may be taxable under the Constitution and statutes of the United States, and except as may be agreed upon in writing by the dealer and the commissioner;

(7) The sale of motor fuel when sold exclusively for use in the operation of aircraft, where such sale is evidenced by an exemption certificate prescribed by the commissioner and executed by the purchaser certifying that the motor fuel purchased has been purchased for exclusive use in the operation of aircraft;

(8) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type A;

(9) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type B, provided that the destination state motor fuel tax has been paid or will be accrued and paid by the licensed motor fuel dealer.

Division (A)(1) of this section does not apply to the sale or distribution of dyed diesel fuel used to operate a motor vehicle on the public highways or upon water within the boundaries of this state by persons permitted under regulations of the United States department of the treasury or of the Internal Revenue Service to so use dyed diesel fuel.

(B) The two cent motor fuel tax levied by this section is also for the purpose of paying the expenses of administering and enforcing the state law relating to the registration and operation of motor vehicles.

After the tax provided for by this section on the receipt of any motor fuel has been paid by the motor fuel dealer, the motor fuel may thereafter be used, sold, or resold by any person having lawful title to it, without incurring liability for such tax.

If a licensed motor fuel dealer sells motor fuel received by the licensed motor fuel dealer to another licensed motor fuel dealer, the seller may deduct on the report required by section 5735.06 of the Revised Code the

number of gallons so sold for the month within which the motor fuel was sold or delivered. In this event the number of gallons is deemed to have been received by the purchaser, who shall report and pay the tax imposed thereon.

Sec. 5735.23. (A) Out of receipts from the tax levied by section 5735.05 of the Revised Code, the treasurer of state shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.13, 5735.14, 5735.141, 5735.142, 5735.16, and 5735.17 of the Revised Code. The treasurer of state shall then transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund and the amount required by section 4907.472 of the Revised Code to the grade crossing protection fund.

(B) Except as provided in division (D) of this section, each month the balance of the receipts from the tax levied by section 5735.05 of the Revised Code shall be credited, after receipt by the treasurer of state of certification from the commissioners of the sinking fund, as required by section 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway obligations bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, as follows:

(1) To the state and local government highway distribution fund, which is hereby created in the state treasury, an amount that is the same percentage of the balance to be credited as that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06 of the Revised Code is of the total tax per gallon determined under divisions (B)(2)(a) and (b) of that section.

(2) After making the distribution to the state and local government highway distribution fund, the remainder shall be credited as follows:

(a) Thirty per cent to the gasoline excise tax fund for distribution pursuant to division (A)(1) of section 5735.27 of the Revised Code;

(b) Twenty-five per cent to the gasoline excise tax fund for distribution pursuant to division (A)(3) of section 5735.27 of the Revised Code;

(c) Except as provided in division (D) of this section, forty-five per cent to the highway operating fund for distribution pursuant to division (B)(1) of section 5735.27 of the Revised Code.

(C) From the balance in the state and local government highway distribution fund on the last day of each month there shall be paid the following amounts:

(1) To the local transportation improvement program fund created by section 164.14 of the Revised Code, an amount equal to a fraction of the balance in the state and local government highway distribution fund, the numerator of which fraction is one and the denominator of which fraction is that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06 of the Revised Code;

(2) An amount equal to five cents multiplied by the number of gallons of motor fuel sold at stations operated by the Ohio turnpike commission, such gallonage to be certified by the commission to the treasurer of state not later than the last day of the month following. The funds paid to the commission pursuant to this section shall be expended for the construction, reconstruction, maintenance, and repair of turnpike projects, except that the funds may not be expended for the construction of new interchanges. The funds also may be expended for the construction, reconstruction, maintenance, and repair of those portions of connecting public roads that serve existing interchanges and are determined by the commission and the director of transportation to be necessary for the safe merging of traffic between the turnpike and those public roads.

The remainder of the balance shall be distributed as follows on the fifteenth day of the following month:

(a) Ten and seven-tenths per cent shall be paid to municipal corporations for distribution pursuant to division (A)(1) of section 5735.27 of the Revised Code and may be used for any purpose for which payments received under that division may be used.

(b) Five per cent shall be paid to townships for distribution pursuant to division (A)(5) of section 5735.27 of the Revised Code and may be used for any purpose for which payments received under that division may be used.

(c) Nine and three-tenths per cent shall be paid to counties for distribution pursuant to division (A)(3) of section 5735.27 of the Revised Code and may be used for any purpose for which payments received under that division may be used.

(d) Except as provided in division (D) of this section, the balance shall be transferred to the highway operating fund and used for the purposes set forth in division (B)(1) of section 5735.27 of the Revised Code.

(D) Beginning on the first day of September each <u>fiscal</u> year ~~and continuing until such time as the office of budget and management receives certification from the commissioners of the sinking fund pursuant to division (B) of section 5528.56 of the Revised Code~~, any amounts required to be credited or transferred to the highway operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this section shall be credited or transferred

to the highway capital ~~improvements~~ improvement bond service fund created in section ~~5528.55~~ 151.06 of the Revised Code, until such time as the office of budget and management receives certification from the Treasurer of State or the Treasurer of State's designee that sufficient money has been credited or transferred to the bond service fund to meet in full all payments of debt service and financing costs due during the fiscal year from that fund.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A) The tax shall be collected pursuant to the schedules in section 5739.025 of the Revised Code.

The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

In the case of a sale, the price of which consists in whole or in part of rentals for the use of the thing transferred, the tax, as regards such rentals, shall be measured by the installments thereof.

In the case of a sale of a service defined under division (MM) or (NN) of section 5739.01 of the Revised Code, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers, and of magazine subscriptions shipped by second class mail, and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part

compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telephone or telegraph company, all terms as defined in section 5727.01 of the Revised Code;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches or by nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization, except that sales made by separate student clubs and other groups of students of a primary or secondary school, and sales made by a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school, shall not be considered to be sales of such school, and sales by each such club, group, association, or organization shall be counted separately for purposes of the six-day limitation. This division does not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) The transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision thereof, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of such structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; and building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons engaged in any of the activities mentioned in division (E)(2) or (9) of section 5739.01 of the Revised Code, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, and "packaging" means placing therein.

(16) Sales of food to persons using food stamp coupons to purchase the

food. As used in division (B)(16) of this section, "food" has the same meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations adopted pursuant to that act.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs dispensed by a licensed pharmacist upon the order of a licensed health professional authorized to prescribe drugs to a human being, as the term "licensed health professional authorized to prescribe drugs" is defined in section 4729.01 of the Revised Code; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with end-stage renal disease; hospital beds when purchased for use by persons with medical problems for medical purposes; and oxygen and oxygen-dispensing equipment when purchased for use by persons with medical problems for medical purposes;

(19) Sales of artificial limbs or portion thereof, breast prostheses, and other prosthetic devices for humans; braces or other devices for supporting weakened or nonfunctioning parts of the human body; wheelchairs; devices used to lift wheelchairs into motor vehicles and parts and accessories to such devices; crutches or other devices to aid human perambulation; and items of tangible personal property used to supplement impaired functions of the human body such as respiration, hearing, or elimination. No exemption under this division shall be allowed for nonprescription drugs, medicines, or remedies; items or devices used to supplement vision; items or devices whose function is solely or primarily cosmetic; or physical fitness equipment. This division does not apply to sales to a physician or medical facility for use in the treatment of a patient.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and

emergency services for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales of solar, wind, or hydrothermal energy systems that meet the guidelines established under division (B) of section 1551.20 of the Revised

Code, components of such systems that are identified under division (B) or (D) of that section, or charges for the installation of such systems or components, made during the period from August 14, 1979, through December 31, 1985;

(28) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:

(a) To prepare food for human consumption for sale;

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(29) Sales of animals by nonprofit animal adoption services or county humane societies;

(30) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;

(31) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;

(32) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(33) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property by a person engaged in highway transportation for hire;

(34) Sales to the state headquarters of any veterans' organization in Ohio that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(35) Sales to a telecommunications service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in division (B)(35) of this section shall be in lieu of all other exceptions under division (E)(2) of section 5739.01 of the Revised Code to which a

telecommunications service vendor may otherwise be entitled based upon the use of the thing purchased in providing the telecommunications service.

(36) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any elementary precious metal that has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, and palladium, and which is in such state or condition that its value depends upon its content and not upon its form. "Investment metal bullion" does not include fabricated precious metal that has been processed or manufactured for one or more specific and customary industrial, professional, or artistic uses. "Investment coins" means numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium, or other metal under the laws of the United States or any foreign nation with a fair market value greater than any statutory or nominal value of such coins.

(37)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(37)(a) of this section; and of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

(c) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.

For purposes of division (B)(37) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(38) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(39) The sale of a motor vehicle that is used exclusively for a vanpool ridesharing arrangement to persons participating in the vanpool ridesharing arrangement when the vendor is selling the vehicle pursuant to a contract between the vendor and the department of transportation;

(40) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(41) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(42) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(43) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exceptions in division (E)(2) of section 5739.01 of the Revised Code to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

As used in this section, except in division (B)(16) of this section, "food" includes cereals and cereal products, milk and milk products including ice cream, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruits, fruit products, and pure fruit juices, condiments, sugar and sugar products, coffee and coffee substitutes, tea, and cocoa and cocoa products. It does not include: spirituous or malt liquors; soft drinks; sodas and beverages that are ordinarily dispensed at bars and soda fountains or in connection therewith, other than coffee, tea, and cocoa; root beer and root beer extracts; malt and malt extracts; mineral oils, cod liver oils, and halibut liver oil; medicines, including tonics, vitamin preparations, and other products sold primarily for their medicinal properties; and water, including mineral, bottled, and carbonated waters, and ice.

(C) The levy of an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests pursuant to this section and division (B) of section 5739.01 of the Revised Code does not prevent any of the following:

(1) A municipal corporation or township from levying an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by this section. If a municipal corporation or township repeals a tax imposed under division (C)(1) of this section and a county in which the municipal corporation or township has territory has a tax imposed under division (C) of section 5739.024 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (C)(1) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(2) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such transactions pursuant to division (B) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(1) of this section.

(3) A county from levying an excise tax pursuant to division (A) of section 5739.024 of the Revised Code.

(4) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division

(C)(3) of this section.

(5) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in division (B) of section 351.021 of the Revised Code.

(6) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(3) or (4) of this section.

(7) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3), (4), or (6) of this section.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

Sec. 5743.02. To provide revenues for the general revenue fund ~~and to pay the interest, principal, and charges for the issuance and retirement of bonds and other obligations issued pursuant to Section 2f of Article VIII, Ohio Constitution, and section 129.50 of the Revised Code~~, an excise tax on sales of cigarettes is hereby levied at the rate of eleven and one-half mills on each cigarette.

Only one sale of the same article shall be used in computing the amount of tax due.

The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.05 of the Revised Code. The balance of taxes collected under such section, after the credits to the tax refund fund, ~~and after receipt by the treasurer of state of a certification from the commissioners of the sinking fund certifying there are sufficient moneys to the credit of the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, to meet in full all payments of interest, principal, and charges which are required to be paid from such bond retirement fund for the issuance and retirement of bonds and other obligations issued pursuant to Section 2f of Article VIII, Ohio Constitution, and section 129.50 of the Revised Code, due and payable during the current calendar year~~ shall be paid into the general revenue fund.

Sec. 5743.023. To ~~provide revenue to pay the interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to~~

~~Section 2f of Article VIII, Ohio Constitution and section 129.50 of the Revised Code and to~~ provide revenue to the general revenue fund, an excise tax on sales of cigarettes is hereby levied at the rate of one-half mill on each cigarette. Such revenue shall be paid ~~solely~~ into the ~~improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, as long as the moneys in that fund are insufficient to pay all interest, principal, and charges for the retirement of such bonds and other obligations. On retirement of such bonds and other obligations, such revenue shall be paid into the~~ general revenue fund.

Only one sale of the same article shall be used in computing the amount of tax due.

~~All moneys received into the state treasury from the tax levied by this section that are paid into the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, shall be expended as provided by section 129.52 of the Revised Code.~~

The discount authorized on the sale of stamps and meter impressions by section 5743.05 of the Revised Code, is not applicable to the tax imposed by this section for stamps and meter impressions purchased or delivered before May 1, 1992, but is applicable on and after that date.

Sec. 5743.32. To provide revenue for the general revenue fund of the state ~~and to pay the interest, principal, and charges for the issuance and retirement of bonds and other obligations issued pursuant to Section 2f of Article VIII, Ohio Constitution, and section 129.50 of the Revised Code~~, an excise tax is hereby levied on the use, consumption, or storage for consumption of cigarettes by consumers in this state at the rate of eleven and one-half mills on each cigarette. The tax shall not apply if the tax levied by section 5743.02 of the Revised Code has been paid.

The money received into the state treasury from the excise tax levied by this section~~, after receipt by the treasurer of state of a certification from the commissioners of the sinking fund certifying there are sufficient moneys to the credit of the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, to meet in full all payments of interest, principal, and charges which are required to be paid from such bond retirement funds for the issuance and retirement of bonds and other obligations issued pursuant to Section 2f of Article VIII, Ohio Constitution, and section 129.50 of the Revised Code, due and payable during the current calendar year~~ shall be credited to the general revenue fund.

Sec. 5743.322. To provide revenue to pay the interest, principal, and charges for the issuance and retirement of bonds and other obligations issued pursuant to Section 2f of Article VIII, Ohio Constitution ~~and section~~

~~129.50 of the Revised Code~~, an excise tax is hereby levied on the use, consumption, or storage for consumption of cigarettes by consumers in this state at the rate of one-half mill on each cigarette; provided that the tax shall not apply if the tax levied by section 5743.023 of the Revised Code has been paid. Such tax shall be levied as long as any of such bonds and other obligations are outstanding and moneys in the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, are insufficient to pay all interest, principal, and charges for the issuance and retirement of such bonds and other obligations.

All moneys received into the state treasury from the tax levied by this section shall be paid into the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and shall be expended as provided ~~by section 129.52 of the Revised Code~~ in that section.

Sec. 5747.31. (A) This section applies to an individual or estate that is a proprietor or a pass-through entity investor.

(B)~~(1)~~ A taxpayer described in division (A) of this section is allowed a credit that shall be computed and claimed in the same manner as the credit allowed to corporations in section 5733.33 of the Revised Code~~, with the following adjustments:~~. The

~~(a) The~~ taxpayer shall claim one-seventh of the credit amount for the calendar year in which the new manufacturing machinery and equipment is purchased for use in the county by the taxpayer or partnership. One-seventh of the taxpayer credit amount is allowed for each of the six ensuing taxable years. The

~~(b) Substitute "taxable year" for the phrase "calendar year prior to the first day of a tax year" wherever the phrase appears in division (H)(1) of section 5733.33 of the Revised Code.~~

~~(2) The~~ taxpayer shall claim the credit in the order required under section 5747.98 of the Revised Code.

~~(3)~~ The taxpayer shall file with the department of development a notice of intent to claim the credit in accordance with division (E) of section 5733.33 of the Revised Code.

(C)(1) A taxpayer described in division (A) of this section is allowed a credit that shall be computed in the same manner as the credit allowed to a corporation in section 5733.39 of the Revised Code, with the following adjustments:

(a) Substitute "taxable year" for "tax year" wherever "tax year" appears in section 5733.39 of the Revised Code;

(b) Substitute "5747.02" for "5733.06" wherever "5733.06" appears in section 5733.39 of the Revised Code;

(c) Substitute "5747.98" for "5733.98" wherever "5733.98" appears in section 5733.39 of the Revised Code;

(d) The credit allowed under division (C) of this section shall be subject to the same disallowance for the carryover or carryback of any unused credit as provided in division (C) of section 5733.39 of the Revised Code.

(2) Notwithstanding section 5747.131 of the Revised Code to the contrary, a taxpayer claiming a credit under this division has the burden of establishing by a preponderance of the evidence that the doctrines enumerated in section 5747.131 of the Revised Code do not apply with respect to the credit provided by this division.

(D) Nothing in this section shall be construed to limit or disallow pass-through treatment of a pass-through entity's income, deductions, credits, or other amounts necessary to compute the tax imposed by section 5747.02 of the Revised Code and the credits allowed by this chapter.

SECTION 2. That existing sections 101.68, 121.04, 121.08, 123.15, 123.21, 124.15, 124.152, 124.18, 124.27, 124.34, 124.381, 124.384, 124.385, 124.386, 126.11, 126.14, 129.72, 129.73, 133.20, 135.14, 145.01, 149.32, 149.43, 153.01, 154.01, 154.02, 154.05, 154.06, 154.07, 154.08, 154.09, 154.10, 154.11, 154.12, 154.14, 154.15, 154.16, 154.17, 154.18, 154.19, 154.20, 154.21, 154.22, 164.01, 164.08, 164.09, 164.10, 169.01, 169.02, 505.261, 505.264, 1347.08, 1551.12, 1551.30, 1551.31, 1551.33, 1551.34, 1555.02, 1555.03, 1555.05, 1555.08, 1555.15, 1557.01, 1557.02, 1557.03, 3313.98, 3313.981, 3317.03, 3318.21, 3318.25, 3318.26, 3325.07, 3333.13, 3383.01, 3383.03, 3383.07, 3701.024, 3701.132, 3701.23, 3770.06, 4104.45, 4105.12, 4105.15, 4751.04, 4751.05, 4751.06, 4905.01, 4906.03, 4928.20, 5528.32, 5528.36, 5528.51, 5528.53, 5528.54, 5727.01, 5727.03, 5727.111, 5727.15, 5727.24, 5727.25, 5727.26, 5727.27, 5727.28, 5727.29, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42, 5727.60, 5733.33, 5735.05, 5735.23, 5739.02, 5743.02, 5743.023, 5743.32, 5743.322, and 5747.31 and sections 123.20, 129.41, 129.42, 129.45, 129.46, 129.50, 129.52, 129.53, 129.54, 129.55, 129.56, 129.57, 129.60, 129.62, 129.63, 129.64, 129.65, 154.03, 154.04, 154.23, 164.11, 1551.36, 1555.09, 1555.10, 1555.11, 1555.12, 1555.13, 1555.14, 1557.04, 1557.05, 3318.41, 5528.55, 5528.56, and 5528.57 of the Revised Code are hereby repealed.

SECTION 3. That the versions of sections 1551.33 and 4905.01 of the Revised Code that are scheduled to take effect on January 1, 2001, be amended to read as follows:

Sec. 1551.33. (A) The director of development shall appoint and fix the compensation of the director of the Ohio coal development office established under section 1551.32 of the Revised Code. The director of the office shall serve at the pleasure of the director of development.

(B) The director of the office shall do all of the following:

(1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code;

(2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda;

(3) ~~Apportion for the office's administrative costs no more than ten per cent of the moneys credited to the Ohio coal development fund created under section 1551.36 of the Revised Code;~~

~~(4)~~ Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda;

~~(5)~~(4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person;

~~(6)~~(5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office;

~~(7)~~(6) Appoint specified members of and convene the technical advisory committee established under section 1551.35 of the Revised Code;

~~(8)~~(7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public utilities commission a report recommending that the commission allow the recovery of costs associated with the facility or project under section 4905.304 of the Revised Code and including the reasons for the recommendation~~;~~.

~~(9)~~(8) Establish such policies, procedures, and guidelines as are necessary to achieve the office's purposes.

(C) With the approval of the director of development, the director of the office may exercise any of the powers and duties of the director of

development as the directors consider appropriate or desirable to achieve the office's purposes, including, but not limited to, the powers and duties enumerated in sections 1551.11, 1551.12, 1551.13, and 1551.15 of the Revised Code.

Additionally, the director of the office may make loans to governmental agencies or persons for projects to carry out the office's purposes. Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of the loans shall be such as the director of the office determines to be appropriate and in furtherance of the purposes for which the loans are made. The mortgage lien securing any moneys lent by the director of the office may be subordinate to the mortgage lien securing any moneys lent or invested by a financial institution, but shall be superior to that securing any moneys lent or expended by any other person. The moneys used in making the loans shall be disbursed upon order of the director of the office.

Sec. 4905.01. As used in this chapter:

(A) "Railroad" has the meaning set forth in section 4907.02 of the Revised Code.

(B) "Motor transportation company" has the meaning set forth in sections 4905.03 and 4921.02 of the Revised Code.

(C) "Trailer," "public highway," "fixed termini," "regular route," and "irregular route" have the meanings set forth in section 4921.02 of the Revised Code.

(D) "Private motor carrier," "contract carrier by motor vehicle," "motor vehicle," and "charter party trip" have the meanings set forth in section 4923.02 of the Revised Code.

(E) "Ohio coal research and development costs" means all reasonable costs associated with a facility or project undertaken by a public utility for which a recommendation to allow the recovery of costs associated therewith has been made under division (B)~~(8)~~(7) of section 1551.33 of the Revised Code, including, but not limited to, capital costs, such as costs of debt and equity; construction and operation costs; termination and retirement costs; costs of feasibility and marketing studies associated with the project; and the acquisition and delivery costs of Ohio coal used in the project, less any expenditures of grant moneys.

SECTION 4. That the existing versions of sections 1551.33 and 4905.01 of the Revised Code that are scheduled to take effect on January 1, 2001, are hereby repealed.

SECTION 5. Sections 3 and 4 of this act shall take effect on January 1, 2001.

SECTION 6. All items set forth in Sections 6.01 to 6.03 of this act are hereby appropriated out of any moneys in the General Revenue Fund (GRF) that are not otherwise appropriated.

Appropriations

SECTION 6.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

CAP-785	Rural Areas Historical Projects	$	4,838,500
CAP-786	Rural Areas Community Improvements	$	13,537,300
CAP-817	Urban Areas Community Improvements	$	27,066,000
CAP-818	Community Theatre Renovations	$	1,210,000
Total Department of Administrative Services		$	46,651,800

Rural Areas Historical Projects

From the foregoing appropriation item CAP-785, Rural Areas Historical Projects, grants shall be made for the following projects:

Camden Town Hall and Opera House	$	75,000
Historic Hopewell Church	$	10,000
Preble County Historical Society	$	150,000
Allen County Museum Building Expansion	$	600,000
Allen County Railroad Museum	$	50,000
John P. Parker Historic Site Restoration	$	200,000
Grant Memorial Building	$	185,000
Steamship William G. Mather Maritime Museum	$	25,000
Bedford Historical Society	$	250,000
Fulton County Historical Society Museum Rehabilitation	$	50,000
Lyons and Area Historical Society Train Depot Restoration	$	40,000
Middlefield Historical Society	$	45,000
Hancock Historical Society-New Agriculture/Transportation Building	$	150,000
Henry County Historical Society Building Improvements	$	50,000
Holmes County Historic Building Improvements	$	25,000
Holmes County Historical Society Victorian House	$	30,000
Harvey Wells House Restoration	$	100,000
Western Reserve Railroad Association Train Station Improvements	$	10,000
Great Lakes Historical Society Renovations	$	200,000
Monroe County Park District Parry Museum	$	20,000
Morgan County Historical Society Building Renovations	$	25,000

General Sheridan Monument Restoration	$	6,000
Haydenville Museum	$	7,500
Overland Inn Historical Site	$	50,000
Spring Hill Historic Home	$	100,000
Stan Hywet Hall and Gardens	$	1,000,000
Gnadenhutten Historical Society	$	15,000
Van Wert Historical Society Red Barn Project	$	40,000
Marietta Lockmaster's House Renovation	$	50,000
New Matamorus Historical Society Renovations	$	25,000
Wayne County Old School House Renovations	$	150,000
Wood County Historic Courthouse	$	1,000,000
Mt. Pleasant Historical Society	$	10,000
Dennison Railroad Depot Museum	$	95,000

Rural Areas Community Improvements

From the foregoing appropriation item CAP-786, Rural Areas Community Improvements, grants shall be made for the following projects:

Southern Ohio Health Network Facility	$	100,000
Allen County Reservoir Feasibility Study	$	250,000
Belmont County Office Space	$	30,000
Meigs County Industrial Park	$	100,000
Lawrence County Industrial Park	$	100,000
Gallia County Industrial Park	$	100,000
Community Building - Belmont County	$	2,000,000
Watt Center - Belmont County	$	15,000
4-H Barn - Brown County	$	50,000
People Working Cooperatively Facility Improvements	$	75,000
Champaign YMCA	$	200,000
Clermont County Courthouse	$	50,000
Clermont County Visitor Information Center	$	50,000
Clinton County Firing Range	$	50,000
Coshocton Infrastructure Improvements	$	150,000
Bethlehem Water Well	$	2,700
West Lafayette Municipal Building Roof	$	7,200
Tuscarawas Township Safety Improvements	$	10,000
Village of Warsaw Improvements	$	39,100
Coshocton Softball Field Lighting Improvements	$	20,000
Defiance/Williams Flood Mitigation Project	$	1,350,000
Bellepoint Bridge Reconstruction	$	75,000
West After-School Center	$	50,000
Gallia County Water Projects	$	25,000
Fairmount Fine Arts Center	$	40,000
Guernsey Infrastructure Improvements	$	100,000
Tornado Warning Sirens - Guernsey County	$	60,000
Old Kenton Armory Improvements	$	100,000
Court House/City Hall Improvements - Highland County	$	400,000
Holmes County Home Renovations	$	25,000
Old Children's Home Renovations - Holmes County	$	25,000
Fairport Community Center	$	150,000
Mentor Fire and Police Headquarters Relocation	$	100,000
Hanna House - Lake County	$	25,000
Perry Township Industrial Park Land Acquisition	$	65,000

Red Mill Creek Water Retention Basin	$	20,000
Madison Village Community Building ADA Upgrades	$	12,500
Mentor-on-the-Lake Erosion Control Project	$	135,000
Athalia Community Facility	$	20,000
Chesapeake Community Facility	$	20,000
Proctorville Community Facility	$	20,000
Lawrence County Water Projects	$	25,000
Downtown Parking Garage and Walkway - Licking County	$	500,000
Institute of Industrial Technology	$	500,000
Outdoor Education Laboratory Construction - Marion County	$	60,000
Medina County Engineered Fuel Project	$	575,000
Chester Court House	$	15,000
Meigs County Water Projects	$	25,000
Fort Piqua Hotel	$	400,000
Graysville Community Center	$	50,000
Midway Community Center	$	10,000
Chesterhill Water Tower Improvements	$	50,000
Morgan Infrastructure Improvements	$	100,000
Morgan County Economic Development	$	125,000
Secrest Auditorium Improvements	$	50,000
Diesel Powered Generators - Muskingum County	$	6,000
Muskingum County Center for Seniors	$	8,000
Maysville Community Improvements	$	10,000
Muskingum County Court House Improvements	$	65,000
Litter Prevention Complex - Muskingum County	$	17,300
Noble County Infrastructure Improvements	$	185,000
Lake Erie Islands Regional Welcome Center	$	500,000
Corning Community Center	$	10,000
Somerset Court House	$	100,000
New Lexington Community Center	$	125,000
Crooksville Family Recreation Center	$	70,000
Perry County Agricultural Society	$	75,000
Nelsonville Pool	$	100,000
Cave Lake Center for Community Leadership	$	350,000
Atwater Township Town Hall Improvements	$	100,000
Brimfield Township Community Center	$	75,000
Portage County Sheriff's Department Shooting Range	$	200,000
WSTB Equipment Upgrade	$	50,000
Richland Academy of Arts and Sciences Discovery Center	$	100,000
Mansfield Area YMCA	$	200,000
Mohican School in the Out-of-Doors Expansion	$	325,000
Mansfield Reformatory Preservation Project	$	100,000
Ross County Multi-Purpose Facility	$	50,000
Bellevue Society for the Arts	$	10,000
County Jail Improvements - Sandusky County	$	300,000
Southern Ohio Port Authority	$	50,000
Meadowbrook Park Ballroom Restoration	$	100,000
Eastern Ohio Developmental Alliance Equipment Purchase	$	10,000
Uhrichsville Municipal Building Improvements	$	80,000
Project Pride Town Hall	$	20,000
Marietta Nutrition Facility	$	100,000
Liberty Township Community Center	$	20,000

West Salem Town Hall	$	150,000
City of Rittman Recreation Center	$	125,000
Bryan Senior Center	$	450,000
Jerry City Town Hall Improvements	$	7,000
Bradner Historic Building	$	45,000
Fairfield Township Property Acquisition	$	150,000
Lighthouse Youth Center Improvements	$	250,000
Chagrin Falls Park Community Center - Seniors' Room Construction	$	10,000
City of Willowick - Senior Center Remodeling, Addition, and Completion	$	100,000
Painesville Township Greenspace	$	15,000
Clermont County Animal Shelter	$	22,500

Ross County Multi-Purpose Facility

Of the foregoing appropriation item CAP-786, Rural Areas Community Improvements, the $50,000 earmarked for the Ross County Multi-Purpose Facility is for a feasibility study for the facility. Yoctangee Park in Chillicothe, Ohio, is specifically excluded as a site from any feasibility study for a multi-purpose facility.

Portage County Sheriff's Department Shooting Range

Of the foregoing appropriation item CAP-786, Rural Areas Community Improvements, the $200,000 earmarked for the Portage County Sheriff's Department Shooting Range shall be distributed to the Portage County Sheriff's Department for utilization by that department for a training facility. Any structure so constructed with these funds shall be used by the Portage County Sheriff's Department as a training facility for ten years or moneys must be repaid to the state by Portage County. The Portage County Sheriff's Department may contract with other law enforcement agencies to use the training facility.

Urban Areas Community Improvements

From the foregoing appropriation item CAP-817, Urban Areas Community Improvements, grants shall be made for the following projects:

Cross Links 2000 - Middletown Downtown Revitalization	$	2,000,000
Solon Community Arts Center	$	275,000
Cleveland Health Museum	$	1,000,000
Cleveland Jewish Community Center	$	350,000
Beck Center for the Arts	$	500,000
Cleveland School for the Arts	$	100,000
Hill House	$	325,000
Bellfaire/Jewish Children's Bureau	$	1,020,000
Karamu House Improvements	$	600,000
Halloran Ice Skating Rink	$	300,000
Cleveland Greenhouse Improvements	$	255,000
Alliance for Poles of America Facility Improvements	$	260,000
West Side Ecumenical Ministry	$	375,000
Solon VFW Memorial	$	7,000
Solon Senior Center	$	300,000

Brecksville Senior Development Project	$	10,000
Bentlyville Village Hall	$	30,000
Sterns Farm	$	70,000
Schaaf Community Center	$	100,000
Olmstead Community Center	$	100,000
Horizon Center	$	200,000
North Royalton Recreation Center	$	200,000
St. Vincent de Paul Recycle Project	$	250,000
Cleveland Free Clinic	$	370,000
Alta House	$	35,000
Rickenbacker House Restoration and Park	$	475,000
King Lincoln District Revitalization	$	1,425,000
J. Ashburn Youth Center	$	500,000
Columbus Downtown Initiatives Planning	$	1,900,000
Leo Yassenoff Columbus Community Center	$	400,000
Rickenbacker Air and Industrial Park	$	6,000,000
Clintonville Improvements	$	150,000
Grove City YMCA	$	35,000
Victorian Village Society	$	15,000
Beech Acres Family Center	$	50,000
Health Education Center	$	25,000
Convention Center Expansion Planning	$	500,000
German Heritage Museum	$	12,000
Lincoln Heights Health Center Improvements	$	1,000,000
South End Revitalization Project	$	100,000
Toledo International Youth Hostel Renovations	$	50,000
Sylvania Recreation Center	$	450,000
Sylvania Senior Center	$	300,000
Canton Civic Center	$	1,000,000
Canton Jewish Community Center Renovations	$	20,000
Canton Jewish Women's Center	$	100,000
J.R. Coleman Center	$	250,000
Gateway Social Services Building	$	450,000
Massillon Domestic Violence Shelter for Battered Women	$	100,000
Massillon Civic Center	$	1,000,000
Football Hall of Fame	$	150,000
Stark Central YMCA	$	25,000
Stark County Convention and Visitors Bureau Tourist Center	$	25,000
Akron Jewish Community Center Renovations	$	85,000
Oriana House	$	450,000
Cedar Grove Mausoleum Improvements	$	30,000
Amphitheater, Riverwalk, and Kinsman House Improvements	$	1,000,000
Fairlawn, Bath, Copley Community Center	$	65,000
Loew Field Improvements	$	50,000
Harvard Community Services Center Renovation and Expansion	$	20,000
City of South Euclid-Construction of Complying Community Ground Sign	$	5,000
Henn Mansion Renovation	$	25,000
Collinwood Community Service Center Repair and Renovation	$	20,000

Bowman Park - City of Toledo	$	80,000
Godman Guild	$	65,000

Community Theatre Renovations

From the foregoing appropriation item CAP-818, Community Theatre Renovations, grants shall be made for the following projects:

Hayesville Opera House	$	50,000
Cleveland Public Theatre Improvements - Gordon Square	$	160,000
Markay Theatre Renovations	$	100,000
Stranahan Theatre	$	100,000
Holland Theatre	$	250,000
Lorain Palace Theatre Improvements	$	200,000
Ohio Ballet	$	250,000
Ritz Theatre Renovations	$	100,000

Appropriations

SECTION 6.02. AFC ARTS AND SPORTS FACILITIES COMMISSION

CAP-047	Cincinnati Classical Music Hall of Fame	$	300,000
CAP-053	Powers Auditorium Improvements	$	500,000
CAP-059	Johnny Appleseed Museum Theatre	$	200,000
CAP-818	Great Lakes League Baseball Stadium in Lake County	$	350,000
CAP-819	Cooper Stadium Relocation Feasibility Study	$	350,000
Total Arts And Sports Facilities Commission		$	1,700,000

Great Lakes League Baseball Stadium in Lake County

Notwithstanding division (F) of section 3383.07 of the Revised Code, all or a portion of the foregoing appropriation item CAP-818, Great Lakes League Baseball Stadium in Lake County, may be expended for the cost of preparing a financial and development plan or feasibility study, and purchasing engineering and architectural services, designs, plans, specifications, surveys, and estimates of costs for that Great Lakes League Baseball Stadium in Lake County. Any amount expended for that purpose from the appropriation shall count toward the maximum fifteen percent of the construction cost of the sports facility to be paid from state funds.

Cooper Stadium Relocation Feasibility Study

Notwithstanding division (F) of section 3383.07 of the Revised Code, all or a portion of the foregoing appropriation item CAP-819, Cooper Stadium Relocation Feasibility Study, may be expended for the cost of preparing a financial and development plan or feasibility study, and purchasing engineering and architectural services, designs, plans, specifications, surveys, and estimates of costs for that Cooper Stadium. Any amount expended for that purpose from the appropriation shall count toward the maximum fifteen percent of the construction cost of the sports facility to be paid from state funds.

Appropriations

SECTION 6.03. OHS OHIO HISTORICAL SOCIETY

CAP-745	Emergency Renovations of Historic Sites and Museums	$	750,000
Total Ohio Historical Society		$	750,000
Total General Revenue Fund		$	49,469,800

SECTION 6.04. No expenditures shall be made from any of the items appropriated from the General Revenue Fund in Sections 6.01 to 6.03 of this act until the appropriations are released by the Controlling Board. Each request for release of appropriations by the Controlling Board shall have attached the certification of the Director of Budget and Management that sufficient General Revenue Fund moneys will be available to fund the anticipated expenditures associated with the request.

SECTION 7. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 021), which are not otherwise appropriated.

Appropriations

SFC SCHOOL FACILITIES COMMISSION

CAP-622	Public School Buildings	$	171,000,000
CAP-783	Emergency School Building Assistance Program	$	15,000,000
Total School Facilities Commission		$	186,000,000
Total Public School Building Fund		$	186,000,000

Commitments by the School Facilities Commission

The Ohio School Facilities Commission shall not commit at least $93,000,000 of the appropriations made in this section until after June 30, 2001.

SECTION 8. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Highway Safety Fund (Fund 036), which are not otherwise appropriated.

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY

CAP-045	Platform Scales Improvements	$	200,000
CAP-059	Patrol Post ADA Compliance	$	250,000
CAP-071	Construct Georgetown Patrol Post	$	1,900,000
CAP-072	Patrol Academy Infrastructure Improvements	$	800,000
CAP-073	Massillon District HQ Renovations	$	600,000
CAP-074	Construct Warren District Blue Title Facility	$	500,000
CAP-075	Cambridge District HQ Post Renovations	$	500,000

Total Department of Public Safety	$	4,750,000
Total Highway Safety Fund	$	4,750,000

SECTION 9. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Waterways Safety Fund (Fund 086), which are not otherwise appropriated.

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES

CAP-324	Cooperative Funding for Boating Facilities	$	5,600,000
CAP-874	Recreational Harbor Evaluation Project	$	1,000,000
CAP-934	Operations Facilities Development	$	800,000
Total Department of Natural Resources		$	7,400,000
Total Waterways Safety Fund		$	7,400,000

SECTION 10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Underground Parking Garage Operating Fund (Fund 208), which are not otherwise appropriated.

Appropriations

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

CAP-007	Garage Elevator Upgrades	$	215,000
CAP-009	Garage Fire Suppression System	$	1,050,000
Total Capitol Square Review and Advisory Board		$	1,265,000
Total Underground Parking Garage Operating Fund		$	1,265,000

SECTION 11. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Special Administrative Fund (Fund 4A9), which are not otherwise appropriated.

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES

CAP-701	Central Office Structural Renovations	$	1,342,000
CAP-702	Central Office Internal Renovations	$	1,945,850
Total Bureau of Employment Services		$	3,287,850
Total Special Administrative Fund		$	3,287,850

SECTION 12. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Veterans' Home Improvement Fund (Fund 604), which are not otherwise appropriated.

Appropriations

OVH OHIO VETERANS' HOME

CAP-760	Security System Improvements	$	110,000
CAP-761	Griffin Nursing Home Improvements	$	710,000

CAP-762	Renovate Secrest Floors and Walls in Bathroom and 1N	$	492,000
CAP-763	Secrest Case Goods Second Floor	$	235,000
CAP-764	O Cottage Roof and HVAC Improvements	$	84,000
CAP-765	Install Warehouse Freezer	$	80,000
Total Ohio Veterans' Home		$	1,711,000
Total Veterans' Home Improvement Fund		$	1,711,000

SECTION 13. All items set forth in this section are hereby appropriated out of any money in the state treasury to the credit of the Sports Facilities Building Fund (Fund 024), which is hereby created. Revenues to the Sports Facilities Building Fund shall consist of proceeds of obligations authorized to pay costs of the following capital improvements:

Appropriations

AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION

CAP-025	Sports Facilities Improvements - Cincinnati	$	20,000,000
CAP-804	Sports Facilities Improvements - Toledo	$	5,400,000
CAP-805	Sports Facilities Improvements - Youngstown	$	1,500,000
Total Ohio Arts and Sports Facilities Commission		$	26,900,000
Total Sports Facilities Building Fund		$	26,900,000

SECTION 13.01. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed $26,200,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly, to pay the costs of capital facilities, as defined in division (J) of section 3383.01 of the Revised Code as Ohio sports facilities, and designated in Section 13 of this act, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

SECTION 13.02. The foregoing capital improvements for which appropriations are made in Section 13 of this act are determined to be capital improvements for the housing of branches and agencies of state government and their functions, including, without limitation, serving purposes of public recreation and of economic development, including creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the state, and shall be designated as the capital facilities to which proceeds of obligations in the Sports Facilities Building Fund are to

be applied.

SECTION 14. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Highway Safety Building Fund (Fund 025). Revenues to the Highway Safety Building Fund shall consist of proceeds of obligations authorized to pay the costs of the following capital improvements.

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY

CAP-048	Statewide Communications System	$	13,322,981
Total Department of Public Safety		$	13,322,981
Total Highway Safety Building Fund		$	13,322,981

SECTION 14.01. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed $13,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly, to pay the costs associated with the previously authorized capital facilities and the capital facilities in Section 14 of this act, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

Notwithstanding any provision of law to the contrary, at any time prior to the sale of obligations authorized in this section, the Director of Budget and Management, with the written concurrence of the Director of Public Safety may transfer cash temporarily from the Highway Safety Fund (Fund 036) to the Highway Safety Building Fund (Fund 025), where such cash ay be used to fund the projects appropriated in Section 14 of this act. At such time as the obligations authorized in this section are sold, the Director of Budget and Management shall transfer from the Highway Safety Building Fund to the Highway Safety Fund any amounts originally transferred to the Highway Safety Building Fund under this section.

SECTION 15. All items set forth in Sections 15.01 to 15.13 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 026). Revenues to the Administrative Building Fund shall consist of proceeds of obligations authorized to pay the costs of capital facilities, as defined in section 152.09

of the Revised Code, for the following capital improvements:

Appropriations

SECTION 15.01. ADJ ADJUTANT GENERAL

CAP-036	Roof Replacement - Various Facilities	$	718,013
CAP-038	Electrical Improvements/Renovations - Various Armories	$	821,855
CAP-044	Replace Windows/Doors - Various Armories	$	689,653
CAP-045	Plumbing Renovations - Various Armories	$	576,270
CAP-046	Paving Renovations - Various Armories	$	2,044,592
CAP-050	HVAC Systems - Various Armories	$	835,640
CAP-056	Masonry Renovations - Various Armories	$	381,634
CAP-057	Sewer Improvements - Rickenbacker	$	180,000
CAP-058	Construct Cincinnati Armory	$	1,701,295
CAP-059	Construct Bowling Green Armory	$	825,528
Total Adjutant General		$	8,774,480

New Armory Construction

The foregoing appropriation items CAP-058, Construct Cincinnati Armory, and CAP-059, Construct Bowling Green Armory, shall be used to fund the state's share of the cost of building a basic armory in the Cincinnati and Bowling Green areas, including the cost of site acquisition, site preparation, and planning and design. Appropriations shall not be released for these items without a certification by the Adjutant General to the Director of Budget and Management that sufficient moneys exist for the federal share of the cost of construction.

Appropriations

SECTION 15.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

CAP-773	Governor's Residence Renovations	$	81,963
CAP-824	State Real Estate Inventory Program	$	400,000
CAP-826	Surface Road Building Renovations	$	557,500
CAP-827	Statewide Communications System	$	130,614,500
CAP-835	Energy Conservation Projects	$	2,750,000
CAP-850	Renovation of Old ODOT Building	$	590,580
CAP-852	North High Building Complex Renovations	$	7,000,000
CAP-855	Office Space Planning	$	150,000
CAP-856	Governor's Residence Security Upgrade	$	206,700
CAP-858	Lausche Building Improvements Planning	$	50,000
CAP-861	Facilities Master Plan State Schools for the Blind and Deaf	$	250,000
Total Department of Administrative Services		$	142,651,243

MARCS Steering Committee and Statewide Communications System

There is hereby continued a Multi-Agency Radio Communications System (MARCS) Steering Committee consisting of the designees of the

Directors of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management. The Director of Administrative Services or the director's designee shall chair the committee. The committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of the MARCS system as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the directors as to the progress of MARCS implementation and the development of policies related to the system.

The foregoing appropriation item CAP-827, Statewide Communications System, shall be used to purchase or construct the components of the Multi-Agency Radio Communications System (MARCS) that are not specific to any one agency. The equipment may include, but is not limited to, multi-agency equipment at the Emergency Operations Center/Joint Dispatch Facility, computer and telecommunication equipment used for the functioning and integration of the system, communications towers, tower sites, and tower equipment, and linkages among towers and between towers and the State of Ohio Network for Integrated Communication (SONIC) system. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the specific use of funds.

Spending from this appropriation item shall not be subject to the requirements of Chapters 123. and 153. of the Revised Code.

Energy Conservation Projects

The foregoing appropriation item CAP-835, Energy Conservation Projects, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Greenlights Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation.

Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

Facilities Master Plan for the State Schools for the Blind and Deaf

The foregoing appropriation item CAP-861, Facilities Master Plan for the State Schools for the Blind and Deaf, shall be used by the Department of Administrative Services to prepare a facilities master plan for the Ohio State School for the Deaf and the Ohio State School for the Blind. The master

plan shall be completed before June 30, 2001, and shall be submitted to the Governor and the General Assembly.

Appropriations

SECTION 15.03. AGR DEPARTMENT OF AGRICULTURE

CAP-042	Reynoldsburg Complex Security Improvements	$	200,000
CAP-043	Building and Grounds Renovation	$	500,000
CAP-044	Renovate Building 4	$	3,000,000
CAP-045	Renovate Plant Pest Building	$	200,000
Total Department of Agriculture		$	3,900,000

Appropriations

SECTION 15.04. AGO ATTORNEY GENERAL

CAP-715	Construct/Renovate Richfield Lab	$	10,944,375
CAP-717	HVAC Improvements/Renovations - OPOTA	$	2,003,625
CAP-718	Situation Training Facility	$	240,000
Total Attorney General		$	13,188,000

Richfield Lab Project

Notwithstanding anything to the contrary in sections 9.33 to 9.332 and Chapters 123. and 153. of the Revised Code for the Richfield Bureau of Criminal Identification and Investigation Laboratory project, which is funded with the foregoing appropriation item, CAP-715, Construct/Renovate Richfield Lab, the Office of the Attorney General may negotiate, enter into, and administer a contract that combines the design and construction elements of the project into a single contract.

Appropriations

SECTION 15.05. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

CAP-010	Capitol Rotunda Renovations	$	500,000
CAP-011	Statehouse Security Improvements	$	2,050,000
Total Capitol Square Review and Advisory Board		$	2,550,000

Statehouse Security Improvements

Of the foregoing appropriation item CAP-011, Statehouse Security Improvements, $1,050,000 shall be used in conjunction with funds from CAP-009, Garage Fire Suppression System, in the Underground Parking Garage Operating Fund, for the installation of a new fire suppression system in the Statehouse Garage. Appropriations

SECTION 15.06. COM DEPARTMENT OF COMMERCE

CAP-008	Fire Academy Building Renovations	$	750,000

CAP-012	Fire Academy Architectural Plan	$	75,000
Total Department of Commerce		$	825,000

Appropriations

SECTION 15.07. EXP EXPOSITIONS COMMISSION

CAP-037	Electrical Upgrades	$	3,384,587
CAP-057	HVAC Replacement	$	1,307,100
CAP-063	Facilities Improvements and Modernization	$	700,000
CAP-068	Masonry Renovations	$	1,347,295
CAP-069	Restroom Renovations	$	185,060
CAP-070	Master Plan Update	$	150,000
CAP-071	Campgrounds Renovations	$	425,000
CAP-072	Emergency Renovations and Equipment Replacement	$	500,000
Total Expositions Commission		$	7,999,042

Appropriations

SECTION 15.08. LIB STATE LIBRARY BOARD

CAP-702	SEO Regional Center Expansion	$	750,000
Total State Library Board		$	750,000

Appropriations

SECTION 15.09. DNR DEPARTMENT OF NATURAL RESOURCES

CAP-742	Fountain Square Building and Grounds Improvements	$	3,500,000
CAP-744	Multi-Agency Radio Communications System	$	7,000,000
CAP-934	District Office Renovations/Development	$	1,000,000
Total Department of Natural Resources		$	11,500,000

Appropriations

SECTION 15.10. DHS DEPARTMENT OF PUBLIC SAFETY

CAP-054	Multi-Agency Radio Communications System	$	827,884
CAP-067	VHF Radio System Improvements	$	515,000
Total Department of Public Safety		$	1,342,884

Appropriations

SECTION 15.11. JSC JUDICIARY/SUPREME COURT

CAP-001	Ohio Courts Building Renovations	$	38,495,000
Total Judiciary/Supreme Court		$	38,495,000

Exempt from Per Cent for Arts Program

The foregoing project CAP-001, Ohio Courts Building Renovations, shall be exempt from the provisions of section 3379.10 of the Revised Code, the Per Cent for Arts Program.

Appropriations

SECTION 15.12. OSB SCHOOL FOR THE BLIND

CAP-745	Roof Improvements on the School and Cottages	$	1,000,000
CAP-751	Upgrade Fire Alarm System	$	461,250
CAP-752	Equipment Storage Building	$	240,000
CAP-757	Bathroom Renovations	$	250,000
CAP-763	Natatorium Flooring Improvements	$	47,474
CAP-764	Electrical System Improvements	$	144,900
CAP-765	Upgrade Campus Safety and Security Systems	$	180,054
CAP-779	Doorway Improvements	$	87,000
Total School for the Blind		$	2,410,678

Appropriations

SECTION 15.13. OSD SCHOOL FOR THE DEAF

CAP-766	Construct Security Building at Entrance	$	129,863
CAP-767	Roof Renovations	$	1,500,000
CAP-768	Dormitory Furniture Replacement	$	297,077
CAP-769	Emergency Exits Improvements	$	26,163
CAP-770	Install Perimeter Fence Along Morse Road	$	155,952
Total School for the Deaf		$	2,109,055
Total Administrative Building Fund		$	236,495,382

SECTION 15.14. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed $230,800,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs associated with previously authorized capital facilities and the capital facilities in Sections 15.01 to 15.13 of this act, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

SECTION 16. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Adult Correctional Building Fund (Fund 027). Revenues to the Adult Correctional Building Fund shall consist of proceeds of obligations authorized to pay costs of capital facilities as defined in section 152.09 of the Revised Code for the Department of Rehabilitation and Correction.

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION
STATEWIDE AND CENTRAL OFFICE PROJECTS

CAP-002	Local Jails	$	22,367,000
CAP-003	Community-Based Correctional Facilities	$	12,541,425
CAP-141	Multi-Agency Radio Communications System Equipment	$	250,000
CAP-252	Construct Meat Processing Plant	$	7,468,950
Total Statewide and Central Office Projects		$	42,627,375
	CHILLICOTHE CORRECTIONAL INSTITUTION		
CAP-253	Install Electro-Static Precipitator	$	237,165
CAP-254	Boiler House Renovations	$	978,000
CAP-255	Replace Windows and Doors	$	1,081,250
CAP-256	Construct New Freezer	$	372,338
CAP-257	Emergency Generator Improvements	$	916,875
Total Chillicothe Correctional Institution		$	3,585,628
	HOCKING CORRECTIONAL INSTITUTION		
CAP-258	Sewer Upgrades	$	500,002
CAP-259	Freezer Building Replacement	$	152,812
Total Hocking Correctional Institution		$	652,814
	LIMA CORRECTIONAL INSTITUTION		
CAP-260	ADA Renovations	$	507,337
Total Lima Correctional Institution		$	507,337
	LONDON CORRECTIONAL INSTITUTION		
CAP-261	Roof Replacement	$	189,487
Total London Correctional Institution		$	189,487
	MADISON CORRECTIONAL INSTITUTION		
CAP-263	Upgrade Emergency Electric Service	$	978,000
CAP-264	Sewage Station Upgrade	$	220,050
Total Madison Correctional Institution		$	1,198,050
	MARION CORRECTIONAL INSTITUTION		
CAP-028	Power House Improvements	$	427,875
CAP-208	Hot Water Tank Replacement	$	244,500
Total Marion Correctional Institution		$	672,375
	OHIO REFORMATORY FOR WOMEN		
CAP-219	Fire Alarm System Improvements	$	611,250
CAP-266	Construct New Medical and Food Services Building	$	5,700,000
CAP-267	Renovate Arn Dormitories	$	570,500
CAP-268	Emergency Generator Improvements	$	1,848,750
CAP-269	Utility Tunnels Improvements	$	407,500
Total Ohio Reformatory for Women		$	9,138,000
	ORIENT CORRECTIONAL INSTITUTION		
CAP-270	Segregation Unit Replacement	$	5,246,506
CAP-271	Sanitary and Storm Sewer Upgrades	$	1,344,750
CAP-272	Administrative Parking Lot Improvements	$	507,337
CAP-273	Construct OCI Administration Building	$	5,238,125
Total Orient Correctional Institution		$	12,336,718
	PICKAWAY CORRECTIONAL INSTITUTION		
CAP-274	Replacement of Segregation Housing	$	4,806,750
CAP-275	Replacement and Upgrade of Fence Alarm System	$	1,848,750
Total Pickaway Correctional Institution		$	6,655,500
	ROSS CORRECTIONAL INSTITUTION		
CAP-276	Rubberized Roof Replacement	$	1,589,250
Total Ross Correctional Institution		$	1,589,250

	SOUTHEASTERN CORRECTIONAL INSTITUTION		
CAP-235	Construct Warehouse and Utility Buildings	$	2,959,603
CAP-277	Powerhouse Boiler Improvements	$	1,653,388
CAP-278	SCI Electrical System Improvements	$	3,900,000
Total Southeastern Correctional Institution		$	8,512,991
	SOUTHERN OHIO CORRECTIONAL FACILITY		
CAP-279	Powerhouse Domestic Hot Water Replacement	$	198,534
Total Southern Ohio Correctional Facility		$	198,534
	TRUMBULL CORRECTIONAL INSTITUTION		
CAP-280	Door Control Switch Renovations	$	1,528,125
CAP-281	Construct Psychiatric Residential Treatment Unit	$	603,120
Total Trumbull Correctional Institution		$	2,131,245
Total Department of Rehabilitation and Correction		$	89,995,304
Total Adult Correctional Building Fund		$	89,995,304

SECTION 16.01.

Local Jails

From the foregoing appropriation item, CAP-002, Local Jails, the Department of Rehabilitation and Correction shall designate the projects involving the construction and renovation of county, multi-county, municipal-county, and multicounty-municipal jail facilities and workhouses, including correctional centers authorized under sections 307.93 and 153.61 of the Revised Code, for which the Ohio Building Authority is authorized to issue obligations. Notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, the Department of Rehabilitation and Correction is authorized to coordinate, review, and monitor the drawdown and use of funds for the renovation or construction of projects for which designated funds are provided.

The funding authorized under this section shall not be applied to any such facilities that are not designated by the Department of Rehabilitation and Correction.

The amount of funding authorized under this section that may be applied to a project designated for initial funding after July 1, 2000, involving the construction or renovation of a county, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center authorized under sections 307.93 and 153.61 of the Revised Code, shall not exceed $35,000 per bed of the total allowable cost of the project in the case of construction of county and municipal-county jail facilities, workhouses, and correctional centers or multicounty or multicounty-municipal jail facilities, workhouses, and correctional centers; and shall not exceed 30 per cent of the total allowable cost of the project in the case of renovation of county, multicounty,

municipal-county, and multicounty-municipal jail facilities, workhouses, and correctional centers. If a political subdivision is in the planning phase of constructing a multi-county or multicounty-municipal jail facility, workhouse, or correctional center on or before the effective date of this section, the Department of Rehabilitation and Correction shall fund that facility at $42,000 per bed. Multi-county, or multicounty-municipal jail facility construction projects initiated after the effective date of this section may be considered for, but are not entitled to be awarded funding at, $42,000 per bed. The higher per bed award is at the discretion of the Department of Rehabilitation and Correction and is contingent upon available funds, the impact of the project, and the inclusion of at least three counties in the project.

The cost-per-bed funding authorized under this section that may be applied to a construction project shall not exceed the actual cost-per-bed of the project. The 30 per cent funding authorized under this section that may be applied to a renovation project shall not exceed $35,000 per bed of the total allowable cost of the project.

The funding authorized under this section shall not be applied to any project involving the construction of a county, multi-county, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center established under sections 307.93 and 153.61 of the Revised Code, unless the facility, workhouse, or correctional center will be built in compliance with "The Minimum Standards for Jails in Ohio" and the plans have been approved in accordance with section 5103.18 of the Revised Code. In addition, the funding authorized under this section shall not be applied to any project involving the renovation of a county, multi-county, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center established under sections 307.93 and 153.61 of the Revised Code, unless the renovation is for the purpose of bringing the facility, workhouse, or correctional center into compliance with "The Minimum Standards for Jails in Ohio" and the plans have been approved in accordance with section 5103.18 of the Revised Code.

SECTION 16.02.

Community-Based Correctional Facilities

The Department of Rehabilitation and Correction is hereby authorized to designate to the Ohio Building Authority the sites of, and, notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, to review the renovation or construction of, the

single county and district community-based correctional facilities funded by the foregoing appropriation item CAP-003, Community-Based Correctional Facilities.

SECTION 16.03. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and section 307.021 of the Revised Code, original obligations in an aggregate principal amount not to exceed $80,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs associated with previously authorized capital facilities and the capital facilities in Sections 16 and 16.01 to 16.02 of this act for the Department of Rehabilitation and Correction, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

SECTION 17. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Juvenile Correctional Building Fund (Fund 028). Revenues to the Juvenile Correctional Building Fund shall consist of proceeds of obligations authorized to pay costs of capital facilities as defined in section 152.09 of the Revised Code for the Department of Youth Services.

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES

CAP-801	Life, Safety, and Security Projects	$	2,000,000
CAP-803	General Institutional Renovations	$	3,250,000
CAP-828	Multi-Agency Radio Communications System	$	750,000
CAP-829	Local Juvenile Detention Centers	$	7,130,250
CAP-831	Gym Expansion - Cuyahoga Hills Boys School	$	1,234,000
CAP-832	72-Bed Housing Unit Addition - Ohio River Valley Correctional Center	$	7,250,000
CAP-833	New School Building - Scioto Juvenile Correctional Center	$	4,016,000
Total Department of Youth Services		$	25,630,250
Total Juvenile Correctional Building Fund		$	25,630,250

SECTION 17.01.

Local Juvenile Detention Centers

From the foregoing appropriation item CAP-829, Local Juvenile Detention Centers, the Department of Youth Services shall designate the projects involving the construction and renovation of county and

multi-county juvenile detention centers for which the Ohio Building Authority is authorized to issue obligations.

The Department of Youth Services is authorized to review and approve the renovation and construction of projects for which funds are provided. The proceeds of any obligations authorized under this section shall not be applied to any such facilities that are not designated by the Department of Youth Services.

The Department of Youth Services shall comply with the guidelines set forth below, accept and review applications, designate projects, and determine the amount of state match funding to be applied to each project. The department shall, with the advice of the county or counties participating in a project, determine the funded design capacity of the detention centers that are designated to receive funding. Notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, the Department of Youth Services is authorized to coordinate, review, and monitor the drawdown and use of funds for the renovation and construction of projects for which designated funds are provided.

(A) The Department of Youth Services shall develop a weighted numerical formula to determine the amount, if any, of state match that may be provided to a single or multi-county detention center project. The formula shall include the factors specified below in division (A)(1) of this section and may include the factors specified below in division (A)(2) of this section. The weight assigned to the factors specified in division (A)(1) of this section shall be no less than twice the weight assigned to factors specified in division (A)(2) of this section:

(1)(a) The number of detention center beds needed in the county or group of counties, as estimated by the Department of Youth Services, is significantly more than the number of beds currently available;

(b) Any existing detention center in the county or group of counties does not meet health, safety, or security standards for detention centers as established by the Department of Youth Services;

(c) The Department of Youth Services projects that the county or group of counties have a need for a sufficient number of detention beds to make the project economically viable.

(2)(a) The percentage of children in the county or group of counties living below the poverty level is above the state average;

(b) The per capita income in the county or group of counties is below the state average.

(B) The formula developed by the Department of Youth Services shall yield a percentage of state match ranging from 0 per cent to 60 per cent

based on the above factors. Notwithstanding the foregoing provisions, if a single county or multi-county system currently has no detention center beds, or if the projected need for detention center beds as estimated by the Department of Youth Services is greater than 120 per cent of current detention center bed capacity, then the percentage of state match shall be 60 per cent. To determine the dollar amount of the state match for new construction projects, the percentage of state match shall be multiplied by $105,000 per bed for detention centers with a design capacity of 99 beds or less, and by $130,000 per bed for detention centers with a design capacity of 100 beds or more. To determine the dollar amount of the state match for renovation projects the percentage match shall be multiplied by the actual cost of the renovation, provided that the cost of the renovation does not exceed $80,000 per bed. The funding authorized under this section that may be applied to a construction or renovation project shall not exceed the actual cost of the project.

The funding authorized under this section shall not be applied to any project unless the detention center will be built in compliance with health, safety, and security standards for detention centers as established by the Department of Youth Services. In addition, the funding authorized under this section shall not be applied to the renovation of a detention center unless the renovation is for the purpose of increasing the number of beds in the center, or to meet health, safety, or security standards for detention centers as established by the Department of Youth Services.

SECTION 17.02. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed $28,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued to pay the costs associated with previously authorized capital facilities and the capital facilities in Sections 17 and 17.01 of this act for the Department of Youth Services, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

SECTION 18. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Arts Facilities Building Fund (Fund 030). Revenues to the Arts Facilities Building Fund

shall consist of proceeds of obligations authorized to pay costs of the following capital improvements:

Appropriations

AFC ARTS FACILITIES COMMISSION

CAP-010	Sandusky State Theatre Improvements	$	200,000
CAP-013	Stambaugh Hall Improvements	$	500,000
CAP-033	Woodward Opera House Renovation	$	250,000
CAP-037	Canton Palace Theatre Renovations	$	750,000
CAP-044	National Underground Railroad Freedom Center	$	3,500,000
CAP-045	Cincinnati Contemporary Arts Center	$	2,000,000
CAP-046	Cincinnati Museum Center Improvements	$	200,000
CAP-048	John and Annie Glenn Museum	$	500,000
CAP-051	Akron Civic Theatre Improvements	$	1,000,000
CAP-052	Akron Art Museum	$	2,500,000
CAP-056	Ohio Agricultural and Industrial Heritage Center	$	2,500,000
CAP-063	Robins Theatre Renovations	$	1,000,000
CAP-734	Hayes Presidential Center-Museum and Home Improvements	$	750,000
CAP-735	Paul Lawrence Dunbar House	$	672,000
CAP-741	Adena State Memorial Renovations	$	3,888,000
CAP-742	Ft. Meigs Museum and Exhibit Improvements	$	1,805,000
CAP-780	Harding Tomb and Site Renovations	$	138,000
CAP-781	Archives and Library Automation	$	300,000
CAP-784	Ohio Historical Center Rehabilitation	$	500,000
CAP-786	Piqua/Fort Pickawillany Acquisition and Improvements	$	435,000
CAP-789	Neil Armstrong Air and Space Museum Improvements	$	200,000
CAP-790	Reese-Peters Site Improvements	$	250,000
CAP-798	Multi-Site Fire and Security System Improvements	$	100,000
CAP-801	Statewide Underground Storage Tank Removal	$	107,000
CAP-802	Zane Grey Museum Improvements	$	280,000
CAP-803	Digitization of OHS Collection	$	750,000
CAP-806	Grant Boyhood Home Improvements	$	200,000
CAP-809	Cincinnati Ballet Facility Improvements	$	450,000
CAP-811	National First Ladies Library	$	500,000
CAP-812	Dayton Performing Arts Center	$	9,500,000
CAP-813	Cleveland Botanical Gardens	$	500,000
CAP-814	Crawford Museum of Transportation and Industry	$	3,000,000
Total Arts Facilities Commission		$	39,225,000
Total Arts Facilities Building Fund		$	39,225,000

SECTION 18.01. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed $36,400,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs of capital facilities as defined in division (A)(5) of section 152.09 of the Revised Code, including construction as defined in division (H) of section

3383.01 of the Revised Code, of the Ohio arts facilities designated in Section 18 of this act, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal of or interest thereon.

SECTION 19. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Ohio Parks and Natural Resources Fund (Fund 031). Revenues to the Ohio Parks and Natural Resources Fund shall consist of proceeds of obligations authorized to pay costs of capital facilities as defined in sections 151.01 and 151.05 of the Revised Code for the Department of Natural Resources.

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES

STATEWIDE AND LOCAL PROJECTS

CAP-012	Land Acquisition	$	3,100,000
CAP-748	Local Parks Projects - Statewide	$	9,100,000
CAP-753	Project Planning	$	1,495,000
CAP-912	Chagrin River Dredging	$	200,000
CAP-881	Dam Rehabilitation	$	7,000,000
CAP-931	Wastewater/Water Systems Upgrades	$	3,500,000
CAP-932	Wetlands/Waterfront Development and Acquisition	$	100,000
CAP-934	Operations Facilities Development	$	2,750,000
CAP-995	Boundary Protection	$	200,000
CAP-999	Geographic Information Management System	$	750,000
Total Statewide and Local Projects		$	28,195,000

DIVISION OF CIVILIAN CONSERVATION

CAP-835	Civilian Conservation Facilities	$	2,150,000
Total Division of Civilian Conservation		$	2,150,000

DIVISION OF FORESTRY

CAP-841	Operations and Maintenance Facility Development and Renovation	$	1,750,000
Total Division of Forestry		$	1,750,000

DIVISION OF NATURAL AREAS

CAP-826	Natural Areas and Preserves Maintenance/Facility Development	$	1,080,000
Total Division of Natural Areas		$	1,080,000

DIVISION OF PARKS AND RECREATION

CAP-234	State Parks Campgrounds, Lodges and Cabins	$	2,875,000
CAP-331	Park Boating Facilities	$	2,550,000
CAP-390	State Park Maintenance/Facility Development	$	1,500,000
CAP-836	State Park Renovations/Upgrading	$	1,200,000
Total Division of Parks and Recreation		$	8,125,000

DIVISION OF SOIL AND WATER CONSERVATION

CAP-706	Statewide Nonpoint Source Implementation Program	$	600,000
CAP-809	Canal Lakes and Watershed Restoration Program	$	500,000
Total Division of Soil and Water Conservation		$	1,100,000

DIVISION OF WATER

CAP-705	Rehabilitate Canals, Hydraulic Works and Support Facilities	$	2,150,000
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	$	200,000
CAP-820	Automated Stream, Lake and Ground Water Data Collection	$	200,000
CAP-828	Ohio and Erie Canal Rehabilitation	$	400,000
Total Division of Water		$	2,950,000
Total Department of Natural Resources		$	45,350,000
Total Ohio Parks and Natural Resources Fund		$	45,350,000

Rehabilitate Canals, Hydraulic Works and Support Facilities

Of the foregoing appropriation item CAP-705, Rehabilitate Canals, Hydraulic Works and Support Facilities, $150,000 shall be used for Miami-Erie Canal Improvements in Allen County and $1,000,000 shall be used for the Ohio Canal Lock #3 Revitalization.

Ohio and Erie Canal Rehabilitation

Of the foregoing appropriation item CAP-828, Ohio and Erie Canal Rehabilitation, $400,000 shall be used for the Erie Canal Trail Towpath in Summit County.

SECTION 19.01. The Ohio Public Facilities Commission, upon the request of the Director of Natural Resources, is hereby authorized to issue and sell, in accordance with Section 2l of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.05 of the Revised Code, bonds or other obligations of the State of Ohio in an aggregate amount not to exceed $44,000,000 of original issuance obligations in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The obligations shall be dated, issued, and sold from time to time in such amounts as may be necessary to provide sufficient moneys to the credit of the Ohio Parks and Natural Resources Fund (Fund 031) created in section 1557.04 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of Natural Resources, provided, however, that such obligations shall be issued and sold at such time or times so that not more than $50,000,000 original principal amount of obligations may be issued in any fiscal year and not more than $200,000,000 original principal amount of such obligations may be outstanding at any one time.

Operations and Maintenance Facility Development and Renovation

Of the foregoing appropriation item CAP-841, Operations and Maintenance Facility Development and Renovation, $8,000 shall be used for Perry State Forest Fencing in Perry County, and $10,000 shall be used for

Harrison State Forest Improvements.

SECTION 19.02. For the projects appropriated in Section 19 of this act, the Department of Natural Resources shall periodically prepare and submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by the Department of Natural Resources for each project. Based on the estimates, the Director of Budget and Management may release appropriations from the foregoing appropriation item CAP-753, Project Planning, to pay for design, planning, and engineering costs incurred by the Department of Natural Resources for such projects. Upon release of the appropriations by the Director of Budget and Management, the Department of Natural Resources shall pay for these expenses from Fund 4S9, Capital Expenses, and be reimbursed by Fund 031 using an intrastate voucher.

SECTION 20. (A) All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the School Building Program Assistance Fund (Fund 032) created under section 3318.25 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized to pay the cost of facilities for a system of common schools throughout the state.

Appropriations

SFC SCHOOL FACILITIES COMMISSION

CAP-770	School Building Program Assistance	$	417,200,000
Total School Facilities Commission		$	417,200,000
Total School Building Program Assistance Fund		$	417,200,000

School Building Program Assistance

The foregoing appropriation item CAP-770, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

Commitments by the School Facilities Commission

The Ohio School Facilities Commission shall not commit at least $207,000,000 of the appropriations made in this section until after June 30, 2001.

SECTION 20.01. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with the provisions of Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly

ns 151.01 and 151.03 of the Revised Code, original obligations in an aggregate principal amount not to exceed $390,000,000 to pay the costs associated with previously authorized capital facilities and the capital facilities in Section 20 of this act for the School Building Assistance Program for the School Facilities Commission to distribute in accordance with their rules and guidelines pursuant to Chapter 3318. of the Revised Code.

SECTION 21. All items set forth in Sections 21.01 to 21.03 are hereby appropriated out of any moneys in the state treasury to the credit of the Mental Health Facilities Improvement Fund (Fund 033) created by division (F) of section 154.20 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized, to pay costs of capital facilities as defined in section 154.01 of the Revised Code, for mental hygiene and retardation.

Appropriations

SECTION 21.01. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES

CAP-002	Community Assistance Projects	$	3,365,000
Total Department of Alcohol and Drug Addiction Services		$	3,365,000

Community Assistance Projects

Of the foregoing appropriation item CAP-002, Community Assistance Projects, $225,000 shall be used for the Adelante Drug and Alcohol Treatment Facility, $100,000 shall be used for the Foundations Recovery Center, and $40,000 shall be used for the Sojourner Women's and Children's Outpatient Center.

Responsibility for Facilities

No portion of the foregoing appropriation item, CAP-002, Community Assistance Projects, shall be used for the Hamilton County Alcohol and Drug Addiction Services Center or the Stark County Alcohol and Drug Addiction Services Center until the Department of Alcohol and Drug Addiction Services and the county in which the facility is located first enter into an agreement regarding the transfer of the title of the facility and the associated property from the state to the county in which it is located. If the county refuses or otherwise fails to enter into an agreement on or before June 30, 2001, the department may transfer title to the facility and associated property to any other person or entity when the transfer is deemed advantageous to the state. It shall be specified in the agreement that

when title to the facility and associated property is transferred, then immediately upon the transfer of title the transferee shall assume all responsibility, including financial responsibility, for the facility and associated property. The foregoing condition placed on the release of funds to the Hamilton County Alcohol and Drug Addiction Services Center and the Stark County Alcohol and Drug Addiction Services Center shall not apply if such release of funds is necessary to protect the health and safety of the Center patients.

Appropriations

SECTION 21.02. DMH DEPARTMENT OF MENTAL HEALTH

CAP-092	Hazardous Materials Abatement	$	800,000
CAP-479	Community Assistance Projects	$	10,000,000
CAP-906	Campus Consolidation/Automation	$	2,000,000
CAP-946	Demolition	$	750,000
CAP-976	Life Safety/Critical Plant Renovations	$	1,950,000
CAP-977	Patient Care/Environment Improvements	$	32,500,000
CAP-981	Emergency Improvements	$	1,500,000
Total Department of Mental Health		$	49,500,000

Pauline Warfield Lewis Center

Any proceeds from the sale of land occupied by the Pauline Warfield Lewis Center to the United States Postal Service shall be deposited in the Mental Health Facilities Improvement Fund (033).

SECTION 21.03. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

Appropriations

STATEWIDE AND CENTRAL OFFICE PROJECTS

CAP-001	Asbestos Removal	$	500,000
CAP-480	Community Assistance Projects	$	21,400,000
CAP-901	Razing of Buildings	$	500,000
CAP-912	Telecommunications	$	500,000
CAP-961	Energy Conservation	$	500,000
CAP-981	Emergency Improvements	$	500,000
CAP-941	Emergency Generator Replacement	$	500,000
Total Statewide and Central Office Projects		$	24,400,000

APPLE CREEK DEVELOPMENTAL CENTER

CAP-791	Residential Renovation - Jonathan Hall	$	74,000
CAP-795	Ruby Hall Renovations	$	320,000
CAP-980	Pool Chemical Feed System	$	34,000
CAP-953	Door Replacement	$	61,000
Total Apple Creek Developmental Center		$	489,000

CAMBRIDGE DEVELOPMENTAL CENTER

CAP-913	HVAC Upgrade - Activity Center	$	250,000
CAP-969	Utility Upgrade - Centerwide	$	50,000
Total Cambridge Developmental Center		$	300,000
	COLUMBUS DEVELOPMENTAL CENTER		
CAP-106	Roof Repairs - Various Buildings	$	300,000
CAP-852	Replacement of Fire Alarm System	$	200,000
CAP-970	Clinical/Support Building Addition	$	350,000
Total Columbus Developmental Center		$	850,000
	GALLIPOLIS DEVELOPMENTAL CENTER		
CAP-723	HVAC System Replacements	$	470,000
CAP-853	Residential Renovations	$	100,000
CAP-971	Replacement of Fire Alarm System	$	55,000
CAP-972	Renovate Refrigerator and Freezer	$	40,000
CAP-973	Replace Steam Absorption Unit	$	130,000
Total Gallipolis Developmental Center		$	795,000
	MONTGOMERY DEVELOPMENTAL CENTER		
CAP-728	Maintenance Shop Addition	$	200,000
CAP-805	Replacement of Fire Alarm System	$	150,000
Total Montgomery Developmental Center		$	350,000
	MOUNT VERNON DEVELOPMENTAL CENTER		
CAP-080	Renovation - Main Kitchen	$	150,000
CAP-101	Residential Renovation of Rian Hall	$	224,000
CAP-810	Replacement of Fire Alarm System	$	150,000
CAP-974	Pool/Gymnasium Renovation	$	60,000
CAP-975	Exterior Building Renovation	$	75,000
Total Mount Vernon Developmental Center		$	659,000
	NORTHWEST DEVELOPMENTAL CENTER		
CAP-738	Residential Laundry Renovation	$	95,000
CAP-739	Residential Bedroom Renovation	$	100,000
CAP-982	Cooling Tower Replacement	$	50,000
Total Northwest Developmental Center		$	245,000
	SOUTHWEST DEVELOPMENTAL CENTER		
CAP-863	Residential Renovation - HVAC Upgrade	$	210,000
CAP-976	Renovation Program and Support Services Buildings	$	175,000
Total Southwest Developmental Center		$	385,000
	SPRINGVIEW DEVELOPMENTAL CENTER		
CAP-742	Renovation - Administration Building	$	150,000
CAP-977	Roof Replacement	$	230,000
Total Springview Developmental Center		$	380,000
	TIFFIN DEVELOPMENTAL CENTER		
CAP-085	Roof Replacement - Dietary	$	100,000
CAP-899	Renovations - Utah and Nevada Buildings	$	250,000
CAP-931	Exterior Renovations - Various Buildings	$	150,000
Total Tiffin Developmental Center		$	500,000
	WARRENSVILLE DEVELOPMENTAL CENTER		
CAP-088	Exterior Lighting Replacement	$	160,000
CAP-936	HVAC Renovations	$	135,000
CAP-950	ADA Compliance	$	35,000
CAP-978	Boiler Replacement	$	260,000
Total Warrensville Developmental Center		$	590,000
	YOUNGSTOWN DEVELOPMENTAL CENTER		

CAP-091	Water Line Renovation	$ 75,000
Total Youngstown Developmental Center		$ 75,000
Total Department of Mental Retardation and Developmental Disabilities		$ 30,018,000
Total Mental Health Facilities Improvement Fund		$ 82,883,000

Community Assistance Projects

The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance funds for the construction or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code.

SECTION 21.04. The foregoing capital improvements for which appropriations are made in Sections 21 and 21.01 to 21.03 of this act are determined to be capital improvements and capital facilities for mental hygiene and retardation, and shall be designated as the capital facilities to which proceeds of obligations in the Mental Health Facilities Improvement Fund, created by section 154.20 of the Revised Code, are to be applied. The foregoing appropriations for the Department of Alcohol and Drug Addiction Services, CAP-002, Community Assistance Projects; Department of Mental Health, CAP-479, Community Assistance Projects; and Department of Mental Retardation and Developmental Disabilities, CAP-480, Community Assistance Projects, may be used on facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Alcohol and Drug Addiction Services, the Department of Mental Health, and the Department of Mental Retardation and Developmental Disabilities, subject to Controlling Board approval.

SECTION 21.05. (A) No capital improvement appropriations made in Sections 21 to 21.03 of this act shall be released for planning or for improvement, renovation, or construction or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code,

does not own the real property that constitutes the capital facilities or on which the capital facilities are or will be located. This restriction shall not apply in any of the following circumstances:

(1) The governmental agency has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) In the case of an appropriation for capital facilities for mental hygiene and retardation which, because of their unique nature or location, will be owned or be part of facilities owned by a separate nonprofit organization and made available to the governmental agency for its use or operated by the nonprofit organization under contract with the governmental agency, the nonprofit organization either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Department of Mental Health, Department of Mental Retardation and Developmental Disabilities, or Department of Alcohol and Drug Addiction Services, whichever is applicable, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, as a minimum, provisions which:

(1) Specify the extent and nature of that joint or cooperative use, extending for no fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the approving department, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be terminated;

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act.

SECTION 21.06. The Treasurer of State is hereby authorized to issue and sell in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.20 of the Revised Code, obligations in an aggregate principal amount not to exceed $76,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs of

capital facilities for mental hygiene and retardation, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

SECTION 22. All items set forth in Sections 22.01 to 22.45 are hereby appropriated out of any moneys in the state treasury to the credit of the Higher Education Improvement Fund (Fund 034) created by division (F) of section 154.21 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized to pay the costs of capital facilities as defined in sections 151.01 and 151.04 of the Revised Code, for state-supported and state-assisted institutions of higher education.

Appropriations

SECTION 22.01. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK COMMISSION

CAP-001	Educational TV and Radio Equipment	$	3,498,544
CAP-003	Statewide Digital Television Fund	$	6,000,000
Total Ohio Educational Telecommunications Network Commission		$	9,498,544

Educational Television and Radio Equipment

The foregoing appropriation item CAP-001, Educational Television and Radio Equipment, shall be used to provide broadcasting, transmission, and production equipment to Ohio public radio and television stations, radio reading services, and the Ohio Educational Telecommunications Network Commission.

Appropriations

SECTION 22.02. BOARD OF REGENTS AND STATE INSTITUTIONS OF HIGHER EDUCATION
BOR BOARD OF REGENTS

CAP-025	Instructional and Data Processing Equipment	$	33,000,000
CAP-029	Ohio Library and Information Network	$	7,485,000
CAP-030	Supercomputer Center Expansion	$	6,500,000
CAP-031	Ohio Aerospace Institute - Building Improvements	$	300,000
CAP-032	Research Facility Action and Investment Funds	$	20,000,000
CAP-033	Child Care Facilities - Matching Grants	$	1,500,000
CAP-060	Technology Initiatives	$	10,000,000
CAP-062	Non-Credit Job Training Facilities Grants	$	6,300,000
CAP-064	Eminent Scholars Capital Grants	$	2,750,000
CAP-065	Biomedical Technology Center	$	8,500,000
Total Board of Regents		$	96,335,000

SECTION 22.03.

Research Facility Action and Investment Funds

The foregoing appropriation item CAP-032, Research Facility Action and Investment Funds, shall be used for a program of grants to be administered by the Board of Regents to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education.

The Board of Regents shall develop rules in accordance with Chapter 119. of the Revised Code relative to the application for and approval of projects funded from appropriation item CAP-032, Research Facility Action and Investment Funds. Such rules shall be reviewed and approved by the Legislative Committee on Education Oversight. The Board of Regents shall inform the President of the Senate and the Speaker of the House of Representatives of each project application for funding received. Each project receiving a commitment for funding by the Board of Regents under the rules shall be reported to the President of the Senate and the Speaker of the House of Representatives.

Notwithstanding the limits imposed in section 3345.50 of the Revised Code on the size of capital projects funded by state appropriations that the Department of Administrative Services may delegate to institutions for local administration, the Director of Administrative Services may delegate responsibility for administration of larger projects if the state appropriations consist only of loans from a prior Research Facility and Investment Loans and Grants appropriation. Loans for such projects shall be released by the Controlling Board in a lump sum after the Director of Administrative Services authorizes local administration and shall be disbursed as reimbursements for local expenditures from time to time as the institution provides documentation of such expenditures.

SECTION 22.04.

Repayment of Research Facility Investment Fund Moneys

Notwithstanding any provision of law to the contrary, all repayments of Research Facility Investment Fund loans shall be made to the Bond Service Account in the Higher Education Bond Service Trust Fund.

Institutions of higher education shall make timely repayments of Research Facility Investment Fund loans, according to the schedule established by the Board of Regents. In the case of late payments, the Board

of Regents may deduct from an institution's periodic subsidy distribution an amount equal to the amount of the overdue payment for that institution, transfer such amount to the Bond Service Trust Fund, and credit the appropriate institution for the repayment.

SECTION 22.05.

Child Care Facilities - Matching Grants

The foregoing appropriation item CAP-033, Child Care Facilities - Matching Grants, shall be used by the Board of Regents to make grants to state-supported or state-assisted institutions of higher education for projects to expand, construct, or renovate space or equip child care centers. All grants shall be awarded on a 50 per cent match basis. In making grant awards, the Board of Regents shall give priority to:

(A) Projects located at state-supported or state-assisted institutions without child care facilities;

(B) Projects for which the principal clients are children of students enrolled at the institution; and

(C) Projects where the facility will be used as a classroom/training lab for child care/preschool certification programs.

SECTION 22.06.

Technology Initiatives

In order to determine a method for awarding grants from appropriation item CAP-060, Technology Initiatives, the Board of Regents shall form a consultation group including, but not limited to, representatives of state colleges and universities, the Office of Budget and Management, the Legislative Budget Office of the Legislative Service Commission, and the Legislative Office of Education Oversight.

SECTION 22.07.

Eminent Scholars Capital Grants

The foregoing appropriation item CAP-064, Eminent Scholars Capital Grants, shall be used by the Ohio Board of Regents to make grants to state colleges and universities and nonprofit Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code that receive endowment grants from appropriation item 235-451, Eminent Scholars. The capital grants shall be used to acquire, renovate, rehabilitate, or construct facilities and purchase equipment to be

used by an Eminent Scholar in the conduct of research, and shall require a 50 per cent match from recipient campuses.

The Board of Regents shall convene an Eminent Scholars Advisory Panel, which shall make recommendations for the administration of the Eminent Scholars program, including the award of capital grants. The panel's recommendations for capital awards from appropriation item CAP-064, Eminent Scholars Capital Grants, shall require the approval of the Board of Regents.

Biomedical Technology Center

The foregoing appropriation item CAP-065, Biomedical Technology Center, shall be used by the Center for Applied Biomedical Technologies for site development, and the design, construction, and equipment costs of a new biomedical technology resources facility. Prior to release of the funds, a proposal for the construction of the facility and the use of state funds must be approved by the Biomedical Technology Center Oversight Committee, which is hereby created and consists of the Governor's Science and Technology Advisor, the president of the Edison Bio Technology Center, and the Governor's regional economic development representative for northeastern Ohio. The committee shall determine the extent to which division (C) of Section 22.50 of this act, or appropriate alternative procedures apply to the project. Upon notification of the committee's approval, the Chancellor of the Board of Regents shall request the Director of Budget and Management or the Controlling Board to release the appropriations. The Biomedical Technology Center Oversight Committee shall sunset upon the release of all appropriations from this item. This appropriation shall not be used to match any grants made by the Biomedical Research and Technology Transfer Commission.

SECTION 22.08.

Reimbursement for Project Costs

Appropriations made in Sections 22.09 to 22.46 of this act for purposes of costs of capital facilities for the interim financing of which the particular institution has previously issued its own obligations anticipating the possibility of future state appropriations to pay all or a portion of such costs, as contemplated in division (B) of section 3345.12 of the Revised Code, shall be paid directly to the institution or the paying agent for those outstanding obligations in the full principal amount of those obligations then to be paid from the anticipated appropriation, and shall be timely applied to the retirement of a like principal amount of the institutional obligations.

Appropriations made in Sections 22.09 to 22.46 of this act for purposes

of costs of capital facilities, all or a portion of which costs the particular institution has paid from the institution's moneys that were temporarily available and which payments were reasonably expected to be reimbursed from the proceeds of obligations issued by the state, shall be directly paid to the institution in the full amounts of those payments, and shall be timely applied to the reimbursement of those temporarily available moneys.

Appropriations

SECTION 22.09. UAK UNIVERSITY OF AKRON

CAP-008	Basic Renovations	$	3,523,748
CAP-049	Basic Renovations - Wayne	$	119,034
CAP-090	Library/Learning Center	$	1,196,843
CAP-091	Student Affairs Building	$	15,000,000
CAP-092	Whitby Hall Rehabilitation	$	2,952,656
Total University of Akron		$	22,792,281

John Brown Memorial - Summit County

Of the foregoing appropriation item CAP-008, Basic Renovations, $50,000 shall be used for the John Brown Memorial in Summit County.

Appropriations

SECTION 22.10. BGU BOWLING GREEN STATE UNIVERSITY

CAP-009	Basic Renovations	$	3,260,797
CAP-060	Basic Renovations - Firelands	$	182,380
CAP-102	Network Infrastructure - Phase II	$	12,366,110
CAP-109	Cedar Point Community Center	$	515,600
CAP-110	Hanna Hall Rehabilitation	$	2,005,522
CAP-111	Re-Roof East, West and North Buildings	$	503,326
Total Bowling Green State University		$	18,833,735

Appropriations

SECTION 22.11. CSU CENTRAL STATE UNIVERSITY

CAP-022	Basic Renovations	$	800,205
CAP-089	Student Center Planning	$	500,000
CAP-090	Emery Hall Roof Rehabilitation	$	632,500
CAP-091	Carnegie Hall Roof Rehabilitation	$	457,500
CAP-092	Page Hall Rehabilitation	$	1,900,000
CAP-093	Simpson Hall HVAC	$	318,800
CAP-094	Hunter Hall HVAC	$	555,000
CAP-095	Williamson Hall HVAC	$	700,000
CAP-096	Lane Hall Rehabilitation	$	3,700,000
Total Central State University		$	9,564,005

Appropriations

SECTION 22.12. UCN UNIVERSITY OF CINCINNATI

CAP-009	Basic Renovations	$	6,705,977
CAP-018	Basic Renovations - Clermont	$	153,378
CAP-054	Raymond Walters Renovations	$	224,428
CAP-128	Science and Allied Health Building - Phase III Walters	$	1,646,761
CAP-174	Classroom/Teaching Laboratory Renovations	$	4,850,000
CAP-176	Network Expansion	$	500,000
CAP-177	Critical Building Component Renovations	$	7,363,728
CAP-206	One Stop Services Center	$	16,980,882
CAP-207	Central Campus Infrastructure	$	300,000
CAP-208	Security System Upgrade	$	300,000
CAP-209	Library Renovations	$	300,000
CAP-210	Cincinnati Observatory Center Improvements	$	150,000
CAP-222	Classroom/Laboratory Building	$	4,686,457
CAP-223	Teachers College/Dyer Hall Rehabilitation Phase II	$	4,136,000
CAP-224	Van Wormer Administrative Building Rehabilitation	$	132,000
CAP-225	Institute of Advanced Manufacturing Sciences	$	250,000
CAP-226	Holocaust Archives at Hebrew Union College	$	250,000
Total University of Cincinnati		$	48,929,611

Appropriations

SECTION 22.13. CLS CLEVELAND STATE UNIVERSITY

CAP-023	Basic Renovations	$	3,284,313
CAP-067	17th-18th Street Block - College of Urban Affairs	$	9,250,000
CAP-069	Great Lakes Museum for Science, Environment and Technology	$	200,000
CAP-073	Cleveland Playhouse	$	1,000,000
CAP-118	Structural Concrete Rehabilitation	$	1,500,000
CAP-125	College of Education Building	$	600,000
CAP-126	Electrical System Upgrades - Phase II	$	2,619,670
CAP-127	Fire Alarm System Upgrade	$	400,000
CAP-128	Property Acquisition	$	1,298,322
CAP-129	Vocational Guidance Campus	$	2,000,000
CAP-130	WVIZ Technology Center	$	1,000,000
Total Cleveland State University		$	23,152,305

Appropriations

SECTION 22.14. KSU KENT STATE UNIVERSITY

CAP-022	Basic Renovations	$	3,471,635
CAP-105	Basic Renovations - East Liverpool	$	96,138
CAP-106	Basic Renovations - Geauga	$	47,979
CAP-107	Basic Renovations - Salem	$	98,262
CAP-108	Basic Renovations - Stark	$	285,591
CAP-110	Basic Renovations - Ashtabula	$	175,264
CAP-111	Basic Renovations - Trumbull	$	225,295
CAP-112	Basic Renovations - Tuscarawas	$	172,079
CAP-142	Music Center Improvements	$	3,300,000
CAP-177	Corporate Education and Conference Center, Phase II -	$	1,707,255

	Stark		
CAP-179	New Power Plant - Phase II	$	9,720,232
CAP-206	Child Care Facility and Related Renovations and Additions	$	277,314
CAP-207	Kent Hall Planning and Addition	$	4,380,000
CAP-208	Mary Patterson Exterior Renovations	$	605,555
CAP-209	Rehabilitation of Auditorium Building, Phase III	$	3,830,000
CAP-210	Rooftop Air Handler Repair/Replacement	$	609,445
CAP-211	Science and Technology Building	$	2,909,422
CAP-212	Technology Building Rehabilitation and Addition Planning	$	908,500
Total Kent State University		$	32,819,966

Appropriations

SECTION 22.15. MUN MIAMI UNIVERSITY

CAP-018	Basic Renovations	$	3,539,484
CAP-066	Basic Renovations - Hamilton	$	256,361
CAP-069	Basic Renovations - Middletown	$	252,933
CAP-070	Chilled Water System - Phase VII	$	1,000,000
CAP-089	High-Voltage System Phase VII	$	1,100,000
CAP-113	Special Academic/Administrative Projects - Hamilton	$	591,426
CAP-114	Chilled Water Loop Phase II - Hamilton	$	501,381
CAP-115	Special Academic/Administrative Projects - Middletown	$	335,116
CAP-116	Hughes Hall Rehabilitation - Phase III	$	8,670,000
CAP-123	Phillips Hall Rehabilitation	$	938,087
CAP-127	Campus Steam Distribution - Phase I	$	500,000
CAP-129	Steam Plant Electrostatic Precipitator	$	501,381
CAP-130	MacMillan Rehabilitation/Multicultural Center	$	4,200,000
CAP-131	Miami University Learning Center	$	500,000
Total Miami University		$	22,886,169

Appropriations

SECTION 22.16. OSU OHIO STATE UNIVERSITY

CAP-074	Basic Renovations	$	15,483,848
CAP-149	Basic Renovations - Regional Campuses	$	998,118
CAP-255	Supplemental Renovations - OARDC	$	2,306,350
CAP-369	Natural Habitat Research Site Improvements	$	500,000
CAP-425	Physical Sciences Building	$	26,000,000
CAP-427	Morrill Hall Renovation - Marion	$	1,364,050
CAP-484	Page Hall Rehabilitation	$	10,300,000
CAP-485	Botany and Zoology Building Rehabilitation	$	20,793,244
CAP-486	Larkins Hall Addition/Rehabilitation	$	5,000,000
CAP-487	Robinson Laboratory Replacement	$	2,500,000
CAP-494	Nicklaus Center	$	500,000
CAP-531	Animal and Plant Biology Level 3 Isolation Facility - OARDC	$	200,000
CAP-532	Food, Ag, and Environmental Sciences	$	1,500,000
CAP-533	Heart Hospital	$	2,610,000
CAP-534	Main Library Rehabilitation	$	500,000

CAP-535	Psychology Building	$	3,000,000
CAP-536	Thorne Hall and Gowley Hall Renovations, Phase III - OARDC	$	4,195,974
CAP-538	OSU Gateway Parking Garage	$	4,500,000
Total Ohio State University		$	102,251,584

Appropriations

SECTION 22.17. OHU OHIO UNIVERSITY

CAP-020	Basic Renovations	$	4,032,073
CAP-095	Basic Renovations - Eastern	$	135,160
CAP-098	Basic Renovations - Lancaster	$	182,651
CAP-099	Basic Renovations - Zanesville	$	201,122
CAP-113	Basic Renovations - Chillicothe	$	183,172
CAP-114	Basic Renovations - Ironton	$	92,699
CAP-115	Bennett Hall HVAC and Lab Improvements - Chillicothe	$	1,082,262
CAP-142	Health Professions Lab - Phase II	$	8,750,000
CAP-155	Brasee Hall Rehabilitation, Phase II - Lancaster	$	1,100,521
CAP-172	Elson Hall Rehabilitation, Phase II - Zanesville	$	1,085,613
CAP-188	Technology Center Construction - Ironton	$	2,628,382
CAP-199	Bently Hall Renovation - Phase I	$	6,564,450
CAP-200	Building Acquisition/Renovation - Eastern	$	1,022,957
CAP-201	PSAC Rehabilitation Planning	$	500,000
CAP-202	Putnam Hall Rehabilitation	$	4,141,912
CAP-203	Supplemental Renovations	$	1,750,000
Total Ohio University		$	33,452,974

Appropriations

SECTION 22.18. SSC SHAWNEE STATE UNIVERSITY

CAP-004	Basic Renovations	$	790,045
CAP-041	Kricker Hall Renovation - Phase II	$	767,112
CAP-042	Sidewalk/Plaza Replacement	$	100,276
CAP-043	Communication/Data Upgrade	$	62,106
CAP-044	Land Acquisition	$	220,607
CAP-045	Rehabilitation of Health Sciences Building - Phase I	$	716,974
Total Shawnee State University		$	2,657,120

Appropriations

SECTION 22.19. UTO UNIVERSITY OF TOLEDO

CAP-010	Basic Renovations	$	3,819,725
CAP-096	Health and Human Services Rehabilitation - Phase II	$	5,314,634
CAP-099	Memorial Field House Rehabilitation	$	12,033,133
CAP-100	University Computer Center	$	1,554,424
CAP-102	WGTE Public Broadcasting Facility Upgrade	$	1,000,000
CAP-103	Toledo Museum of Art Improvements	$	1,000,000
Total University of Toledo		$	24,721,916

Appropriations

SECTION 22.20. WSU WRIGHT STATE UNIVERSITY

CAP-015	Basic Renovations	$	2,685,343
CAP-064	Basic Renovations - Lake	$	89,080
CAP-103	Millett Hall Rehabilitation	$	11,285,211
CAP-106	Air Force Museum	$	500,000
CAP-107	Edison Incubator	$	400,000
CAP-108	Mound Advanced Technology Center	$	1,100,000
Total Wright State University		$	16,059,634

Appropriations

SECTION 22.21. YSU YOUNGSTOWN STATE UNIVERSITY

CAP-014	Basic Renovations	$	2,268,434
CAP-108	Electronic Campus Infrastructure/Technology	$	3,008,283
CAP-112	Beeghly Center Rehabilitation	$	2,506,903
CAP-113	Campus Development	$	604,119
CAP-114	Chiller and Steamline Replacement - Phase III	$	902,485
CAP-115	Fedor Hall Rehabilitation	$	1,804,970
CAP-116	Technology Incubator for Market Ready Applications	$	1,000,000
Total Youngstown State University		$	12,095,194

Appropriations

SECTION 22.22. MCO MEDICAL COLLEGE OF OHIO

CAP-010	Basic Renovations	$	1,197,311
CAP-066	Core Research - Clinical Education Support Center	$	4,620,583
Total Medical College of Ohio		$	5,817,894

Appropriations

SECTION 22.23. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF MEDICINE

CAP-018	Basic Renovations	$	335,850
CAP-040	Campus Network Renovation and Expansion	$	1,283,974
Total Northeastern Ohio Universities College of Medicine		$	1,619,824

Appropriations

SECTION 22.24. CTC CINCINNATI STATE COMMUNITY COLLEGE

CAP-013	Basic Renovations	$	683,630
CAP-026	Emergency Phones and Duct Smoke Detectors	$	245,676
CAP-027	Floor Tiles and Ceiling Replacement	$	320,884
CAP-028	HVAC and AC Units	$	17,264
CAP-029	Masonry Repair and New Windows	$	200,552
CAP-030	Student Life/Education Building	$	3,008,282
CAP-031	Substation and Power Panels	$	388,069
Total Cincinnati State Community College		$	4,864,357

Appropriations

SECTION 22.25. CLT CLARK STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	$	416,307
Total Clark State Community College		$	416,307

Appropriations

SECTION 22.26. CTI COLUMBUS STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	$	931,890
CAP-040	Academic Center "D" - Phase I	$	5,414,472
Total Columbus State Community College		$	6,346,362

Academic Center "D" - Phase I

Columbus State Community College may use appropriation item CAP-040, Academic Center "D" - Phase I, to finance the initial work required to construct a facility whose total cost shall be approximately $20 million. Columbus State Community College and the Board of Regents may request additional funding for the project for the capital biennium beginning July 1, 2002. Columbus State Community College may supplement this initial appropriation with its own funds if necessary to avoid delays in the project. Any expenditure of local funds may be reimbursed from future appropriations.

Appropriations

SECTION 22.27. CCC CUYAHOGA COMMUNITY COLLEGE

CAP-026	Playhouse Square	$	3,000,000
CAP-031	Basic Renovations	$	2,088,437
CAP-064	Technology Learning Center - Western	$	5,781,820
CAP-077	Plaza Connector, Phase I - East	$	1,561,721
CAP-078	Humanities Building Renovations - Metro	$	2,481,904
CAP-079	Cleveland Art Museum Improvements	$	3,000,000
Total Cuyahoga Community College		$	17,913,882

Appropriations

SECTION 22.28. ESC EDISON STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	$	230,732
Total Edison State Community College		$	230,732

Appropriations

SECTION 22.29. JTC JEFFERSON COMMUNITY COLLEGE

CAP-022	Basic Renovations	$	187,823
Total Jefferson Community College		$	187,823

Appropriations

SECTION 22.30. LCC LAKELAND COMMUNITY COLLEGE

CAP-006	Basic Renovations	$	714,842
CAP-028	Athletic, Fitness, Teaching Center/Family Center Expansion	$	3,178,180
Total Lakeland Community College		$	3,893,022

Appropriations

SECTION 22.31. LOR LORAIN COMMUNITY COLLEGE

CAP-005	Basic Renovations	$	884,717
Total Lorain Community College		$	884,717

Appropriations

SECTION 22.32. NTC NORTHWEST STATE COMMUNITY COLLEGE

CAP-003	Basic Renovations	$	182,320
Total Northwest State Community College		$	182,320

Appropriations

SECTION 22.33. OTC OWENS COMMUNITY COLLEGE

CAP-019	Basic Renovations	$	884,371
CAP-034	Center for Fine and Performing Arts Construction	$	7,847,442
Total Owens Community College		$	8,731,813

Appropriations

SECTION 22.34. RGC RIO GRANDE COMMUNITY COLLEGE

CAP-005	Basic Renovations	$	262,161
CAP-021	New Entrance Road	$	574,485
Total Rio Grande Community College		$	836,646

Appropriations

SECTION 22.35. SCC SINCLAIR COMMUNITY COLLEGE

CAP-007	Basic Renovations	$	1,740,059
Total Sinclair Community College		$	1,740,059

Appropriations

SECTION 22.36. SOC SOUTHERN STATE COMMUNITY COLLEGE

CAP-010	Basic Renovations	$	218,915
Total Southern State Community College		$	218,915

Appropriations

SECTION 22.37. TTC TERRA STATE COMMUNITY COLLEGE

CAP-009	Basic Renovations	$	332,113
Total Terra State Community College		$	332,113

Appropriations

SECTION 22.38. WTC WASHINGTON STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	$	201,039
Total Washington State Community College		$	201,039

Appropriations

SECTION 22.39. BTC BELMONT TECHNICAL COLLEGE

CAP-008	Basic Renovations	$	185,603
Total Belmont Technical College		$	185,603

Appropriations

SECTION 22.40. COT CENTRAL OHIO TECHNICAL COLLEGE

CAP-003	Basic Renovations	$	206,057
Total Central Ohio Technical College		$	206,057

Appropriations

SECTION 22.41. HTC HOCKING TECHNICAL COLLEGE

CAP-019	Basic Renovations	$	419,330
CAP-034	Student Center - Phase II	$	2,791,470
Total Hocking Technical College		$	3,210,800

Appropriations

SECTION 22.42. LTC LIMA TECHNICAL COLLEGE

CAP-004	Basic Renovations	$	216,530
Total Lima Technical College		$	216,530

Appropriations

SECTION 22.43. MTC MARION TECHNICAL COLLEGE

CAP-004	Basic Renovations	$	127,493
Total Marion Technical College		$	127,493

Appropriations

SECTION 22.44. MAT MUSKINGUM AREA TECHNICAL COLLEGE

CAP-007	Basic Renovations	$	208,496
CAP-018	Campus Essential System Renovations	$	450,600
CAP-019	Eastern Ohio Regional Training Center	$	459,823
CAP-020	Atwood Lake Resort and Conference Center Facilities Improvements	$	500,000
Total Muskingum Area Technical College		$	1,618,919

Appropriations

SECTION 22.45. NCC NORTH CENTRAL TECHNICAL COLLEGE

CAP-003	Basic Renovations	$	348,811
CAP-018	Fallerius Center Rehabilitation	$	1,866,359
Total North Central Technical College		$	2,215,170

Appropriations

SECTION 22.46. STC STARK TECHNICAL COLLEGE

CAP-004	Basic Renovations	$	375,491
CAP-027	Information Technology Learning Center	$	5,074,618
Total Stark Technical College		$	5,450,109
Total Board of Regents and State Institutions of Higher Education		$	532,850,000
Total Higher Education Improvement Fund		$	543,698,544

SECTION 22.47.

Debt Service Formula Allocation

Based on the foregoing appropriations in Sections 22 and 22.01 to 22.45 of this act, from Fund 034, Higher Education Improvement Fund, the following higher education institutions shall be responsible for the specified amounts as part of the debt service component of the instructional subsidy beginning in fiscal year 2002:

Institution	Amount
University of Akron	$17,952,656
University of Akron - Wayne	$ 1,196,843
Bowling Green State University	$14,371,632
Bowling Green State University - Firelands	$ 1,018,926
Central State University	$ 2,356,900
University of Cincinnati	$34,862,610
University of Cincinnati - Clermont	$ 686,460
University of Cincinnati - Walters	$ 1,646,761
Cleveland State University	$15,667,992

Kent State University	$17,930,232
Kent State University - Ashtabula	$ 908,500
Kent State University - East Liverpool	$ 605,555
Kent State University - Geauga	$ 277,314
Kent State University - Salem	$ 609,445
Kent State University - Stark	$ 1,707,255
Kent State University - Tuscarawas	$ 2,909,422
Miami University	$16,909,468
Miami University - Hamilton	$ 1,092,807
Miami University - Middletown	$ 335,116
Ohio State University	$72,203,245
Ohio State University - Marion	$ 1,364,050
Ohio University	$21,706,363
Ohio University - Eastern	$ 1,022,957
Ohio University - Chillicothe	$ 1,082,262
Ohio University - Ironton	$ 614,950
Ohio University - Lancaster	$ 1,100,521
Ohio University - Zanesville	$ 1,085,613
Shawnee State University	$ 1,867,075
University of Toledo	$18,902,191
Wright State University	$11,285,211
Youngstown State University	$ 8,826,760
Medical College of Ohio	$ 4,620,583
Northeastern Ohio Universities College of Medicine	$ 1,283,974
Cincinnati State Community College	$ 4,180,728
Columbus State Community College	$ 5,414,472
Cuyahoga Community College	$ 9,825,445
Lakeland Community College	$ 3,178,180
Owens Community College	$ 4,513,470
Rio Grande Community College	$ 574,485
Hocking Technical College	$ 2,431,100
Muskingum Area Technical College	$ 910,423
North Central Technical College	$ 1,866,359
Stark Technical College	$ 1,807,050

Institutions not listed above shall not have a debt service obligation as a result of these appropriations.

Within sixty days after the effective date of this section, any institution of higher education may notify the Board of Regents of its intention not to proceed with any project appropriated in this act. Upon receiving such notification, the Board of Regents may release the institution from its debt

service obligation for the specific project.

SECTION 22.48. For all of the foregoing appropriation items from the Higher Education Improvement Fund (Fund 034) that require local funds to be contributed by any state-supported or state-assisted institution of higher education, the Ohio Board of Regents shall not recommend that any funds be released until the recipient institution demonstrates to the Board of Regents and the Office of Budget and Management that the local funds contribution requirement has been secured or satisfied. The local funds shall be in addition to the foregoing appropriations.

SECTION 22.49. The foregoing capital improvements for which appropriations are made from the Higher Education Improvement Fund (Fund 034) are determined to be capital improvements and capital facilities for state-supported or state-assisted institutions of higher education, and are designated as the capital facilities to which proceeds of obligations in the Higher Education Improvement Fund, created by section 154.21 of the Revised Code, are to be applied.

SECTION 22.50. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with the provisions of Section 2n of Article VIII, Ohio Constitution, Chapter 151. and particularly sections 151.01 and 151.04 of the Revised Code, original obligations in an aggregate principal amount not to exceed $544,000,000 to pay costs associated with previously authorized capital facilities and the capital facilities in sections 22.01 to 22.46 of this act for state-supported and state-assisted institutions of higher education.

SECTION 22.51. None of the foregoing capital improvements appropriations for state-supported or state-assisted institutions of higher education shall be expended until the particular appropriation has been recommended for release by the Ohio Board of Regents and released by the Director of Budget and Management or the Controlling Board. Either the institution concerned, or the Ohio Board of Regents with the concurrence of the institution concerned, may initiate the request to the Director of Budget and Management or the Controlling Board for the release of the particular appropriations.

(A) None of the foregoing capital improvement appropriations shall be

released for planning or for renovation or construction or acquisition of capital facilities if the institution of higher education or the state does not own the real property on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The institution has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) The Ohio Board of Regents certifies to the Controlling Board that undue delay will occur if planning does not proceed while the property or property interest acquisition process continues. In this case, funds may be released upon approval of the Controlling Board to pay for planning through the development of schematic drawings only.

(3) If the appropriation for capital facilities for a state-supported or state-assisted institution of higher education that, because of its unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and will be made available to the institution of higher education for its use, the nonprofit organization or public body either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement with the institution of higher education that meets the requirements of division (C) of this section.

(B) Any foregoing appropriations which require cooperation between a technical college and a branch campus of a university may be released by the Controlling Board upon recommendation by the Ohio Board of Regents that the facilities proposed by the institutions are:

(1) The result of a joint planning effort by the university and the technical college, satisfactory to the Ohio Board of Regents;

(2) Facilities that will meet the needs of the region in terms of technical and general education, taking into consideration the totality of facilities which will be available after the completion of these projects;

(3) Planned to permit maximum joint use by the university and technical college of the totality of facilities which will be available after completion of these projects;

(4) To be located on or adjacent to the branch campus of the university.

(C) The Ohio Board of Regents shall adopt rules regarding the release of moneys from all the foregoing appropriations for capital facilities for all state-supported or state-assisted institutions of higher education. Such rules for the release of moneys for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and made available to the

institution of higher education for its use shall include, as a minimum, provisions that:

(1) Provide for a joint or cooperative use agreement, specifying the extent and nature of that use, extending for no fewer than fifteen years, to be approved by the Ohio Board of Regents; the value of such use or right to use shall be, as determined by the parties, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use be terminated;

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act;

(4) Provide for payment or reimbursement to the institution of its administrative costs incurred as a result of the facilities project, not to exceed 1.5 per cent of the appropriated amount.

(D) Upon the recommendation of the Ohio Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution with the approval of both institutions.

(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Ohio Board of Regents, may transfer amounts appropriated to the Ohio Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.

SECTION 22.52. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, shall not apply to projects of community college districts and technical college districts.

SECTION 22.53. Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when such charges are in excess of 1.5 per cent of the total construction budget.

SECTION 22.54. For those institutions that locally administer capital improvement projects pursuant to section 3345.50 of the Revised Code, reimbursement may be made from state capital appropriations to the institution for the in-house design services performed by the institution for locally administered capital projects. Acceptable charges shall be limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost.

SECTION 23. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035) created by division (F) of section 154.22 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized, to pay costs of capital facilities, as defined in section 154.01 of the Revised Code, for parks and recreation.

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES

CAP-012	Land Acquisition	$	3,150,000
CAP-113	East Harbor State Park Shoreline Stabilization	$	850,000
CAP-234	State Parks Campgrounds, Lodges, and Cabins	$	8,725,000
CAP-718	Grand Lake St. Mary's State Park	$	150,000
CAP-748	Local Parks Projects	$	4,409,000
CAP-787	Scioto Riverfront Improvements	$	9,175,000
CAP-789	Great Miami Riverfront Improvements	$	2,000,000
CAP-821	State Park Dredging and Shoreline Protection	$	300,000
CAP-836	State Park Renovations/Upgrading	$	50,000
CAP-876	Statewide Trails Program	$	3,175,000
CAP-910	Scioto Peninsula Property Acquisition	$	4,750,000
CAP-928	Statewide Accessibility Improvements	$	125,000
CAP-931	Statewide Wastewater/Water Systems Upgrade	$	2,000,000
Total Department of Natural Resources		$	38,859,000
Total Parks and Recreation Improvement Fund		$	38,859,000

Federal Reimbursement

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035).

Local Parks Projects

Of the foregoing appropriation item CAP-748, Local Parks Projects,

$100,000 shall be used for the Darke County Park District; $750,000 shall be used for Erie Metro Parks Land Acquisition; $40,000 shall be used for Grove City Fryer Park Improvements; $60,000 shall be used for Ritter Park Improvements; $125,000 shall be used for Highland Community Park Improvements; $12,500 shall be used for Big Prairie/Lakeville Park Improvements; $25,000 shall be used for Holmes County Park Improvements; $25,000 shall be used for Stockport Riverfront Park Improvements; $50,000 shall be used for Silver Park Improvements; $50,000 shall be used for New Philadelphia City Park Improvements; $100,000 shall be used for Dover Park Improvements; $40,000 shall be used for Newcomerstown Park Improvements; $60,000 shall be used for Sugarcreek Park Improvements; $20,000 shall be used for Dodge Park Improvements; $20,000 shall be used for Grandview Park Improvements; $6,500 shall be used for Crossroads Park Improvements; $38,000 shall be used for Wauseon Park Land Acquisition; $450,000 shall be used for Barberton Park Improvements; $150,000 shall be used for Black Swamp Land Acquisition; $50,000 shall be used for Felicity Park Improvements; $50,000 shall be used for Cincinnati Whitewater Canal Tunnel Park; $75,000 shall be used for the Walbridge Parks Improvements; $50,000 shall be used for the Village of Richwood Parks; $112,000 shall be used for the West Creek Preserve - City of Parma; $100,000 shall be used by the West Creek Preservation Committee for a West Creek Watershed Project; and $350,000 shall be used for Stark County Parks.

Local Parks Projects - Riverfront Plaza

Of the foregoing appropriation item CAP-748, Local Parks Projects, $1,000,000 shall be used for Riverfront Plaza in Cincinnati. The Director of Natural Resources shall study and determine whether it is feasible and suitable to include the Riverfront Plaza in the state park system.

Statewide Trails Program

Of the foregoing appropriation item CAP-876, Statewide Trails Program, $2,000,000 shall be used for the Ohio to Erie Bike Trail in Greene County, Madison County, and Clark County; $125,000 shall be used for the Bike Path Extension in Delaware County; $150,000 shall be used for the Village Green Hillside Bike/Hike Path in Butler County; $150,000 shall be used for the Pleasant Run Creek Bike/Hike Path in Butler County; $500,000 shall be used for the Delhi Nature Trail in Hamilton County; $50,000 shall be used for the New Richmond Bike Path; and $50,000 shall be used for the Lake to River Greenway Bike Path in Trumbull County.

Scioto Riverfront Improvements

Of the foregoing appropriation item CAP-787, Scioto Riverfront

Improvements, $7,750,000 shall be used for Spring and Long Park and $1,425,000 shall be used for Whittier peninsula property acquisition and demolition.

State Park Renovations/Upgrading

Of the foregoing appropriation item CAP-836, State Park Renovations/Upgrading, $50,000 shall be used for the Kennedy Stone House Improvements in Salt Fork State Park.

SECTION 23.01. The foregoing capital improvements for which appropriations are made from the Parks and Recreation Improvement Fund (Fund 035) are determined to be capital improvements and capital facilities for parks and recreation and shall be designated as the capital facilities to which proceeds of obligations in the Parks and Recreation Improvement Fund, created by section 154.22 of the Revised Code, are to be applied.

SECTION 23.02. The Treasurer of State is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed $41,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay the costs of capital facilities for parks and recreation, the owners or holders of which obligations shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

SECTION 23.03. (A) No capital improvement appropriations made in Section 23 of this act shall be released for planning or for improvement, renovation, or construction or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code, does not own the real property that constitutes the capital facilities or on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The governmental agency has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property;

(2) In the case of an appropriation for capital facilities for parks and recreation that, because of their unique nature or location, will be owned or be part of facilities owned by a separate nonprofit organization and made

available to the governmental agency for its use or operated by the nonprofit organization under contract with the governmental agency, the nonprofit organization either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Department of Natural Resources, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, as a minimum, provisions that:

(1) Specify the extent and nature of that joint or cooperative use, extending for no fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the approving department, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be terminated; and

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act.

SECTION 24.

Coal Research and Development Bonds

The Ohio Public Facilities Commission, upon the request of the Director of the Ohio Coal Development Office with the advice of the Technical Advisory Committee created in section 1551.35 of the Revised Code and the approval of the Director of Development, is hereby authorized to issue and sell, in accordance with Section 15 of Article VIII, Ohio Constitution, and Chapter 151., and particularly sections 151.01 and 151.07 and other applicable sections of the Revised Code, bonds or other obligations of the State of Ohio heretofore authorized by prior acts of the General Assembly. The obligations shall be dated, issued, and sold from time to time in such amounts as may be necessary to provide sufficient moneys to the credit of the Coal Research and Development Fund created in section 1555.15 of the Revised Code to pay costs charged to such fund when due as estimated by the Director of the Ohio Coal Development Office.

SECTION 25. Each request for release of appropriations for any and all capital improvements and capital facilities for which appropriations are made in this act from the proceeds of obligations in the Sports Facilities Building Fund (Fund 024), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), and the Parks and Recreation Improvements Fund (Fund 035) shall have the certification of the Director of Budget and Management that sufficient General Revenue Fund moneys are appropriated for and will be available for rental payments to the Ohio Public Facilities Commission, the Treasurer of State, and the Ohio Building Authority in the then-current fiscal biennium relating to obligations or portions of obligations issued or to be issued in that fiscal biennium to fund, in the then-current fiscal biennium, anticipated expenditures from these funds associated with the request. This requirement is in addition to other requirements under this act and the Revised Code.

SECTION 26. No money shall be encumbered for any capital improvements and capital facilities for which appropriations are made in excess of the cash balances from the proceeds of obligations in the Highway Safety Building Fund (Fund 025) unless the Director of Budget and Management certifies that sufficient Highway Safety Fund moneys are appropriated for and will be available for rental payments to the Ohio Building Authority for debt service payments by the state in the then-current fiscal biennium relating to obligations or portions of obligations issued or to be issued in that fiscal biennium to fund, in the then-current fiscal biennium, anticipated expenditures from these funds associated with related encumbrances. This requirement is in addition to other requirements under this act and the Revised Code.

SECTION 27.

Certification of Availability of Moneys

No moneys that require release shall be expended from any appropriation contained in this act without certification of the Director of Budget and Management that there are sufficient moneys in the state

asury in the fund from which the appropriation is made. Such certification made by the Office of Budget and Management shall be based on estimates of revenue, receipts, and expenses. Nothing herein shall be construed as a limitation on the authority of the Director of Budget and Management as granted in section 126.08 of the Revised Code.

SECTION 28. The appropriations made in this act for buildings or structures, including remodeling and renovations, are limited to:

(A) Acquisition of real property;

(B) Buildings and structures, which includes construction, demolition, complete heating, lighting, and lighting fixtures, and all necessary utilities, ventilating, plumbing, sprinkling, and sewer systems, when such systems are authorized or necessary;

(C) Architectural, engineering, and professional services expenses directly related to the projects;

(D) Machinery that is a part of structures at the time of initial acquisition or construction;

(E) Equipment that meets all the following criteria:

(1) The equipment is essential in bringing the facility up to its intended use.

(2) The unit cost of the equipment, and not the individual parts of a unit, is at least approximately $100.

(3) The equipment has a useful life of five years or more.

(4) The equipment is necessary for the functioning of a particular facility.

(5) The equipment will be used primarily in the rooms or areas covered in the project.

No equipment shall be purchased that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated, including, but not limited to, motor vehicles, adding machines, calculators, dictating machines, computers and computer peripherals, typewriters, word processors, or other items which are used for normal supplies and maintenance.

SECTION 29. Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board of capital appropriations for projects, the contracts for which are awarded by the Department of Administrative Services, as authorized by law, shall contain a contingency reserve, the amount of which is to be determined by the

Department of Administrative Services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, and to pay the cost of settlements and judgments related to the project.

Upon completion of a project, should any funds remain, such remaining funds may, upon approval of the Controlling Board, be released for the use of the institution to which the appropriation was made for another capital facilities project or projects.

SECTION 30.

Agency Administration of Capital Facilities Projects

Notwithstanding sections 123.01 and 123.15 of the Revised Code, the Director of Administrative Services may authorize the Departments of Mental Health, Mental Retardation and Developmental Disabilities, Alcohol and Drug Addiction Services, Agriculture, Rehabilitation and Correction, Youth Services, Public Safety, Transportation, the Bureau of Employment Services, and the Rehabilitation Services Commission to administer any capital facilities projects when the estimated cost, including design fees, construction, equipment, and contingency amounts, is less than $1,500,000. Within sixty days after the effective date of the section of the act in which the General Assembly initially makes an appropriation for the project, the director of the respective state agency shall notify the Department of Administrative Services in writing of its intent to administer a project.

The director of a state agency authorized by the Director of Administrative Services to administer capital facilities projects pursuant to this section shall comply with the procedures and guidelines established in Chapter 153. of the Revised Code. Upon the release of funds for such projects by the Controlling Board or the Director of Budget and Management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the Director of Administrative Services as specified in those sections.

SECTION 31.

Satisfaction of Judgments and Settlements Against the State

Except as otherwise provided in this section, an appropriation contained in this act or any other act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization shall not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, for or relating to lease payments of debt service on bonds, notes, or similar obligations. Notwithstanding any other section of law to the contrary, this authorization applies to appropriations from the following funds only to the extent that the judgment, settlement, or administrative award is for or represents capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued: the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Transportation Building Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), the Parks and Recreation Improvement Fund (Fund 035), the State Capital Improvements Fund (Fund 038), the Highway Capital Improvement Fund (Fund 042), the Coal Research/Development Fund (Fund 046), and any other fund into which proceeds of obligations are deposited. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, nor is it intended to waive or compromise any defense or right available to the state in any suit against it.

SECTION 32. Notwithstanding section 126.14 of the Revised Code, appropriations for appropriation items CAP-002, Local Jails, and CAP-003, Community-Based Correctional Facilities, appropriated from the Adult Correctional Building Fund (Fund 027) to the Department of Rehabilitation and Correction shall be released upon the written approval of the Director of Budget and Management and the appropriations from the Public School Building Fund (Fund 021) and the School Building Program Assistance Fund (Fund 032) to the School Facilities Commission shall be released upon presentation of a request to release the funds, by the agency to which the appropriation has been made, to the Director of Budget and Management.

SECTION 33. Except as provided in section 4115.04 of the Revised Code, no moneys appropriated or reappropriated by the 123rd General Assembly shall be used for the construction of public improvements, as defined in section 4115.03 of the Revised Code, unless the mechanics, laborers, or workers engaged therein are paid the prevailing rate of wages as prescribed in section 4115.04 of the Revised Code. Nothing in this section shall affect the wages and salaries established for state employees under the provisions of Chapter 124. of the Revised Code, or collective bargaining agreements entered into by the state pursuant to Chapter 4117. of the Revised Code, while engaged on force account work, nor shall this section interfere with the use of inmate and patient labor by the state.

SECTION 34.

Capital Facilities Leases

Capital facilities for which appropriations are made from the Sports Facilities Building Fund (Fund 024), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), and the Arts Facilities Building Fund (Fund 030) may be leased by the Ohio Building Authority to the Department of Youth Services, the Arts and Sports Facilities Commission, the Department of Administrative Services, and the Department of Rehabilitation and Correction and other agreements may be made by the Ohio Building Authority and the departments with respect to the use or purchase of such capital facilities or, subject to the approval of the director of the department, or the commission, the Ohio Building Authority may lease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any governmental agency or nonprofit corporation having authority under law to own, lease, or operate such capital facilities. The director of the department or the commission may sublease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any such governmental agency or nonprofit corporation, which may include provisions for transmittal of receipts of that agency or nonprofit corporation of any charges for the use of such facilities, all upon such terms and conditions as the parties may agree upon and any other provision of law affecting the leasing, acquisition, or disposition of capital facilities by such parties.

SECTION 35. The Director of Budget and Management shall authorize both of the following:

(A) The initial release of moneys for projects from the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), and the Parks and Recreation Fund (Fund 035);

(B) The expenditure or encumbrance of moneys from any other fund into which proceeds of obligations are deposited, only after determining to the director's satisfaction that either of the following has occurred:

(1) The application of such moneys to the particular project will not negatively affect any exemption or exclusion of the interest on obligations, issued to provide moneys to the particular fund, from federal income tax under federal law and regulations at the time in effect or pending with retroactive effect;

(2) Moneys for the project will come from the proceeds of obligations the interest on which is not so excluded or exempt and which have been authorized as "taxable obligations" by the issuing authority. The director shall report any nonrelease of moneys pursuant to this section to the Governor, the presiding officer of each house of the General Assembly, and the agency for the use of which the project is intended.

SECTION 36. No appropriation for a health care facility authorized under this act may be released until the requirements of sections 3702.51 to 3702.68 of the Revised Code have been met.

SECTION 37. All proceeds received by the state as a result of litigation, judgments, settlements, or claims, filed by or on behalf of any state agency as defined by section 1.60 of the Revised Code or state-supported or state-assisted institution of higher education, for damages or costs resulting from the use, removal, or hazard abatement of asbestos materials shall be deposited in the Asbestos Abatement Distribution Fund. All funds deposited into the Asbestos Abatement Distribution Fund (Fund 674) are hereby

appropriated to the Attorney General. To the extent practicable, the proceeds placed in the Asbestos Abatement Distribution Fund shall be divided among the state agencies and state-supported or state-assisted institutions of higher education in accordance with the general provisions of the bankruptcy orders, settlement agreements, or judgments in the litigation regarding the percentage of recovery. Distribution of the proceeds to each state agency or state-supported or state-assisted institution of higher education shall be made in accordance with the Asbestos Abatement Distribution Plan to be developed by the Attorney General, the Division of Public Works within the Department of Administrative Services, and the Office of Budget and Management.

In those circumstances where asbestos litigation proceeds are for reimbursement of expenditures made with funds outside the state treasury or damages to buildings not constructed with state appropriations, direct payments shall be made to the affected institutions of higher education. Any proceeds received for reimbursement of expenditures made with funds within the state treasury or damages to buildings occupied by state agencies shall be distributed to the affected agencies with an intrastate transfer voucher to the funds identified in the Asbestos Abatement Distribution Plan.

Such proceeds shall be used for additional asbestos abatement or encapsulation projects, or for other capital improvements except that proceeds distributed to the General Revenue Fund and other funds that are not bond improvement funds may be used for any purpose. The Controlling Board may, for bond improvement funds, create appropriation items or increase appropriation authority in existing appropriation items equaling the amount of such proceeds. Such amounts approved by the Controlling Board are hereby appropriated. Such proceeds deposited in bond improvement funds shall not be expended until released by the Controlling Board, which shall require certification by the Director of Budget and Management that such proceeds are sufficient and available to fund the additional anticipated expenditures.

SECTION 38. No investment income earned on the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Transportation Building Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education

ovement Fund (Fund 034), the Parks and Recreation Fund (Fund 035), the State Capital Improvement Fund (Fund 038), the Highway Obligation Fund (Fund 041), the Coal Research/Development Fund (Fund 046), and any other state fund into which proceeds of obligations are deposited shall be encumbered or spent from those funds until a certificate is provided by the issuer of the obligations or the Treasurer of State pursuant to division (R) of section 151.01 of the Revised Code which certifies to the Director of Budget and Management that there are sufficient moneys available from the investment income or from other sources to make any required payments to the federal government contemplated by the applicable bond proceedings. The Director of Budget and Management may authorize the investment income in excess of those requirements to be encumbered or spent from those funds. This requirement is in addition to any other requirement under this act, the Revised Code, or the applicable bond or note proceedings.

SECTION 39. The capital improvements for which appropriations are made in this act from the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Arts Facilities Building Fund (Fund 030), and the School Building Program Assistance Fund (Fund 032) are determined to be capital improvements and capital facilities for housing state agencies and branches of state government and are designated as capital facilities to which proceeds of obligations issued under Chapter 152. of the Revised Code are to be applied.

SECTION 40.

Determining "Aggregate Principal Amount"

In determining "aggregate principal amount" for purposes of sections of this act authorizing the issuance of obligations, and the sections of prior acts referred to in those sections, the principal amount of a "capital appreciation bond" as defined in division (C) of section 3334.01 of the Revised Code means its face amount, and of a "zero coupon bond" as defined in division (K) of section 3334.01 of the Revised Code means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser if provided for pursuant to the authorizing law of the Revised Code.

SECTION 41.

Public School Building Fund

The Controlling Board, when requested to do so by the Executive Director of the Ohio School Facilities Commission, may increase appropriations in the Public School Building Fund (Fund 021), based on revenues received by the fund, including cash transfers and interest that may accrue to the fund.

SECTION 41.01.

GRF Transfers to the Public School Building Fund

Within thirty days after the beginning of fiscal year 2001, the Director of Budget and Management shall transfer $120,000,000 from the General Revenue Fund to the Public School Building Fund (Fund 021).

SECTION 41.02.

Emergency School Building Repair Program

The Executive Director of the Ohio School Facilities Commission shall certify to the Director of Budget and Management the amount to be transferred from the unencumbered and unallotted balance in appropriation item CAP-774, Emergency School Building Repair Program, to appropriation item CAP-622, Public School Buildings. The amount transferred from appropriation item CAP-774, Emergency School Building Repair Program, to appropriation item CAP-622, Public School Buildings, shall be used to fund classroom facilities improvements in accordance with Chapter 3318. of the Revised Code.

The Executive Director of the Ohio School Facilities Commission shall certify to the Director of Budget and Management the amount to be transferred from the unencumbered and unallotted balance in appropriation item CAP-776, Emergency School Building Repair Program, to appropriation item CAP-770, School Building Program Assistance. The amount transferred from appropriation item CAP-774, Emergency School Building Repair Program, to appropriation item CAP-770, School Building Program Assistance, shall be used to fund classroom facilities improvements in accordance with Chapter 3318. of the Revised Code.

SECTION 42.

Revenue Fund

Not later than July 31, 2000, the Director of Budget and Management shall transfer any unexpended cash balances as of June 30, 2000, in the Federal Drivers Education Project (Fund 372); Pupil Transportation Safety Projects (Fund 373); Supplemental School Assistance (Fund 4Y5); School District 1987 Reimbursement (Fund 4Z4); and Textbooks/Instructional Materials (Fund 5F8) to the General Revenue Fund.

SECTION 43.

Coit Road Litigation

Any proceeds received by the State of Ohio as a result of litigation, a settlement agreement, or a contribution from a potentially responsible prior owner or operator of the Coit Road site in Cuyahoga County which is related to hazardous waste clean-up of the site, shall be deposited into the Adult Correctional Building Fund (Fund 027).

Solely for the purpose of continuing to make rental payments under bond proceedings pursuant to Chapter 152. of the Revised Code, the Coit Road site shall be considered to be under the jurisdiction of the Department of Rehabilitation and Correction. After the term of the lease agreement between the Department of Rehabilitation and Correction and the Ohio Building Authority for the facility ends, jurisdiction shall be transferred to the Department of Administrative Services.

SECTION 43.01. Any proceeds received by the State of Ohio, as the result of litigation or a settlement agreement related to any liability for the planning, design, engineering, construction, or constructed management of such facilities operated by the Department of Administrative Services, except for the Coit Road site, shall be deposited into the Administrative Building Fund (Fund 026).

SECTION 44.

Commitments by the School Facilities Commission

The Ohio School Facilities Commission shall not commit at least $231,000,000 of the amount appropriated from the Education Facilities Trust Fund (Fund J87) in Section 8 of Am. Sub. S. B. 192 of the 123rd General Assembly until after June 30, 2001.

SECTION 45.

Exemption from the Per Cent for Arts Program

Notwithstanding the determinations made by the Director of Budget and Management in accordance with division (D)(3) of section 3379.10 of the Revised Code regarding the capital appropriations in Am. Sub. H.B. 850 of the 122nd General Assembly that are subject to the Per Cent for Arts Program, the appropriations from the Higher Education Improvement Fund (Fund 034) made to the University of Cincinnati CAP-204, Center for Health Related Programs, and to Wright State University CAP-075, Aviation Heritage National Historic Park, shall be excluded from the Per Cent for Arts Program and any amounts designated by the Director of Budget and Management for the Per Cent for Arts Program are hereby undesignated.

SECTION 46. Upon the request of the agency to which a capital project appropriation item is appropriated, the Director of Budget and Management may transfer open encumbrance amounts between separate encumbrances for the project appropriation item to the extent that any reductions in encumbrances are agreed to by the contracting vendor and the agency.

SECTION 47.

School Facilities Encumbrances and Reappropriation

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year of receiving Controlling Board approval in accordance with section 3318.05 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of these canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

SECTION 48.

Reappropriation of Unexpended Encumbered Balances of Capital Appropriations

(A) An unexpended balance of a capital appropriation or reappropriation that a state agency has lawfully encumbered prior to the close of a capital biennium is hereby reappropriated for the following capital biennium from the fund from which it was originally appropriated or was reappropriated

and shall be used only for the purpose of discharging the encumbrance in the following capital biennium. For those encumbered appropriations or reappropriations, any Controlling Board approval previously granted and referenced by the encumbering document remains in effect until the encumbrance is discharged in the following capital biennium or until the encumbrance expires at the end of the following capital biennium.

(B) At the end of the reappropriation period provided for by division (A) of this section, an unexpended balance of a capital appropriation or reappropriation that remains encumbered at the end of that period is hereby reappropriated for the next capital biennium from the fund from which it was originally appropriated or was reappropriated and shall be used only for the purpose of discharging the encumbrance in the next capital biennium. For those encumbered appropriations or reappropriations, any Controlling Board approval previously granted and referenced by the encumbering document remains in effect until the encumbrance is discharged in the next capital biennium or until the encumbrance expires at the end of the next capital biennium.

(C) At the end of the reappropriation period provided for by division (B) of this section, a reappropriation made pursuant to division (B) of this section shall lapse, and the encumbrance shall expire.

(D) If an encumbrance expired pursuant to division (C) of this section, the Director of Budget and Management may re-establish the encumbrance as provided in this division. If a reappropriation for a project is made by the General Assembly for the biennium immediately following the biennium in which an encumbrance for that project expired, the Director of Budget and Management may re-establish the encumbrance in an amount not to exceed the amount of the expired encumbrance; in the name of the contractor named in the expired encumbrance; and for the same purpose specified in the expired encumbrance. The encumbrance shall be charged against the reappropriation for the project. The amount re-encumbered shall be used only for the purpose of discharging the encumbrance in the capital biennium for which the reappropriation was made. For those re-encumbered reappropriations, any Controlling Board approval previously granted and referenced by the expired encumbering document remains in effect until the encumbrance is discharged or expires at the end of the capital biennium for which the reappropriation was made. If any portion of the amount re-encumbered by the Director of Budget and Management under this division is not expended prior to the close of the capital biennium for which the reappropriation was made, that amount is hereby reappropriated for the following capital biennium as provided for in division (A) of this section

and subject to the provisions of division (A) of this section.

SECTION 49. That Section 54 of Sub. S.B. 245 of the 123rd General Assembly is hereby repealed.

SECTION 50.

State Infrastructure Bank

Within fifteen days of the beginning of fiscal year 2001, the Director of Budget and Management shall transfer $10,000,000 from the General Revenue Fund to the State Infrastructure Bank Fund (Fund 212) created in section 5531.09 of the Revised Code.

SECTION 51.

Auditor of State General Revenue Fund Transfer

Within thirty days of the effective date of this section, the Director of Budget and Management shall transfer $645,000 from the General Revenue Fund to the Public Audit Expense - Local Government Fund (Fund 422) in the office of the Auditor of State. Of this amount, $45,000 shall be used to provide accounting-related expenses and special audit services for the Village of Attica. The remaining $600,000 shall be used to fund performance audits of each of the twenty-one urban school districts defined in section 3317.02 of the Revised Code and completed by the Auditor of State in accordance with Section 50.04 of Am. Sub. H.B. 215 of the 122nd General Assembly. Additional appropriation authority equal to the amount transferred is hereby appropriated to appropriation item 070-601, Public Audit Expense - Local Government, in fiscal year 2001.

SECTION 52. (A)(1) On the effective date of this section, as provided in sections 151.01, 151.05, and 151.07 of the Revised Code as enacted by this act, and in other sections of the Revised Code amended or repealed by this act, and as further provided for in this section, the Ohio Public Facilities Commission (referred to in this section as the "Commission") shall supersede and replace the Commissioners of the Sinking Fund (referred to in this section as the "Sinking Fund") in all matters relating to the state's general obligation financing of capital facilities or projects for coal research and development and for parks and natural resources (referred to in this section as "permitted capital purposes") as provided for in Chapters 1555. and 1557. of the Revised Code (referred to in this section as "superseded

matters"), and as to those superseded matters and permitted capital purposes the Commission shall:

(a) Succeed to and have and perform all the duties, powers, obligations, and functions of the Sinking Fund and its officers provided for in the Revised Code and any other law or rule, including the issuance of bonds, notes, or other obligations (all referred to collectively in this section as "financing obligations") for the purpose of paying costs of permitted capital purposes;

(b) Succeed to and have and perform all the duties, powers, obligations, and functions and have all the rights of the Sinking Fund and its officers provided for in or pursuant to resolutions, rules, and agreements (all referred to collectively in this section as "basic instruments"), and financing obligations, previously authorized, entered into, or issued by the Sinking Fund;

(c) Be bound by all agreements and covenants of the Sinking Fund, and basic instruments and financing obligations.

(2) The transfer of the superseded matters to the Commission pursuant to this section does not affect the validity of any agreement or covenant, basic instruments, or financing obligations, or related documents, authorized, entered into, or issued by the Sinking Fund under law, and nothing in this section shall be applied or considered as impairing the obligations or rights under them.

(B) As to proceedings relating to superseded matters affected by this act:

(1) This act applies to any proceedings commenced after the effective date of this section, and to any proceedings that on that effective date are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior basic instrument, notice, or other proceeding.

(2) Any pending proceedings of the Sinking Fund on the effective date of this section shall be pursued and completed by and in the name of the Commission, and financing obligations sold, issued, and delivered pursuant to those proceedings shall be deemed to have been authorized, sold, issued, and delivered in conformity with this section.

(3) Notwithstanding divisions (B)(1) and (2) of this section, the Sinking Fund may, subsequent to the effective date of this section but not later than June 30, 2001, meet for the purpose of winding up the affairs of the Sinking Fund and to better accomplish transfers relating to the superseded matters. At any such meeting the Sinking Fund may take necessary or appropriate actions to effect an orderly transition of its affairs and may enter into such

agreements or assignments or give such approvals as are then pending before it, and those actions are valid and enforceable against the Commission as successor as if taken by the Sinking Fund prior to that effective date.

(C) The Commission shall prepare any necessary amendments of or supplements to documents or basic instruments pertaining to the duties, powers, obligations, functions, and rights relating to superseded matters to which the Commission succeeds pursuant to this section. The authorization by the Sinking Fund in basic instruments for its officers to act in any manner on behalf of the Sinking Fund shall on and after the effective date of this section be authorization for the Commission, or its members or officers to whom it may delegate the function, to act in the circumstances, without necessity for amendment of or supplement to any such documents or basic instruments.

(D) No pending judicial or administrative action or proceeding in which the Sinking Fund, or its members or officers as such, are a party and which pertains to those superseded matters shall be affected by their transfer, but shall be prosecuted or defended in the name of the Commission and in any such action or proceeding the Commission, upon application to the court, shall be substituted as a party.

(E) In connection with the duties, powers, obligations, functions, and rights relating to superseded matters and provided for in this section, on the effective date of this section:

(1) All basic instruments, documents, books, papers, and records of the Sinking Fund shall be transferred to the Commission upon request, all without necessity for assignment, conveyance, or other action by the Sinking Fund. Any property or property interest in the name of the Sinking Fund on real estate records shall be deemed to be in the name of the Commission without necessity for further filings for the purposes on the real estate records or on Uniform Commercial Code records.

(2) All appropriations made to or for the Sinking Fund for the purposes of the performance of the duties, powers, obligations, and functions and exercise of rights relating to superseded matters, to the extent of remaining unexpended or unencumbered balances, are hereby made available for use and expenditure by the Commission for performing the same duties, powers, obligations, and functions and exercising the same rights for which originally appropriated, and payments for administrative expenses previously incurred in connection with them shall be made from the applicable appropriations or funds on vouchers approved by the Commission.

(3) The respective bond service funds created in sections 151.05 and 151.07 of the Revised Code, and the provisions for them in those sections, shall be and shall be considered to be continuation of the bond service funds created in prior sections 1557.04 and 1555.08, respectively, of the Revised Code that are repealed by this act.

(F) Whenever the Sinking Fund, or any of its members or officers, is referred to in any contract or other document relating to those outstanding financing obligations, the reference shall be considered to be to the Commission or its appropriate members or officers.

SECTION 52.01. (A)(1) On the effective date of this section, as provided in sections 151.01 and 151.06 of the Revised Code as enacted by this act, and in other sections of the Revised Code amended or repealed by this act, and as further provided for in this section, the Treasurer of State shall supersede and replace the Commissioners of the Sinking Fund (referred to in this section as the "Sinking Fund") in all matters relating to the state's general obligation financing of capital facilities or projects for highways (referred to in this section as "permitted capital purposes") as provided for in Chapter 5528. of the Revised Code (referred to in this section as "superseded matters"), and as to those superseded matters and permitted capital purposes the Treasurer of State shall:

(a) Succeed to and have and perform all the duties, powers, obligations, and functions of the Sinking Fund and its officers provided for in the Revised Code and any other law or rule, including the issuance of bonds, notes, or other obligations (all referred to collectively in this section as "financing obligations") for the purpose of paying costs of permitted capital purposes;

(b) Succeed to and have and perform all the duties, powers, obligations, and functions and have all the rights of the Sinking Fund and its officers provided for in or pursuant to resolutions, rules, and agreements (all referred to collectively in this section as "basic instruments"), and financing obligations, previously authorized, entered into, or issued by the Sinking Fund;

(c) Be bound by all agreements and covenants of the Sinking Fund, and basic instruments and financing obligations.

(2) The transfer of the superseded matters to the Treasurer of State pursuant to this section does not affect the validity of any agreement or covenant, basic instruments, or financing obligations, or related documents, authorized, entered into, or issued by the Sinking Fund under law, and nothing in this section shall be applied or considered as impairing the

obligations or rights under them.

(B) As to proceedings relating to superseded matters affected by this act:

(1) This act applies to any proceedings commenced after the effective date of this section, and to any proceedings that on that effective date are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior basic instrument, notice, or other proceeding.

(2) Any pending proceedings of the Sinking Fund on the effective date of this section shall be pursued and completed by and in the name of the Treasurer of State, and financing obligations sold, issued, and delivered pursuant to those proceedings shall be deemed to have been authorized, sold, issued, and delivered in conformity with this section.

(3) Notwithstanding divisions (B)(1) and (2) of this section, the Sinking Fund may, subsequent to the effective date of this section but not later than June 30, 2001, meet for the purpose of winding up the affairs of the Sinking Fund and to better accomplish transfers relating to the superseded matters. At any such meeting the Sinking Fund may take necessary or appropriate actions to effect an orderly transition of its affairs and may enter into such agreements or assignments or give such approvals as are then pending before it, and those actions are valid and enforceable against the Treasurer of State as successor as if taken by the Sinking Fund prior to that effective date.

(C) The Treasurer of State shall prepare any necessary amendments of or supplements to documents or basic instruments pertaining to the duties, powers, obligations, functions, and rights relating to superseded matters to which the Treasurer of State succeeds pursuant to this section. The authorization by the Sinking Fund in basic instruments for its officers to act in any manner on behalf of the Sinking Fund shall on and after the effective date of this section be authorization for the Treasurer of State, or officers to whom the Treasurer of State may delegate the function, to act in the circumstances, without necessity for amendment of or supplement to any such documents or basic instruments.

(D) No pending judicial or administrative action or proceeding in which the Sinking Fund, or its members or officers as such, are a party and which pertains to those superseded matters shall be affected by their transfer, but shall be prosecuted or defended in the name of the Treasurer of State and in any such action or proceeding the Treasurer of State, upon application to the court, shall be substituted as a party.

(E) In connection with the duties, powers, obligations, functions, and

rights relating to superseded matters and provided for in this section, on the effective date of this section:

(1) All basic instruments, documents, books, papers, and records of the Sinking Fund shall be transferred to the Treasurer of State upon request, all without necessity for assignment, conveyance, or other action by the Sinking Fund. Any property or property interest in the name of the Sinking Fund on real estate records shall be deemed to be in the name of the Treasurer of State without necessity for further filings for the purposes on the real estate records or on Uniform Commercial Code records.

(2) All appropriations made to or for the Sinking Fund for the purposes of the performance of the duties, powers, obligations, and functions and exercise of rights relating to superseded matters, to the extent of remaining unexpended or unencumbered balances, are hereby made available for use and expenditure by the Treasurer of State for performing the same duties, powers, obligations, and functions and exercising the same rights for which originally appropriated, and payments for administrative expenses previously incurred in connection with them shall be made from the applicable appropriations or funds on vouchers approved by the Treasurer of State.

(3) The bond service fund created in section 151.06 of the Revised Code, and the provisions for it in that section, shall be and shall be considered to be continuation of the bond service fund created in prior section 5528.55 of the Revised Code that is repealed by this act.

(F) Whenever the Sinking Fund, or any of its members or officers, is referred to in any contract or other document relating to those outstanding financing obligations, the reference shall be considered to be to the Treasurer of State or the appropriate officers of the Treasurer of State.

SECTION 52.02.

Elementary and Secondary Education

The amount of authorization to issue and sell obligations granted by prior acts of the General Assembly to the Treasurer of State in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and section 3318.26 of the Revised Code is hereby reduced to $333,640,000. Authorization to issue and sell obligations in the amount of $420,000,000 granted by prior acts of the General Assembly under Section 2i of Article VIII, Ohio Constitution, and section 3318.26 and other applicable provisions of the Revised Code, is hereby granted to the Ohio Public Facilities Commission in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.03

of the Revised Code.

SECTION 52.03.

Higher Education

The amount of authorization to issue and sell obligations to pay the cost of capital facilities for state-supported and state-assisted institutions of higher education granted by prior acts of the General Assembly to the Ohio Public Facilities Commission in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code is hereby reduced to $4,817,590,000. Authorization to issue and sell obligations in the amount of $517,310,000 granted by prior acts of the General Assembly under Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code is hereby granted to the Ohio Public Facilities Commission in accordance with the provisions of Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.04 of the Revised Code.

SECTION 52.04. (A)(1) On the effective date of this section and as provided for in this section, the Treasurer of State shall supersede and replace the Ohio Public Facilities Commission (referred to in this section as the "Commission") as the issuing authority in all matters relating to the issuance of obligations for the financing of capital facilities for state-supported and state-assisted institutions of higher education, mental hygiene and retardation, and parks and recreation (all referred to in this section as "permitted capital purposes") as provided for in sections 154.01 to 154.22 of the Revised Code (all referred to in this section as "superseded matters"), and as to those superseded matters and permitted capital purposes the Treasurer of State shall:

(a) Succeed to and have and perform all the duties, powers, obligations, and functions of the Commission and its officers provided for in the Revised Code and any other law or rule relating to the issuance of bonds, notes, or other obligations for the purpose of paying costs of permitted capital purposes.

(b) Succeed to and have and perform all the duties, powers, obligations, and functions, and have all the rights, of the Commission and its officers provided for in or pursuant to resolutions, rules, agreements, and trust agreements and supplemental trust agreements (all referred to collectively in this section as "basic instruments"), and bonds, notes, and other obligations (all referred to collectively in this section as "financing obligations"),

viously authorized, entered into, or issued by the Commission.

(c) Be bound by all agreements and covenants of the Commission, and basic instruments, relating to financing obligations.

(2) The transfer of the superseded matters to the Treasurer of State pursuant to this section does not affect the validity of any agreement or covenant, basic instruments, or financing obligations, or related documents, authorized, entered into, or issued by the Commission under Chapter 154. of the Revised Code or other laws, and nothing in this section shall be applied or considered as impairing the obligations or rights under them.

(B) As to proceedings relating to superseded matters affected by this section:

(1) This section applies to any proceedings commenced after the effective date of this section, and to any proceedings that on that effective date are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior basic instrument, notice, or other proceeding.

(2) Any pending proceedings of the Commission on the effective date of this section shall be pursued and completed by and in the name of the Treasurer of State, and financing obligations sold, issued, and delivered pursuant to those proceedings shall be deemed to have been authorized, sold, issued, and delivered in conformity with this section.

(3) Notwithstanding divisions (B)(1) and (2) of this section, the Commission may, subsequent to the effective date of this section but not later than June 30, 2001, meet for the purpose of better accomplishing the transfer of the superseded matters. At any such meeting the Commission may take necessary or appropriate actions to effect an orderly transition relating to the issuance of financing obligations.

(C) The Commission shall prepare any necessary amendments of or supplements to documents or basic instruments pertaining to the duties, powers, obligations, functions, and rights relating to superseded matters to which the Treasurer of State succeeds pursuant to this section. The authorization by the Commission in its basic instruments relating to superseded matters for its officers to act in any manner on behalf of the Commission shall on and after the effective date of this act be authorization for the Treasurer of State, or that officer's staff or employees to whom the Treasurer of State may delegate the function, to act in the circumstances, without necessity for amendment of or supplement to any such documents or basic instruments.

(D) No pending judicial or administrative action or proceeding in which the Commission, or its members or officers as such, are a party and which

pertains to those superseded matters shall be affected by their transfer, but shall be prosecuted or defended in the name of the Treasurer of State and in any such action or proceeding the Treasurer of State, upon application to the court, shall be substituted as a party.

(E) In connection with the duties, powers, obligations, functions, and rights relating to superseded matters and provided for in this section, on the effective date of this section:

(1) Copies of all basic instruments, documents, books, papers, and records of the Commission shall be transferred to the Treasurer of State upon request, all without necessity for assignment, conveyance, or other action by the Commission.

(2) All appropriations previously made to or for the Commission for the purposes of the performance of the duties, powers, obligations, and functions and exercise of rights relating to superseded matters, to the extent of remaining unexpended or unencumbered balances, are hereby transferred to and made available for use and expenditure by the Treasurer of State for performing the same duties, powers, obligations, and functions and exercising the same rights for which originally appropriated, and payments for administrative expenses previously incurred in connection with them shall be made from the applicable administrative service fund on vouchers approved by the Treasurer of State.

(3) All leases and agreements between the Commission and the Ohio Board of Regents, the Department of Mental Health, the Department of Mental Retardation and Developmental Disabilities, or the Department of Natural Resources, made under Chapter 154. of the Revised Code, shall be and be considered to continue to bind the Commission. Nothing in this act shall be considered as impairing the obligations of the Ohio Board of Regents or those departments or the state, by the Commission, under those leases and agreements. All appropriations made for the fiscal year ending June 30, 2001, to the Ohio Board of Regents, or those departments, for payments to be made to the Commission to pay bond service charges pursuant to those leases and agreements shall be used to make payments to the Treasurer of State for that purpose.

(F) Whenever the Commission, or any of its members or officers, is referred to in any contract or other document relating to those outstanding financing obligations, the reference shall be considered to be, as applicable, to the Commission or to the Treasurer of State or the appropriate staff of the Treasurer of State.

SECTION 52.05. (A) That Sections 1, 2, 3, and 4 of Am. S.B. 206 of the

123rd General Assembly are hereby repealed.

(B) On the effective date of this section, sections 151.01 to 151.04 of the Revised Code, as enacted in this act, supersede the equivalent provisions on the same subjects contained in Sections 1 to 4 of Am. S.B. 206 of the 123rd General Assembly, which sections are repealed by this section.

(C) All with respect to bonds of the state previously authorized and issued by the Treasurer of State or the Ohio Public Facilities Commission to pay costs of capital facilities for a system of common schools throughout the state or capital facilities for state-supported or state-assisted institutions of higher education pursuant to the prior authorizations in Sections 1 to 4 of Am. S.B. 206 of the 123rd General Assembly, on the effective date of this section:

(1) The Ohio Public Facilities Commission shall succeed to and have and perform all the duties, powers, obligations, and functions, and have all the rights, of the Treasurer of State or that officer's employees as provided in or pursuant to orders relating to those bonds and those bonds themselves. All appropriations previously made to or for the purposes of the performance of those duties, powers, obligations, and functions and exercise of those rights, to the extent of remaining unexpended or unencumbered balances, are hereby transferred to and made available for use and expenditure by the Commission for purposes of performing the same duties, powers, obligations, and functions and exercising the same rights for which originally appropriated or reappropriated.

(2) All related agreements and covenants of the Treasurer of State and the basic instruments and bonds, shall be and be considered as agreements and covenants of and binding upon the Commission.

(3) The transfer and supersession provided for in this act does not affect the validity of any agreement or covenant, or resolution or order, or bonds, or related documents, authorized, entered into or issued by the Treasurer of State or the Commission under the provisions of Am. S.B. 206, and nothing in this section or in the enactment by this act of sections 151.01 to 151.04 of the Revised Code or in the repeal by this act of certain sections of Am. S.B. 206 shall be applied or be considered as impairing their validity or the obligations or rights under them.

(4) All basic instruments, documents, books, papers and records of the Treasurer of State relating to those outstanding bonds shall be transferred to the Commission.

(5) Whenever the Treasurer of State, or any of that officer's employees, is referred to in any contract or other document relating to those outstanding bonds issued to pay costs of capital facilities for a system of common

schools throughout the state, the reference shall be considered to be to the Commission or its appropriate officers.

(D) The Ohio Public Facilities Commission created in section 151.02 of the Revised Code shall be and be considered to be a continuation of the Ohio Public Facilities Commission previously created in section 154.03 of the Revised Code repealed by this act, and its officers, by-laws, and rules adopted pursuant to section 121.22 of the Revised Code shall continue without need for further election, or reissuing or re-adoption, solely by reason of this act.

SECTION 52.06. (A) The amendments and enactments in Section 1 of this act to or of sections contained in Chapters 151., 154., and 164. of the Revised Code apply to any proceedings commenced after their effective date, and, so far as their provisions support the actions taken, also apply to any proceedings that on their effective date are pending, in progress, or completed, and to the securities authorized or issued or obligations entered into under or pursuant to those proceedings, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, order, notice, or other proceeding. Any proceedings pending or in progress on the effective date of those amendments and enactments, and securities sold, issued, and delivered, or obligations entered into under or pursuant to those proceedings, shall be deemed to have been taken, and authorized, sold, issued, delivered, and entered into, in conformity with those amendments and enactments.

(B) The provisions of the Revised Code so amended or repealed by this act shall, except as otherwise provided in division (A) of this section, be deemed to remain applicable to securities issued or obligations entered into under or pursuant to or in reliance on them prior to the effective date of those amendments or repeals.

(C) The bond service fund created in section 151.08 of the Revised Code, and the provisions for it in that section, shall be and shall be considered to be the continuation of the bond service fund created in section 164.10 of the Revised Code, which section shall continue in effect as amended by this act and to the extent not inconsistent with section 151.08 of the Revised Code as enacted by this act, all for the purpose of ensuring that the amendments to section 164.10 of the Revised Code made by this act apply with respect to securities and obligations issued or entered into prior to September 30, 2000, under section 164.09 of the Revised Code.

SECTION 52.07. To permit a better basis of comparison of the costs to the state of each method of sale, the General Assembly recommends that some portion of the sales of state general obligation bonds from the effective date of this section through December 31, 2002, be by negotiated sale, and some by competitive public bid sale. The Office of Budget and Management shall determine and study the comparative financial impact on the state of both methods of sale, and shall by April 30, 2003, report its findings to the applicable bond issuing authorities and to the finance committees of both houses of the General Assembly.

SECTION 52.08. Payments received by the state under interest rate hedges entered into as credit enhancement facilities under Chapter 164. of the Revised Code shall be deposited to the credit of the bond service fund for the obligations to which those credit enhancement facilities relate.

SECTION 53. Sections 169.01 and 169.02 of the Revised Code, as amended by this act, apply to payments and credits that, on the effective date of this section, are in the possession, custody, or control of a business association.

SECTION 54. The one-time payments that may be made by the Tax Commissioner under division (D) of section 5727.86 of the Revised Code shall be paid from the local government property tax replacement fund to the county undivided income tax fund in the proper county treasury. The county treasurer shall distribute those amounts to the proper local taxing unit as if they had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

SECTION 55. The Even Start Fees and Gifts Fund created by section 3325.07 of the Revised Code, as amended by this act, is the same as Fund 5H6, the Even Start Fees and Gifts Fund, created by the Controlling Board.

SECTION 56. That Section 3.01 of Am. Sub. H.B. 850 of the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd General

Assembly, be amended to read as follows:

" Sec. 3.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

CAP-785	Rural Areas Historical Projects	$	440,000
CAP-786	Rural Areas Community Improvements	$	6,639,618
CAP-817	Urban Areas Community Improvements	$	~~14,608,150~~ 14,458,150
CAP-818	Community Theatre Renovations	$	400,000
Total Department of Administrative Services		$	~~22,072,768~~ 21,922,768

Rural Areas Historical Projects

Of the foregoing appropriation item CAP-785, Rural Areas Historical Projects, $100,000 shall be used for Hancock County Historical Society Facility Improvements; $40,000 shall be used for Harveysburg Community Historic Society; $50,000 shall be used for Wood County Historical Museum - Old Public Hospital Restoration; $200,000 shall be used for James A. Garfield Historic Site Improvements; and $50,000 shall be used for Elmore Historical Society.

Rural Areas Community Improvements

Of the foregoing appropriation item CAP-786, Rural Areas Community Improvements, $100,000 shall be used for Hocking Valley Railroad Improvements; $50,000 shall be used for Belmont County Park District - Convention Center; $70,000 shall be used for Aberdeen Huntington Community Center; $100,000 shall be used for Chrisholm Historic Farmstead Restoration; $100,000 shall be used for Clinton County Senior Center; $150,000 shall be used for Coshocton Infrastructure Improvements; $200,000 shall be used for Coshocton Visitors' and Convention Bureau; $20,000 shall be used for Warsaw Community Improvements; $100,000 shall be used for Washington Court House Downtown Redevelopment; $80,000 shall be used for Gallia County Industrial Park Improvements; $150,000 shall be used for Desmond Hall Industrial Park; $100,000 shall be used for Kenton Armory Improvements; $162,000 shall be used for Sinking Springs Infrastructure Improvements; $20,000 shall be used for Laurelville Community Improvements; $16,000 shall be used for Gibisonville Community Recreation Center Improvements; $150,000 shall be used for Holmes County Historic Building Improvements; $500,000 shall be used for Davis-Shai House Historical Site; $100,000 shall be used for Maritime Museum in Vermillion; $100,000 shall be used for Meadowbrook Park Ballroom Restoration; $90,000 shall be used for Big Island Nature Center Improvements; $300,000 shall be used for Medina County Arts Center Improvements; $142,000 shall be used for Graysville Community Center; $49,000 shall be used for Roseville Community Center Improvements;

$100,000 shall be used for South Zanesville Community Improvements; $20,000 shall be used for Corning Community Center; $50,000 shall be used for Waverly Community Improvements; $20,000 shall be used for Garrettsville Veterans Memorial; $6,000 shall be used for Palmyra Township Veterans Memorial; $100,000 shall be used for Deerfield Township Hall Civic Improvements; $35,000 shall be used for Preble County Coliseum Planning; $300,000 shall be used for Richland Academy of Arts and Sciences Discovery Center; $50,000 shall be used for Village of Pleasant Plain Community Improvements; $48,000 shall be used for Village of South Lebanon Infrastructure Improvements; $41,000 shall be used for Rehabilitate Senior Housing - Waynesville; $40,000 shall be used for Ambrose Hall Museum - Belpre; $100,000 shall be used for New Matamoras Senior Center; $25,000 shall be used for West Salem Town Hall Improvements; $40,000 shall be used for Pemberville Opera House Restoration; $40,000 shall be used for Grand Rapids Village Hall Restoration; $500,000 shall be used for Liberty Commons Infrastructure Project - Lima; $50,000 shall be used for Village of Morrow Infrastructure Improvements; $100,000 shall be used for Fairfield City Cultural Center; $63,000 shall be used for Sunbury Town Hall; $50,000 shall be used for Nelsonville Fountain; $50,000 shall be used for Southern Ohio Port Authority; $100,000 shall be used for Ft. Steuben Land Office; $100,000 shall be used for Columbiana County Port Authority; $25,000 shall be used for Noble County Senior Center; $25,000 shall be used for Crawford County Council on Aging; $14,000 shall be used for Bethel-Tate Fire Department Fire Safety Trailer; $74,000 shall be used for the John P. Parker Historic Site Restoration; $250,000 shall be used for Belmont County Park District Infrastructure Improvements; $200,000 shall be used for Coshocton County North Corridor Infrastructure Improvements; $100,000 shall be used for the Holmes County Historic Building Renovation; $125,000 shall be used for the Summit Township Community Building in Monroe County; $100,000 shall be used for Morgan County Infrastructure Improvements; $100,000 shall be used for the Muskingum County Emergency Shelter Addition; $100,000 shall be used for Noble County Infrastructure Improvements; $42,618 shall be used for the Highland County Improvement Project; $100,000 shall be used for Marietta City Schools Athletic Facilities Improvements; $15,000 shall be used for Belmont County Museum Improvements; $15,000 shall be used for the Guernsey County Senior Center; $7,000 shall be used for Camp Tuscazoar; $50,000 shall be used for New Boston Infrastructure Improvements; $10,000 shall be used for Gallipolis Main Street Improvements; $10,000 shall be used for the

Pickaway County Library/Ashville Project; $100,000 shall be used for the John and Annie Glenn Museum; and $300,000 shall be used for Zahn's Corner Industrial Park.

Urban Areas Community Improvements

Of the foregoing appropriation item CAP-817, Urban Areas Community Improvements, $200,000 shall be used for Clermont County Communications Center; $50,000 shall be used for The Civic Restoration; $50,000 shall be used for Brown Senior Center Renovations; $50,000 shall be used for Loveland Velodome Planning; $25,000 shall be used for Friendly Center Renovations; $5,000 shall be used for Toledo Golden Gloves - Equipment; $50,000 shall be used for Sylvania Historical Society Building Improvements; $50,000 shall be used for Toledo International Youth Hostel Renovations; $100,000 shall be used for Fellows Gardens - Mill Creek Park Improvements; $100,000 shall be used for Weathervane Playhouse Addition; $100,000 shall be used for Akron/Summit Community Action Agency Facility Improvements; $136,000 shall be used for Akron Community Health Resources Inc. Facility Improvements; $75,000 shall be used for Farmington Senior Center Improvements; $85,000 shall be used for President McKinley Home Site improvements; $187,150 shall be used for Shaker Historical Museum; $400,000 shall be used for Solon Community Arts Center; $25,000 shall be used for Orange Senior Center; $75,000 shall be used for Cincinnati Jewish Community Center; $1,000,000 shall be used for Lincoln Heights Health Center Improvements; $500,000 shall be used for Cook's Castle Renovation; $40,000 shall be used for Toledo Jewish Community Center; $100,000 shall be used for Youngstown Jewish Community Center; $1,500,000 shall be used for Youngstown Parking Facility; $150,000 shall be used for Canton Jewish Community Center; $2,000,000 shall be used for Wilderness Center Facility Improvements; $100,000 shall be used for Project AHEAD Facility Improvements; $50,000 shall be used for Sagamore Hills Historical Wall Renovation; $1,000,000 shall be used for Stan Hywet Hall and Gardens; $250,000 shall be used for NEC World Series of Golf Media Facility; $50,000 shall be used for Richfield Historic District Improvements; $100,000 shall be used for Ohio Erie Heritage Corridor Improvements; $150,000 shall be used for Hale Farm Improvements; $1,750,000 shall be used for Wood County Historic Building Renovation; $500,000 shall be used for Miamisburg Mound Development; $100,000 shall be used for Springfield Township fire station; $50,000 shall be used for City of University Heights Community Senior Center; $75,000 shall be used for the J. Frank-Troy Senior Citizens Center; $50,000 shall be used for the Cleveland Health Museum; $50,000 shall be used for the City

of Euclid Land Purchase; $25,000 shall be used for the Mahoning River Corridor of Opportunity Industrial Park; $25,000 shall be used for University Heights Senior Citizen Center Public Library; $50,000 shall be used for Columbus Fire Museum; $50,000 shall be used for League Park Tourist Museum; $100,000 shall be used for Mustill Store Exhibits in Cascade Valley Park; and $30,000 shall be used for Warren Airport Runway Improvements.

Of the foregoing appropriation item CAP-817, Urban Areas Community Improvements, $300,000 shall be used for Columbus Family and Child Guidance Centers; $360,000 shall be used for Central Community House; $180,000 shall be used for St. John Center; $500,000 shall be used for the Akron Art Museum expansion; $500,000 shall be used for the Sandusky State Theater; $275,000 shall be used for River Walk in Warren; ~~$150,000 shall be used for the AMVETS Career Center;~~ $125,000 shall be used for the Canton Palace Theater Association; $500,000 shall be used for the Cleveland-Massillon Economic Development Project; $800,000 shall be used for the Columbus College of Art and Design; $40,000 shall be used for the Lucas County Ottawa Coalition Program; $40,000 shall be used for the Lucas County Grace Community Center; $40,000 shall be used for the Lucas County Friendly Center; $40,000 shall be used for the Lucas County Collingwood Arts Program; $40,000 shall be used for the Lucas County Common Space Program; $50,000 shall be used for the Eliza Bryant Senior Center; $90,000 shall be used for the St. John Center; $180,000 shall be used for Central Community House; $30,000 shall be used for Wesley Development Corporation; and $60,000 shall be used for Wesley Community Development Corporation.

Community Theatre Renovations

Of the foregoing appropriation item CAP-818, Community Theatre Renovations, $100,000 shall be used for Cleveland Public Theatre Improvements - Gordon Square; $125,000 shall be used for Ariel Theatre Renovation; $125,000 shall be used for Markay Theatre Renovations; and $50,000 shall be used for Lorain Palace Theatre Improvements."

SECTION 57. That existing Section 3.01 of Am. Sub. H.B. 850 of the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed.

SECTION 58. That Sections 4, 11, and 12 of Am. Sub. S.B. 3 of the 123rd General Assembly be amended to read as follows:

" Sec. 4. ~~Sections~~ Section 4933.33~~, 5727.30, 5727.32, and 5727.33~~ of the Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 3 of the 123rd General Assembly, shall first apply to the excise tax assessed by the Tax Commissioner for tax year 2002.

Sec. 11. (A) As used in this section:

(1) "Electric company," "combined company," and "rural electric company" have the same meanings as in section 5727.01 of the Revised Code.

(2) "Gross receipts" means gross receipts determined in accordance with section 5727.33 of the Revised Code for the period of May 1, 2000, to April 30, 2001, and any receipts received by an electric company, combined company, or rural electric company after April 30, 2001, from the distribution of electricity prior to May 1, 2001, that was not subject to the excise tax imposed by section 5727.81 of the Revised Code. "Gross receipts" excludes gross receipts subject to the tax imposed by section 5727.24 of the Revised Code.

(B) Each electric company, combined company, and rural electric company shall pay the public utility excise tax imposed by section 5727.30 of the Revised Code on the company's gross receipts ~~received during the period of May 1, 2000, through April 30, 2001~~. Receipts received after August 1, 2001, are not subject to the tax on gross receipts under this section if an electric company, combined company, or rural electric company takes reasonable collection measures to collect the gross receipts. Notwithstanding section 5727.31 of the Revised Code, each electric company, combined company, and rural electric company shall make tax payments toward that liability. The first payment must be made on or before October 15, 2000, and shall equal one-third of the estimated liability shown in the report filed on or before August 1, 2000. The second payment must be made on or before March 1, 2001, and shall equal one-third of the tax assessed by the Tax Commissioner on or before the first Monday in November, 2000. The last payment must be made on or before June 1, 2001, and shall equal one-fourth of the tax assessed by the commissioner. The final report for the period of May 1, 2000, through April 30, 2001, shall be filed by an electric company, a combined company, or a rural electric company on or before August 1, 2001, in accordance with division (A) of section 5727.31 and section 5727.32 of the Revised Code.

On or before the first Monday of November 2001, the Tax Commissioner shall assess an excise tax equal to four and three-quarters per cent of the gross receipts received by electric companies, combined companies, and rural electric companies ~~during the period of May 1, 2000,~~

~~through April 30, 2001~~. Except as provided in section 5727.03 of the Revised Code, as ~~enacted~~ amended by ~~this act~~ Am. Sub. S.B. 3 of the 123rd General Assembly, after payment of this assessment, electric companies, rural electric companies, and combined companies, to the extent of their activities as an electric company, are not subject to the excise tax imposed by section 5727.30 of the Revised Code.

Sec. 12. Electric companies and combined companies, as defined in section 5727.01 of the Revised Code, shall first be subject to the corporation franchise tax under Chapter 5733. of the Revised Code for tax year 2002, as "tax year" is defined in section 5733.04 of the Revised Code. For tax year 2002, an electric company or a combined company shall pay two-thirds of its total corporation franchise tax liability under Chapter 5733. of the Revised Code. The amendments in ~~this act~~ Am. Sub. S.B. 3 of the 123rd General Assembly to sections 4909.15, 5733.04, 5733.05, 5733.051, ~~5733.057,~~ 5733.06, 5733.09, ~~5733.33,~~ 5733.98, ~~5747.31,~~ and 5747.98 of the Revised Code, and the enactment in ~~this act~~ Am. Sub. S.B. 3 of the 123rd General Assembly of sections 5733.059, 5733.0510, and 5733.39 of the Revised Code, first apply for tax year 2002."

SECTION 59. That existing Sections 4, 11, and 12 of Am. Sub. S.B. 3 of the 123rd General Assembly are hereby repealed.

SECTION 60. That Sections 4.05 and 5.01 of Am. Sub. H.B. 163 of the 123rd General Assembly be amended to read as follows:

" Sec. 4.05. Department of Taxation

By the thirtieth day of June ~~of each fiscal year~~, the Director of Budget and Management shall transfer ~~$4,300,000~~ 3,461,979 in cash from Fund 002, the Highway Operating Fund, to the General Revenue Fund ~~for reimbursement of the services provided by the Department of Taxation pursuant to sections 5728.08, 5735.26, and 5735.29 of the Revised Code~~ By the thirtieth day of June of fiscal year 2001, the Director of Budget and Management shall transfer $3,462,810 in cash from Fund 002, the Highway Operating Fund, to the General Revenue Fund. The transfers are for reimbursement of the services provided by the Department of Taxation pursuant to sections 5728.08, 5735.26, and 5735.29 of the Revised Code.

Rental Payments - OBA

The foregoing appropriation item 770-003, Administration - State - Debt Service, shall be used to pay rent to the Ohio Building Authority for various capital facilities to be constructed, reconstructed, or rehabilitated for

the use of the Department of Transportation, including the department's plant and facilities at its central office, field districts, and county and outpost locations. The rental payments shall be made from revenues received from the motor vehicle fuel tax. The amounts of any bonds and notes to finance such capital facilities shall be at the request of the Director of Transportation. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Office of Budget and Management, lease capital facilities to the Department of Transportation.

The Director of Transportation shall hold title to any land purchased and any resulting structures that are attributable to this appropriation item. Notwithstanding section 152.18 of the Revised Code, the Director of Transportation shall administer any purchase of land and any contract for construction, reconstruction, and rehabilitation of facilities as a result of this appropriation.

Should the appropriation and any reappropriations from prior years in appropriation item 770-003 exceed the rental payments for fiscal year 2000 or 2001, then prior to June 30, 2001, the balance may be transferred to appropriation item 772-421, 773-431, or 779-491. Such transfer shall be requested by the Director of Transportation with approval by the Director of Budget and Management. Transfers shall be reported to the Controlling Board at the next regularly scheduled meeting of the board.

Sec. 5.01. Bureau of Motor Vehicles

State Special Revenue Fund Group				
4U0	762-638	Collegiate License Plate Program	$ 406,709	$ 416,470
4U2	762-641	Football Hall of Fame License Plates	$ 252,975	$ 259,046
5G8	762-668	Ohio CASA/GAL License Plates	$ 300,000	$ 307,200
5G9	762-669	Rotary International License Plates	$ 20,000	$ 20,480
5J0	762-670	Pro Sports Team License Plates	$ 1,250,000	$ 2,500,000
5J1	762-671	Boy Scouts License Plates	$ 25,000	$ 25,000
5J2	762-672	Girl Scouts License Plates	$ 25,000	$ 25,000
5J3	762-673	Eagle Scouts License Plates	$ 25,000	$ 25,000
5J4	762-674	FOP License Plates	$ 15,000	$ 15,000
5J5	762-675	FOP Associates License Plates	$ 60,000	$ 60,000
539	762-614	Motor Vehicle Dealers Board	$ 222,623	$ 227,506
TOTAL SSR State Special Revenue Fund Group			$ 2,602,307	$ 3,880,702
State Highway Safety Fund Group				
4W4	762-321	Operating Expense-BMV	$ 59,524,444	$ 59,584,303
4W4	762-410	Registrations Supplement	$ 31,480,879	$ 32,197,278
83R	762-639	Local Immobilization	$ 1,261,973	$ 1,292,260

		Reimbursement		
835	762-616	Financial Responsibility Compliance	$ 5,650,575	$ 5,674,529
849	762-627	Automated Title Processing Board	$ 16,354,358	$ 11,858,624
TOTAL HSF State Highway Safety Fund Group			$ 114,272,229	$ 110,606,994
TOTAL ALL BUDGET FUND GROUPS - Bureau of Motor Vehicles			$ 116,874,536	$ 114,487,696

Motor Vehicle Registrations

The Registrar of Motor Vehicles may deposit revenues equal to any estimated deficiency in the State Bureau of Motor Vehicles Fund (Fund 4W4), established in section 4501.25 of the Revised Code, obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code to support in part appropriations for operating expenses and to defray the cost of manufacturing and distributing license plates and license plate stickers and enforcing the law relative to the operation and registration of motor vehicles. Notwithstanding section 4501.03 of the Revised Code, the above amount shall be paid into the State Bureau of Motor Vehicles Fund before any revenues obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned deficiency shall be in approximate equal amounts on a monthly basis or as otherwise determined by the Director of Budget and Management pursuant to a plan submitted by the Registrar of Motor Vehicles.

Capital Projects

The Registrar of Motor Vehicles may transfer revenue from the State Bureau of Motor Vehicles Fund (Fund 4W4) to the State Highway Safety Fund (Fund 036) to meet its obligations for capital projects CIR-047, Department of Public Safety Office Building, ~~and~~ CIR-049, Warehouse Facility, and CAP-070, Akron Canton One Stop Shop.

Administrative Functions

Subject to the approval of the Director of Budget and Management, the Registrar of Motor Vehicles may transfer cash from the State Bureau of Motor Vehicles Fund (Fund 4W4) and the Automated Title Processing Fund (Fund 849) to the State Highway Safety Fund (Fund 036) to meet obligations for its proportionate share of costs for the department's administrative functions, as mutually agreed to between the Director of Public Safety and the Registrar of Motor Vehicles.

Bureau of Motor Vehicle Fund Consolidation

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances in the Central Registration Fund (Fund 83E) and the Facility Rentals Fund (Fund 83L) to

the State Bureau of Motor Vehicles Fund (Fund 4W4). Both the Central Registration Fund and the Facility Rentals Fund are hereby abolished. The spending authority to honor encumbrances established in the prior fiscal year is hereby appropriated."

SECTION 61. That existing Sections 4.05 and 5.01 of Am. Sub. H.B. 163 of the 123rd General Assembly are hereby repealed.

SECTION 62. That Sections 4.04, 4.06, 4.08, 4.11, 4.12, 4.16, 4.18, 7, 7.06, 7.10, 8, and 10 of Am. Sub. H.B. 282 of the 123rd General Assembly be amended to read as follows:

" Sec. 4.04. Professional Development

Of the foregoing appropriation item 200-410, Professional Development, $5,997,829 in each fiscal year shall be used by the Department of Education to develop a statewide comprehensive system of twelve professional development centers that support local educators' ability to foster academic achievement in the students they serve. The centers shall include training teachers on site-based management concepts to encourage teachers to become involved in the management of their schools.

Of the foregoing appropriation item 200-410, Professional Development, $1,321,292 in each fiscal year shall be used by the Department of Education to establish programs targeted at recruiting under-represented populations into the teaching profession. In each year, the appropriation item shall be used by the department to include, but not be limited to, alternative teacher licensure or certification programs emphasizing the recruitment of highly qualified minority candidates into teaching, including emphasizing the recruitment of highly qualified minority candidates into teaching positions in schools which have a high percentage of minority students. The recruitment programs shall also target recruiting qualified candidates available as a result of downsizing of the military and business sectors. Funding shall also be targeted to statewide, regional, and local programs that are competitively selected as promising programs demonstrating the potential of significantly increasing Ohio's minority teaching force.

Of the foregoing appropriation item 200-410, Professional Development, $9,659,713 in each fiscal year shall be distributed on a per teacher basis to all school districts and joint vocational school districts for locally developed teacher training and professional development and for the establishment of local professional development committees in all school

districts and chartered nonpublic schools. School districts and joint vocational school districts shall not be precluded from using these funds for cooperative activities on a county or regional basis. School districts with pass rates of less than 75 per cent on the fourth grade reading proficiency test shall allocate no less than 40 per cent of these funds for professional development for teachers in elementary literacy skills.

Of the foregoing appropriation item 200-410, Professional Development, $115,000 in each fiscal year shall be used to fund public institutions or agencies that provide educational services and employ or contract the services of licensed educators for establishing local professional development committees pursuant to division (C)(5) of section 3319.22 of the Revised Code.

Of the foregoing appropriation item 200-410, Professional Development, $2,325,000 in fiscal year 2000 and ~~$3,600,000~~ 4,340,000 in fiscal year 2001 shall be used by the Department of Education to pay the application fee for teachers from public and chartered nonpublic schools applying to the National Board for Professional Teaching Standards for professional teaching certificates or licenses that the board offers, and to provide grants in each fiscal year to recognize and reward teachers who become certified by the board pursuant to section 3319.55 of the Revised Code.

These moneys shall be used to pay for the first 600 applications in fiscal year 2000 and the first 800 applications in fiscal year 2001 received by the department. Each prospective applicant for certification or licensure shall submit an application to the Department of Education. When the department has collected a group of applications, but no later than 30 days after receipt of the first application in a group, it shall send the applications to the National Board for Professional Teaching Standards along with a check to cover the cost of the application fee for all applicants in that group.

Of the foregoing appropriation item 200-410, Professional Development, up to $300,000 shall be used each fiscal year by the Department of Education to support the connection of teacher applicants to programs, including university programs, that enhance applicant learning and professional development during the National Board Certification process.

Of the foregoing appropriation item 200-410, Professional Development, up to $1,875,000 in each fiscal year shall be allocated for entry year programs. Each fiscal year, up to $1,250,000 shall be used for mentors and assessor training, and up to $1,475,000 for peer review. The Department of Education shall select eligible beginning teachers to

participate in a year-long entry year program that provides guidance and coaching by experienced school district and university faculty and regular teacher performance assessment. The program is designed to assess each beginning teacher with the Education Testing Service's Praxis III examination. These funds shall be used to support the supervisory, teaching, and assessment services associated with the pilot residency program in urban, suburban, and rural sites.

Of the foregoing appropriation item 200-410, Professional Development, up to $650,000 in each fiscal year shall be used to continue Ohio leadership academies to develop and train superintendents, principals, other administrators, and school board members in new leadership and management practices to support high performance schools. This training shall be coordinated with other locally administered leadership programs.

Of the foregoing appropriation item 200-410, Professional Development, up to $850,000 in each fiscal year shall be used to support a two-year Principal's Leadership Academy that will serve principals and their staff teams. An advisory panel comprised of national business and education experts shall advise the Ohio Department of Education on content and delivery of curriculum and instruction.

Of the foregoing appropriation item 200-410, Professional Development, up to $975,000 in each fiscal year shall be used to establish an entry year program for principals. Grants shall be issued to pilot sites that shall develop prototypes of the program in a variety of contexts. These sites shall also pilot the School Leaders Licensure Assessment, which was developed by the Educational Testing Service at a cost of $450 per assessment.

Of the foregoing appropriation item 200-410, Professional Development, up to $500,000 in each fiscal year shall be used by the Rural Appalachian Initiative to create professional development academies for teachers, principals, and superintendents in the Appalachian region. No funding shall be released prior to the Department of Education receiving a satisfactory report of the activities conducted by these professional development academies during the previous year.

Sec. 4.06. Vocational Education Match

The foregoing appropriation item 200-416, Vocational Education Match, shall be used by the Department of Education to provide vocational administration matching funds pursuant to 20 U.S.C. 2311.

Technical Systems Development

The foregoing appropriation item 200-420, Technical Systems Development, shall be used to support several information system

elopment projects that are designed to improve the performance and customer service of the Ohio Department of Education. Implementation of these systems shall allow the department to provide greater levels of assistance and more timely information to school districts, administrators, and legislators.

Up to $2,500,000 in fiscal year 2000 shall be used for development and testing of the school administration software of EMIS. Up to $250,000 in fiscal year 2000 shall be used for the construction plans of the EMIS redesign.

In fiscal year 2000, up to $300,000 may be used for the department's maintenance contract for database management software; up to $100,000 shall be used for Phase I of the department's data warehouse software purchase and maintenance fees; and up to $300,000 shall be used for Phase II of the data warehouse project.

In fiscal year 2001, up to $1,800,000 shall be used for EMIS conversion, including district support and technical assistance; up to $350,000 may be used for the department's annual maintenance contract for database management software; and up to $200,000 shall be used to support the data warehouse project.

Alternative Education Programs

There is hereby created the Alternative Education Advisory Council, which shall consist of one representative from each of the following agencies: the Ohio Department of Education; the Department of Youth Services; the Ohio Department of Alcohol and Drug Addiction Services; the Department of Mental Health; the Office of the Governor or, at the Governor's discretion, the Office of the Lieutenant Governor; and the Office of the Attorney General. The Alternative Education Advisory Council shall cease to exist on June 30, 2001.

Of the foregoing appropriation item 200-421, Alternative Education Programs, not less than $9,500,000 in fiscal year 2001 shall be used for competitive matching grants to the 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code as it existed prior to July 1, 1998, and not less than $9,500,000 in fiscal year 2001 shall be used for competitive matching grants to rural and suburban school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services facility.

The Alternative Education Advisory Council shall develop criteria for the awarding of grants for alternative educational programs. The criteria the council develops shall give priority to projects that demonstrate collaboration among schools, juvenile courts, law enforcement agencies, local government, and other appropriate private and public organizations; include strategies to ensure enforcement of the state's attendance laws; are research-based; and ensure that data necessary for evaluation of the project is collected. Grants shall be awarded only to programs where the grant would not serve as the program's primary source of funding. These grants shall be administered by the Ohio Department of Education.

The Ohio Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section if the Alternative Education Advisory Council recommends the waiver on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.

Of the foregoing appropriation item 200-421, Alternative Education Programs, up to $1,000,000 in fiscal year 2001 may be used for program administration, monitoring, technical assistance, support, research, and evaluation. Any unexpended balance may be used to provide additional matching grants to urban, suburban, or rural school districts as outlined above.

School Management Assistance

The foregoing appropriation item 200-422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal watch and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Policy Analysis

The foregoing appropriation item 200-424, Policy Analysis, shall be used by the Department of Education to develop software and other computer assistance to maintain and enhance a system of administrative, statistical, and legislative education information to be used for policy analysis. The data base shall be kept current at all times. Such a system will be used to supply information and analysis of data to the General Assembly and other state policy makers, including the Office of Budget and Management and the Legislative Budget Office of the Legislative Service Commission.

The Department of Education may use funding from this line item to purchase or contract for the development of software systems or contract for

policy studies that will assist in the provision and analysis of policy-related information.

Ohio Educational Computer Network

The foregoing appropriation item 200-426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the State Education Technology Plan pursuant to section 3301.07 of the Revised Code.

Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to $10,460,000 in fiscal year 2000 and $11,510,000 in fiscal year 2001 shall be used to support the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems. The technical assistance shall include, but not be restricted to, the development and maintenance of adequate computer software systems to support network activities. Program funds may be used, through a formula and guidelines devised by the department, to subsidize the activities of not more than twenty-four designated data acquisition sites, as defined by State Board of Education rules, to provide to school districts and chartered nonpublic schools computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, to assure the effective operation of local automated administrative and instructional systems.

In order to broaden the scope of the use of technology for education, the department may use up to $250,000 in each fiscal year to coordinate the activities of the computer network with other agencies funded by the department or the state. In order to improve the efficiency of network activities, the department and data acquisition sites may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the department, may utilize the services of appropriate state purchasing agencies.

Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to $10,260,000 in fiscal year 2000 and $19,000,000 in fiscal year 2001 shall be used by the Department of Education to support connections of all public school buildings to the Ohio Education Computer Network. In each fiscal year the Department of Education shall use these funds to help reimburse data acquisition sites or school districts for the operational costs associated with using the Ohio Education Computer Network. The Department of Education shall develop a formula and

nes for the distribution of these funds to the data acquisition sites or individual school districts.

For fiscal year 2000, the Department of Education shall use up to $1,939,772 to continue to manage and develop the statewide union catalog and InfOhio Network of library resources that will be accessible to all school districts through the Ohio Education Computer Network up to $1,994,086 in fiscal year 2001 shall be used for the Union Catalog and InfOhio Network.

The Department of Education shall use up to $2,430,000 in fiscal year 2000 and up to $4,500,000 in fiscal year 2001 to assist designated data acquisition sites with operational costs associated with the increased use of the Ohio Education Computer Network by chartered nonpublic schools. The Department of Education shall develop a formula and guidelines for distribution of these funds to designated data acquisition sites.

Sec. 4.08. Education Management Information System

The foregoing appropriation item 200-446, Education Management Information System, shall be used to provide school districts with the means to implement local automated information systems, to implement the common student information management software developed by the Department of Education, and to implement, develop, and improve the Education Management Information System (EMIS).

Up to $1,000,000 in each fiscal year shall be used by the Department of Education to assist designated data acquisition sites or school districts with deployment of the common student information management software, and for hardware, personnel, equipment, staff development, software, and forms modification, as well as to support EMIS special report activities in the department that are designed to use the data collected by the system.

Up to $2,865,553 in fiscal year 2000 and $2,951,519 in fiscal year 2001 shall be distributed to designated data acquisition sites for costs relating to the processing, storing, and transfer of data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development and support services, and to provide services to participate in the State Education Technology Plan pursuant to section 3301.07 of the Revised Code.

Up to $6,359,593 in fiscal year 2000 and $6,550,325 in fiscal year 2001 shall be distributed to school districts and joint vocational school districts on a per-pupil basis. From this money, each school district with enrollment greater than 100 students and each vocational school district shall receive a minimum of $5,000 for each year of the biennium. Each school district with

enrollment between one and one hundred and each county office of education shall receive $3,000 for each year of the biennium. This money shall be used for costs associated with the development and operation of local automated record based information systems that provide data as required by the education management information system, and facilitate local district, school, and classroom management activities.

GED Testing/Adult High School

The foregoing appropriation item 200-447, GED Testing/Adult High School, shall be used to provide General Educational Development (GED) testing at no cost to first time applicants, pursuant to rules adopted by the State Board of Education. The Department of Education shall reimburse school districts and community schools, created in accordance with Chapter 3314. of the Revised Code for a portion of the costs incurred in providing summer instructional or intervention services to students who have not graduated due to their inability to pass one or more parts of the state's ninth grade proficiency test. School districts shall also provide such services to students who are residents of the district pursuant to section 3313.64 of the Revised Code, but who are enrolled in chartered, nonpublic schools. The services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic school premises. No school district shall provide summer instructional or intervention services to nonpublic school students as authorized by this section unless such services are available to students attending the public schools within the district. No school district shall provide services for use in religious courses, devotional exercises, religious training, or any other religious activity. Chartered, nonpublic schools shall pay for any unreimbursed costs incurred by the school districts for providing summer costs incurred by the school districts for providing summer instruction or intervention services to students enrolled in chartered, nonpublic schools. School districts may provide these services to students directly or contract with post-secondary or nonprofit community-based institutions in providing instruction. The appropriation shall also be used for state reimbursement to school districts for adult high school continuing education programs pursuant to section 3313.531 of the Revised Code or for costs associated with awarding adult high school diplomas under section 3313.611 of the Revised Code.

Community Schools

Of the foregoing appropriation item 200-455, Community Schools, up to $100,000 in each fiscal year may be used by the Lucas County Educational Service Center to pay for additional services provided to

community schools, subject to the reporting by the service center of actual expenses incurred to the Department of Education. ~~In each fiscal year, up~~ Up to $400,000 in fiscal year 2000 and $1,545,000 in fiscal year 2001 may be used by the Office of School Options in the Department of Education for additional services and responsibilities under section 3314.11 of the Revised Code.

The remaining appropriation may be used by the Department of Education and the Lucas County Educational Service Center to make grants of up to $50,000 to each proposing group with a preliminary agreement obtained under division (C)(2) of section 3314.02 of the Revised Code in order to defray planning and initial start-up costs. In the first year of operation of a community school, the Department of Education and the Lucas County Educational Service Center may make a grant of no more than $100,000 to the governing authority of the school to partially defray additional start-up costs. The amount of the grant shall be based on a thorough examination of the needs of the community school. The Department of Education and the Lucas County Educational Service Center shall not utilize moneys received under this section for any other purpose other than those specified under this section. The department shall allocate an amount to the Lucas County Educational Service Center for grants to schools in the Lucas County area under this paragraph.

A community school awarded start-up grants from appropriation item 200-613, Public Charter Schools (Fund 3T4), shall not be eligible for grants under this section.

Sec. 4.11. Pupil Transportation

Of the foregoing appropriation item 200-502, Pupil Transportation, up to $755,000 may be used by the Department of Education each year for training prospective and experienced school bus drivers in accordance with training programs prescribed by the department; an amount shall be available in each year of the biennium to be used for special education transportation reimbursements. The reimbursement rate in each year shall be based on the rate defined in division (D) of section 3317.022 of the Revised Code; notwithstanding division (I) of section 3317.024 of the Revised Code, up to $800,000 in fiscal year 2000 and up to $1,500,000 in fiscal year 2001 shall be used by the Department of Education to reimburse commercial driver education schools that provide driver education to students who were issued driver education vouchers prior to June 8, 1999 and to provide the $50 per pupil subsidy to school districts for those students who completed school districts' driver education programs prior to June 30, 1999; and the remainder shall be used for the state reimbursement of public school

districts' costs in transporting pupils to and from the school to which they attend in accordance with the district's policy, State Board of Education standards, and the Revised Code.

Of the foregoing appropriation item 200-502, Pupil Transportation, $300,000 in fiscal year 2001 shall be used by the Department of Education to fund a pilot project in selected school districts to install sensors on school buses. The Department of Education shall select a variety of urban, suburban, and rural school districts for participation in the pilot project. Each district selected shall install sensors on a portion of its school buses. The Department of Education may use up to ten per cent of this set-aside to conduct or contract for an evaluation of this pilot program, including, but not limited to, an analysis of the safety enhancements as the result of the pilot project. Each participating school district shall collect data as necessary for the evaluation and shall report all information as designated by the Department of Education. The Department of Education shall issue a report and present findings to the Education Committees of the House of Representatives and the Senate no later than December 15, 2001.

Bus Purchase Allowance

The foregoing appropriation item 200-503, Bus Purchase Allowance, shall be distributed to school districts and educational service centers pursuant to rules adopted under section 3317.07 of the Revised Code. Up to 25 per cent of the amount appropriated may be used to reimburse school districts and educational service centers for the purchase of buses to transport handicapped and nonpublic school students.

School Lunch

The foregoing appropriation item 200-505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Sec. 4.12. Adult Literacy Education

The foregoing appropriation item 200-509, Adult Literacy Education, shall be used to support adult basic and literacy education instructional programs, and the State Literacy Resource Center Program.

Of the foregoing appropriation item 200-509, Adult Literacy Education, up to $520,000 in fiscal year 2000 and $532,500 in fiscal year 2001 shall be used for the support and operation of the State Literacy Resource Center.

The remainder shall be used to continue to satisfy the state match and maintenance of effort requirements for the support and operation of the Ohio Department of Education administered instructional grant program for Adult Basic and Literacy Education in accordance with the department's state plan for Adult Basic and Literacy Education as approved by the State Board of

Education and the Secretary of the United States Department of Education.

Auxiliary Services

The foregoing appropriation item 200-511, Auxiliary Services, shall be used by the State Board of Education for the purpose of implementing section 3317.06 of the Revised Code. Of the appropriation, up to $1,000,000 in each fiscal year of the biennium may be used for payment of the Post-Secondary Enrollment Options Program for nonpublic students pursuant to section 3365.10 of the Revised Code.

Summer Intervention

Of the foregoing appropriation item 200-513, Summer Intervention, up to $15,500,000 in each fiscal year shall be used to assist districts providing the intervention services specified in section 3313.608 of the Revised Code. These moneys shall be used to provide equalized reimbursement payments using the state aid ratio to school districts providing summer intervention services satisfying criteria defined in division (E) of section 3313.608 of the Revised Code. The Department of Education shall establish guidelines for the use and distribution of these moneys.

The Department of Education shall allocate any funds transferred from appropriation item 200-520, Disadvantaged Pupil Impact Aid, to appropriation item 200-513, Summer Intervention, to school districts based on estimates of the number of children most at risk of not passing the fourth grade proficiency test. The funds shall be used for programs designed to accomplish either of the following:

(A) Prepare teachers with reading intervention strategies;

(B) Extend learning opportunities for reading literacy, including extended day, extended year, after school, Saturday school, and summer school. This includes the ability to pay for transportation and other related expenses.

School districts receiving funds from this appropriation shall report to the Department of Education on how funds were used.

Post-Secondary/Adult Vocational Education

The foregoing appropriation item 200-514, Post-Secondary/Adult Vocational Education, shall be used by the State Board of Education to provide post-secondary/adult vocational education pursuant to sections 3313.52 and 3313.53 of the Revised Code.

Of the foregoing appropriation item 200-514, Post-Secondary/Adult Vocational Education, up to $500,000 in each fiscal year shall be allocated for the Ohio Career Information System (OCIS) and used for the dissemination of career information data to public schools, libraries, rehabilitation centers, two- and four-year colleges and universities, and other

governmental units.

Of the foregoing appropriation item 200-514, Post-Secondary/Adult Vocational Education, up to $30,000 in each fiscal year shall be used for the statewide coordination of the activities of the Ohio Young Farmers.

The Governor's Workforce Development Board shall examine the sites statewide participating in the Orientation to Nontraditional Occupations for Women Program and consider making recommendations for funding the program under the proposed Department of Job and Family Services. In the event that the Department of Job and Family Services is not created through the merger of the Department of Human Services and Bureau of Employment Services in fiscal year 2001, the Workforce Development Board shall make any recommendations for funding the program to the individual agencies.

Disadvantaged Pupil Impact Aid

The foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, shall be distributed to school districts according to the provisions of section 3317.029 of the Revised Code. However, no money shall be distributed for all-day kindergarten to any school district whose three-year average formula ADM exceeds 17,500 but whose DPIA index is not at least equal to 1.00, unless the Department of Education certifies that sufficient funds exist in this appropriation to make all other payments required by section 3317.029 of the Revised Code.

The Department of Education shall pay all-day, everyday kindergarten funding to all school districts in fiscal year 2000 and fiscal year 2001 that qualified for and provided the service in a preceding fiscal year pursuant to section 3317.029 of the Revised Code, regardless of changes to such districts' DPIA indexes in fiscal year 2000 and fiscal year 2001.

The Department of Education shall pay to community schools an amount for all-day kindergarten if the school district in which the student is entitled to attend school is eligible but does not receive a payment for all-day kindergarten, pursuant to division (B) of section 3314.13 of the Revised Code, and the student is reported by the community school as enrolled in all-day kindergarten at the community school.

Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, up to $3,000,000 in each year of the biennium shall be used for school breakfast programs. Of the $3,000,000, up to $500,000 shall be used each year by the Department of Education to provide start-up grants to rural school districts and to school districts with less than 1,500 ADM that start school breakfast programs. The remainder of the $3,000,000 shall be used to: (1) partially reimburse school buildings within school districts that are

required to have a school breakfast program pursuant to section 3313.813 of the Revised Code, at a rate decided upon by the department, for each breakfast served to any pupil enrolled in the district; (2) partially reimburse districts participating in the National School Lunch Program that have at least 20 per cent of students who are eligible for free and reduced meals according to federal standards, at a rate decided upon by the department; and (3) to partially reimburse districts participating in the National School Lunch Program for breakfast served to children eligible for free and reduced meals enrolled in the district, at a rate decided upon by the department.

Of the portion of the funds distributed to the Cleveland City School District under section 3317.029 of the Revised Code calculated under division (F)(2) of that section, up to $11,217,000 in fiscal year 2000 and up to $13,866,000 in fiscal year 2001 shall be used to operate the pilot school choice program in the Cleveland City School District pursuant to sections 3313.974 to 3313.979 of the Revised Code.

Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, $900,000 in fiscal year 2000 and $1,154,915 in fiscal year 2001 shall be used to support dropout recovery programs administered by the Department of Education, Jobs for Ohio's Graduates program.

~~There is hereby created the Alternative Education Advisory Council which shall consist of one representative from each of the following agencies: The Ohio Department of Education, the Department of Youth Services, the Ohio Department of Alcohol and Drug Addiction Services, the Department of Mental Health, the Office of the Governor or at the Governor's discretion the Office of the Lieutenant Governor, and the Office of the Attorney General. The Alternative Education Advisory Council shall cease to exist on June 30, 2001.~~

~~Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, $10,000,000 in each fiscal year shall be used for competitive matching grants to the 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code as it existed prior to July 1, 1998, and $10,000,000 in each fiscal year shall be used for competitive matching grants to rural and suburban school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services' facility.~~

~~The Alternative Education Advisory Council shall develop criteria for~~

~~the awarding of grants for alternative educational programs. The criteria the council develops shall give priority to projects that: demonstrate collaboration among schools, juvenile courts, law enforcement agencies, local government, and other appropriate private and public organizations; include strategies to ensure enforcement of the state's attendance laws; are research-based; and ensure that data necessary for evaluation of the project is collected. Grants shall be awarded only to programs where the grant would not serve as the program's primary source of funding. The grants shall be administered by the Ohio Department of Education.~~

~~The Ohio Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section if the Alternative Education Advisory Council recommends the waiver on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.~~

At the request of the Superintendent of Public Instruction, the Director of Budget and Management may transfer any unobligated, unexpended funds as of June 20, 2000, from the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, to appropriation item 200-513, Summer Intervention. The amount requested for transfer shall not exceed $15,000,000. The amount transferred is hereby appropriated.

Sec. 4.16. Vocational Education Enhancements

Of the foregoing appropriation item 200-545, Vocational Education Enhancements, up to $2,500,000 in fiscal year 2000 and $2,616,000 in fiscal year 2001 shall be used to fund ~~up to 51~~ vocational education units at institutions. Up to $9,975,000 in fiscal year 2000 and up to $10,972,500 in fiscal year 2001 shall be used to fund the Jobs for Ohio Graduates (JOG) program, up to $2,315,200 in fiscal year 2000 and up to $2,431,012 in fiscal year 2001 may be used to support tech prep consortia.

Of the foregoing appropriation item 200-545, Vocational Education Enhancements, up to $4,270,030 in fiscal year 2000 and up to $4,483,531 in fiscal year 2001 shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. Such grant funds shall be used to directly support expanded tech prep programs provided to students enrolled in school districts, including joint vocational school districts.

If federal funds for vocational education cannot be used for local school district leadership without being matched by state funds, then an amount as determined by the Superintendent of Public Instruction shall be made available from state funds appropriated for vocational education. If any state

funds are used for this purpose, federal funds in an equal amount shall be distributed for vocational education in accordance with authorization of the state plan for vocational education for Ohio as approved by the Secretary of the United States Department of Education.

Of the foregoing appropriation item 200-545, Vocational Education Enhancements, $6,144,277 in fiscal year 2000 and $6,451,490 in fiscal year 2001 shall be used to enable students to develop career plans, to identify initial educational and career goals, and to develop a career passport which provides a clear understanding of the student's knowledge, skills, and credentials to present to future employers, universities, and other training institutes. The amount shall be allocated to school districts pursuant to guidelines developed by the Department of Education for programs described in section 3313.607 of the Revised Code for children in the kindergarten through twelfth grades. Funds so allocated shall be used for educational materials, services, career information, curriculum development, staff development, mentorships, career exploration, and career assessment instruments as needed to develop individualized career plans and passports.

Of the foregoing appropriation item 200-545, Vocational Education Enhancements, $5,188,703 in fiscal year 2000 and $5,707,573 in fiscal year 2001 shall be used to provide an amount to each eligible school district for the replacement or updating of equipment essential for the instruction of students in job skills taught as part of a vocational program or programs approved for such instruction by the State Board of Education. School districts replacing or updating vocational education equipment may purchase or lease such equipment. The Department of Education shall review and approve all equipment requests and may allot appropriated funds to eligible school districts on the basis of the number of ~~units of vocational education~~ full-time equivalent workforce development teachers in all eligible districts making application for funds.

The State Board of Education may adopt standards of need for equipment allocation. Pursuant to the adoption of any such standards of need by the State Board of Education, appropriated funds may be allotted to eligible districts according to such standards. Equipment funds allotted under either process shall be provided to a school district on a 30, 40, or 50 per cent of cost on the basis of a district vocational priority index rating developed by the Department of Education for all districts each year. The vocational priority index shall give preference to districts with a large percentage of disadvantaged students and shall include other socio-economic factors as determined by the State Board of Education.

Of the foregoing appropriation item 200-545, Vocational Education

Enhancements, up to $400,000 in fiscal year 2000 may be used to pay for transitional funding to low-wealth joint vocational school districts. This transitional funding is for fiscal year 2000 only. For fiscal year 2000, joint vocational school districts with adjusted recognized valuation per pupil equal to or less than $3,000,000 are guaranteed to receive at least a 2.8 per cent increase in state aid received under section 3317.16 of the Revised Code less divisions (E) and (F) and under division (R) of section 3317.024 of the Revised Code over the amount the district received in fiscal year 1999 under the version of section 3317.16 of the Revised Code in effect for that year plus the amount the district received under section 3317.162 of the Revised Code in effect for that year and minus the amounts received that year for driver education and adult education. No district that receives transitional funding under this paragraph shall receive more than $150,000 in fiscal year 2000.

Sec. 4.18. OhioReads Grants

Of the foregoing appropriation item 200-566, OhioReads Grants, $20,000,000 each year shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council, to provide classroom grants to public schools in city, local, and exempted village school districts; community schools; and educational service centers serving kindergarten through fourth grade students.

Of the foregoing appropriation item 200-566, OhioReads Grants, $5,000,000 each year shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council, to provide community matching grants to community organizations and associations, libraries, and others for tutoring, tutor recruitment and training, and parental involvement.

Grants awarded by the OhioReads Council are intended to improve reading outcomes, especially on the fourth grade reading proficiency test.

School Improvement Incentive Grants

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, $2,000,000 in each fiscal year shall be used to provide grants of $25,000 per building for improvements in reading performance based on selection criteria developed by the OhioReads Council.

Of the foregoing appropriation ~~items~~ item 200-570, School Improvement Incentive Grants, $6,500,000 in each fiscal year shall be used to provide grants of $25,000 each to elementary schools and $50,000 each to middle schools, junior high schools, and high schools that demonstrate significant improvement on proficiency tests, attendance rates, and graduation rates based on standards developed by the Department of

ucation.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, $500,000 in each fiscal year shall be used to provide grants of $50,000 each to educational service centers and joint vocational school districts for exemplary programs or that demonstrate significant improvement on proficiency tests, attendance rates, and graduation rates based on standards developed by the Department of Education.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, $1,000,000 in each fiscal year shall be used to provide grants of ~~$25,000~~ up to $50,000 each to ~~schools~~ educational best practices award winners selected for superior performance by BEST, Building Excellent Schools for Today and the 21st Century.

Any grants awarded from the foregoing appropriation item 200-570, School Improvement Incentive Grants, shall be awarded to individual school buildings, educational service centers, or joint vocational school districts, as appropriate. Grant awards shall be expended for staff development, classroom equipment, materials, and/or books. The principal or administrator of each grantee shall decide how best to use the grant award, with input from staff members.

Teacher Incentive Grants

The foregoing appropriation item 200-572, Teacher Incentive Grants, shall be used by the Department of Education to pay one-time stipends to qualified teachers of reading, mathematics, and science. To be eligible, teacher applicants must hold a valid teaching certificate; be employed by a city, local, exempted village, or joint vocational school district; and be certified by the district as necessary to meet an existing need for teachers with a reading, mathematics, or science credential.

Individuals with an elementary school teaching certificate that successfully complete a program for a reading endorsement, and who successfully complete the examination prescribed by the State Board of Education, shall be paid a stipend of $1,000. Individuals with a high school teaching certificate that successfully complete a program required to add mathematics or science to that certificate, and who successfully complete the mathematics or science examination prescribed by the State Board of Education, shall be paid a stipend of $1,500. The variance in stipend amounts reflects the variance in requirements to secure the different credentials.

To qualify for stipends, individuals must successfully complete all necessary coursework as prescribed by the State Board of Education by June 30, 2001, and must successfully complete all required practical experience

by October 30, 2001.

At the request of the Superintendent of Public Instruction, the Director of Budget and Management may transfer any unexpended and unencumbered balances in this appropriation item as of June 30, 2000, to fiscal year 2001. the amount so transferred is hereby appropriated.

Character Education

Of the foregoing appropriation item 200-573, Character Education, up to $50,000 in each fiscal year shall be used to develop, produce, or otherwise obtain a distance learning program, a video presentation, or other method of offering instruction in character education to multiple school districts. The program, presentation, or other method of instruction shall be made available to all school districts.

The remainder of appropriation item 200-573, Character Education, shall be used by the Department of Education to provide matching grants of up to $50,000 each to school districts to develop pilot character education programs.

Substance Abuse Prevention

Of the foregoing appropriation item 200-574, Substance Abuse Prevention, up to $2,000,000 in fiscal year 2000 and up to $2,120,000 in fiscal year 2001 shall be used for the Safe and Drug Free Schools Coordinators Program. Of the foregoing appropriation item 200-574, Substance Abuse Prevention, up to $300,000 in each fiscal year of the biennium shall be used for the Substance Abuse Prevention Student Assistance Program. The Department of Education and the Department of Alcohol and Drug Addiction Services shall jointly develop and approve a plan for the expenditure of these funds including, but not limited to, the development of position descriptions and training specifications for safe and drug free schools coordinators. Safe and drug free schools coordinators shall possess or be in the process of obtaining credentials issued by the Ohio Credentialing Board for Chemical Dependency Professionals or other credentials recognized by that board.

12th Grade Proficiency Stipend

The foregoing appropriation item 200-575, 12th Grade Proficiency Stipend, shall be used to fund a $500 scholarship to each student who meets the requirements of section 3365.15 of the Revised Code.

Within thirty days of the effective date of this section, the Director of Budget and Management shall transfer the appropriation for this program to the Ohio Board of Regents for its administration.

River Valley School Environmental Issues

The foregoing appropriation item 200-580, River Valley School

onmental Issues, shall be used to assist with costs arising from environmental assessment and clean-up of potential environmental contamination of school facilities of the River Valley Local School District.

Auxiliary Services Mobile Repair

Notwithstanding section 3317.064 of the Revised Code, if the unobligated cash balance is sufficient, the Treasurer of State shall transfer $1,500,000 in fiscal year 2000 within thirty days of the effective date of this section and $1,500,000 in fiscal year 2001 by August 1, 2000, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Department of Education's Auxiliary Services Mobile Repair Fund (Fund 598).

Within 30 days after the effective date of this section, the Superintendent of Public Instruction shall certify to the Director of Budget and Management the amount of cash to be transferred from the Miscellaneous Revenue Fund, Fund 452, to the Educational Grants Fund, Fund 620.

Coordinated School Health and AIDS Education

The Department of Education shall not commit or spend any moneys from appropriation item 200-625, Coordinated School Health, or appropriation item 200-668, AIDS Education, for activities in preparation for or during the 1999-2000 school year or for the 2000-2001 school year until the General Assembly has approved program plans for these purposes through the adoption of a concurrent resolution. Before the House of Representatives or the Senate votes on a concurrent resolution approving program plans, its standing committee having principal jurisdiction over primary and secondary education legislation shall conduct at least one public hearing on the program plans. Tobacco use prevention programs and dental health programs are exempt from these requirements.

Sec. 7. BOR BOARD OF REGENTS

General Revenue Fund

GRF 235-321	Operating Expenses	$	3,106,261	$	3,201,422
GRF 235-401	Lease-Rental Payments ~~to the Ohio Public Facilities Commission~~	$	365,552,000	$	~~377,490,000~~ 337,115,000
GRF 235-402	Sea Grants	$	299,940	$	299,940
GRF 235-403	Math/Science Teaching Improvement	$	2,200,000	$	1,700,000
GRF 235-404	College Readiness Initiatives	$	2,650,000	$	2,564,000
GRF 235-406	Articulation and Transfer	$	1,000,000	$	1,000,000
GRF 235-408	Midwest Higher Education Compact	$	75,000	$	75,000
GRF 235-409	Information System	$	1,389,819	$	1,389,819
GRF 235-414	State Grants and Scholarship	$	1,360,630	$	1,401,449

	Administration				
GRF	235-415	Jobs Challenge	$	8,743,864	$ 10,979,694
GRF	235-417	Technology	$	4,000,000	$ 4,000,000
GRF	235-418	Access Challenge	$	35,313,691	$ 65,268,000
GRF	235-420	Success Challenge	$	20,068,104	$ 48,741,000
GRF	235-451	Eminent Scholars	$	0	$ 5,200,000
GRF	235-454	Research Challenge	$	19,436,382	$ 21,568,440
GRF	235-455	Productivity Improvement Challenge	$	1,655,884	$ 1,695,625
GRF	235-474	AHEC Program Support	$	2,094,566	$ 2,094,565
GRF	235-477	Access Improvement Projects	$	1,084,842	$ 1,110,879
GRF	235-501	Instructional Subsidy	$	1,601,259,165	$ 1,648,846,940
GRF	235-502	Student Support Services	$	1,033,059	$ 1,057,853
GRF	235-503	Ohio Instructional Grants	$	87,800,000	$ 98,031,000
GRF	235-504	War Orphans' Scholarships	$	4,152,934	$ 4,517,037
GRF	235-507	OhioLINK	$	6,947,761	$ 7,668,731
GRF	235-508	Air Force Institute of Technology	$	3,500,000	$ 3,500,000
GRF	235-509	Displaced Homemakers	$	244,996	$ 244,996
GRF	235-510	Ohio Supercomputer Center	$	4,834,416	$ 4,932,218
GRF	235-511	Cooperative Extension Service	$	26,643,306	$ 27,708,525
GRF	235-513	OU Voinovich Center	$	375,000	$ 375,000
GRF	235-514	Central State Supplement	$	10,244,956	$ 10,744,956
GRF	235-515	CWRU School of Medicine	$	4,181,578	$ 4,281,936
GRF	235-518	Capitol Scholarship Programs	$	250,000	$ 250,000
GRF	235-519	Family Practice	$	6,229,607	$ 6,541,087
GRF	235-520	Shawnee State Supplement	$	2,969,965	$ 2,824,000
GRF	235-521	OSU Glenn Institute	$	375,000	$ 375,000
GRF	235-523	Center for Labor Research	$	95,000	$ 95,000
GRF	235-524	Police and Fire Protection	$	244,996	$ 244,996
GRF	235-525	Geriatric Medicine	$	1,062,139	$ 1,087,630
GRF	235-526	Primary Care Residencies	$	3,016,605	$ 3,167,435
GRF	235-527	Ohio Aerospace Institute	$	2,374,973	$ 2,431,973
GRF	235-530	Academic Scholarships	$	8,000,000	$ 8,000,000
GRF	235-531	Student Choice Grants	$	43,025,389	$ 49,150,000
GRF	235-534	Student Workforce Development Grants	$	0	$ 2,250,000
GRF	235-535	Agricultural Research and Development Center	$	36,673,910	$ 38,730,884
GRF	235-536	Ohio State University Clinical Teaching	$	15,621,369	$ 15,996,281
GRF	235-537	University of Cincinnati Clinical Teaching	$	12,848,363	$ 13,156,724
GRF	235-538	Medical College of Ohio at Toledo Clinical Teaching	$	10,014,602	$ 10,254,953
GRF	235-539	Wright State University Clinical Teaching	$	4,865,290	$ 4,982,057
GRF	235-540	Ohio University Clinical Teaching	$	4,703,423	$ 4,816,305
GRF	235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	$	4,837,466	$ 4,953,565
GRF	235-543	OCPM Clinical Subsidy	$	500,000	$ 500,000

GRF	235-547	School of International Business	$	1,743,637	$	1,743,637
GRF	235-549	Part-time Student Instructional Grants	$	12,308,500	$	12,677,750
GRF	235-552	Capital Component	$	11,143,055	$	11,143,055
GRF	235-553	Dayton Area Graduate Studies Institute	$	3,765,832	$	3,856,212
GRF	235-554	Priorities in Graduate Education	$	3,464,704	$	3,553,437
GRF	235-555	Library Depositories	$	2,400,000	$	2,000,000
GRF	235-556	Ohio Academic Resource Network	$	3,227,819	$	3,512,182
GRF	235-558	Long-term Care Research	$	318,371	$	318,371
GRF	235-561	BGSU Canadian Studies Center	$	167,642	$	167,642
GRF	235-572	Ohio State University Clinic Support	$	1,943,328	$	2,061,138
GRF	235-583	Urban University Programs	$	8,192,284	$	6,636,285
GRF	235-585	Ohio University Innovation Center	$	49,745	$	49,745
GRF	235-587	Rural University Projects	$	1,298,070	$	1,403,624
GRF	235-588	Ohio Resource Center for Mathematics, Science, and Reading	$	500,000	$	1,000,000
GRF	235-595	International Center for Water Resources Development	$	189,381	$	189,381
GRF	235-596	Hazardous Materials Program	$	244,996	$	244,996
GRF	235-599	National Guard Tuition Grant Program	$	~~9,539,575~~	$	~~13,842,740~~
				9,439,575		13,617,740
TOTAL GRF General Revenue Fund			$	~~2,439,453,190~~	$	~~2,595,897,110~~
				2,439,353,190		2,555,297,110
General Services Fund Group						
456	235-603	Publications	$	35,000	$	35,000
TOTAL GSF General Services Fund Group			$	35,000	$	35,000
Federal Special Revenue Fund Group						
3H2	235-608	Human Services Project	$	974,506	$	761,000
3N6	235-605	State Student Incentive Grants	$	2,000,000	$	2,000,000
3T0	235-610	NHSC Ohio Loan Repayment	$	100,000	$	100,000
312	235-609	Tech Prep	$	192,224	$	211,450
312	235-631	Federal Grants	$	2,645,077	$	2,645,077
TOTAL FED Federal Special Revenue Fund Group			$	5,911,807	$	5,717,527
State Special Revenue Fund Group						
4E8	235-602	HEFC Administration	$	12,000	$	12,000
4P4	235-604	Physician Loan Repayment	$	396,255	$	396,255
649	235-607	Ohio State University Highway/Transportation Research	$	500,000	$	500,000
682	235-606	Nursing Loan Program	$	603,406	$	618,241
TOTAL SSR State Special Revenue Fund Group			$	1,511,661	$	1,526,496

TOTAL ALL BUDGET FUND GROUPS	$	~~2,446,911,658~~ 2,446,811,658	$	~~2,603,176,133~~ 2,562,576,133

Sec. 7.06. Pledge of Fees*

Any new pledge of fees, or new agreement for adjustment of fees, made in the 1999-2001 biennium to secure bonds or notes of a state-assisted institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section shall be effective only after approval by the Ohio Board of Regents, unless approved in a previous biennium.

~~Rental Payments to the Ohio Public Facilities Commission~~

Lease-Rental Payments

The appropriations to the Ohio Board of Regents from the General Revenue Fund for the purposes of division (A) of section 3333.13 of the Revised Code include the amounts necessary to meet all payments at the times required to be made during the period from July 1, 1999, to June 30, 2001, by the Ohio Board of Regents ~~to the Ohio Public Facilities Commission~~ pursuant to leases and agreements made under section 154.21 of the Revised Code, ~~as certified under division (C) of section 3333.13 of the Revised Code,~~ but limited to the aggregate amount of $743,042,000 provided in appropriation item 235-401, Lease-Rental Payments ~~to the Ohio Public Facilities Commission~~. Nothing in this section shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the source pledged thereto, the bond service charges on obligations issued pursuant to section 154.21 of the Revised Code.

Sec. 7.10. Sea Grants

The foregoing appropriation item 235-402, Sea Grants, shall be disbursed to The Ohio State University. The funds from this appropriation item shall be used to conduct research on fish in Lake Erie.

Information System

The foregoing appropriation item 235-409, Information System, shall be used by the Board of Regents to revise the higher education data system known as the Uniform Information System.

Student Support Services

The foregoing appropriation item 235-502, Student Support Services, shall be distributed by the Board of Regents to Ohio's state-assisted colleges and universities that incur disproportionate costs in the provision of support services to disabled students.

Central State Supplement

Of the foregoing appropriation item 235-514, Central State Supplement, $100,000 in fiscal year 2000 shall be used in a collaboration between the Board of Regents and the Institute for Urban Education for planning

es; $400,000 in fiscal year 2000 shall be distributed to the Institute for Urban Education; and $1,000,000 in fiscal year 2001 shall be distributed to the Institute for Urban Education.

Shawnee State Supplement

The foregoing appropriation item 235-520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following:

(A) To allow Shawnee State University to keep its undergraduate fees below the statewide average, consistent with its mission of service to an economically depressed Appalachian region;

(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians.

Police and Fire Protection

The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), and Rootstown Township, which may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein. Each participating municipality and township shall receive at least five thousand dollars per year. Funds shall be distributed by the Ohio Board of Regents.

School of International Business

Of the foregoing appropriation item 235-547, School of International Business, $1,243,637 in each fiscal year shall be used for the continued development and support of the School of International Business of the state universities of northeast Ohio. The money shall go to the University of Akron. These funds shall be used by the university to establish a School of International Business located at the University of Akron. It may confer with the Kent State University, Youngstown State University, and Cleveland State University as to the curriculum and other matters regarding the school.

Of the foregoing appropriation item 235-547, School of International Business, $250,000 in each fiscal year shall be used to support the University of Toledo International Business Institute.

Of the foregoing appropriation item 235-547, School of International Business, $250,000 in each fiscal year shall be used to support the Ohio State University MUCIA program.

Capital Component

The foregoing appropriation item 235-552, Capital Component, shall be used by the Ohio Board of Regents to implement the capital funding policy

for state-assisted colleges and universities established in Am. H.B. No. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to new qualifying capital projects is less than the campus' formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to new qualifying capital projects from campus formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Dayton Area Graduate Studies Institute

The foregoing appropriation item 235-553, Dayton Area Graduate Studies Institute, shall be used by the Ohio Board of Regents to support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of three universities in the Dayton area - Wright State University, The University of Dayton, and the Air Force Institute of Technology - with the participation of the University of Cincinnati and The Ohio State University.

Long-Term Care Research

The foregoing appropriation item 235-558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

BGSU Canadian Studies Center

The foregoing appropriation item 235-561, BGSU Canadian Studies Center, shall be used by the Canadian Studies Center at Bowling Green State University to study opportunities for Ohio and Ohio businesses to benefit from the Free Trade Agreement between the United States and Canada.

Urban University Programs

Of the foregoing appropriation item 235-583, Urban University Programs, universities receiving funds which are used to support an ongoing university unit must certify periodically in a manner approved by the Ohio Board of Regents that program funds are being matched on a one-to-one basis with equivalent resources. Overhead support may not be used to meet this requirement. Where Urban University Program funds are being used to support an ongoing university unit, matching funds must come from continuing rather than one-time sources. At each participating state-assisted institution of higher education, matching funds must be within the substantial control of the individual designated by the institution's president as the Urban University Program representative.

Of the foregoing appropriation item 235-583, Urban University Programs, $380,000 in each fiscal year shall be used to support a public communication outreach program (WCPN). The primary purpose of the

program shall be to develop a relationship between Cleveland State University and nonprofit communications entities.

Of the foregoing appropriation item 235-583, Urban University Programs, $180,000 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and the Urban Child at Cleveland State University. These funds shall be distributed according to rules adopted by the Ohio Board of Regents and shall be used by the center for interdisciplinary activities targeted toward increasing the chance of lifetime success of the urban child, including interventions beginning with the prenatal period. The primary purpose of the center is to study issues in urban education and to systematically map directions for new approaches and new solutions by bringing together a cadre of researchers, scholars, and professionals representing the social, behavioral, education, and health disciplines.

Of the foregoing appropriation item 235-583, Urban University Programs, $260,000 in each fiscal year shall be used to support the Kent State University Learning and Technology Project. This project is a kindergarten through university collaboration between schools surrounding Kent's eight campuses in northeast Ohio, and corporate partners who will assist in development and delivery.

The Kent State University Project shall provide a faculty member who has a full-time role in the development of collaborative activities and teacher instructional programming between Kent and the K-12th grade schools that surround its eight campuses; appropriate student support staff to facilitate these programs and joint activities; and hardware and software to schools that will make possible the delivery of instruction to pre-service and in-service teachers, and their students, in their own classrooms or school buildings. This shall involve the delivery of low-bandwidth streaming video and web-based technologies in a distributed instructional model.

Of the foregoing appropriation item 235-583, Urban University Programs, $100,000 in each fiscal year shall be used to support the Ameritech Classroom/Center for Research at Kent State University.

Of the foregoing appropriation item 235-583, Urban University Programs, $1,278,373 in fiscal year 2000 and $1,000,000 in fiscal year 2001 shall be used to support the Polymer Distance Learning Project at the University of Akron. Of these amounts, $1,000,000 shall be used in fiscal year 2000 for the Polymer Distance Learning Project and $278,373 shall be used in fiscal year 2000 for the university's primary and secondary school distance learning project; $1,000,000 shall be used in fiscal year 2001 for the Polymer Distance Learning Project.

Of the foregoing appropriation item 235-583, Urban University Programs, $500,000 in fiscal year 2000 shall be used to support general arts programming at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, $50,000 in each fiscal year shall be distributed to the Kent State University/Cleveland Design Center program.

Of the foregoing appropriation item 235-583, Urban University Programs, $250,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, $250,000 in fiscal year 2000 shall be used to support the Cleveland State University Applied Digital Technology Center/WVIZ.

Of the foregoing appropriation item 235-583, Urban University Programs, $15,000 in each fiscal year shall be used for the Advancing-Up Program at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, $650,000 in fiscal year 2000 shall be used for the Cleveland State University Technology Link.

Of the remainder of the appropriation, 50 per cent of the total in each fiscal year shall be distributed by the Ohio Board of Regents to Cleveland State University in support of the Urban Center of the College of Urban Affairs. The balance of the appropriation shall be distributed to the Northeast Ohio Interinstitutional Research Program, the Urban Linkages Program, and the Urban Research Technical Assistance Grant Program.

International Center for Water Resources Development

The foregoing appropriation item 235-595, International Center for Water Resources Development, shall be used to support the International Center for Water Resources Development at Central State University. This center shall develop methods to improve the management of water resources for Ohio and for emerging nations.

Rural University Projects

Of the foregoing appropriation item 235-587, Rural University Projects, Bowling Green State University shall receive $211,330 in fiscal year 2000 and $216,400 in fiscal year 2001. Miami University shall receive $323,365 in fiscal year 2000 and $331,125 in fiscal year 2001. Ohio University shall receive $738,375 in fiscal year 2000 and $756,099 in fiscal year 2001. These funds shall be used to support the Institute for Local Government Administration and Rural Development at Ohio University, the Center for Public Management and Regional Affairs at Miami University, and the public administration program at Bowling Green State University.

Of the foregoing appropriation item 235-587, Rural University Projects, $25,000 in each fiscal year shall be used to support the Washington State Community College day care center.

Of the foregoing appropriation item 235-587, Rural University Projects, $75,000 in fiscal year 2001 shall be used to support the COAD/ILGARD/GOA Appalachian Leadership Initiative.

A small portion of the funds provided to Ohio University shall be used to establish a satellite office of the Institute for Local Government Administration and Rural Development at Shawnee State University. A small portion of the funds provided to Ohio University shall also be used for the Institute for Local Government Administration and Rural Development State and Rural Policy Partnership with the Governor's Office of Appalachia and the Appalachian delegation of the General Assembly.

Ohio Resource Center for Math, Science, and Reading

The foregoing appropriation item 235-588, Ohio Resource Center for Math, Science, and Reading, shall be used to support a resource center for mathematics, science, and reading to be located at a state-assisted university for the purpose of identifying best educational practices in primary and secondary schools and establishing methods for communicating them to colleges of education and school districts.

Prior to December 31, 1999, the Governor, the Superintendent of Public Instruction, and the Chancellor of the Ohio Board of Regents shall conduct a search for the best location for the establishment of the Ohio Resource Center for Mathematics, Science, and Reading. The location selected shall be on the campus of one of the state universities named in section 3345.011 of the Revised Code. The university selected shall be chosen on a competitive basis from among those universities that apply to the Board of Regents.

Hazardous Materials Program

The foregoing appropriation item 235-596, Hazardous Materials Program, shall be disbursed to Cleveland State University for the operation of a program to certify firefighters for the handling of hazardous materials. Training shall be available to all Ohio firefighters.

National Guard Tuition Grant Program

The Board of Regents shall disburse funds from appropriation item 235-599, National Guard Tuition Grant Program, at the direction of the Adjutant General.

Ohio Higher Educational Facility Commission Support

The foregoing appropriation item 235-602, HEFC Administration, shall be used by the Board of Regents for operating expenses related to the Board

of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the chancellor, the Director of Budget and Management shall transfer up to $12,000 cash from Fund 461 to Fund 4E8 in each fiscal year of the biennium.

Sec. 8. OSB OHIO STATE SCHOOL FOR THE BLIND

General Revenue Fund					
GRF	226-100	Personal Services	$ 5,540,996	$	5,631,645
GRF	226-200	Maintenance	$ 676,533	$	714,732
GRF	226-300	Equipment	$ 69,534	$	~~101,203~~ 151,203
TOTAL GRF General Revenue Fund			$ 6,287,063	$	~~6,447,580~~ 6,497,580
General Services Fund Group					
4H8	226-602	Education Reform Grants	$ 29,900	$	29,900
TOTAL GSF General Services Fund Group			$ 29,900	$	29,900
State Special Revenue Fund Group					
4M5	226-601	Work Study & Technology Investments	$ 40,083	$	40,924
TOTAL SSR State Special Revenue Fund Group			$ 40,083	$	40,924
Federal Special Revenue Fund Group					
3P5	226-643	Medicaid Professional Services Reimbursement	$ 125,000	$	125,000
310	226-626	Coordinating Unit	$ 1,173,036	$	1,195,850
TOTAL FED Federal Special Revenue Fund Group			$ 1,298,036	$	1,320,850
TOTAL ALL BUDGET FUND GROUPS			$ 7,655,082	$	~~7,839,254~~ 7,889,254

Maintenance

Of the foregoing appropriation item 226-200, Maintenance, up to $21,962 in fiscal year 2001 shall be used to purchase Braille and large-print textbooks in the areas of reading, mathematics, and spelling for grades kindergarten through six.

Equipment

Of the foregoing appropriation item 226-300, Equipment, ~~$30,000~~ 80,000 in fiscal year 2001 shall be used to purchase a ~~van equipped with a hydraulic lift for wheelchairs~~ school bus.

Sec. 10. SFC SCHOOL FACILITIES COMMISSION

General Revenue Fund					
GRF	230-428	Lease Rental Payments	$ 55,400,000	$	~~70,300,000~~ 41,750,000
TOTAL GRF General Revenue Fund			$ 55,400,000	$	~~70,300,000~~ 41,750,000
State Special Revenue Fund Group					
5E3	230-644	Operating Expenses	$ 2,609,726	$	2,738,277
TOTAL SSR State Special Revenue					

Fund Group	$	2,609,726	$	2,738,277
TOTAL ALL BUDGET FUND GROUPS	$	58,009,726	$	~~73,038,277~~ 44,488,277

Lease Rental Payments

The foregoing appropriation item 230-428, Lease Rental Payments, shall be used by the School Facilities Commission to pay bond service charges on obligations issued pursuant to Chapter 3318. of the Revised Code.

Operating Expenses

The foregoing appropriation item 230-644, Operating Expenses, shall be used by the Ohio School Facilities Commission to carry out its responsibilities pursuant to this section and Chapter 3318. of the Revised Code.

Within ten days after the effective date of this section, or as soon as possible thereafter, the Executive Director of the Ohio School Facilities Commission shall certify to the Director of Budget and Management the amount of cash to be transferred from the School Building Assistance Fund (Fund 032) or the Public School Building Fund (Fund 021) to the Ohio School Facilities Commission Fund (Fund 5E3).

By July 10, 2000, the Executive Director of the Ohio School Facilities Commission shall certify to the Director of Budget and Management the amount of cash to be transferred from the School Building Assistance Fund (Fund 032) or the Public School Building Fund (Fund 021) to the Ohio School Facilities Commission Fund (Fund 5E3).

Prior Year Encumbrances

At the request of the Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances from fiscal years 1998 and 1999 in CAP-770, School Building Program Assistance, and reestablish such encumbrances or parts of encumbrances to CAP-622, Public School Buildings, for fiscal years 2000 and 2001. Appropriations to CAP-622 shall not be increased as a result of reestablishing such encumbrances. An amount equal to the canceled encumbrances in CAP-770 shall be appropriated to CAP-775.

Disability Access Projects

The unencumbered and unallotted balances as of June 30, 1999, in appropriation item 230-649, Disability Access Project, are hereby reappropriated. The unencumbered and unallotted balances of the appropriation at the end of fiscal year 2000 are hereby reappropriated in fiscal year 2001 to fund capital projects pursuant to this section.

(A) As used in this section:

(1) "Percentile" means the percentile in which a school district is ranked

according to the fiscal year 1998 ranking of school districts with regard to income and property wealth under division (B) of section 3318.011 of the Revised Code.

(2) "School district" means a city, local, or exempted village school district, but excluding a school district that is one of the state's 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code, as that section existed prior to July 1, 1998.

(3) "Valuation per pupil" means a district's total taxable value as defined in section 3317.02 of the Revised Code divided by the district's ADM as defined in division (A) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(B) The School Facilities Commission shall adopt rules for awarding grants to school districts with a valuation per pupil of less than $200,000, to be used for construction, reconstruction, or renovation projects in classroom facilities, the purpose of which is to improve access to such facilities by physically handicapped persons. The rules shall include application procedures. No school district shall be awarded a grant under this section in excess of $100,000. In addition, any school district shall be required to pay a percentage of the cost of the project or which the grant is being awarded equal to the percentile in which the district is ranked.

(C) The School Facilities Commission is hereby authorized to transfer a portion of appropriation item CAP-622, Public School Buildings, contained in Am. Sub. H.B. No. 283 of the 123rd General Assembly, to CAP-777, Disability Access Projects, to provide funds to make payments resulting from the approval of applications for disability access granted received prior to January 1, 1999. The amounts transferred are hereby appropriated."

SECTION 63. That existing Sections 4.04, 4.06, 4.08, 4.11, 4.12, 4.16, 4.18, 7, 7.06, 7.10, 8, and 10 of Am. Sub. H.B. 282 of the 123rd General Assembly are hereby repealed.

SECTION 64. That Sections 4, 4.07, and 7.01 of Am. Sub. H.B. 282 of the 123rd General Assembly, as amended by Sub. S.B. 245 of the 123rd General Assembly, be amended to read as follows:

SECTION 4 OF AM. SUB. H.B. 282/123rd GA
AS AMENDED BY SUB. S.B. 245/123rd GA
DRAFT - NO GOVERNOR'S SIGNATURE
*** DO NOT CUT APART ***

" Sec. 4. EDU DEPARTMENT OF EDUCATION

General Revenue Fund

GRF	200-100	Personal Services	$	12,102,350	$ 12,145,000
GRF	200-320	Maintenance and Equipment	$	8,939,904	$ 5,263,979
GRF	200-406	Head Start	$	96,992,016	$ 100,843,825
GRF	200-408	Public Preschool	$	19,066,606	$ 19,506,205
GRF	200-410	Professional Development	$	27,293,834	$ ~~28,568,834~~ 29,308,834
GRF	200-411	Family and Children First	$	10,642,188	$ 10,642,188
GRF	200-416	Vocational Education Match	$	2,325,916	$ 2,381,738
GRF	200-420	Technical Systems Development	$	4,950,000	$ 3,850,000
GRF	200-421	Alternative Education Programs	$	0	$ 20,000,000
GRF	200-422	School Management Assistance	$	1,387,186	$ 1,440,836
GRF	200-424	Policy Analysis	$	505,354	$ 637,655
GRF	200-426	Ohio Educational Computer Network	$	25,089,772	$ 37,004,086
GRF	200-431	School Improvement Models	$	27,010,000	$ ~~26,925,000~~ 31,487,000
GRF	200-432	School Conflict Management	$	611,645	$ 621,524
GRF	200-437	Student Proficiency	$	16,097,983	$ ~~15,692,045~~ 17,192,045
GRF	200-441	American Sign Language	$	231,449	$ 237,003
GRF	200-442	Child Care Licensing	$	1,477,003	$ 1,518,359
GRF	200-445	OhioReads Admin/Volunteer Support	$	5,000,000	$ 5,000,000
GRF	200-446	Education Management Information System	$	13,799,674	$ 12,649,674
GRF	200-447	GED Testing/Adult High School	$	2,033,187	$ 2,081,983
GRF	200-455	Community Schools	$	3,500,000	$ ~~3,500,000~~ 4,645,000
GRF	200-500	School Finance Equity	$	~~47,608,196~~ 47,568,669	$ 33,756,194
GRF	200-501	Base Cost Funding	$	3,469,673,294	$ 3,794,843,963
GRF	200-502	Pupil Transportation	$	266,080,719	$ ~~291,182,101~~ 292,982,101
GRF	200-503	Bus Purchase Allowance	$	38,132,291	$ 39,047,466
GRF	200-505	School Lunch Match	$	9,450,000	$ 9,450,000
GRF	200-509	Adult Literacy Education	$	9,361,964	$ 9,586,651
GRF	200-511	Auxiliary Services	$	110,255,190	$ 118,083,309
GRF	200-513	Summer Intervention	$	15,500,000	$ 15,500,000
GRF	200-514	Post-Secondary/Adult Vocational Education	$	21,254,866	$ 23,230,243
GRF	200-520	Disadvantaged Pupil Impact Aid	$	390,708,953	$ ~~390,708,953~~ 370,708,953
GRF	200-521	Gifted Pupil Program	$	41,923,505	$ 44,060,601
GRF	200-524	Educational Excellence and Competency	$	13,548,666	$ 11,934,667
GRF	200-532	Nonpublic Administrative Cost Reimbursement	$	~~48,062,292~~ 48,101,819	$ 51,474,714

GRF	200-533	School-Age Child Care	$	1,070,720	$	1,096,417
GRF	200-534	Desegregation Costs	$	12,000,000	$	11,700,000
GRF	200-540	Special Education Enhancements	$	127,842,848	$	139,220,164
GRF	200-545	Vocational Education Enhancements	$	30,793,259	$	32,662,107
GRF	200-546	Charge-Off Supplement	$	10,000,000	$	14,000,000
GRF	200-547	Power Equalization	$	21,900,000	$	34,700,000
GRF	200-551	Reading Improvement	$	1,704,454	$	1,745,361
GRF	200-552	County MR/DD Boards Vehicle Purchases	$	1,627,152	$	1,666,204
GRF	200-553	County MR/DD Boards Transportation Operating	$	8,326,400	$	9,575,910
GRF	200-558	Emergency Loan Interest Subsidy	$	6,940,447	$	5,470,150
GRF	200-566	OhioReads Grants	$	25,000,000	$	25,000,000
GRF	200-570	School Improvement Incentive Grants	$	10,000,000	$	10,000,000
GRF	200-572	Teacher Incentive Grants	$	5,000,000	$	0
GRF	200-573	Character Education	$	1,050,000	$	1,050,000
GRF	200-574	Substance Abuse Prevention	$	2,300,000	$	2,420,000
GRF	200-575	12th Grade Proficiency Stipend	$	17,500,000	$	17,500,000
GRF	200-580	River Valley School Environmental Issues	$	350,000	$	0
GRF	200-901	Property Tax Allocation - Education	$	636,200,000	$	673,960,000
GRF	200-906	Tangible Tax Exemption - Education	$	69,000,000	$	71,000,000
TOTAL GRF General Revenue Fund			$	5,749,221,283	$	~~6,176,135,110~~ 6,185,882,109
General Services Fund Group						
138	200-606	Computer Services	$	4,255,067	$	4,374,209
4D1	200-602	Ohio Prevention/Education Resource Center	$	310,000	$	325,000
4L2	200-681	Teacher Certification and Licensure	$	3,774,544	$	3,880,232
452	200-638	Miscellaneous Revenue	$	1,045,000	$	1,045,000
5H3	200-687	School District Solvency Assistance	$	30,000,000	$	30,000,000
596	200-656	Ohio Career Information System	$	699,399	$	718,084
TOTAL GSF General Services Fund Group			$	40,084,010	$	40,342,525
Federal Special Revenue Fund Group						
309	200-601	Educationally Disadvantaged	$	14,444,213	$	14,872,241
366	200-604	Adult Basic Education	$	14,901,137	$	14,901,137
3H9	200-605	Head Start Collaboration Project	$	250,000	$	250,000
367	200-607	School Food Services	$	9,492,000	$	9,783,000
3T4	200-613	Public Charter Schools	$	3,157,895	$	4,725,000
368	200-614	Veterans' Training	$	609,517	$	626,584
369	200-616	Vocational Education	$	7,500,000	$	8,000,000

3L6	200-617	Federal School Lunch	$	163,500,000	$	170,500,000
3L7	200-618	Federal School Breakfast	$	40,500,000	$	44,500,000
3L8	200-619	Child and Adult Care Programs	$	58,600,000	$	58,600,000
3L9	200-621	Vocational Education Basic Grant	$	55,583,418	$	57,139,754
3M0	200-623	ESEA Chapter One	$	375,633,666	$	394,415,350
370	200-624	Education of All Handicapped Children	$	1,594,949	$	1,320,000
3T5	200-625	Coordinated School Health	$	536,437	$	536,437
3N7	200-627	School-to-Work	$	13,864,500	$	14,252,706
371	200-631	EEO Title IV	$	488,052	$	508,917
374	200-647	E.S.E.A. Consolidated Grants	$	107,096	$	110,094
376	200-653	J.T.P.A.	$	5,123,365	$	5,266,819
3R3	200-654	Goals 2000	$	19,453,001	$	20,425,651
378	200-660	Math/Science Technology Investments	$	11,686,926	$	12,271,272
3C5	200-661	Federal Dependent Care Programs	$	17,996,709	$	17,996,709
3D1	200-664	Drug Free Schools	$	20,026,500	$	20,587,242
3D2	200-667	Honors Scholarship Program	$	1,976,400	$	2,371,680
3E2	200-668	AIDS Education Project	$	620,774	$	620,774
3S7	200-673	Child Care School Age	$	5,135,000	$	5,278,000
3M1	200-678	ESEA Chapter Two	$	61,901,429	$	16,591,501
3M2	200-680	Ind W/Disab Education Act	$	143,000,000	$	162,000,000
3P9	200-686	SRRC/FRC Evaluation Project	$	51,350	$	52,788
TOTAL FED Federal Special Revenue Fund Group			$	1,047,734,334	$	1,058,503,656
State Special Revenue Fund Group						
4M4	200-637	Emergency Service Telecommunication Training	$	762,548	$	783,899
4R7	200-695	Indirect Cost Recovery	$	2,868,561	$	2,948,881
4V7	200-633	Interagency Vocational Support	$	645,359	$	663,429
454	200-610	Guidance and Testing	$	503,912	$	516,484
455	200-608	Commodity Foods	$	8,000,000	$	8,000,000
5B1	200-651	Child Nutrition Services	$	2,500,000	$	2,500,000
598	200-659	Auxiliary Services Mobile Units	$	1,292,714	$	1,328,910
620	200-615	Educational Grants	$	1,500,000	$	1,500,000
TOTAL SSR State Special Revenue Fund Group			$	18,073,094	$	18,241,603
Lottery Profits Education Fund Group						
017	200-612	Base Cost Funding	$	656,247,000	$	660,467,000
017	200-682	Lease Rental Payment Reimbursement	$	29,753,000	$	29,733,000
TOTAL LPE Lottery Profits Education Fund Group			$	686,000,000	$	690,200,000
TOTAL ALL BUDGET FUND GROUPS			$	7,541,112,721	$	~~7,983,422,894~~ 7,993,169,893

SECTION 4.07 OF AM. SUB. H.B. 282/123rd GA
AS AMENDED BY SUB. S.B. 245/123rd GA

DRAFT - NO GOVERNOR'S SIGNATURE
*** DO NOT CUT APART ***

Sec. 4.07. School Improvement Models

The foregoing appropriation item 200-431, School Improvement Models, shall be used by the Department of Education to continue to support the creation of a statewide network of school improvement sites by providing competitive venture capital grants to schools that demonstrate the capacity to invent or adapt school improvement models. The department shall showcase projects of exceptional merit and shall promote the networking of venture schools with both venture and nonventure schools so that administrators and teachers outside the district can benefit from the knowledge gained at these sites. Up to $8,850,000 in fiscal year 2000 shall be used to provide grants of $25,000 to 354 schools and up to $6,225,000 in fiscal year 2001 shall be used to provide grants of $25,000 to 249 schools.

The Superintendent of Public Instruction shall assess individual school district responses to the performance audits conducted by the Auditor of State as required by Am. Sub. H.B. No. 215 of the 122nd General Assembly. These assessments shall be compiled into a report to the Speaker of the House of Representatives, the President of the Senate, and the chairs and ranking minority members of the House and Senate committees on education and finance.

Of the foregoing appropriation item 200-431, School Improvement Models, $5,000,000 in fiscal year 2000 and $5,500,000 in fiscal year 2001 shall be used ~~in each fiscal year~~ for the development and distribution of school report cards pursuant to section 3302.03 of the Revised Code ~~and~~, for the development of core competencies for the proficiency tests, and to support the Governor's Commission for Student Success.

Of the foregoing appropriation item 200-431, School Improvement Models, $250,000 in each fiscal year shall be used for the development and operation of a Safe Schools Center. The Department of Education shall oversee the creation of a center to serve as a coordinating entity to assist school district personnel, parents, juvenile justice representatives, and law enforcement in identifying effective strategies and services for improving school safety and reducing threats to the security of students and school personnel.

Of the foregoing appropriation item 200-431, School Improvement Models, up to $1,800,000 in each fiscal year shall be used for a safe-school help line program for students, parents, and the community to report threats to the safety of students or school personnel. The Department of Education shall distribute funds, in accordance with criteria established by it, to school

districts whose superintendents indicate the program will be a meaningful aid to school security.

Of the foregoing appropriation item 200-431, School Improvement Models, $5,850,000 in fiscal year 2000 and $5,300,000 in fiscal year 2001 shall be used to provide technical assistance to school districts that are declared to be in a state of academic watch or academic emergency under section 3302.03 of the Revised Code to develop their continuous improvement plans as required in section 3302.04 of the Revised Code.

Of the foregoing appropriation item 200-431, School Improvement Models, $5,150,000 in fiscal year 2000 and ~~$8,200,000~~ 12,262,000 in fiscal year 2001 shall be used for professional development in literacy for classroom teachers, administrators, and literacy specialists.

Of the foregoing appropriation item 200-431, School Improvement Models, up to $110,000 in fiscal year 2000 and up to $150,000 in fiscal year 2001 shall be used to support a teacher in residence at the Governor's office and related support staff, travel expenses, and administrative overhead.

School Conflict Management

Of the foregoing appropriation item 200-432, School Conflict Management, amounts shall be used by the Department of Education for the purpose of providing dispute resolution and conflict management training, consultation, and materials for school districts, and for the purpose of providing competitive school conflict management grants to school districts.

The Department of Education shall assist the Commission on Dispute Resolution and Conflict Management in the development and dissemination of the school conflict management program. The assistance provided by the Department of Education shall include the assignment of a full-time employee of the department to the Commission on Dispute Resolution and Conflict Management to provide technical and administrative support to maximize the quality of dispute resolution and conflict management programs and services provided to school districts.

Student Proficiency

The foregoing appropriation item 200-437, Student Proficiency, shall be used to develop, field test, print, distribute, score, and report results from the tests required under sections 3301.0710 and 3301.0711 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code.

American Sign Language

Of the foregoing appropriation item 200-441, American Sign Language, up to $150,000 in each fiscal year shall be used to implement pilot projects for the integration of American Sign Language deaf language into the

kindergarten through twelfth-grade curriculum.

The remainder of the appropriation shall be used by the Department of Education to provide supervision and consultation to school districts in dealing with parents of handicapped children who are deaf or hard of hearing, in integrating American Sign Language as a foreign language, and in obtaining interpreters and improving their skills.

Child Care Licensing

The foregoing appropriation item 200-442, Child Care Licensing, shall be used by the Department of Education to license and to inspect preschool and school-age child care programs in accordance with sections 3301.52 to 3301.59 of the Revised Code.

OhioReads Admin/Volunteer Support

The foregoing appropriation item 200-445, OhioReads Admin/Volunteer Support, may be allocated by the OhioReads Council for volunteer coordinators in public school buildings, to educational service centers for costs associated with volunteer coordination, for background checks for volunteers, to evaluate the OhioReads Program, and for operating expenses associated with administering the program.

SECTION 7.01 OF AM. SUB. H.B. 282/123rd GA
AS AMENDED BY SUB. S.B. 245/123rd GA
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Sec. 7.01. Instructional Subsidy Formula

As soon as practicable during each fiscal year of the 1999-2001 biennium in accordance with instructions of the Ohio Board of Regents, each state-assisted institution of higher education shall report its actual enrollment to the Ohio Board of Regents.

The Ohio Board of Regents shall establish procedures required by the system of formulas set out below and for the assignment of individual institutions to categories described in the formulas. The system of formulas establishes the manner in which aggregate expenditure requirements shall be determined for each of the three components of institutional operations. In addition to other adjustments and calculations described below, the subsidy entitlement of an institution shall be determined by subtracting from the institution's aggregate expenditure requirements income to be derived from the local contributions assumed in calculating the subsidy entitlements. The local contributions for purposes of determining subsidy support shall not limit the authority of the individual boards of trustees to establish fee levels.

The General Studies and Technical models shall be adjusted by the Board of Regents so that the share of state subsidy earned by those models

is not altered by changes in the overall local share. A lower-division fee differential shall be used to maintain the relationship that would have occurred between these models and the Baccalaureate models had an assumed share of thirty-seven per cent been funded.

In defining the number of full-time equivalent students for state subsidy purposes, the Ohio Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made pursuant to section 3333.17 of the Revised Code.

(A) Aggregate Expenditure Per Full-Time Equivalent Student

(1) Instruction and Support Services

Model	FY 2000	FY 2001
General Studies I	$ 3,680	$ 3,762
General Studies II	$ 4,060	$ 4,305
General Studies III	$ 5,141	$ 5,259
Technical I	$ 4,702	$ 5,012
Technical III	$ 8,088	$ 8,477
Baccalaureate I	$ 6,301	$ 6,611
Baccalaureate II	$ 7,287	$ 7,582
Baccalaureate III	$ 10,417	$ 10,574
Masters and Professional I	$ 11,788	$ 12,300
Masters and Professional II	$ 17,020	$ 17,558
Masters and Professional III	$ 22,976	$ 23,214
Doctoral I	$ 19,495	$ 19,647
Doctoral II	$ 25,066	$ 25,840
Medical I	$ 27,250	$ 27,709
Medical II	$ 38,309	$ 39,323

(2) Student Services

For this purpose full-time equivalent counts shall be weighted to reflect differences among institutions in the numbers of students enrolled on a part-time basis.

	FY 2000	FY 2001
All Expenditure Models	$ 556	$ 594

(B) Plant Operation and Maintenance (POM)

(1) Determination of the Square-Foot Based POM Subsidy

Space undergoing renovation shall be funded at the rate allowed for storage space.

In the calculation of square footage for each campus, square footage shall be weighted to reflect differences in space utilization.

The space inventories for each campus shall be those determined in the

fiscal year 1997 instructional subsidy, adjusted for changes attributable to the construction or renovation of facilities for which state appropriations were made or local commitments were made prior to January 1, 1995.

Only fifty per cent of the space permanently taken out of operation in fiscal year 2000 or fiscal year 2001 that is not otherwise replaced by a campus shall be deleted from the fiscal year 1997 inventory.

The square-foot based plant operation and maintenance subsidy for each campus shall be determined as follows:

(a) For each standard room type category shown below, the subsidy-eligible net assignable square feet (NASF) for each campus shall be multiplied by the following rates, and the amounts summed for each campus to determine the total gross square-foot based POM expenditure requirement:

	FY 2000	FY 2001
Classrooms	$5.18	$5.33
Laboratories	$6.45	$6.64
Offices	$5.18	$5.33
Audio Visual Data Processing	$6.45	$6.64
Storage	$2.30	$2.36
Circulation	$6.53	$6.72
Other	$5.18	$5.33

(b) The total gross square-foot POM expenditure requirement shall be allocated to models in proportion to full-time equivalent (FTE) enrollments as reported in enrollment data for all models except Doctoral I and Doctoral II.

(c) The amounts allocated to models in division (B)(1)(b) above shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures to produce the total square-foot based POM subsidy.

(2) Determination of the Activity-Based POM Subsidy

(a) The number of subsidy-eligible FTE students in each model shall be multiplied by the following rates for each campus for each fiscal year.

	FY 2000	FY 2001
General Studies I	$ 488	$ 488
General Studies II	$ 563	$ 584
General Studies III	$1,237	$1,217
Technical I	$ 555	$ 553
Technical II	$1,128	$1,175
Baccalaureate I	$ 641	$ 655

Baccalaureate II	$1,067	$1,109
Baccalaureate III	$1,578	$1,598
Masters and Professional I	$ 995	$1,022
Masters and Professional II	$1,742	$1,895
Masters and Professional III	$2,620	$2,614
Doctoral I	$1,433	$1,382
Doctoral II	$2,502	$2,613
Medical I	$2,389	$2,485
Medical II	$3,458	$3,362

(b) The sum of the products for each campus determined in division (B)(2)(a) for all models except Doctoral I and Doctoral II for each fiscal year shall be weighted by a factor to reflect sponsored research activity and job-training related public services expenditures to determine the total activity-based POM subsidy.

(C) Calculation of Core Subsidy Entitlements and Adjustments

(1) Calculation of Core Subsidy Entitlements

The calculation of the core subsidy entitlement shall consist of the following components:

(a) For each campus and for each fiscal year, the core subsidy entitlement shall be determined by multiplying the amounts listed above in divisions (A)(1) and (2) and (B)(2) less assumed local contributions, by (i) average subsidy-eligible full-time equivalents for the two-year period ending in the prior year for all models except Doctoral I and Doctoral II; and (ii) average subsidy-eligible full-time equivalents for the five-year period ending in the prior year for all models except Doctoral I and Doctoral II.

(b) In calculating the core subsidy entitlements for Medical II models only, the board shall use the following count of full-time equivalent students in place of the two-year average and five-year average of subsidy-eligible students.

(i) For those medical schools whose current year enrollment is below the base enrollment, the Medical II full-time equivalent enrollment shall equal: 65 per cent of the base enrollment plus 35 per cent of the current year enrollment, where the base enrollment is:

The Ohio State University	1010
University of Cincinnati	833
Medical College of Ohio at Toledo	650
Wright State University	433
Ohio University	433
Northeastern Ohio Universities College of Medicine	433

(ii) For those medical schools whose current year enrollment is equal to or greater than the base enrollment, the Medical II full-time equivalent enrollment shall equal the current enrollment.

(c) For all FTE-based subsidy calculations involving all-terms FTE data, FTE-based allowances shall be converted from annualized to annual rates to ensure equity and consistency of subsidy determination.

(d) The Board of Regents shall compute the sum of the two calculations listed in division (C)(1)(a) above and use the greater sum as the core subsidy entitlement.

The POM subsidy for each campus shall equal the greater of the square-foot-based subsidy or the activity-based POM subsidy component of the core subsidy entitlement, except that the total activity-based POM subsidy shall not exceed 161 per cent of the square-foot based POM subsidy in fiscal year 2000 and shall not exceed 177 per cent of the square-foot-based subsidy in fiscal year 2001.

(e) In fiscal year 2000, no more than 10.94 per cent of the total instructional subsidy shall be reserved to implement the recommendations of the Graduate Funding Commission. In fiscal year 2001, no more than 10.75 per cent of the total instructional subsidy shall be reserved for this same purpose. It is the intent of the General Assembly that the doctoral reserve be reduced 0.25 percentage points each year thereafter until no more than 10.0 per cent of the total instructional subsidy is reserved to implement the recommendations of the Graduate Funding Commission. In fiscal year 2001, the Board of Regents shall reallocate 2 per cent of the reserve among the state-assisted universities on the basis of a quality review as specified in the recommendations of the Graduate Funding Commission. <u>For the purpose of calculating the annual guarantee in fiscal year 2001, the board may use the fiscal year 2001 doctoral subsidy allocation unadjusted for the effects of the two per cent reallocation.</u>

The amount so reserved shall be allocated to universities in proportion to their share of the total number of Doctoral I equivalent FTEs as calculated on an institutional basis using the greater of the two-year or five-year FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. No university shall receive less for doctoral subsidy in fiscal year 2000 than it received for doctoral subsidy in fiscal year 1999.

(2) <u>Annual Guaranteed Funding Increase</u>

For the purposes of this section, for each year and for each campus "Challenge subsidies" shall equal the sum of the following allocations:

(a) Access Challenge, less amounts attributed to tuition restraint;

(b) Research Challenge;

(c) Priorities in Graduate Education;

(d) Success Challenge;

(e) Jobs Challenge, less amounts earmarked for "strategically related industries."

In addition to and after the other adjustments noted above, in fiscal year 2000 each campus shall have its subsidy adjusted to the extent necessary to provide an amount from the instructional subsidy and Challenge subsidies that is not less than 103 per cent of the sum of the instructional subsidy and the Challenge subsidies received by the campus in fiscal year 1999. In fiscal year 2001 each campus shall have its subsidy adjusted to the extent necessary to provide an amount from the instructional subsidy and Challenge subsidies that is not less than 101 per cent of the sum of the instructional subsidy and the Challenge subsidies received by the campus in fiscal year 2000.

(3) Capital Component Deduction

After all other adjustments have been made, instructional subsidy earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. No. 748 of the 121st General Assembly and Am. Sub. H.B. No. 850 of the 122nd General Assembly for that campus exceeds that campus' capital component earnings.

(D) Reductions in Earnings

If total systemwide instructional subsidy earnings in any fiscal year exceed total appropriations available for such purposes, the Board of Regents shall proportionately reduce the instructional subsidy earnings for all campuses by a uniform percentage so that the systemwide sum equals available appropriations.

(E) Exceptional Circumstances

Adjustments may be made to instructional subsidy payments and other subsidies distributed by the Ohio Board of Regents to state-assisted colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be made without the recommendation of the chancellor and the approval of the Controlling Board.

Distribution of Instructional Subsidy

The instructional subsidy payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to the

provisions of section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the instructional subsidy appropriation estimates made for the various institutions of higher education according to the Ohio Board of Regents enrollment estimates. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Ohio Board of Regents.

Law School Subsidy

The instructional subsidy to state supported universities for students enrolled in law schools in fiscal year 2000 and fiscal year 2001 shall be calculated by using the number of subsidy eligible full-time equivalent law school students funded by state subsidy in fiscal year 1995 or the actual number of subsidy eligible full-time equivalent law school students at the institution in the fiscal year, whichever is less."

SECTION 65. That existing Sections 4, 4.07, and 7.01 of Am. Sub. H.B. 282 of the 123rd General Assembly, as amended by Sub. S.B. 245 of the 123rd General Assembly, are hereby repealed.

SECTION 66. That Sections 8, 9, 9.07, 9.14, 37.05, 37.06, 37.11, 51, 53, 55, 58.04, 58.09, 65, 68, 69.01, 72.01, 75, 92, 97, 98.01, 174, and 175 of Am. Sub. H.B. 283 of the 123rd General Assembly be amended to read as follows:

" Sec. 8. ADJ ADJUTANT GENERAL

General Revenue Fund

GRF	745-401	Ohio Military Reserve	$	16,512	$	16,909
GRF	745-403	Armory Deferred Maintenance	$	800,000	$	800,000
GRF	745-404	Air National Guard	$	1,866,065	$	1,888,204
GRF	745-409	Central Administration	$	~~3,910,435~~ 4,010,435	$	~~3,898,936~~ 4,123,936
GRF	745-499	Army National Guard	$	3,964,744	$	3,936,284
GRF	745-502	Ohio National Guard Unit Fund	$	118,086	$	121,392
TOTAL GRF General Revenue Fund			$	~~10,675,842~~ 10,775,842	$	~~10,661,725~~ 10,886,725

General Services Fund Group

534	745-612	Armory Improvements	$	511,500	$	523,776
536	745-620	Camp Perry Clubhouse and Rental	$	996,340	$	1,008,771
537	745-604	ONG Maintenance	$	205,163	$	209,847
TOTAL GSF General Services Fund Group			$	1,713,003	$	1,742,394

Federal Special Revenue Fund Group						
3E8	745-628	Air National Guard Operations and Maintenance Agreement	$	11,180,302	$	11,249,798
3R8	745-603	Counter Drug Operations	$	100,000	$	100,000
3S0	745-602	Higher Ground Training	$	35,000	$	35,000
341	745-615	Air National Guard Base Security	$	2,008,925	$	1,992,760
342	745-616	Army National Guard Service Agreement	$	4,370,403	$	4,439,930
343	745-619	Army National Guard Training Site Agreement	$	2,734,477	$	2,781,245
TOTAL FED Federal Special Revenue Fund Group			$	20,429,107	$	20,598,733
State Special Revenue Fund Group						
528	745-605	Marksmanship Activities	$	61,600	$	63,078
TOTAL SSR State Special Revenue Fund Group			$	61,600	$	63,078
TOTAL ALL BUDGET FUND GROUPS			$	~~32,879,552~~ 32,979,552	$	~~33,065,930~~ 33,290,930

Armory Deferred Maintenance

Of the foregoing appropriation item 745-403, Armory Deferred Maintenance, all disbursements shall be made based on a spending plan approved by the Director of Budget and Management.

Central Administration

Of the foregoing appropriation item 745-409, Central Administration, $100,000 in fiscal year 2000 and $225,000 in fiscal year 2001 shall be used to market and advertise the National Guard Tuition Grant Program.

Marksmanship Activities

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Marksmanship Program (Fund 340) to Marksmanship Activities (Fund 528), and Fund 340 is hereby abolished. The director shall cancel any existing encumbrances against appropriation item 745-614, Marksmanship Program (Fund 340), and reestablish them against appropriation item 745-605, Marksmanship Activities (Fund 528). The amounts of the reestablished encumbrances are hereby appropriated.

Sec. 9. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

General Revenue Fund						
GRF	100-402	Unemployment Compensation	$	130,591	$	134,069
GRF	100-405	Agency Audit Expenses	$	672,767	$	770,956
GRF	100-406	County & University Human Resources Services	$	1,263,419	$	1,244,851
GRF	100-409	Departmental Information Services	$	1,518,558	$	~~1,489,757~~ 1,060,904
GRF	100-410	Veterans' Records Conversion	$	500,000	$	500,000

GRF	100-414	Ohio Geographically Referenced Information Program	$ 642,224	$	659,227
GRF	100-416	Strategic Technology Development Programs	$ 4,293,290	$	~~4,438,593~~ 6,253,438
GRF	100-417	MARCS	$ 5,987,000	$	5,987,000
GRF	100-419	Ohio SONET	$ 4,800,549	$	4,883,574
GRF	100-420	Innovation Ohio	$ 150,000	$	150,000
GRF	100-433	State of Ohio Computer Center	$ 5,090,081	$	5,204,349
GRF	100-439	Equal Opportunity Certification Programs	$ 730,719	$	742,501
GRF	100-447	OBA - Building Rent Payments	$ 89,400,000	$	97,335,000
GRF	100-448	OBA - Building Operating Payments	$ 25,498,000	$	25,498,000
GRF	100-449	DAS - Building Operating Payments	$ 6,212,392	$	5,620,548
GRF	100-451	Minority Affairs	$ 876,551	$	878,910
GRF	100-734	Major Maintenance	$ 77,000	$	77,000
GRF	102-321	Construction Compliance	$ 1,291,392	$	1,289,131
GRF	130-321	State Agency Support Services	$ 3,938,112	$	3,994,685
TOTAL GRF General Revenue Fund			$ 153,072,645	$	~~160,898,151~~ 162,284,143
General Services Fund Group					
112	100-616	Director's Office	$ 4,903,020	$	4,929,766
115	100-632	Central Service Agency	$ 389,317	$	398,151
117	100-644	General Services Division - Operating	$ 6,152,252	$	5,836,960
122	100-637	Fleet Management	$ 1,483,589	$	1,503,491
125	100-622	Human Resources Division - Operating	$ 21,101,973	$	~~19,484,369~~ 22,218,169
127	100-627	Vehicle Liability Insurance	$ 4,160,053	$	4,276,001
128	100-620	Collective Bargaining	$ 3,148,816	$	3,242,007
130	100-606	Risk Management Reserve	$ 109,611	$	112,497
131	100-639	State Architect's Office	$ 6,154,743	$	6,066,535
132	100-631	DAS Building Management	$ 10,584,283	$	10,327,827
188	100-649	Equal Opportunity Programs	$ 2,194,260	$	2,228,255
201	100-653	General Services Resale Merchandise	$ 1,978,768	$	2,034,174
210	100-612	State Printing	$ 6,157,561	$	6,322,592
4H2	100-604	Governor's Residence Gift	$ 21,622	$	22,141
4P3	100-603	Departmental MIS Services	$ 6,493,349	$	7,312,130
427	100-602	Investment Recovery	$ 3,316,348	$	3,407,947
5C3	100-608	Skilled Trades	$ 2,321,847	$	2,382,527
TOTAL GSF General Services Fund Group			$ 80,671,412	$	~~79,887,370~~ 82,621,170
Federal Special Revenue Fund Group					
307	100-633	Federal Special Revenue	$ 183,000	$	79,000

TOTAL FED Federal Special Revenue Fund Group			$ 183,000	$ 79,000
State Special Revenue Fund Group				
5D7	100-621	Workforce Development	$ 12,000,000	$ 12,000,000
5L7	100-610	Professional Development	$ 0	$ 2,700,000
TOTAL SSR State Special Revenue Fund Group			$ 12,000,000	$ ~~12,000,000~~ 14,700,000
Intragovernmental Service Fund Group				
133	100-607	Information Technology Fund	$ 84,187,514	$ 85,726,824
4N6	100-617	Major Computer Purchases	$ 19,016,469	$ 19,472,864
TOTAL ISF Intragovernmental Service Fund Group			$ 103,203,983	$ 105,199,688
Agency Fund Group				
113	100-628	Unemployment Compensation	$ 4,884,530	$ 5,128,757
124	100-629	Payroll Deductions	$ 1,785,000,000	$ 1,874,250,000
TOTAL AGY Agency Fund Group			$ 1,789,884,530	$ 1,879,378,757
Holding Account Redistribution Fund Group				
R08	100-646	General Services Refunds	$ 20,000	$ 20,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 20,000	$ 20,000
TOTAL ALL BUDGET FUND GROUPS			$ 2,139,035,570	$ ~~2,237,462,966~~ 2,244,282,758

Sec. 9.07. Collective Bargaining Arbitration Expenses

With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the department incurs in the collective bargaining arbitration process. Such reimbursements shall be processed through intrastate transfer vouchers and placed in the Collective Bargaining Fund (Fund 128).

Workforce Development Fund

There is hereby established in the state treasury the Workforce Development Fund (Fund 5D7). The foregoing appropriation item 100-621, Workforce Development, shall be used to make payments from the fund. The fund shall be under the supervision of the Department of Administrative Services, which may adopt rules with regard to the administration of the fund. The fund shall be used to pay the costs of the Workforce Development Program established by Article 37 of the contract between the State of Ohio and OCSEA/AFSCME, Local 11, effective March 1, 1997. The program shall be administered in accordance with the contract. Revenues shall accrue to the fund as specified in the contract. The fund may be used to pay direct and indirect costs of the program that are attributable to staff, consultants, and service providers. All income derived from the investment of the fund shall accrue to the fund.

If it is determined by the Director of Administrative Services that

additional appropriation amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

Professional Development Fund

The foregoing appropriation item 100-610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L7). If it is determined by the Director of Administrative Services that additional appropriation authority is necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

Director's Declaration of Public Exigency

Whenever the Director of Administrative Services declares a "public exigency," as provided in division (C) of section 123.15 of the Revised Code, as amended by Am. Sub. H. B. 640 of the 123rd General Assembly, the Director must also notify the members of the Controlling Board.

Sec. 9.14. Departmental MIS and Governor's Council for E-Commerce

The foregoing appropriation item 100-603, Departmental MIS Services, may be used to pay operating expenses of management information systems activities in the Department of Administrative Services. The Department of Administrative Services shall establish charges for recovering the costs of management information systems activities. These charges shall be deposited to the credit of the Departmental MIS Fund (Fund 4P3), which is hereby created.

Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to $3,725,928 of fiscal year 2000 appropriations and up to $3,725,928 of fiscal year 2001 appropriations from appropriation item 100-603, Departmental MIS Services, to any Department of Administrative Services non-General Revenue Fund appropriation item. The appropriations transferred shall be used to make payments for management information systems services. Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to $654,383 of fiscal year 2000 appropriations and up to $683,844 of fiscal year 2001 appropriations from appropriation item 100-409, Departmental Information Services, to any Department of Administrative Services appropriation item in the General Revenue Fund. The appropriations transferred shall be used to make payments for management information systems services.

Of the foregoing appropriation item 100-416, Strategic Technology Development Programs, $1,814,845 shall be used in fiscal year 2001 to support the activities of the Governor's Council for Electronic Commerce.

Sec. 37.05. First Frontier Match

The foregoing appropriation item 195-414, First Frontier Match, shall be used as matching funds to targeted counties for the purpose of marketing state, regional, and/or local characteristics which may attract economic development. ~~In each fiscal year, the Director of Development shall allocate no less than $400,000 of the foregoing appropriation to marketing programs by targeted~~ Targeted counties~~, which~~ are defined as counties that have a population of less than 175,000 residents. The ~~balance of the~~ appropriation may be used either for marketing programs by individual targeted counties or regional marketing campaigns, which are defined as marketing programs in which at least one targeted county is participating with one or more other targeted counties or larger counties. ~~In the event that, during a fiscal year, targeted counties are unable to utilize the full amount of funds allocated by the director specifically for targeted county programs, the Director of Development may reallocate the unutilized balance of funds to regional marketing campaigns.~~

Regional Offices and Economic Development

The foregoing appropriation item 195-415, Regional Offices and Economic Development, shall be used for the operating expenses of the Economic Development Division and the Regional Economic Development Offices and for grants for cooperative economic development ventures.

Of the foregoing appropriation item 195-415, Regional Offices and Economic Development, $45,000 in each fiscal year shall be used for the Northeast Midwest Institute.

Sec. 37.06. Governor's Office of Appalachian Ohio

~~Of the~~ The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachian Ohio. Funds not expended for liaison and training activities may be expended for special project grants within the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to $250,000 each fiscal year shall be used to match federal funds from the Appalachian Development Commission to provide job training to impact the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, $1,000,000 in fiscal year 2000 shall be used for the Foundation for Appalachian Ohio. The foundation shall match the state's contribution on a dollar-for-dollar basis.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, $4,400,000 in fiscal year 2001 shall be used in conjunction with

other federal and state funds to provide financial assistance to projects in Ohio's Appalachian counties in order to further the goals of the Appalachian Regional Commission. Such projects and project sponsors shall meet Appalachian Regional Commission eligibility requirements. Grants shall be administered by the Department of Development.

Urban/Rural Initiative

The foregoing appropriation item 195-417, Urban/Rural Initiative, shall be used to make grants in accordance with sections 122.19 to 122.22 of the Ohio Revised Code.

Technology Action

Prior to the release of funds from appropriation item 195-422, Technology Action, each grant award shall first obtain approval from eight members of the Technology Action Board and from the Controlling Board.

(A) The Technology Action Board shall consist of fourteen members appointed by the Governor, with the advice and consent of the Senate. Six members of this board shall be recognized technology and business leaders from the following sectors covering the state: Northeast, Southeast, Northwest, Central, Southwest, and the Miami Valley Area. One member shall come from the Wright Patterson Air Force Laboratory, one member from the NASA Glenn Research Center, one member from the Inter-University Council, and one member shall be the current Director of the Edison Centers Technology Council. The chair of the Technology Action Board shall be the Governor's Science and Technology Advisor, with staff and other support as needed from the Department of Development's Technology Division and from the Board of Regents' Academic and Access Division. In addition, the directors of development and transportation (or their designees), and the Chancellor of the Board of Regents (or designee) shall serve as ex-officio members of the board.

(B) The Technology Action Board, in accordance with Chapter 119. of the Revised Code, shall promulgate program rules and develop guidelines for the release of funds. Grant proposals shall be evaluated on, but not limited to, the following criteria:

(1) Applicants are leveraging federal and industrial support;

(2) The potential return on investment to the economy of the state;

(3) Projects are able to become independent of state funds within a short time period; and

(4) Focus on regional or statewide clusters of technology strength or needs.

Of the foregoing appropriation item 195-422, Technology Action, $250,000 in fiscal year 2000 shall be used for a strategic competitive study

for Wright Patterson Air Force Base. These state funds shall leverage a minimum of $250,000 in matching funds for this purpose. The study shall be conducted by the Miami Valley Economic Development Coalition.

Of the foregoing appropriation item 195-422, Technology Action, not more than ~~$100,000~~ 445,000 in each fiscal year shall be used for operating expenditures in administering this program.

Of the foregoing appropriation item 195-422, Technology Action, $100,000 in each fiscal year shall be used for the Science and Technology Campus in Columbus.

Sec. 37.11. Travel and Tourism Grants

The foregoing appropriation item 195-507, Travel and Tourism Grants, shall be used to provide grants to local organizations to support various local travel and tourism events in Ohio.

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, up to $200,000 in each fiscal year of the biennium may be used to support the outdoor dramas Trumpet in the Land, Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; $5,000 in each fiscal year shall go to the Lake County Visitors Bureau; $50,000 in fiscal year 2000 shall go to the Mariemont Seventy-Fifth Anniversary Commemorative and Renewal Project; $25,000 in each fiscal year shall go to the Underground Railroad Freedom Center, Family History Documentation Program; $50,000 in each fiscal year shall go to the Cincinnati Ballet; $25,000 in each fiscal year shall go to the Ohio River Scenic Trails; $75,000 in each fiscal year shall go to the Cincinnati Film Commission; $75,000 in each fiscal year shall go to the Greater Cleveland Media Development Corporation; $100,000 in fiscal year 2000 for the 1999 AAU Junior Olympics Cleveland Committee, Inc.; $150,000 in fiscal year 2000 for the United States International Air and Trade Show in Dayton; $100,000 in each fiscal year for the Ohio Heritage Area Program; $40,000 in fiscal year 2000 for the River Edges New Environment Renewal Plan in Warren; $25,000 in fiscal year 2000 for the Tall Stacks 99 riverboat festival in Cincinnati; $85,000 in fiscal year 2001 for the Clark County Heritage Center; and $875,000 in fiscal year 2000 and $1,000,000 in fiscal year 2001 shall be used for grants to the International Center for the Preservation of Wild Animals.

Sec. 51. DOH DEPARTMENT OF HEALTH

General Revenue Fund

GRF 440-402	Osteoporosis Awareness	$ 50,000	$ 50,000
GRF 440-406	Hemophilia Services	$ 1,281,645	$ 1,281,763
GRF 440-407	Encephalitis Control Project	$ 252,945	$ 256,462
GRF 440-412	Cancer Incidence Surveillance System	$ 877,770	$ 878,159
GRF 440-413	Ohio Health Care Policy and	$ 3,906,678	$ 3,906,678

		Data			
GRF	440-416	Child and Family Health Services	$ 11,944,622	$	11,755,121
GRF	440-418	Immunizations	$ 7,448,718	$	~~8,127,487~~ 8,974,702
GRF	440-424	Kid's Card	$ 250,000	$	250,000
GRF	440-430	Adult Care Facilities	$ 1,887,095	$	1,869,142
GRF	440-439	Nursing Home Survey and Certification	$ 3,158,342	$	3,236,913
GRF	440-444	AIDS Prevention/AZT	$ 8,103,789	$	8,807,580
GRF	440-445	Nurse Aide Program	$ 636,819	$	638,819
GRF	440-451	Prevention	$ 6,301,944	$	~~7,295,803~~ 7,780,803
GRF	440-452	Child and Family Health Care Operations	$ 1,018,628	$	~~1,007,874~~ 1,242,816
GRF	440-453	Quality Assurance	$ 6,091,832	$	~~6,114,889~~ 8,814,195
GRF	440-457	Services to State Employees	$ 139,297	$	138,800
GRF	440-459	Ohio Early Start	$ 12,392,845	$	12,393,128
GRF	440-461	Vital Statistics	$ 3,679,597	$	3,643,936
GRF	440-501	Local Health Districts	$ 4,059,968	$	4,157,407
GRF	440-504	Poison Control Network	$ 447,000	$	451,728
GRF	440-505	Medically Handicapped Children	$ 12,533,049	$	~~12,533,049~~ 8,206,586
GRF	440-506	Tuberculosis	$ 199,025	$	~~203,801~~ 263,801
GRF	440-507	Cystic Fibrosis	$ 799,968	$	800,136
GRF	440-508	Migrant Health	$ 125,460	$	128,471
GRF	440-509	Health Services Agencies	$ 300,000	$	150,000
GRF	440-510	Arthritis Care	$ 321,783	$	329,505
TOTAL GRF General Revenue Fund			$ 88,208,819	$	90,406,651
General Services Fund Group					
142	440-618	General Operations	$ 3,661,794	$	3,395,177
211	440-613	Central Support Indirect Costs	$ 24,374,512	$	25,014,398
473	440-622	Lab Operating Expenses	$ 3,788,586	$	3,843,985
683	440-633	Employee Assistance Program	$ 1,143,630	$	1,114,876
698	440-634	Nurse Aide Training	$ 300,000	$	307,800
TOTAL GSF General Services Fund Group			$ 33,268,522	$	33,676,236
Federal Special Revenue Fund Group					
320	440-601	Maternal Child Health Block Grant	$ 26,200,000	$	26,855,000
387	440-602	Preventive Health Block Grant	$ 8,786,601	$	8,786,601
389	440-604	Women, Infants, and Children	$ 177,000,000	$	177,000,000
391	440-606	Medicaid/Medicare	$ 19,859,644	$	20,361,094
392	440-618	General Operations	$ 63,328,268	$	~~64,876,942~~ 67,476,942
TOTAL FED Federal Special Revenue Fund Group			$ 295,174,513	$	~~297,879,637~~ 300,479,637

State Special Revenue Fund Group						
4D6	440-608	Genetics Services	$	2,596,700	$	2,658,220
4F9	440-610	Sickle Cell Disease Control	$	966,867	$	988,347
4G0	440-636	Heirloom Birth Certificate	$	135,206	$	138,853
4G0	440-637	Birth Certificate Surcharge	$	51,400	$	52,839
4L3	440-609	Miscellaneous Expenses	$	445,000	$	445,000
4T4	440-603	Child Highway Safety	$	210,836	$	214,523
4V6	440-641	Save Our Sight	$	800,000	$	~~800,000~~ 1,200,000
470	440-618	General Operations	$	12,541,756	$	12,320,915
471	440-619	Certificate of Need	$	321,962	$	330,371
477	440-627	Medically Handicapped Children Audit	$	1,600,000	$	1,600,000
5B5	440-616	Quality, Monitoring, and Inspection	$	740,973	$	759,670
5C0	440-615	Alcohol Testing and Permit	$	1,305,067	$	1,325,113
5C1	440-642	TANF Family Planning	$	250,000	$	250,000
5D6	440-620	Second Chance Trust	$	787,316	$	814,016
5E1	440-624	Health Services	$	2,450,000	$	2,000,000
610	440-626	Radiation Emergency Response	$	920,982	$	921,584
666	440-607	Medically Handicapped Children-County Assessments	$	14,433,293	$	14,039,889
TOTAL SSR State Special Revenue Fund Group			$	40,557,358	$	~~39,659,340~~ 40,059,340
Holding Account Redistribution Fund Group						
R14	440-631	Vital Statistics	$	68,691	$	68,691
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	$	10,280	$	10,280
TOTAL 090 Holding Account Redistribution Fund Group			$	78,971	$	78,971
TOTAL ALL BUDGET FUND GROUPS			$	457,288,183	$	~~461,700,835~~ 464,700,825

Hemophilia Services

Of the foregoing appropriation item 440-406, Hemophilia Services, $205,000 in each fiscal year shall be used to implement the Hemophilia Insurance Pilot Project.

Of the foregoing appropriation item 440-406, Hemophilia Services, $235,000 in fiscal year 2000 and $245,000 in fiscal year 2001 shall be used by the Department of Health to provide grants to the nine hemophilia treatment centers to provide prevention services for persons with hemophilia and their family members affected by AIDS and other bloodborne pathogens.

Cancer Registry System

Of the foregoing appropriation item 440-412, Cancer Incidence Surveillance System, $50,000 in each fiscal year shall be provided to the Northern Ohio Cancer Resource Center.

The remaining moneys in appropriation item 440-412, Cancer Incidence Surveillance System, shall be used to maintain and operate the Ohio Cancer Incidence Surveillance System pursuant to sections 3701.261 to 3701.263 of the Revised Code.

No later than March 1, 2002, the Ohio Cancer Incidence Surveillance Advisory Board shall report to the General Assembly on the effectiveness of the cancer incidence surveillance system and the partnership between the Department of Health and the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute of The Ohio State University.

Health Care Policy and Data

From the foregoing appropriation item 440-413, Ohio Health Care Policy and Data, $750,000 in each fiscal year shall be used for grants that enhance the quality and delivery of public and/or private health services. Funds shall be distributed by the Director of Health for a period of up to two years. The funds granted by the Department of Health or other state dollars shall constitute no more than 50 per cent of the total cost of the program or project. The grantees shall use data collection and analysis, community health needs assessments, and outcome measurement to achieve the goals of the program or project. Funded programs and projects shall demonstrate collaborative activities between public health agencies and organizations, provider alliances and organizations, and/or providers of acute health care services.

Child and Family Health Services

Of the foregoing appropriation item 440-416, Child and Family Health Services, $1,700,000 in each fiscal year shall be used for family planning services. None of the funds received through these family planning grants shall be used to provide abortion services. None of the funds received through these family planning grants shall be used for referrals for abortion, except in the case of a medical emergency. These funds shall be distributed on the basis of the relative need in the community served by the Director of Health to family planning programs, which shall include family planning programs funded under Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and Title X of the "Public Health Services Act," 58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to other family planning programs which the Department of Health also determines will provide services that do not include referrals for abortion, other than in the case of medical emergency, with state moneys, but that otherwise substantially comply with the quality standards for such programs under Title V and Title X.

The Director of Health shall, by rule, provide reasonable methods by

which a grantee wishing to be eligible for federal funding may comply with these requirements for state funding without losing its eligibility for federal funding.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $150,000 in each fiscal year shall be used to provide malpractice insurance for physicians and other health professionals providing prenatal services in programs funded by the Department of Health.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $650,000 in each fiscal year shall be used for the Help Me Grow program.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $200,000 shall be used in each fiscal year for the OPTIONS dental care access program.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $600,000 in each fiscal year shall be used by local Child and Family Health Services Clinics to provide services to uninsured low-income persons.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $900,000 in each fiscal year shall be used by Federally Qualified Health Centers and federally designated look-alikes to provide services to uninsured low-income persons.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $25,000 in fiscal year 2000 shall be provided to the Cincinnati Down Syndrome Association.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $40,000 in each fiscal year shall be provided to the Wellness Community Center.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $100,000 in fiscal year 2000 shall be provided to the Marietta Community Nutrition Program for Children in Washington County.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $55,000 in each fiscal year shall be provided to the Miami Valley Youth Health Improvement Coalition.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $50,000 in fiscal year 2000 shall be used for the Harrison Hills Clean Air Project.

HIV/AIDS Prevention/Protease Inhibitors

Of the foregoing appropriation item 440-444, AIDS Prevention/AZT, $4.4 million in fiscal year 2000 and $5.0 million in fiscal year 2001 shall be used to assist persons with HIV/AIDS in acquiring protease inhibitor drugs.

Of the foregoing appropriation item 440-444, AIDS Prevention/AZT, $124,500 in each fiscal year shall be used for the AIDS Drug Reimbursement Program pursuant to section 3701.241 of the Revised Code and Title XXVI of the "Public Health Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended. The Department of Health is authorized to adopt rules pursuant to Chapter 119. of the Revised Code as necessary for the administration of the program.

Prevention

Of the foregoing appropriation item 440-451, Prevention, $100,000 shall be used in each fiscal year for rape prevention programs.

Of the foregoing appropriation item 440-451, Prevention, $450,000 in fiscal year 2001 shall be used for rabies prevention.

Ohio Early Start

Of the foregoing appropriation item 440-459, Ohio Early Start, $5.9 million in fiscal year 2000 and $6.0 million in fiscal year 2001 shall be used for Welcome Home services that include home visits by registered nurses to first-time and teen parents.

The remaining moneys in appropriation item 440-459, Ohio Early Start, shall be used to provide services to children under age three who are at risk of developmental delay or child abuse and neglect. The appropriation shall be allocated with the approval of the Family and Children First Cabinet Council and pursuant to rules adopted in accordance with Chapter 119. of the Revised Code.

Poison Control Network

Of the foregoing appropriation item 440-504, Poison Control Network, all available funds in each fiscal year shall be used by the Department of Health for grants to the consolidated Ohio Poison Control Center to provide poison control services to Ohio citizens.

Tuberculosis

The foregoing appropriation item 440-506, Tuberculosis, shall be used to make payments to counties pursuant to section 339.43 of the Revised Code.

Notwithstanding section 339.43 of the Revised Code, $60,000 of the foregoing appropriation item 440-506, Tuberculosis, shall be used by the Director of Health to reimburse Boards of County Commissioners for the cost of detaining indigent persons with tuberculosis. Any portion of the $60,000 allocated for detainment not used for that purpose shall be used to make payments to counties pursuant to section 339.45 of the Revised Code.

Health Services Agencies

The foregoing appropriation item 440-509, Health Services Agencies,

shall be used as supplemental General Revenue Fund subsidy funding for the seven health service agencies that are active upon the effective date of this section. It is the intent of the General Assembly to phase out General Revenue Fund subsidy funding for health service agencies over the course of the biennium beginning July 1, 1999, and to terminate such GRF subsidy funding with the biennium beginning July 1, 2001.

Maternal Child Health Block Grant

Of the foregoing appropriation item 440-601, Maternal Child Health Block Grant (Fund 320), $2,091,299 shall be used in each fiscal year for the purposes of abstinence-only education. The Director of Health shall develop guidelines for the establishment of abstinence programs for teenagers with the purpose of decreasing unplanned pregnancies and abortion. Such guidelines shall be pursuant to Title V of the "Social Security Act," 42 U.S.C.A. 510, and shall include, but are not limited to, advertising campaigns and direct training in schools and other locations.

A portion of the foregoing appropriation item 440-601, Maternal Child Health Block Grant (Fund 320), may be used to ensure that current information on sudden infant death syndrome is available for distribution by local health districts.

Genetics Services

The foregoing appropriation item 440-608, Genetics Services (Fund 4D6), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code.

Sickle Cell Fund

The foregoing appropriation item 440-610, Sickle Cell Disease Control (Fund 4F9), shall be used by the Department of Health to administer programs authorized by section 3701.131 of the Revised Code. The source of the funds is as specified in section 3701.23 of the Revised Code.

Osteoporosis Awareness Program

Grants from pharmaceutical companies, and others, for the purpose of osteoporosis awareness shall be deposited in Fund 4L3, Non-Governmental Revenue, and shall be used, along with appropriations item 440-402, Osteoporosis Awareness (GRF), by the Office of Women's Health Initiatives to implement an Osteoporosis Awareness Program.

Medically Handicapped Children Audit

The Medically Handicapped Children Audit Fund (Fund 477) shall receive revenue from audits of hospitals and recoveries from third-party payors. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payors and for encouraging Program for Medically Handicapped Children recipients to

apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis.

TANF Family Planning

The Director of Budget and Management shall transfer by ISTV, no later than 15 days after the effective date of this section, cash from the General Revenue Fund, appropriation item 400-410, TANF State, to State Special Revenue Fund 5C1 in the Department of Health, in an amount of $250,000 in fiscal year 2000 for the purpose of family planning services for children or their families whose income is at or below 200 per cent of the official poverty guideline.

The Director of Budget and Management shall transfer by ISTV, no later than July 15, 2000, cash from the General Revenue Fund, appropriation item 600-410, TANF State, to State Special Revenue Fund 5C1 in the Department of Health, in an amount of $250,000 in fiscal year 2001 for the purpose of family planning services for children or their families whose income is at or below 200 per cent of the official poverty guideline.

As used in this section, "poverty guideline" means the official poverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

Rabies Prevention

The foregoing appropriation item 440-624, Health Services (Fund 5E1), shall be used for rabies prevention.

Medically Handicapped Children - County Assessments

The foregoing appropriation item 440-607, Medically Handicapped Children - County Assessments (Fund 666), shall be used to make payments pursuant to division (E) of section 3701.023 of the Revised Code.

Cash Transfer from Liquor Control Fund to Alcohol Testing and Permit Fund

The Director of Budget and Management, pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Liquor Control Fund (Fund 043) to the Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating needs of the Alcohol Testing and Permit program.

The Director of Budget and Management shall transfer to the Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control Fund (Fund 043) established in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule.

~~Indigent Persons Care Study~~

~~Before December 31, 1999, the Department of Health shall submit a report to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, the Minority Leader of the Senate, the Legislative Budget Office of the Legislative Service Commission, and the Office of Budget and Management. The report shall include findings based on the data collected between July 1, 1997, and June 30, 1999, regarding the number of indigent persons involved in motor vehicle accidents, the cost of the indigent persons' medical care, and how the care was paid for.~~

Sec. 53. OHS OHIO HISTORICAL SOCIETY

General Revenue Fund

GRF 360-501	Operating Subsidy	$	3,871,946	$	3,964,872
GRF 360-502	Site Operations	$	7,713,699	$	~~7,406,284~~ 7,831,284
GRF 360-503	Ohio Bicentennial Commission	$	1,271,155	$	1,208,063
GRF 360-504	Ohio Preservation Office	$	418,507	$	426,824
GRF 360-505	Afro-American Museum	$	1,113,603	$	1,140,329
GRF 360-506	Hayes Presidential Center	$	751,229	$	769,258
GRF 360-508	Historical Grants	$	3,017,000	$	600,000
GRF 360-509	Adena Visitor Center and Grounds	$	1,200,000	$	0
GRF 360-511	Battle Flags Restoration	$	125,000	$	125,000
TOTAL GRF General Revenue Fund		$	19,482,139	$	~~15,640,630~~ 16,065,630
TOTAL ALL BUDGET FUND GROUPS		$	19,482,139	$	~~15,640,630~~ 16,065,630

Subsidy Appropriation

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio Historical Society in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the society for fiscal years 2000 and 2001 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management. The society shall prepare and submit to the Office of Budget and Management the following:

(A) An estimated operating budget for each fiscal year of the biennium. The operating budget shall be submitted at or near the beginning of each

year.

(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code.

Study to Determine Digitizing Costs

The Ohio Historical Society, with the assistance of the Department of Administrative Services and the cooperation of the Department of Health when relevant, shall conduct a study to determine the feasibility, advisability, reasonable timelines, and probable costs of digitizing its archives and library records, the birth and death records maintained by the Ohio Department of Health, and such other historical records for the purpose of providing internet access to such records. The society shall report findings of the study to the Governor and the General Assembly by December 31, 1999.

Site Operations

Of the foregoing appropriation item 360-502, Site Operations, $150,000 in fiscal year 2000 shall be used for the Neil Armstrong Museum ~~and~~, $231,000 in fiscal year 2000 shall be used for the Piqua Historical Area, and $425,000 shall be used for the Indian Artifact Repatriation Project in fiscal year 2001.

Ohio Bicentennial Commission

Of the foregoing appropriation item 360-503, Ohio Bicentennial Commission, $50,000 in fiscal year 2000 shall be used for the Newark Bicentennial, $25,000 in fiscal year 2000 shall be used for the Greenfield Bicentennial, $25,000 in fiscal year 2000 shall be used for the Bethel Bicentennial, $100,000 in each fiscal year shall be distributed to the Ohio Humanities Council, and $50,000 in fiscal year 2000 shall be used for the Aurora Bicentennial.

Historical Grants

Of the foregoing appropriation item 360-508, Historical Grants, $1,000,000 in fiscal year 2000 shall be distributed to the Cleveland Museum of Art; $25,000 in each fiscal year shall be used for Thurber House; $225,000 in each fiscal year shall be used for the American Classical Music Hall of Fame and Museum; $1,000,000 in fiscal year 2000 shall be distributed to the Western Reserve Historical Society; $10,000 in fiscal ~~yar~~ year 2000 shall be released to Historic Hopewell; $50,000 in fiscal year 2000 shall be used for the Noble County Historical Society; $250,000 in

each fiscal year shall be used for the Great Lakes Historical Society/Maritime Museum; $100,000 in fiscal year 2000 shall be used for the Tallmadge Church State Memorial; $100,000 in each fiscal year shall be used for the Erie Canal Association; $50,000 in fiscal year 2000 shall be used for the Fountain Square Renovation in Cincinnati; $7,000 in fiscal year 2000 shall be used for the Franklin College Museum; $100,000 in fiscal year 2000 shall be used for the Cincinnati Museum Center; and $100,000 in fiscal year 2000 shall be used for the Hebrew Union College Holocaust Records and Related Studies Program.

Adena Visitor Center and Grounds

The foregoing appropriation item 360-509, Adena Visitor Center and Grounds, shall be used toward the completion of a visitor center and the repair, restoration, and renovation of existing structures in preparation for Ohio's bicentennial celebration.

Hayes Presidential Center

If a United States government agency, including, but not limited to, the National Park Service, chooses to take over the operations and/or maintenance of the Hayes Presidential Center, in whole or in part, the Ohio Historical Society shall make arrangements with the National Park Service or other United States government agency for the efficient transfer of operations and/or maintenance.

Ohio Historical Society Review Committee

(A) There is hereby created the Ohio Historical Society Review Committee consisting of seven members. The Governor, the Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House and the Senate shall each appoint one member. The President of the Ohio Historical Society Board of Trustees, and another member of the Ohio Historical Society Board shall also be members.

(1) All members shall serve without compensation.

(2) Four members shall constitute a quorum.

(3) The society's members shall include one representative who is elected by the society and one who is appointed by the Governor.

(4) The review committee shall select a chairperson from among its members.

(B) The task of the review committee shall include, but is not limited to, the formulation of financial alternatives concerning future funding needs, a review of the appropriateness of the statutory duties of the society, and a review of the financial and governance relationship between the state and the Ohio Historical Society.

(C) The review committee shall make recommendations to the

Governor, the House of Representatives, the Senate, and the Ohio Historical Society by October 1, 2000, at which time the committee shall be terminated.

(D) The review committee may enter into professional services contracts to assist with their review. Such expenses, and other expenses related to the activities of the review committee, shall be paid from the foregoing appropriation item 360-501, Operating Subsidy. No more than $75,000 in each fiscal year shall be used for these purposes.

Sec. 55. HUM DEPARTMENT OF HUMAN SERVICES

General Revenue Fund

GRF 400-100	Personal Services				
	State	$	35,596,987	$	0
	Federal	$	16,903,068	$	0
	Personal Services Total	$	52,500,055	$	0
GRF 400-200	Maintenance				
	State	$	17,044,633	$	0
	Federal	$	7,409,647	$	0
	Maintenance Total	$	24,454,280	$	0
GRF 400-300	Equipment				
	State	$	925,465	$	0
	Federal	$	406,522	$	0
	Equipment Total	$	1,331,987	$	0
GRF 400-402	Electronic Benefits Transfer (EBT)				
	State	$	7,260,457	$	0
	Federal	$	7,260,458	$	0
	EBT Total	$	14,520,915	$	0
GRF 400-405	Family Violence Prevention Programs	$	812,274	$	0
GRF 400-408	Child & Family Services Activities	$	3,104,606	$	0
GRF 400-409	Wellness Block Grant	$	14,337,515	$	0
GRF 400-410	TANF State	$	261,857,133	$	0
GRF 400-411	TANF Federal Block Grant	$	417,200,000	$	0
GRF 400-413	Day Care Match/Maint. of Effort	$	76,454,292	$	0
GRF 400-416	Computer Projects				
	State	$	69,280,200	$	0
	Federal	$	29,719,800	$	0
	Computer Projects Total	$	99,000,000	$	0
GRF 400-420	Child Support Administration	$	7,125,822	$	0
GRF 400-426	Children's Health Insurance Program				
	State	$	~~2,104,086~~ 0	$	0
	Federal	$	~~4,656,614~~ 0	$	0
	Children's Health Insurance Program Total	$	~~6,760,700~~ 0	$	0
GRF 400-502	Child Support Match	$	20,207,796	$	0

GRF	400-504	Non-TANF County Administration	$	76,017,940	$ 0
GRF	400-511	Disability Assistance	$	~~58,156,916~~ 60,261,002	$ 0
GRF	400-512	Non-TANF Emergency Assistance	$	4,200,000	$ 0
GRF	400-522	Burial Claims	$	1,338,062	$ 0
GRF	400-525	Health Care/Medicaid			
		State	$	2,289,534,148	$ 0
		Federal	$	3,224,758,115	$ 0
		Health Care/Medicaid Total	$	5,514,292,263	$ 0
GRF	400-527	Child Protective Services	$	~~54,808,735~~ 54,838,735	$ 0
GRF	400-528	Adoption Services			
		State	$	27,253,334	$ 0
		Federal	$	25,996,634	$ 0
		Adoption Services Total	$	53,249,968	$ 0
GRF	400-534	Adult Protective Services	$	3,031,340	$ 0
GRF	400-552	County Social Services	$	12,072,886	$ 0
TOTAL GRF General Revenue Fund					
		State	$	~~3,042,524,627~~ 3,042,554,627	$ 0
		Federal	$	~~3,734,310,858~~ 3,729,654,244	$ 0
		GRF Total	$	~~6,776,835,485~~ 6,772,208,871	$ 0

General Services Fund Group

4A8	400-658	Child Support Collections	$	42,751,619	$ 0
4R4	400-665	BCII Service Fees	$	110,119	$ 0
5C9	400-671	Medicaid Program Support	$	84,503,686	$ 0
613	400-645	Training Activities	$	75,000	$ 0
TOTAL GSF General Services Fund Group			$	127,440,424	$ 0

Federal Special Revenue Fund Group

3A2	400-641	Emergency Food Distribution	$	1,499,480	$ 0
3D3	400-648	Children's Trust Fund Federal	$	2,040,524	$ 0
3F0	400-623	Health Care Federal	$	218,085,792	$ 0
3F0	400-650	Hospital Care Assurance Match	$	319,566,075	$ 0
3G5	400-655	Interagency Reimbursement	$	830,258,410	$ 0
3G9	400-657	Special Activities/Self Sufficiency	$	498,600	$ 0
3H7	400-617	Day Care Federal	$	155,531,296	$ 0
3N0	400-628	IV-E Foster Care Maintenance/Pass Through	$	162,844,023	$ 0
3S5	400-622	Child Support Projects	$	534,050	$ 0
316	400-602	State and Local Training	$	6,770,894	$ 0
327	400-606	Child Welfare	$	29,007,597	$ 0
384	400-610	Food Stamps and State Administration	$	141,595,547	$ 0
385	400-614	Foreign Refugees	$	7,309,725	$ 0
395	400-616	Special Activities/Child and Family Services	$	4,418,844	$ 0

396	400-620	Social Services Block Grant	$	73,947,634	$	0
397	400-626	Child Support	$	216,456,690	$	0
398	400-627	Adoption Maintenance/ Administration	$	204,774,490	$	0
TOTAL FED Federal Special Revenue Fund Group			$	2,375,139,671	$	0
State Special Revenue Fund Group						
198	400-647	Children's Trust Fund	$	3,167,164	$	0
4E3	400-605	Nursing Home Assessments	$	92,910	$	0
4E7	400-604	Child and Family Services Collections	$	138,780	$	0
4F1	400-609	Foundation Grants/Child and Family Services	$	1,383,822	$	0
4J5	400-613	Nursing Facility Bed Assessments	$	32,319,125	$	0
4J5	400-618	Residential State Supplement Payments	$	14,112,907	$	0
4K1	400-621	ICF MR Bed Assessments	$	21,323,562	$	0
4N7	400-670	Wellness Block Grant	$	1,000,000	$	0
4V2	400-612	Child Support Activities	$	124,993	$	0
4Z1	400-625	Health Care Compliance	$	10,000,000	$	0
5E3	400-633	EBT Contracted Services	$	1,000,000	$	0
5E4	400-615	Private Child Care Agencies Training	$	10,280	$	0
6A7	400-656	Foundation Grants/Self Sufficiency	$	61,680	$	0
600	400-603	Third-Party Recoveries	$	13,000,000	$	0
651	400-649	Hospital Care Assurance Program	$	228,951,047	$	0
TOTAL SSR State Special Revenue Fund Group			$	326,686,270	$	0
Agency Fund Group						
192	400-646	Support Intercept - Federal	$	68,354,979	$	0
5B6	400-601	Food Stamp Intercept	$	5,140,000	$	0
583	400-642	Support Intercept-State	$	14,458,021	$	0
TOTAL AGY Agency Fund Group			$	87,953,000	$	0
Holding Account Redistribution Fund Group						
R12	400-643	Refunds and Audit Settlements	$	200,000	$	0
R13	400-644	Forgery Collections	$	700,000	$	0
TOTAL 090 Holding Account Redistribution Fund Group			$	900,000	$	0
TOTAL ALL BUDGET FUND GROUPS			$	~~9,694,954,850~~ 9,690,328,236	$	0

Sec. 58.04. Disability Assistance

The following schedule shall be used to determine monthly grant levels in the Disability Assistance Program effective July 1, 1999.

Persons in Assistance Group	Monthly Grant
1	$115
2	159

3	193
4	225
5	251
6	281
7	312
8	361
9	394
10	426
11	458
12	490
13	522
14	554
For each additional person add	40

TANF Federal Funds

Upon the request of the Department of Job and Family Services, the Controlling Board may increase appropriations in item 600-411, TANF Federal Block Grant, provided sufficient Federal TANF block grant funds exist to do so, without any corresponding decrease in other line items. The department shall first provide the Office of Budget and Management with documentation to support the need for the increased appropriation.

All transfers of moneys from or charges against TANF Federal Block Grant awards for use in the Social Services Block Grant or the Child Care Development Block Grant from either unobligated prior year appropriation authority in item 400-411, or from ~~FY~~ fiscal year 2001 appropriation authority in item 600-411, that meet or exceed the Controlling Board thresholds as defined in divisions (B)(1) and (2) and (E) of section 127.16 of the Revised Code, shall only be done with the approval of the Controlling Board except where this act directs otherwise. The Department of Job and Family Services shall first provide the Office of Budget and Management with documentation to support the need for such transfers or charges for use in the Social Services Block Grant or in the Child Care Development Block Grant.

Alcohol and Drug Addiction Services Transfer

No later than July 15, 2000, the Director of Budget and Management shall transfer $2,000,000 in appropriation authority from appropriation item 600-410, TANF State, to State Special Revenue Fund 5B7 appropriation item 038-629, TANF Transfer-Treatment, and $271,424 in appropriation authority from appropriation item 600-410, TANF State, to State Special Revenue Fund 5E8 appropriation item 038-630, TANF Transfer-Mentoring, in the Department of Alcohol and Drug Addiction Services. Of the amounts

transferred, $2,000,000 in appropriation authority shall be used to provide substance abuse prevention and treatment services to children, or their families, whose income is at or below 200 per cent of the official income poverty guideline. The remaining $271,424 in transferred appropriation authority shall be used to fund adolescent youth mentoring programs for children or their families whose income is at or below 200 per cent of the income official poverty guideline. The Department of Alcohol and Drug Addiction Services shall comply with all TANF reporting requirements and timelines specified by the Department of Job and Family Services.

TANF County Incentives

Of the foregoing appropriation item 600-411, TANF Federal Block Grant, the Department of Job and Family Services may provide financial incentives to those county departments of human services that have exceeded performance standards adopted by the state department, and where the board of county commissioners has entered into a written agreement with the state department under section 5101.21 of the Revised Code governing the administration of the county department. Any financial incentive funds provided pursuant to this division shall be used by the county department for additional or enhanced services for families eligible for assistance under Chapter 5107. or 5108. of the Revised Code or, upon request by the county and approval by the Department of Job and Family Services, be transferred to the Child Care Development Fund or the Social Services Block Grant. The county departments of human services may retain and expend such funds without regard to the state or county fiscal year in which the financial incentives were earned or paid. Each county department of human services shall file an annual report with the state Department of Job and Family Services providing detailed information on the expenditure of these financial incentives and an evaluation of the effectiveness of the county department's use of these funds in achieving self-sufficiency for families eligible for assistance under Chapter 5107. or 5108. of the Revised Code.

TANF Transportation Services

From the foregoing appropriation items 600-410, TANF State, or 600-411, TANF Federal Block Grant, or a combination of both, up to $5,000,000 in fiscal year 2001 shall be used to expand the accessibility of transportation services for participants in programs funded from these appropriation items.

Individual Development Accounts

From the foregoing appropriation item 600-410, TANF State, or 600-411, TANF Federal Block Grant, or a combination of both, up to

$2,000,000 in fiscal year 2001 shall be used to allow county departments of human services to make matching contributions to Individual Development Accounts that have been established by residents of the county.

Human Services Personal Care Assistance

In fiscal year 2001, the Director of Job and Family Services shall provide $240,000 from appropriation item 600-410, TANF State to be divided between the county departments of human services of Cuyahoga County and Franklin County to contract with the Rehabilitation Services Commission to place up to 25 TANF-eligible persons into jobs as personal care assistants. The county departments of human services in Cuyahoga County and Franklin County and the Rehabilitation Services Commission shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Job and Family Services to be incorporated into the contract.

TANF Family Planning

The Director of Budget and Management shall transfer by ISTV, no later than July 15, 2000, $250,000 in fiscal year 2001 from appropriation item 600-410, TANF State, or 600-411, TANF Federal Block Grant, or a combination of both, to ~~440-416, Child and Family Health Services~~ State Special Revenue Fund 5C1, TANF Family Planning in the Department of Health to be used for family planning services.

Ohio Association of Second Harvest Food Banks

The Department of Job and Family Services may use up to $2,500,000 in fiscal year 2001 as provided in section 58.10 of this act to support expenditures to Ohio Association of Second Harvest Food Banks pursuant to the following criteria.

As used in this section, "poverty guideline" means the official poverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended for a family size equal to the size of the family of the person whose income is being determined.

The Department of Job and Family Services shall provide an annual grant of $2,500,000 in fiscal year 2001 to the Ohio Association of Second Harvest Food Banks. In fiscal year 2001, the Ohio Association of Second Harvest Food Banks shall use $1,500,000 for the purchase of food products for the Ohio Food Program of which up to $105,000 may be used for food storage and transport and shall use $1,000,000 for the Agricultural Surplus Production Alliance Project. Funds provided for the Ohio Food Program shall be used to purchase food products and distribute those food products to

agencies participating in the emergency food distribution program. No funds provided through this grant may be used for administrative expenses other than funds provided for food storage and transport. As soon as possible after entering into a grant agreement at the beginning of the fiscal year, the Department of Job and Family Services shall distribute the grant funds in one single payment. The Ohio Association of Second Harvest Food Banks shall develop a plan for the distribution of the food products to local food distribution agencies. Agencies receiving these food products shall ensure that individuals and families who receive any of the food products purchased with these funds have an income at or below 150 per cent of the poverty guideline. The Department of Job and Family Services and the Ohio Association of Second Harvest Food Banks shall agree on reporting requirements to be incorporated into the grant agreement.

Any fiscal year 2001 funds from this grant remaining unspent on June 30, 2001 shall be returned by the Ohio Association of Second Harvest Food Banks to the Department of Job and Family Services no later than November 1, 2001.

Computer-Related Services

The Department of Job and Family Services may use up to $17,000,000 in state fiscal year 2001 as provided in section 58.10 of this act to support computer-related expenditures for services that benefit the County Department of Human Services.

Additional Maintenance of Effort and Matching Funding for the Child Care Development Fund

The Department of Job and Family Services may use up to $14,149,542 as provided in section 58.09 of this act to support matching and maintenance of effort requirements of the Child Care Development Fund in order to match all funds for which Ohio is eligible.

Additional Funding for the AdoptOhio Program

The Department of Job and Family Services may use up to $2,116,349 in state fiscal year 2001 as provided in section 58.09 of this act to support expenditures for AdoptOhio if the existing appropriations in 600-527 is not sufficient to support the program.

Inner City Youth Opportunities Program

In fiscal year 2001, the Director of Job and Family Services shall provide $75,000 from appropriation item 600-410, TANF State, to the Hamilton County department of human services to contract with the Inner City Youth Opportunities organization of Cincinnati for the purpose of providing allowable services to TANF-eligible individuals. The Hamilton County department of human services and Inner City Youth Opportunities

shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Job and Family Services to be incorporated into the contract.

TANF Fatherhood Programs

From the foregoing appropriation item 600-411, TANF Federal Block Grant, up to $5,000,000 in fiscal year 2001 shall be used to support local fatherhood programs. Of the foregoing $5,000,000, $300,000 in fiscal year 2001 shall be used to operate a Fatherhood Commission. Of the foregoing $5,000,000, $310,000 in fiscal year 2001 shall be provided to the Cuyahoga County Department of Human Services to contract with the Center for Families and Children for the purpose of providing allowable services to TANF-eligible individuals. The Cuyahoga County Department of Human Services and the Center for Families and Children shall agree on reporting requirements to be incorporated into the contract.

TANF Adult Literacy and Child Reading Programs

From the foregoing appropriation item 600-411, TANF Federal Block Grant, up to $5,000,000 in fiscal year 2001 shall be used to support local adult literacy and child reading programs.

Cincinnati YWCA GED and Child Care Program

In fiscal year 2001, the Director of Job and Family Services shall provide $65,000 from appropriation item 400-410, TANF State, to the Hamilton County department of human services to contract with the YWCA of Greater Cincinnati for the purpose of providing a General Educational Development (GED) program to TANF-eligible individuals, and child care to individuals enrolled in the GED program. The Hamilton County department of human services and the YWCA of Greater Cincinnati shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Job and Family Services to be incorporated into the contract.

Child Nutrition Services

The Department of Job and Family Services shall use up to $2,500,000 in fiscal year 2001 as provided in ~~section~~ Section 58.09 of ~~this act~~ Am. Sub. H.B. 283 of the 123rd General Assembly to support Child Nutrition Services in the Department of Education. As soon as possible after the effective date of this section, the Department of Job and Family Services shall enter into an interagency agreement with the Department of Education to reimburse the 19 pilot programs that provide nutritional evening meals to adolescents aged 13 through 18 participating in educational or enrichment activities at youth development centers. Such funds shall not be used as matching funds. Eligibility and reporting guidelines shall be detailed in the interagency

agreement.

The Director of Budget and Management shall increase the appropriation item authority by $2,500,000 for State Special Revenue Fund, 5B1, Child Nutrition Services, in the Department of Education.

Single Allocation for County Departments of Human Services

Using the foregoing appropriation items 600-504, Non-TANF County Administration; 600-610, Food Stamps and State Administration; 600-410, TANF State; 600-411, TANF Federal Block Grant; 600-620, Social Services Block Grant; 600-552, County Social Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, Day Care Federal; 600-534, Adult Protective Services; and 600-614, Refugees Services, the Department of Job and Family Services may establish a single allocation for county departments of human services that are subject to a partnership agreement between a board of county commissioners and the department. The county department is not required to use all the money from one or more of the foregoing appropriation items listed in this paragraph for the purpose the specific appropriation item is made so long as the county department uses the money for a purpose at least one of the other of those foregoing appropriation items is made. The county department may not use the money in the allocation for a purpose other than a purpose any of those foregoing appropriation items are made. If the spending estimates used in establishing the single allocation are not realized and the county department uses money in one or more of those foregoing appropriation items in a manner for which federal financial participation is not available, the department shall use state funds available in one or more of those foregoing appropriation items to ensure that the county department receives the full amount of its allocation. The single allocation is the maximum amount the county department shall receive from those foregoing appropriation items.

Reports on Interagency Transfers

With regard to the foregoing appropriation item 600-655, Interagency Reimbursement, the Department of Job and Family Services shall provide the Legislative Budget Office of the Legislative Service Commission with a report each month that details interagency transfers through the appropriation item. The reports shall break down transfers by agency and appropriation item to which transfers are made. Transfers shall further be broken down by source of federal funds, including federal program number (as shown in the Catalog of Federal Domestic Assistance), grant number, and department reporting category number. In addition, transfers of Medicaid dollars shall be grouped between reimbursement for services and administrative costs. Reports shall be provided to the Legislative Budget

Office of the Legislative Service Commission within two weeks after the end of the month.

Sec. 58.09. Medicaid Program Support Fund 5C9.

Prior to September 30, 2000, the Department of Job and Family Services shall file claims for reimbursement for all allowable expenditures for services provided by the Department of Human Services, the Department of Job and Family Services, or other agencies, which may qualify for Social Services Block Grant funding pursuant to Title XX of the federal Social Security Act. During fiscal year 2001, the Department of Job and Family Services is authorized to deposit into the Medicaid Program Support Fund (Fund 5C9), receipts from TANF Block Grant funds credited to the Social Services Block Grant. Upon verification of the deposit to Fund 5C9, the Director of Budget and Management shall transfer the cash receipts received under this section to the General Revenue Fund. The Director shall increase the General Revenue Fund appropriation line items, or establish the General Revenue Fund line items, from which the funds are to be disbursed, for the following purposes and by the following amounts and by any associated increase in federal funds:

Second Harvest Food Bank $2,500,000

Computer Projects $~~17,000,000~~ 34,424,916

Audits $1,000,000

AdoptOhio $2,116,349

Child Nutrition Services $2,500,000

Child Care Match Up to $14,149,542

Parents Health Insurance $9,425,966

OBES/ODHS Merger Costs Up to $2,000,000

Total $~~50,691,857~~ 68,116,773

The Director of Budget and Management shall determine if sufficient cash receipts are available to cover the purposes stated in this section. If cash receipts are not sufficient to cover the purposes stated in this section, the Director of Budget and Management shall determine the amounts that will be disbursed for the purposes stated above.

Sec. 65. LIB STATE LIBRARY BOARD

General Revenue Fund

GRF 350-100	Personal Services	$ 5,329,439	$	5,270,958
GRF 350-200	Maintenance	$ 2,167,742	$	1,852,248
GRF 350-300	Equipment	$ 1,966,322	$	579,914
GRF 350-400	Ohio Public Library Information Network	$ 5,712,486	$	5,854,002
GRF 350-401	Ohioana Rental Payments	$ O	$	118,000
GRF 350-501	Cincinnati Public Library	$ 751,887	$	769,932
GRF 350-502	Regional Library Systems	$ 1,871,151	$	1,926,769
GRF 350-503	Cleveland Public Library	$ 1,140,923	$	1,164,705

GRF	350-505	Netwellness	$ 750,000	$	750,000
TOTAL GRF General Revenue Fund			$ 19,689,950	$	~~18,168,528~~ 18,286,528
General Services Fund Group					
139	350-602	Intra-Agency Service Charges	$ 28,123	$	28,911
459	350-602	Interlibrary Service Charges	$ 774,564	$	781,280
TOTAL GSF General Services Fund Group			$ 802,687	$	810,191
Federal Special Revenue Fund Group					
313	350-601	LSTA Federal	$ 5,163,542	$	5,163,542
TOTAL FED Federal Special Revenue Fund Group			$ 5,163,542	$	5,163,542
TOTAL ALL BUDGET FUND GROUPS			$ 25,656,179	$	~~24,142,261~~ 24,260,261

Maintenance

Of the foregoing appropriation item, 350-200, Maintenance, $400,000 in fiscal year 2000 shall be used to fund the relocation of the State Library from the State Departments Building.

Equipment

Of the foregoing appropriation item, 350-300, Equipment, $1,400,000 in fiscal year 2000 shall be used to fund the relocation of the State Library from the State Departments Building.

Ohio Public Library Information Network

The foregoing appropriation item 350-400, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may be certified as participants by the Ohio Public Library Information Network Board.

The Ohio Public Library Information Network Board shall consist of eleven members appointed by the State Library Board from among the staff of public libraries and past and present members of boards of trustees of public libraries, based on the recommendations of the Ohio library community. The Ohio Public Library Information Network Board in consultation with the State Library shall develop a plan of operations for the network. The Board shall have the authority to make decisions regarding the use of the foregoing appropriation item 350-400, Ohio Public Library Information Network, and to receive and expend grants to carry out the operations of the network in accordance with state law and the authority to appoint and fix the compensation of a director and necessary staff. The State Library will be the fiscal agent for the network and shall have fiscal accountability for the expenditure of funds. The Ohio Public Library Information Network Board members shall be reimbursed for actual travel and necessary expenses incurred in the carrying out of their responsibilities.

In order to limit access to obscene and illegal materials through internet use at Ohio Public Library Information Network (OPLIN) terminals, local libraries with OPLIN computer terminals shall adopt policies that control access to obscene and illegal materials. These policies may include use of technological systems to select or block certain internet access. The OPLIN shall condition provision of its funds, goods, and services on compliance with these policies. The OPLIN board shall also adopt and communicate specific recommendations to local libraries on methods to control such improper usage. These methods may include each library implementing a written policy controlling such improper use of library terminals and requirements for parental involvement or written authorization for juvenile internet usage.

Of the foregoing appropriation item 350-400, Ohio Public Library Information Network, up to $66,000 in fiscal year 2000 and up to $72,000 in fiscal year 2001 shall be used to help local libraries purchase filters to screen out obscene and illegal internet materials.

The OPLIN board shall research and assist or advise local libraries with emerging technologies and methods that may be effective means to control access to obscene and illegal materials. On October 1, 1999, and biannually thereafter, the OPLIN Executive Director shall provide written reports to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in this state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

The Ohio Public Library Information Network, InfOhio, and OhioLink shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

Ohioana Rental Payments

The foregoing appropriation item 350-401, Ohioana Rental Payments, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association pursuant to section 3375.61 of the Revised Code.

Regional Library Systems

Of the foregoing appropriation item 350-502, Regional Library Systems, $1,009,881 in fiscal year 2000 and $1,044,829 in fiscal year 2001 shall be used to replace federal dollars that will be eliminated due to the expiration of the Library Services and Construction Act (LSCA).

Netwellness

The foregoing appropriation item 350-505, Netwellness, shall be used to fund the Netwellness program, a joint venture of the University of Cincinnati, Case Western Reserve University, and The Ohio State University.

Sec. 68. DMH DEPARTMENT OF MENTAL HEALTH

Division of General Administration Intragovernmental Service Fund Group

151	235-601	General Administration	$ 72,523,765	$ 74,161,226
TOTAL ISF Intragovernmental Service Fund Group			$ 72,523,765	$ 74,161,226

Division of Mental Health--
Psychiatric Services to Correctional Facilities

General Revenue Fund

GRF	332-401	Forensic Services	$ 4,206,155	$ 4,395,782
TOTAL GRF General Revenue Fund			$ 4,206,155	$ 4,395,782
TOTAL ALL BUDGET FUND GROUPS			$ 76,729,920	$ 78,557,008

Forensic Services

The foregoing appropriation item 322-401, Forensic Services, shall be used to provide psychiatric services to courts of common pleas. The appropriation shall be allocated through community mental health boards to certified community agencies and shall be distributed according to the criteria delineated in Rule 5122:4-1-01 of the Administrative Code. These community forensic funds may also be used to provide forensic training to community mental health boards and to forensic psychiatry residency programs in hospitals operated by the Department of Mental Health and to provide evaluations of patients of forensic status in facilities operated by the Department of Mental Health prior to conditional release to the community.

In addition, appropriation item 332-401 may be used to support projects involving mental health, substance abuse, courts, and law enforcement to identify and develop appropriate alternative services to institutionalization for non-violent mentally ill offenders, and to provide linkage to community services for severely mentally disabled offenders released from institutions operated by the Department of Rehabilitation and Correction. Funds may also be utilized to provide forensic monitoring and tracking in addition to community programs serving persons of forensic status on conditional release or probation.

Diversion Linkage Projects

Any cash transferred from the Department of Rehabilitation and Correction Community Mental Health and Substance Abuse Treatment Fund (Fund 4J3) and from the Department of Youth Services Community Mental Health and Substance Abuse Treatment Fund (Fund 4J7) to the Department of Mental Health (Fund 149) shall be used by the Department of

Mental Health to fund existing county Diversion Linkage projects which provide alternative services to institutionalization for non-violent mentally ill offenders. The amount of the transfer is hereby appropriated.

Division of Mental Health--
Administration and Statewide Programs

General Revenue Fund						
GRF	333-100	Personal Services - Central Administration	$	18,585,795	$	17,027,859
GRF	333-200	Maintenance - Central Administration	$	2,378,563	$	2,348,974
GRF	333-300	Equipment - Central Administration	$	1,004,165	$	506,598
GRF	333-402	Resident Trainees	$	1,490,174	$	1,519,977
GRF	333-403	Pre-Admission Screening Expenses	$	645,750	$	658,665
GRF	333-415	Lease-Rental Payments ~~OPFC~~	$	30,000,000	$	28,600,000
GRF	333-416	Research Program Evaluation	$	958,606	$	984,933
TOTAL GRF General Revenue Fund			$	55,063,053	$	51,647,006
General Services Fund Group						
149	333-609	Central Office Rotary - Operating	$	3,512,727	$	1,135,684
TOTAL General Services Fund Group			$	3,512,727	$	1,135,684
Federal Special Revenue Fund Group						
3A7	333-612	Social Services Block Grant	$	25,000	$	25,000
3A8	333-613	Federal Grant - Administration	$	24,880	$	24,880
3A9	333-614	Mental Health Block Grant	$	994,212	$	644,212
3B1	333-635	Community Medicaid Expansion	$	4,465,264	$	4,465,264
324	333-605	Medicaid/Medicare	$	816,693	$	700,846
TOTAL Federal Special Revenue Fund Group			$	6,326,049	$	5,860,202
State Special Revenue Fund Group						
4X5	333-607	Behavioral Health Medicaid Services	$	3,200,000	$	2,775,000
485	333-632	Mental Health Operating	$	124,284	$	127,764
TOTAL State Special Revenue Fund Group			$	3,324,284	$	2,902,764
TOTAL ALL BUDGET FUND GROUPS			$	68,226,113	$	61,545,656

Residency Traineeship Programs

The foregoing appropriation item 333-402, Resident Trainees, shall be used to fund training agreements entered into by the Department of Mental Health for the development of curricula and the provision of training programs to support public mental health services. The appropriation line item may also be used to assist in the development of a statewide public academic mental health council to coordinate the collaboration between the public mental health system and college and university traineeship programs established pursuant to section 5119.11 of the Revised Code.

Pre-Admission Screening Expenses

The foregoing appropriation item 333-403, Pre-Admission Screening Expenses, shall be used to pay for costs to ensure that uniform statewide methods for pre-admission screening are in place to perform assessments for persons in need of mental health services or for whom institutional placement in a hospital or in another inpatient facility is sought. Pre-admission screening includes the following activities: pre-admission assessment, consideration of continued stay requests, discharge planning and referral, and adjudication of appeals and grievance procedures.

~~Rental Payments to the Ohio Public Facilities Commission~~

Lease-Rental Payments

The foregoing appropriation item 333-415, Lease-Rental Payments ~~OPFC~~, shall be used to meet all payments at the times they are required to be made during the period from July 1, 1999, to June 30, 2001, by the Department of Mental Health ~~to the Ohio Public Facilities Commission~~ pursuant to leases and agreements made under section 154.20 of the Revised Code, but limited to the aggregate amount of $58,600,000. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.20 of the Revised Code.

Sec. 69.01. General Administration and Statewide Services

General Revenue Fund						
GRF	320-321	Central Administration	$	12,054,435	$	11,889,457
GRF	320-411	Special Olympics	$	200,000	$	200,000
GRF	320-412	Protective Services	$	1,310,648	$	1,342,104
GRF	320-415	~~Rent Payments-OPFC~~ Lease-Rental Payments	$	30,000,000	$	28,600,000
TOTAL GRF General Revenue Fund			$	43,565,083	$	42,031,561
General Services Fund Group						
4B5	320-640	Conference/Training	$	761,387	$	780,768
TOTAL GSF General Services Fund Group			$	761,387	$	780,768
Federal Special Revenue Fund Group						
3A4	320-605	Administrative Support	$	5,795,804	$	6,491,300
3A5	320-613	DD Council Operating Expenses	$	992,486	$	992,486
325	320-634	Protective Services	$	916,969	$	916,969
TOTAL FED Federal Special Revenue Fund Group			$	7,705,259	$	8,400,755
TOTAL ALL GENERAL ADMINISTRATION AND STATEWIDE SERVICES BUDGET FUND GROUPS			$	52,031,729	$	51,213,084

~~Rental Payments to the Ohio Public Facilities Commission~~

Lease-Rental Payments

The foregoing appropriation item 320-415, ~~Rent Payments - OPFC~~, Lease-Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 1999, to June 30, 2001, by the Department of Mental Retardation and Developmental Disabilities ~~to the Ohio Public Facilities Commission~~ pursuant to leases and agreements made under section 154.20 of the Revised Code, but limited to the aggregate amount of $58,600,000. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.20 of the Revised Code.

Sec. 72.01. ~~Rental Payments to the Ohio Public Facilities Commission~~

Lease-Rental Payments

The foregoing appropriation item 725-413, ~~OPFC~~ Lease-Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 1999, to June 30, 2001, by the Department of Natural Resources ~~to the Ohio Public Facilities Commission,~~ pursuant to leases and agreements made under section 154.22 of the Revised Code, but limited to the aggregate amount of $28,410,000. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.22 of the Revised Code.

Fountain Square

The foregoing appropriation item 725-404, Fountain Square Rental Payments - OBA, shall be used by the Department of Natural Resources to meet all payments required to be made to the Ohio Building Authority during the period from July 1, 1999, to June 30, 2001, pursuant to leases and agreements with the Ohio Building Authority under section 152.241 of the Revised Code, but limited to the aggregate amount of $2,180,000.

The Director of Natural Resources, using intrastate transfer vouchers, shall make payments to the General Revenue Fund from funds other than the General Revenue Fund to reimburse the General Revenue Fund for their share of the lease rental payments to the Ohio Building Authority. The transfers from the non-General Revenue funds shall be made within 10 days of the payment from the Ohio Building Authority for the actual amounts necessary to fulfill the leases and agreements pursuant to section 152.241 of the Revised Code.

The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation,

utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited to the Fountain Square Facilities Management Fund (Fund 635).

Sec. 75. OLA OHIOANA LIBRARY ASSOCIATION

General Revenue Fund

GRF	355-501	Library Subsidy	~~461,750~~ 443,750	~~316,461~~ 230,461
TOTAL GRF General Revenue Fund			~~461,750~~ 443,750	~~316,461~~ 230,461
TOTAL ALL BUDGET FUND GROUPS			~~461,750~~ 443,750	~~316,461~~ 230,461

Library Subsidy

Of the foregoing appropriation item 355-501, Library Subsidy, $180,000 in fiscal year 2000 shall be used to fund the relocation of the Ohioana Library from the State Departments Building.

Sec. 92. CSF COMMISSIONERS OF THE SINKING FUND

General Revenue Fund

GRF	155-900	Debt Service	~~18,555,000~~ 36,580,000	~~23,460,000~~ 224,750,000
TOTAL GRF General Revenue Fund			~~18,555,000~~ 36,580,000	~~23,460,000~~ 224,750,000

Debt Service Fund Group

071	155-900	Highway Obligations Bond Retirement Fund	53,642,000	51,636,000
072	155-900	Highway Capital Improvements Bond Retirement Fund	84,640,000	103,200,000
073	155-900	Natural Resources Bond Retirement	12,865,000	15,700,000
076	155-900	Coal Research and Development Bond Retirement Fund	5,690,000	7,760,000
077	155-900	State Capital Improvements Bond Service Fund	0	132,365,000
078	155-900	Common Schools Capital Facilities Bond Service Fund	13,650,000	28,550,000
079	155-900	Higher Education Capital Facilities Bond Service Fund	4,375,000	40,375,000
TOTAL DSF Debt Service Fund Group			~~156,837,000~~ 174,862,000	~~178,296,000~~ 379,586,000
TOTAL ALL BUDGET FUND GROUPS			~~175,392,000~~ 211,442,000	~~201,756,000~~ 471,971,000

Additional Appropriations

Appropriation items in this section are for the purpose of paying the principal and interest on bonds or other instruments of indebtedness of this state issued pursuant to the Ohio Constitution and acts of the General

Assembly. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

Sec. 97. DOT DEPARTMENT OF TRANSPORTATION

Transportation Modes

General Revenue Fund

GRF	775-451	Public Transportation - State	$	27,970,941	$	28,589,210
GRF	775-453	Waterfront Line Lease Payments - State	$	1,781,000	$	1,786,000
GRF	775-456	Public Transportation/ Discretionary Capital	$	3,375,900	$	3,456,922
GRF	775-458	Elderly and Disabled Fare Assistance	$	3,285,159	$	3,364,000
GRF	776-465	Ohio Rail Development Commission	$	5,805,000	$	5,780,800
GRF	776-466	Railroad Crossing and Grade Separation	$	0	$	1,000,000
GRF	777-471	Airport Improvements - State	$	4,605,000	$	2,679,525
GRF	777-473	Rickenbacker Lease Payments - State	$	995,000	$	997,000
TOTAL GRF General Revenue Fund			$	47,818,000	$	~~46,653,457~~ 47,653,457

Federal Special Revenue Fund Group

3B9	776-662	Rail Transportation - Federal	$	1,000,000	$	1,000,000
TOTAL FSR Federal Special Revenue Fund Group			$	1,000,000	$	1,000,000

State Special Revenue Fund Group

5E7	775-657	Transit Capital Funds	$	9,000,000	$	9,000,000
4N4	776-663	Panhandle Lease Payments	$	769,000	$	770,000
4N4	776-664	Rail Transportation - Other	$	500,000	$	500,000
TOTAL SSR State Special Revenue Fund Group			$	10,269,000	$	10,270,000
TOTAL ALL BUDGET FUND GROUPS			$	59,087,000	$	~~57,923,457~~ 58,923,457

Aviation Lease Payments

The foregoing appropriation item 777-473, Rickenbacker Lease Payments - State, shall be used to meet scheduled payments for the Rickenbacker Port Authority. The Director of Transportation shall certify to the Director of Budget and Management any appropriations in appropriation item 777-473, Rickenbacker Lease Payments - State, that are not needed to make lease payments for the Rickenbacker Port Authority. Notwithstanding section 127.14 of the Revised Code, the amount certified may be transferred by the Director of Budget and Management to appropriation item 777-471, Airport Improvements - State.

Transfer of Appropriations - Public Transportation

The Director of Budget and Management may approve requests from the Department of Transportation for the transfer of appropriations among appropriation item 775-451, Public Transportation - State, appropriation

m 775-456, Public Transportation/Discretionary Capital, and appropriation item 775-458, Elderly and Disabled Fare Assistance. Transfers among appropriation items shall be made upon the written request of the Director of Transportation with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board at the next regularly scheduled meeting of the board.

Railroad Crossing and Grade Separation

The foregoing appropriation item 776-466, Railroad Crossing and Grade Separation, shall be used to fund the rail crossing safety initiative, which will provide improvements to communities most affected by rail traffic and related issues.

Indigent Highway Victims Program Payment

The Department of Transportation is authorized to use appropriation item 779-491, State Administration, from the Highway Operating Fund to make a payment of $5,772 to Lakewood Hospital in Cuyahoga County for services provided by the hospital in Fiscal Year 1997 under the former Indigent Persons Care Program which was administered by the Department of Health. Payment of $5,772 to Lakewood Hospital shall be funded with $5,772, which the Department of Health deposited into Fund 002 after collecting moneys that were mistakenly paid to another hospital.

Sec. 98.01. Commissioners of the Sinking Fund

The foregoing appropriation item 090-401, Commissioners of the Sinking Fund, shall be used for all costs incurred by order of, or on behalf of, the Commissioners of the Sinking Fund or its successor the Ohio Public Facilities Commission, with respect to the issuance and sale of bonds or other obligations, including, but not limited to, ~~engraving,~~ printing, advertising, ~~and other related outlays~~ delivery, procurement of ratings, and other services set forth in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs on intrastate transfer voucher ~~drawn by the Commissioners of the Sinking Fund,~~ pursuant to a certification by the Treasurer of State of the actual amounts used. The amounts necessary to make such reimbursements are hereby appropriated from the bond retirement funds created by the laws and Constitution of this state to the extent such costs are incurred.

Capital Improvements Bond Service

The foregoing appropriation item 090-900, Capital Improvements Bond Service, shall be used for the purpose of paying the principal and interest on General Obligation Infrastructure Improvement Bonds issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary, such amounts are hereby

appropriated.

Sec. 174. Sections 122.15, 122.152, 129.55, 129.63, 129.73, 718.01, 1555.12, 5528.36, 5703.052, 5703.053, ~~5727.01, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42,~~ 5727.48, 5727.50, ~~5727.60,~~ and 5733.16 of the Revised Code, as amended by ~~this act~~ Am. Sub. H.B. 283 of the 123rd General Assembly, first apply to the excise tax year beginning May 1, 2000. ~~Sections 5727.24, 5727.25, 5727.26, 5727.27, 5727.28, and 5727.29 of the Revised Code, as enacted by this act, first apply to gross receipts derived from taxable activities that occur after April 30, 2000.~~ Natural gas companies and combined ~~electric and gas~~ companies must file an annual statement pursuant to section 5727.31 of the Revised Code on or before August 1, 2000, and the Tax Commissioner shall issue an assessment pursuant to section 5727.38 of the Revised Code on or before ~~the first Monday in~~ November 6, 2000, for the period ending April 30, 2000. Such companies shall have made and shall make payments of the excise tax on gross receipts imposed by section 5727.30 of the Revised Code on or before October 15, 1999, March 1, 2000, and June 1, 2000, in accordance with section 5727.31 of the Revised Code. ~~Division (D) of section~~ For tax year 2000, the Tax Commissioner shall issue two separate assessments under section 5727.38 of the Revised Code with respect to each combined company. The first assessment shall reflect only the taxable gross receipts of a combined company from operating as a natural gas company subject to the tax levied by section 5727.24 of the Revised Code, as amended by this act. The second assessment shall reflect all the other taxable gross receipts of the combined company. A combined company's estimated payments that are due on or before October 15, 2000, March 1, 2001, and June 1, 2001 under division (B) of section 5727.31 of the Revised Code shall be based solely on this second assessment. Section 5727.42 of the Revised Code does not apply to the portion of any assessment issued by the Tax Commissioner for the period ending April 30, 2000, that reflects the excise tax owed on those gross receipts from operating as a natural gas company that would have been subject to the tax under section 5727.24 of the Revised Code, as ~~enacted~~ amended by ~~this act~~ Am. Sub. H.B283 of the 123rd General Assembly.

A natural gas company that had a tax liability of less than $325,000 for the tax assessed by the Tax Commissioner on or before November 1, 1999, is not required to make any tax payments under section 5727.42 of the Revised Code for the tax assessed by the Tax Commissioner on or before November 6, 2000, and that company shall remit the tax imposed by section 5727.24 of the Revised Code for the period of May 1, 2000, to December

31, 2000, under division (B) of section 5727.25 of the Revised Code.

Sec. 175. Any natural gas company that, as of July 1, 1999, has over ~~three hundred thousand~~ 300,000 open access residential customers shall pay a tax of $10,300,000 on June 30, 2001~~, as an advance payment of the tax imposed by section 5727.24 of the Revised Code, as enacted by this act, for the quarter ending June 30, 2001. This payment is an advance payment of the tax that is due within 45 days after the last day of June as required by division (A) of section 5727.25 of the Revised Code, as enacted by this act. The $10,300,000~~. This tax payment shall be refundable to a natural gas company as a credit divided equally over 60 quarters in accordance with division (B) or (C) of section 5727.29 of the Revised Code, beginning with the tax it is required to pay for the quarter ending September 30, 2001."

SECTION 67. That existing Sections 8, 9, 9.07, 9.14, 37.05, 37.06, 37.11, 51, 53, 55, 58.04, 58.09, 65, 68, 69.01, 72.01, 75, 92, 97, 98.01, 174, and 175 of Am. Sub. H.B. 283 of the 123rd General Assembly are hereby repealed.

SECTION 68. That Section 30 of Am. Sub. H.B. 283 of the 123rd General Assembly, as amended by Am. Sub. H.B. 470 of the 123rd General Assembly, be amended to read as follows:

" Sec. 30. CEB CONTROLLING BOARD

General Revenue Fund

GRF	911-401	Emergency Purposes/Contingencies	$	6,372,000	$ 6,000,000
GRF	911-402	Employee Compensation Adjustment	$	0	$ 38,000,000
GRF	911-403	School District Financial Planning	$	500,000	$ 500,000
GRF	911-404	Mandate Assistance	$	2,000,000	$ 2,000,000
GRF	911-410	Ohio Veterans' Home	$	250,000	$ 300,000
GRF	911-419	Foster Caregiver Training	$	0	$ 3,000,000
GRF	911-441	Ballot Advertising Costs	$	800,000	$ 800,000
GRF	911-442	Year 2000 Assistance	$	4,400,000	$ 1,500,000
TOTAL GRF General Revenue Fund			$	14,322,000	$ 52,100,000

State Special Revenue Fund Group

5E2	911-601	Disaster Services	$	20,600,000	$ 4,400,000
TOTAL SSR State Special Revenue Fund Group			$	20,600,000	$ 4,400,000
TOTAL ALL BUDGET FUND GROUPS			$	34,922,000	$ 56,500,000

Federal Share

In transferring appropriations to or from appropriation items that have federal shares identified in ~~this act~~ Am. Sub. H.B. 283 of the 123rd General

Assembly, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 283 of the 123rd General Assembly Such changes are hereby appropriated.

Appropriation Transfers

In fiscal year 2000, the Controlling Board may transfer to the Bureau of Employment Services or to the Department of Human Services or the Department of Commerce all or part of an appropriation that is made to the Department of Job and Family Services for fiscal year 2001. In fiscal year 2001, the Controlling Board may transfer to the Department of Job and Family Services or the Department of Commerce all or part of any balance in an appropriation that is made to the Bureau of Employment Services or to the Department of Human Services for fiscal year 2000.

Disaster Assistance

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use such funding for disaster aid requests that meet Controlling Board criteria for assistance. The department shall submit a report to the Controlling Board quarterly describing all such disaster aid.

Southern Ohio Correctional Facility Cost

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

Project OASIS

The Office of the Attorney General may request, upon approval of the Director of Budget and Management, that the Controlling Board release up to $372,000 in fiscal year 2000 from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, to address a funding gap for Project OASIS in the event that federal funding for this program is insufficient or delayed.

Disaster Services

The foregoing appropriation item 911-601, Disaster Services, shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund and appropriation line item of the state for the payment of state agency program expenses as follows:

(A) The southern Ohio flooding, referred to as FEMA-DR-1164-OH;

(B) The flood/storm disaster referred to as FEMA-DR-1227-OH;

(C) In fiscal year 2000, $5,000,000 to the Department of Natural Resources to be used for statewide flood mitigation projects;

(D) In fiscal year 2000, up to $3,000,000 for reimbursing local governments for costs associated with tornado disaster relief in Hamilton and Warren Counties;

(E) If the Director of Budget and Management determines that sufficient funds exist beyond the expected program costs of these disasters, other disasters declared by the Governor.

Of the amount appropriated in fiscal year 2000 for the foregoing appropriation item 911-601, Disaster Services, $5,000,000 is the unencumbered and unallotted cash balance that exists in Fund 5E2 on June 30, 1999.

Employee Compensation

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or a state agency with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the various state agencies, to assist in paying the costs of increases in employee compensation that occur on or after July 1, 2000, that are provided pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of increased compensation provided for employees that are exempt from collective bargaining.

The Controlling Board may transfer appropriations from the foregoing appropriation item 911-402, Employee Compensation Adjustment, to the various agencies based on requests submitted by the Director of Budget and Management to assist in paying for the General Revenue Fund's share of employee compensation increases resulting from collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of increased compensation that are provided to employees that are exempt from collective bargaining.

School District Financial Planning

The foregoing appropriation item 911-403, School District Financial Planning, shall be used to pay costs of implementing the school district watch and fiscal emergency provisions of sections 3316.01 to 3316.08 of the Revised Code, including the expenses of the school district financial planning and supervision commission. Upon the request of any agency involved in implementing the school district watch or fiscal emergency provisions, the Controlling Board may transfer all or part of the appropriation to the agency.

Mandate Assistance

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government, school districts, and fire departments for the cost of the following three unfunded state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear;

(3) The cost to school districts of in-service training for child abuse detection.

(B) The State and Local Government Commission may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance, to the state agencies charged with administering the state financial assistance to be provided under this section. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that the commission may propose be used for each program of state financial assistance.

Program	Administering Agency	Estimated Annual Amount
Prosecution Costs	Office of Criminal Justice Services	$200,000
Firefighter Training Costs	Department of Commerce	$1,000,000
Child Abuse Detection Training Costs	Department of Education	$800,000

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the commission may propose to the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the commission, the Controlling Board may, if requested by the commission, transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to one or more of the other programs of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government, school districts, and fire departments under each of the three programs of state financial assistance identified under this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the commission and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the commission and the administering state agency; and the actual costs incurred by local units of government, school districts, and fire departments.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) Prosecution Costs

(a) Appropriations may be transferred to the Office of Criminal Justice Services to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Office of Criminal Justice Services shall adopt, apply to the Office of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Office of Criminal Justice Services shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Office of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of $100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be

given to counties with cases involving aggravated murder and murder, second priority shall be given to cases involving a felony of the first degree, and third priority shall be given to cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

(2) Firefighter Training Costs

Appropriations may be transferred to the Department of Commerce for use as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. In accordance with rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits of the funding provided, with priority given to fire departments that serve small villages and townships.

(3) Child Abuse Detection Training Costs

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are incurred to provide in-service training for child abuse detection. The department shall make grants within the limits of the funding provided.

(G) If, over the course of the biennium beginning July 1, 1999, and ending June 30, 2001, one of these three specified unfunded state mandates receives funding assistance directly from the General Revenue Fund, as opposed to receiving appropriations indirectly through the transfer mechanism described in this section, then this state mandate is no longer considered unfunded for the purposes of this section. In such a circumstance, the State and Local Government Commission may prepare and submit a request to the Controlling Board to replace this now funded state mandate with another unfunded state mandate. If approved by the Controlling Board, this replacement unfunded state mandate is eligible for the same amount of state financial assistance that the unfunded state mandate it is replacing was eligible for and under the same general conditions that govern the three unfunded state mandates specified in this section. The State and Local Government Commission's request to the Controlling Board for approval of this replacement unfunded state mandate

shall include a description of how the program of state financial assistance for this replacement unfunded state mandate will be implemented.

(H) Within thirty calendar days prior to the end of fiscal years 2000 and 2001, each administering agency shall file a report with the State and Local Government Commission and the Controlling Board providing detailed information on its expenditure of any mandate assistance funding that was transferred under this section over the course of the current biennium to the administering agency by the Controlling Board.

(I) Any moneys allocated within appropriation item 911-404, Mandate Assistance, not fully utilized may, upon application of the State and Local Government Commission, and with the approval of the Controlling Board, be disbursed by Electronic Funds Transfer or upon warrant of the Auditor of State to Boards of County Commissioners to provide office space, equipment, and related mandated expenses for Educational Service Centers.

The Executive Director of the State and Local Government Commission shall determine the amount to be disbursed to each county and shall provide this information to the Auditor of State. This shall be allocated proportionately to the ADM of the Educational Service Center for which a Board of County Commissioners is required to provide an office under section 3319.19 of the Revised Code. As used in this section, "ADM" means the formula ADMs of all the local district having territory in the service center, as certified in October of the previous year by the service center superintendent to the State Board of Education under section 3317.03 of the Revised Code.

Ohio Veterans' Home

With the approval of the Director of Budget and Management, the Ohio Veterans' Home may request that the Controlling Board transfer all or part of the foregoing appropriation item 911-410, Ohio Veterans' Home, to assist the Ohio Veterans' Home in defraying the operating expenses incurred as a result of its role in the planning and construction of a second veterans' home.

Foster Caregiver Training

Upon the passage of appropriate legislation by the 123rd General Assembly, the Department of Job and Family Services shall request that the Controlling Board transfer up to $3,000,000 in fiscal year 2001 from the foregoing appropriation item 911-419, Foster Caregiver Training, for the purpose of establishing a program of precertification and continuing training for foster caregivers.

Ballot Advertising Costs

Pursuant to requests submitted by the Ohio Ballot Board, the Controlling Board shall approve transfers from the foregoing appropriation

item 911-441, Ballot Advertising Costs, to an Ohio Ballot Board line item in order to reimburse county boards of elections for the cost of public notices associated with statewide ballot initiatives.

Of the foregoing appropriation item 911-441, Ballot Advertising Costs, the Director of Budget and Management shall transfer any amounts that are not needed for the purpose of reimbursing county boards of elections for the cost of public notices associated with statewide ballot initiatives to appropriation item 911-404, Mandate Assistance.

Year 2000 Assistance

The Department of Administrative Services shall make a concerted effort to recover from state agencies its cost of providing Year 2000 compliance assistance to state agencies on or after July 1, 1999. In instances where such cost recovery attempts are impractical or unreasonable, the Department of Administrative Services may request approval of the Controlling Board to transfer appropriations from the foregoing appropriation item 911-442, Year 2000 Assistance, to the department in order to assist in paying for the costs that it incurs in providing Year 2000 assistance to state agencies.

The Director of Budget and Management shall certify to the members of the Controlling Board, of the amount appropriated to appropriation item 042-900, OBM Y2K Contingency, how much is subsequently for deposit to the credit of the General Revenue Fund. The Director of Budget and Management shall then increase the appropriation authority in the foregoing appropriation item 911-442, Year 2000 Assistance, by the amount so certified."

SECTION 69. That existing Section 30 of Am. Sub. H.B. 283 of the 123rd General Assembly, as amended by Am. Sub. H.B. 470 of the 123rd General Assembly, is hereby repealed.

SECTION 70. That Sections 28, 37, 37.14, 55.07, 72, 90, 98, and 101 of Am. Sub. H.B. 283 of the 123rd General Assembly, as amended by Sub. S.B. 245 of the 123rd General Assembly, be amended to read as follows:

" Sec. 28. COM DEPARTMENT OF COMMERCE

General Revenue Fund

GRF	800-402	Grants - Volunteer Fire Departments	$ 782,478	$ 819,807
Total GRF General Revenue Fund			$ 782,478	$ 819,807

General Services Fund Group

163	800-620	Division of Administration	$ 4,771,766	$ 4,787,925

TOTAL GSF General Services Fund Group				$	4,771,766	$ 4,787,925
Federal Special Revenue Fund Group						
348	800-622	Underground Storage Tanks		$	200,580	$ 195,008
348	800-624	Leaking Underground Storage Tanks		$	1,314,605	$ 1,295,920
TOTAL FED Federal Special Revenue Fund Group				$	1,515,185	$ 1,490,928
State Special Revenue Fund Group						
4B2	800-631	Real Estate Appraisal Recovery		$	68,500	$ 68,500
4D2	800-605	Auction Education		$	30,230	$ 30,476
4H9	800-608	Cemeteries		$	237,344	$ 243,434
4L5	800-609	Fireworks Training and Education		$	5,000	$ 5,000
4X2	800-619	Financial Institutions		$	1,920,385	$ 1,873,615
5B8	800-628	Auctioneers		$	347,591	$ 323,316
5B9	800-632	PI & Security Guard Provider		$	935,159	$ 940,874
5K7	800-621	Penalty Enforcement		$	10,000	$ 10,000
5K8	800-623	Prevailing Wage		$	43,000	$ 43,000
543	800-602	Unclaimed Funds-Operating		$	4,611,007	$ 4,663,857
543	800-625	Unclaimed Funds-Claims		$	23,783,981	$ 24,354,796
544	800-612	Banks		$	5,979,092	$ 5,956,369
545	800-613	Savings Institutions		$	2,612,665	$ 2,616,829
546	800-610	Fire Marshal		$	9,454,594	$ 9,427,122
547	800-603	Real Estate Education/Research		$	248,237	$ 254,194
548	800-611	Real Estate Recovery		$	271,972	$ 271,972
549	800-614	Real Estate		$	2,761,635	$ 2,692,093
550	800-617	Securities		$	4,675,239	$ 4,639,787
552	800-604	Credit Union		$	2,280,531	$ 2,266,517
553	800-607	Consumer Finance		$	2,364,776	$ 2,258,617
556	800-615	Industrial Compliance		$	19,321,973	$ 19,160,662
6A4	800-630	Real Estate Appraiser-Operating		$	496,596	$ 489,207
653	800-629	UST Registration/Permit Fee		$	1,019,988	$ 1,014,332
TOTAL SSR State Special Revenue Fund Group				$	~~83,426,495~~ 83,479,495	$ ~~83,551,569~~ 83,604,569
Liquor Control Fund Group						
043	800-321	Liquor Control Operating		$	15,694,491	$ 14,245,821
043	800-601	Merchandising		$	290,319,584	$ 298,454,701
861	800-634	Salvage and Exchange		$	105,000	$ 105,000
TOTAL LCF Liquor Control Fund Group				$	306,119,075	$ 312,805,522
TOTAL ALL BUDGET FUND GROUPS				$	~~396,614,999~~ 396,667,999	$ ~~403,455,751~~ 403,508,751

Grants - Volunteer Fire Departments

The foregoing appropriation item 800-402, Grants - Volunteer Fire Departments, shall be used to make annual grants to volunteer fire departments of up to $10,000, or up to $25,000 in cases when the volunteer

fire department provides service for an area affected by a natural disaster. The program shall be administered by the Fire Marshal under the Department of Commerce. The Fire Marshal shall issue necessary rules for the administration and operation of this program.

Penalty Enforcement

The foregong appropriation item 800-621, Penalty Enforcement, shall be used for the deposit of penalties resulting as provided in section 4115.10 of the Revised Code. Any additional amounts that are determined to be necessary for these purposes are hereby appropriated.

Prevailing Wage

The foregoing appropriation item 800-623, Prevailing Wage, shall be used for the deposit of monies paid by employees for whom prevailing wages are due and owing. Any additional amounts that are determined to be necessary for these purposes are hereby appropriated.

Unclaimed Funds Payments

The foregoing appropriation item 800-625, Unclaimed Funds-Claims, shall be used to pay claims pursuant to section 169.08 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are hereby appropriated.

Increased Appropriation Authority - Merchandising

The Director of Commerce may, upon concurrence by the Director of Budget and Management, submit to the Controlling Board for approval a request for increased appropriation authority for appropriation item 800-601, Merchandising.

Administrative Assessments

Notwithstanding any other provision of law to the contrary, Fund 163, Administration, shall receive assessments from all operating funds of the department in accordance with procedures prescribed by the Director of Commerce and approved by the Director of Budget and Management.

Cash Balance Transfer

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Savings Bank Fund (Fund 4G8), which was abolished in Am. Sub. H.B. 283 of the 123rd General Assembly by the repeal of section 1163.17 of the Revised Code, to the Savings Institutions Fund (Fund 545), which is created in Am. Sub. H.B. 283 of the 123rd General Assembly by the enactment of section 1181.18 of the Revised Code. The Director shall cancel any existing encumbrances against appropriation item 800-606, Savings Banks, and reestablish them against appropriation item, 800-613, Savings Institutions (Fund 545). The amounts of the reestablished encumbrances are hereby appropriated.

Sec. 37. DEV DEPARTMENT OF DEVELOPMENT

General Revenue Fund

GRF	195-100	Personal Services	$ 2,578,880	$	2,583,300
GRF	195-200	Maintenance	$ 608,000	$	608,000
GRF	195-300	Equipment	$ 111,550	$	111,550
GRF	195-401	Thomas Edison Program	$ 25,553,540	$	25,528,749
GRF	195-404	Small Business Development	$ 2,445,388	$	2,465,504
GRF	195-405	Minority Business Development Division	$ 2,323,570	$	2,324,418
GRF	195-406	Transitional and Permanent Housing	$ 2,760,270	$	2,826,679
GRF	195-407	Travel and Tourism	$ 6,300,000	$	6,327,600
GRF	195-408	Coal Research Development	$ 588,465	$	587,907
GRF	195-409	Energy Credit Administration	$ 0	$	694,814
GRF	195-410	Defense Conversion Assistance Program	$ 740,000	$	500,000
GRF	195-412	Business Development Grants	$ 15,005,000	$	10,005,000
GRF	195-414	First Frontier Match	$ 485,000	$	496,628
GRF	195-415	Regional Offices and Economic Development	$ 6,414,854	$	6,338,038
GRF	195-416	Governor's Office of Appalachia	$ 1,628,800	$	~~641,376~~ 5,059,376
GRF	195-417	Urban/Rural Initiative	$ 1,000,000	$	1,000,000
GRF	195-422	Technology Action	$ 15,100,000	$	15,100,000
GRF	195-428	Project 100	$ 2,000,000	$	2,000,000
GRF	195-429	Y2K Compliance	$ 10,000,000	$	0
GRF	195-431	Community Development Corporation Grants	$ 2,520,386	$	2,582,510
GRF	195-432	International Trade	$ 5,291,540	$	5,416,621
GRF	195-434	Industrial Training Grants	$ 18,000,000	$	20,000,000
GRF	195-436	Labor/Management Cooperation	$ 1,164,000	$	1,164,000
GRF	195-440	Emergency Shelter Housing Grants	$ 2,930,029	$	2,999,139
GRF	195-441	Low and Moderate Income Housing	$ 7,760,000	$	7,760,000
GRF	195-497	CDBG Operating Match	$ 1,147,067	$	1,176,608
GRF	195-498	State Energy Match	$ 147,221	$	151,299
GRF	195-501	Appalachian Local Development Districts	$ 452,370	$	463,227
GRF	195-502	Appalachian Regional Commission Dues	$ 190,000	$	194,400
GRF	195-505	Utility Bill Credits	$ 0	$	7,500,000
GRF	195-507	Travel & Tourism Grants	$ 1,795,000	$	1,640,000
GRF	195-513	Empowerment Zones/Enterprise Communities	$ 2,000,000	$	0
TOTAL GRF General Revenue Fund			$ 139,040,930	$	~~131,187,367~~ 135,605,367

General Services Fund Group

135	195-605	Supportive Services	$ 7,463,030	$	7,472,165
136	195-621	International Trade	$ 75,000	$	0

685	195-636	General Reimbursements	$	1,199,500	$	1,222,233
TOTAL GSF General Services Fund Group			$	8,737,530	$	8,694,398
Federal Special Revenue Fund Group						
3K8	195-613	Community Development Block Grant	$	65,000,000	$	65,000,000
3K9	195-611	Home Energy Assistance Block Grant	$	55,000,000	$	55,000,000
3K9	195-614	HEAP Weatherization	$	10,421,000	$	10,412,041
3L0	195-612	Community Services Block Grant	$	20,090,000	$	20,090,000
308	195-602	Appalachian Regional Commission	$	650,000	$	650,000
308	195-603	Housing and Urban Development	$	34,895,700	$	34,895,700
308	195-605	Federal Projects	$	7,871,000	$	7,855,501
308	195-609	Small Business Administration	$	3,701,900	$	3,701,900
308	195-616	Technology Programs	$	117,700	$	0
308	195-618	Energy Federal Grants	$	2,832,325	$	2,803,560
335	195-610	Oil Overcharge	$	8,500,000	$	8,500,000
380	195-622	Housing Development Operating	$	3,711,800	$	3,938,200
TOTAL FED Federal Special Revenue Fund Group			$	212,791,425	$	212,846,902
State Special Revenue Fund Group						
4F2	195-639	State Special Projects	$	1,530,000	$	1,030,100
4H4	195-641	First Frontier	$	1,000,000	$	1,000,000
4S0	195-630	Enterprise Zone Operating	$	323,079	$	323,355
4S1	195-634	Job Creation Tax Credit Operating	$	251,856	$	258,422
4W1	195-646	Minority Business Enterprise Loan	$	3,898,213	$	3,972,954
444	195-607	Water and Sewer Commission Loans	$	500,000	$	500,000
445	195-617	Housing Finance Agency	$	3,669,522	$	3,532,181
450	195-624	Minority Business Bonding Program Administration	$	12,644	$	12,947
451	195-625	Economic Development Financing Operating	$	1,906,075	$	1,970,014
586	195-653	Scrap Tire Loans and Grants	$	1,000,000	$	1,000,000
5F7	195-658	Local Government Y2K Loan Program	$	10,000,000	$	0
611	195-631	Water and Sewer Administration	$	15,000	$	15,000
617	195-654	Volume Cap Administration	$	200,000	$	196,640
646	195-638	Low and Moderate Income Housing Trust Fund	$	20,445,200	$	21,034,500
TOTAL SSR State Special Revenue Fund Group			$	44,751,589	$	34,846,113
Facilities Establishment Fund						
037	195-615	Facilities Establishment	$	53,970,000	$	55,481,100
4Z6	195-647	Rural Industrial Park Loan	$	~~1,000,000~~	$	~~1,000,000~~

				3,000,000		5,000,000
5D1	195-649	Port Authority Bond Reserves	$	2,500,000	$	2,500,000
5D2	195-650	Urban Redevelopment Loans	$	10,000,000	$	10,000,000
5H1	195-652	Family Farm Loan	$	2,246,375	$	2,246,375
TOTAL 037 Facilities Establishment Fund			$	~~69,716,375~~ 71,716,375	$	~~71,227,475~~ 75,227,475
Coal Research/Development Fund						
046	195-632	Coal Research and Development Fund	$	12,276,000	$	12,570,624
TOTAL 046 Coal Research/ Development Fund			$	12,276,000	$	12,570,624
TOTAL ALL BUDGET FUND GROUPS			$	~~487,313,849~~ 489,313,849	$	~~471,372,879~~ 479,790,879

Sec. 37.14. Facilities Establishment Fund

The foregoing appropriation item 195-615, Facilities Establishment Fund (Fund 037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to $1,600,000 may be transferred each fiscal year from the Facilities Establishment Fund (Fund 037) to the Economic Development Financing Operating Fund (Fund 451). The transfer is subject to Controlling Board approval pursuant to division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to $3,800,000 may be transferred in each fiscal year of the biennium from the Facilities Establishment Fund (Fund 037) to the Minority Business Enterprise Loan Fund (Fund 4W1). The transfer is subject to Controlling Board approval pursuant to division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to $5,000,000 cash may be transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Port Authority Bond Reserves Fund (Fund 5D1) for use by any port authority in establishing or supplementing bond reserve funds for any bond issuance permitted under Chapter 4582. of the Revised Code. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, a provision that no port authority shall receive more than $2,000,000. The transfer and release of funds are subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, up to $20,000,000 cash may be transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of removing barriers to urban core redevelopment. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, the completion of all appropriate environmental assessments before state

assistance is committed to a project.

Notwithstanding Chapter 166. of the Revised Code, up to ~~$1,000,000~~ 3,000,000 in fiscal year 2000 and up to $5,000,000 in fiscal year 2001 in cash may be transferred ~~in each fiscal year of the biennium~~ from the Facilities Establishment Fund (Fund 037) to the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling Board approval pursuant to section 166.03 of the Revised Code.

Family Farm Loan Program

Notwithstanding Chapter 166. of the Revised Code, up to $2,500,000 shall be transferred during the biennium from moneys in the Facilities Establishment Fund (Fund 037) to the Family Farm Loan Fund (Fund 5H1) in the Department of Development. These moneys shall be used for loan guarantees. The transfer is subject to Controlling Board approval.

Financial assistance from the Family Farm Loan Fund shall be repaid to Fund 5H1. This fund is established in accordance with sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the Revised Code.

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, all outstanding balances, all loan repayments, and any other outstanding obligations shall revert to the Facilities Establishment Fund (Fund 037).

Scrap Tire Loans and Grants

On July 1, 1999, or as soon thereafter as possible, the Director of Development shall certify to the Director of Budget and Management the balance in Fund 037, Facilities Establishment, for the Scrap Tire Loan and Grant Program. The Director of Budget and Management shall transfer the certified amount to Fund 586, Scrap Tire Loans and Grants. Any existing encumbrances in appropriation item 195-615, Facilities Establishment, for the Scrap Tire Loan and Grant Program shall be cancelled and reestablished against appropriation item 195-653, Scrap Tire Loans and Grants (Fund 586). These amounts are hereby appropriated.

Sec. 55.07. Transfer of Funds

The Department of Human Services shall transfer, through intrastate transfer vouchers, cash from State Special Revenue Fund 4K1, ICF/MR Bed Assessments, to Fund 4K8, Home and Community-Based Services, in the Department of Mental Retardation and Developmental Disabilities. The sum of the transfers shall be equal to the amounts appropriated in fiscal year 2000 in appropriation item 322-604, Waiver - Match. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

The Department of Human Services shall transfer, through intrastate transfer vouchers, cash from the State Special Revenue Fund 4J5, Home and

Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the transfers shall be equal to the amount appropriated in fiscal year 2000 in appropriation item 490-610, PASSPORT/Residential State Supplement. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

Transfers of IMD/DSH Cash

The Department of Human Services shall transfer, through intrastate transfer vouchers, cash from Fund 5C9, Medicaid Program Support, to the Department of Mental Health's Fund 4X5, OhioCare, in accordance with an interagency agreement that delegates authority from the Department of Human Services to the Department of Mental Health to administer specified Medicaid services.

The Director of Budget and Management shall transfer cash from the Department of Human Services Fund 5C9, Medicaid Program Support, in the amount of $2,450,000 in fiscal year 2000 to the Department of Health's Health Services Fund, Fund 5E1.

MACSIS Funding

The Director of Budget and Management shall transfer cash up to $499,962 from Fund 4X3, OhioCare, and up to $4,315 from Fund 3P7, Medicaid Program Support, to Fund 4X5, Behavioral Health Medicaid Services, to fund MACSIS implementation costs incurred by the Department of Mental Health.

The Director of Budget and Management shall transfer cash up to $500,000 from Fund 5C9, Medicaid Program Support, to Fund 4X5, Behavioral Health Medicaid Services, to fund MACSIS implementation costs incurred by the Department of Mental Health. This transfer shall be contingent on an available cash balance in Fund 5C9 after other statutory obligations have been met.

Transfer from the Children's Trust Fund to the Wellness Block Grant Fund

Within 90 days after ~~the effective date of this section~~ June 30, 1999, the Director of Budget and Management shall transfer $1,000,000 in fiscal year 2000 from Fund 198, Children's Trust Fund, to Fund 4N7, Wellness Block Grant, within the Department of Human Services' budget.

Foster Care Liability Coverage

On behalf of public children services agencies, private childplacing agencies, private noncustodial agencies and in consultation with the Department of Insurance and the Office of State Purchasing, the Department of Human Services may seek and accept proposals for a uniform and

statewide insurance policy to indemnify foster parents for personal injury and property damage suffered by them due to the care of a foster child. Premiums for such a policy shall be the sole responsibility of each public children services agency, private childplacing agency and private noncustodial agency that agrees to purchase the insurance policy.

Child Protective Services

Of the foregoing appropriation item 400-527, Child Protective Services, $30,000 in fiscal year 2000 shall be distributed to the Children's Advocacy Center in Portage County.

Protective Services Incentive Funding

Notwithstanding the formula in section 5101.14 of the Revised Code, from the foregoing appropriation item 400-527, Child Protective Services, the Department of Human Services may use no more than $2,400,000 in fiscal year 2000 as incentive funding for public children services agencies to promote innovative practice standards and efficiencies in service delivery to and assist public children service agencies in complying with federal reporting requirements. Of this amount, public children services agencies may use $125,000 to pursue accreditation by the Child Welfare League of America. The Department of Human Services shall develop a process for the release of these funds and may adopt rules in accordance with section 111.15 of the Revised Code governing the distribution, release, and use of these funds.

Day Care/Head Start Collaborations

The Department of Human Services and the county departments of human services shall work to develop collaborative efforts between Head Start and child care providers. The Department of Human Services may use the foregoing appropriation items 400-413, Day Care Match/Maintenance of Effort, and 400-617, Day Care Federal, to support collaborative efforts between Head Start and child day care centers.

Four C's Comprehensive Community Child Care Program

From the foregoing appropriation item 400-617, Day Care Federal, in fiscal year 2000, the Director of Human Services shall provide $25,000 from child care funds to the Hamilton County Department of Human Services to contract with the Four C's Comprehensive Community Child Care for quality activities allowable under the Child Care Development Block Grant. The Hamilton County Department of Human Services and Four C's shall agree on reporting requirements to be incorporated into the contract.

Adoption Assistance

Of the foregoing appropriation item 400-528, Adoption Services State, at least $3,700,000 in fiscal year 2000 shall be used in support of post

inalization adoption services offered pursuant to section 5153.163 of the Revised Code. The Department of Human Services shall adopt rules and procedures pursuant to section 111.15 of the Revised Code to set payment levels and limit eligibility for post finalization adoption services as necessary to limit program expenditures to the amounts set forth in this section, based on factors including, but not limited to, any or all of the following: type, or extent, of the adopted child's disability or special need; and resources available to the adoptive family to meet the child's service needs.

Adoption Connection of Cincinnati

Of the foregoing appropriation item 400-528, Adoption Services, $42,000 is earmarked in FY 2000 to support the Adoption Connection of Cincinnati.

Child Support Collections/TANF MOE

The foregoing appropriation item 400-658, Child Support Collections, shall be used by the Department of Human Services to meet the TANF Maintenance of Effort requirements of Pub. L. No. 104-193. After the state has met the maintenance of effort requirement, the Department of Human Services may use funds from appropriation item 400-658, Child Support Collections, to support public assistance activities.

Private Child Care Agencies Training

The foregoing appropriation item 400-615, Private Child Care Agencies Training, shall be used by the Department of Human Services to provide the state match for federal Title IV-E training dollars for private child placing agencies and private noncustodial agencies. Revenues shall consist of moneys derived from fees established under section 5101.143 of the Revised Code and paid by private child placing agencies and private noncustodial agencies.

Child Care Quality Improvement

The Department of Human Services shall make available to county departments of human services an amount to fund the improvement of the quality of publicly funded child care and access to publicly funded child care, including, but not limited to, recruitment, training, mentoring, and oversight of child care providers or in-home providers.

Transfer for Lead Assessments

Of the foregoing appropriation item 400-525, Health Care/Medicaid, the Department of Human Services may transfer funds from the General Revenue Fund to the General Operations Fund (Fund 142) of the Department of Health. Transfer of the funds shall be made through intrastate transfer voucher pursuant to an interagency agreement for the purpose of

performing environmental lead assessments in the homes of Medicaid Healthcheck recipients.

Childhood Lead Poisoning Working Group

There is hereby created the Childhood Lead Poisoning Working Group to study and propose a state plan to address lead poisoning treatment and control issues. The Working Group shall consist of fourteen members, one of whom must be a senator appointed by the President of the Senate, and one member shall be a representative appointed by the Speaker of the House of Representatives. The Working Group shall also consist of two designees of the Director of each of the following departments: Department of Human Services, Department of Health, Department of Development, Ohio Environmental Protection Agency, and the Department of Education. The Help End Lead Poisoning Coalition shall appoint two members. The members of the Working Group shall be appointed within thirty days of ~~the effective date of this section~~ June 30, 1999.

Not later than June 30, 2000, the Working Group shall submit a report of its findings and recommendations to the Speaker and Minority Leader of the House of Representatives and the President and the Minority Leader of the Senate. The above-mentioned departments shall make staff available to the Working Group.

Medicaid Program Support Fund - State

The foregoing appropriation item 400-671, Medicaid Program Support, shall be used by the Department of Human Services to pay for Medicaid services and contracts.

Holding Account Redistribution Group

The foregoing appropriation items 400-643 and 400-644, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.

Agency Fund Group

The Agency Fund Group shall be used to hold revenues until the appropriate fund is determined or until they are directed to the appropriate governmental agency other than the Department of Human Services. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.

Federal Special Revenue Fund Group

The foregoing appropriation items that appear in the Department of Human Services' Federal Special Revenue Fund Group shall be used to collect revenue from various sources and use the revenue to support

programs administered by the Department of Human Services. If it is determined that additional appropriation authority is necessary, the department shall notify the Director of Budget and Management on forms prescribed by the Controlling Board. If the Director agrees that the additional appropriation authority is necessary in order to perform the functions allowable in the appropriation item, then such amounts are hereby appropriated. The Director shall notify the Controlling Board at their next regularly scheduled meeting as to the action taken.

Children's Trust Reimbursement Fund Cash Transfer

The Director of Budget and Management shall transfer the cash balance in the Children's Trust Reimbursement Fund to the Children's Trust Fund. The Children's Trust Reimbursement Fund is hereby abolished.

Sec. 72. DNR DEPARTMENT OF NATURAL RESOURCES

General Revenue Fund

GRF	725-401	Wildlife - GRF Central Support	$ 1,221,229	$	1,268,315
GRF	725-404	Fountain Square Rental Payments - OBA	$ 1,087,000	$	1,093,000
GRF	725-407	Conservation Reserve Enhancement Program	$ 1,900,400	$	1,920,400
GRF	725-408	Reclamation and Mining	$ 2,406,020	$	2,408,999
GRF	725-412	Reclamation Commission	$ 66,475	$	68,165
GRF	725-413	~~OPFC~~ Lease-Rental Payments	$ 15,660,000	$	12,750,000
GRF	725-415	Mine Examining Board	$ 121,083	$	123,963
GRF	725-423	Stream and Ground Water Gauging	$ 422,863	$	459,387
GRF	725-425	Wildlife License Reimbursement	$ 1,000,000	$	1,000,000
GRF	725-456	Canal Lands	$ 414,783	$	423,203
GRF	725-502	Soil and Water Districts	$ ~~11,414,494~~ 11,364,494	$	~~12,140,831~~ 11,890,831
~~GRF~~	~~725-407~~	~~Conservation Reserve Enhancement Program~~	$ ~~1,900,400~~	$	~~1,920,400~~
GRF	727-321	Division of Forestry	$ 10,203,524	$	10,081,427
GRF	728-321	Division of Geological Survey	$ 2,164,135	$	2,270,778
GRF	729-321	Computer Information Services & Communications	$ 1,172,567	$	1,214,464
GRF	730-321	Division of Parks and Recreation	$ 35,255,224	$	34,951,655
GRF	733-321	Division of Water	$ 3,944,652	$	3,998,080
GRF	734-321	Division of Oil and Gas	$ 725,366	$	1,614,957
GRF	736-321	Division of Chief Engineer	$ 4,371,204	$	3,773,672
GRF	737-321	Division of Soil and Water	$ ~~4,192,466~~ 4,242,466	$	~~4,461,766~~ 4,711,766
GRF	738-321	Office of Real Estate and Land Management	$ 3,099,898	$	2,650,457
GRF	741-321	Division of Natural Areas	$ 3,415,305	$	3,396,390
GRF	743-321	Division of Civilian Conservation	$ 5,100,636	$	5,225,382

TOTAL GRF General Revenue Fund				$	109,359,324	$ 107,295,291
General Services Fund Group						
155	725-601	Departmental Projects		$	1,491,770	$ 1,468,051
157	725-651	Central Support Indirect		$	7,302,432	$ 7,273,923
158	725-604	Natural Resources Publication Center Intrastate		$	79,170	$ 80,154
161	725-635	Parks Facilities Maintenance		$	2,666,395	$ 2,737,935
162	725-625	CCC Operations		$	2,261,993	$ 2,156,861
204	725-687	Information Services		$	2,217,392	$ 2,145,631
206	725-689	REALM Support Services		$	447,811	$ 473,152
207	725-690	Real Estate		$	53,924	$ 55,320
4D5	725-618	Recycled Materials		$	103,429	$ 106,272
4S9	725-622	NatureWorks Personnel		$	687,136	$ 690,700
4X8	725-662	Water Planning Council		$	262,900	$ 269,700
430	725-671	Canal Lands		$	1,029,302	$ 998,044
5F9	725-663	Flood Reimbursement		$	99,109	$ 0
508	725-684	Natural Resources Publication Center Interstate		$	393,166	$ 361,877
510	725-631	Maintenance - state-owned residences		$	230,669	$ 220,771
516	725-620	Water Management		$	2,407,372	$ 2,404,055
519	725-623	Burr Oak Water Plant		$	1,149,523	$ 1,750,680
635	725-664	Fountain Square Facilities Management		$	2,595,957	$ 2,699,355
697	725-670	Submerged Lands		$	547,762	$ 567,920
TOTAL GSF General Services Fund Group				$	26,027,212	$ 26,460,401
Federal Special Revenue Fund Group						
3B3	725-640	Federal Forest Pass-Thru		$	55,000	$ 55,000
3B4	725-641	Federal Flood Pass-Thru		$	185,000	$ 190,000
3B5	725-645	Federal Abandoned Mine Lands		$	7,418,833	$ 7,630,403
3B6	725-653	Federal Land and Water Conservation		$	130,000	$ 120,000
3B7	725-654	Reclamation-Regulatory		$	2,214,846	$ 2,265,932
3P0	725-630	Natural Areas and Preserves-Federal		$	262,400	$ 185,000
3P1	725-632	Geological Survey-Federal		$	350,000	$ 350,000
3P2	725-642	Oil and Gas-Federal		$	223,700	$ 111,850
3P3	725-650	Real Estate and Land Management-Federal		$	2,857,755	$ 3,185,120
3P4	725-660	Water-Federal		$	180,000	$ 180,000
3R5	725-673	Acid Mine Drainage Abatement/Treatment		$	600,000	$ 600,000
328	725-603	Forestry Federal		$	1,017,600	$ 1,017,600
332	725-669	Federal Mine Safety Grant		$	133,095	$ 137,056
TOTAL FED Federal Special Revenue Fund Group				$	15,628,229	$ 16,027,961
State Special Revenue Fund Group						
4B8	725-617	Forestry Development		$	25,000	$ 25,000
4J2	725-628	Injection Well Review		$	68,428	$ 54,440
4M7	725-631	Wildfire Suppression		$	100,000	$ 100,000
4U6	725-668	Scenic Rivers Protection		$	261,307	$ 268,431

5B3	725-674	Mining Regulation	$	49,757	$	49,805
509	725-602	State Forest	$	1,520,379	$	1,440,326
511	725-646	Ohio Geologic Mapping	$	839,340	$	763,717
512	725-605	State Parks Operations	$	27,150,223	$	27,048,732
514	725-606	Lake Erie Shoreline	$	828,311	$	729,492
518	725-643	Oil and Gas Permit Fees	$	3,118,829	$	2,378,496
518	725-677	Oil and Gas Well Plugging	$	800,000	$	800,000
521	725-627	Off-Road Vehicle Trails	$	62,036	$	63,790
522	725-656	Natural Areas Checkoff Funds	$	745,301	$	766,169
525	725-608	Reclamation Forfeiture	$	597,082	$	597,664
526	725-610	Strip Mining Administration Fees	$	1,956,599	$	2,006,000
527	725-637	Surface Mining Administration	$	1,964,078	$	2,016,050
529	725-639	Unreclaimed Land Fund	$	1,335,879	$	1,349,327
530	725-647	Surface Mining Reclamation	$	76,725	$	78,951
531	725-648	Reclamation Supplemental Forfeiture	$	1,352,208	$	1,389,401
532	725-644	Litter Control and Recycling	$	10,965,210	$	11,264,587
615	725-661	Dam Safety	$	136,633	$	139,237
TOTAL SSR State Special Revenue Fund Group			$	53,953,325	$	53,329,615
Wildlife Fund Group						
015	725-509	Fish/Wildlife Subsidy	$	154,199	$	158,517
015	740-321	Division of Wildlife Conservation	$	40,345,888	$	41,400,117
81A	725-612	Wildlife Education	$	1,496,360	$	1,537,063
815	725-636	Cooperative Management Projects	$	148,850	$	153,166
816	725-649	Wetlands Habitat	$	897,663	$	922,997
817	725-655	Wildlife Conservation Checkoff Fund	$	1,301,143	$	1,327,577
818	725-629	Cooperative Fisheries Research	$	918,004	$	943,708
819	725-685	Ohio River Management	$	119,302	$	122,748
TOTAL WLF Wildlife Fund Group			$	45,381,409	$	46,565,893
Waterways Safety Fund Group						
086	725-414	Waterways Improvement	$	3,091,402	$	3,091,035
086	725-416	Natural Areas Marine Patrol	$	25,000	$	25,000
086	725-417	Parks Marine Patrol	$	25,000	$	25,000
086	725-418	Buoy Placement	$	39,298	$	40,267
086	725-501	Waterway Safety Grants	$	128,024	$	131,609
086	725-506	Watercraft Marine Patrol	$	359,800	$	369,875
086	725-513	Watercraft Educational Grants	$	128,500	$	132,098
086	739-321	Division of Watercraft	$	14,865,111	$	15,142,223
880	725-614	Cooperative Boat Harbor Projects	$	108,637	$	111,679
TOTAL WSF Waterways Safety Fund Group			$	18,770,772	$	19,068,786
Holding Account Redistribution Fund Group						
R17	725-659	Performance Cash Bond Refunds	$	265,000	$	265,500
R29	725-607	Reclamation Fee Refund	$	350,000	$	350,000

R30	725-638	Surface Mining Reclamation Fees	$ 12,000	$	12,000
R43	725-624	Forestry	$ 1,750,000	$	1,750,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 2,377,000	$	2,377,500
Accrued Leave Liability Fund Group					
4M8	725-675	FOP Contract	$ 17,551	$	17,990
TOTAL ALF Accrued Leave Liability Fund Group			$ 17,551	$	17,990
TOTAL ALL BUDGET FUND GROUPS			$ 271,514,822	$	271,143,437

Sec. 90. SOS SECRETARY OF STATE

General Revenue Fund					
GRF	050-321	Operating Expenses	$ 7,594,550	$	~~8,062,385~~ 10,062,385
GRF	050-403	Election Statistics	$ 133,000	$	150,000
GRF	050-407	Pollworkers Training	$ 175,000	$	290,000
GRF	050-409	Litigation Expenditures	$ 26,750	$	26,750
TOTAL GRF General Revenue Fund			$ 7,929,300	$	~~8,529,135~~ 10,529,185
General Services Fund Group					
4B9	050-608	Campaign Finance Disk Sales	$ 1,000	$	1,000
4S8	050-610	Board of Voting Machine Examiners	$ 7,200	$	7,200
413	050-601	Information Systems	$ 181,900	$	150,000
414	050-602	Citizen Education Fund	$ 30,000	$	30,000
TOTAL General Services Fund Group			$ 220,100	$	188,200
State Special Revenue Fund Group					
599	050-603	Business Services Operating Expenses	$ 5,200,000	$	5,200,000
TOTAL SSR State Special Revenue Fund Group			$ 5,200,000	$	5,200,000
Holding Account Redistribution Fund Group					
R01	050-605	Uniform Commercial Code Refunds	$ 65,000	$	65,000
R02	050-606	Corporate/Business Filing Refunds	$ 185,000	$	185,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 250,000	$	250,000
TOTAL ALL BUDGET FUND GROUPS			$ 13,599,400	$	~~14,167,335~~ 16,167,335

Board of Voting Machine Examiners

The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses which are authorized to be paid from the Board of Voting Machine Examiners Fund which is created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting the equipment for examination. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

Holding Account Redistribution Group

The foregoing appropriation items 050-605 and 050-606, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

Filing Fees Study

The Secretary of State shall conduct a study of fees charged under section 111.16 of the Revised Code to compare the fee amounts with the actual cost of providing the services for which the fees are charged. The purpose of the study is to determine whether the amounts of the fees being charged are valid and appropriate with respect to the services being provided. The Secretary of State shall complete a report summarizing the results of the study and, not later than December 31, 2000, shall submit the report to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

Sec. 98. TOS TREASURER OF STATE

General Revenue Fund

GRF 090-321	Operating Expenses	$ 7,776,686	$ 7,307,833
GRF 090-401	Commissioners of the Sinking Fund	$ 370,530	$ ~~381,400~~ 581,400
GRF 090-402	Continuing Education	$ 413,278	$ 442,207
GRF 090-510	PERS Cost of Living	$ 598	$ 451
GRF 090-511	STRS Cost of Living	$ 1,400	$ 1,200
GRF 090-512	SERS Cost of Living	$ 600	$ 600
GRF 090-520	PERS Pension Benefits	$ 146,088	$ 120,628
GRF 090-521	STRS Pension Benefits	$ 320,000	$ 300,000
GRF 090-522	SERS Pension Benefits	$ 80,000	$ 67,000
GRF 090-523	Highway Patrol Retirement System	$ 4,156	$ 4,050
GRF 090-524	Police and Fire Disability Pension	$ 50,000	$ 45,000
GRF 090-530	PERS Ad Hoc Cost of Living	$ 754,281	$ 667,687
GRF 090-531	STRS Ad Hoc Cost of Living	$ 1,600,000	$ 1,500,000
GRF 090-532	SERS Ad Hoc Cost of Living	$ 236,000	$ 213,000
GRF 090-533	Hwy Patrol Ad Hoc Cost of Living	$ 24,990	$ 24,800
GRF 090-534	Police & Fire Ad Hoc Cost of Living	$ 325,000	$ 300,000
GRF 090-544	Police and Fire State Contribution	$ 1,200,000	$ 1,200,000
GRF 090-554	Police and Fire Survivor Benefits	$ 1,740,000	$ 1,670,000
GRF 090-575	Police and Fire Death Benefits	$ 19,980,000	$ 21,280,000
GRF 090-900	Debt Service	$ 122,500,000	$ ~~132,365,000~~ 0

TOTAL GRF General Revenue Fund			$ 157,523,607	$	~~167,890,856~~ 35,725,856
Agency Fund Group					
425	090-635	Tax Refunds	$ 550,000,000	$	550,000,000
TOTAL Agency Fund Group			$ 550,000,000	$	550,000,000
General Services Fund Group					
182	090-608	Financial Planning Commissions	$ 12,000	$	12,000
4E9	090-603	Securities Lending Income Fund	$ 5,185,804	$	6,169,140
4NO	090-611	Treasury Education Fund	$ 27,500	$	27,500
577	090-605	Investment Pool Reimbursement	$ 1,000,000	$	750,000
605	090-609	Treasurer of State Administrative Fund	$ 850,000	$	600,000
TOTAL GSF General Services Fund Group			$ 7,075,304	$	7,558,640
Debt Service Fund Group					
077	090-900	Capital Improvements Bond Service	$ 122,500,000	$	~~132,365,000~~ 0
TOTAL DSF Debt Service Fund Group			$ 122,500,000	$	~~132,365,000~~ 0
State Special Revenue Fund Group					
5C5	090-602	County Treasurer Education	$ 110,000	$	110,000
TOTAL SSR State Special Revenue Fund Group			$ 110,000	$	110,000
TOTAL ALL BUDGET FUND GROUPS			$ 837,208,911	$	~~857,924,496~~ 725,759,496

Sec. 101. VET VETERANS' ORGANIZATIONS

General Revenue Fund

VAP AMERICAN EX-PRISONERS OF WAR

GRF	743-501	State Support	$ 24,444	$	25,030

VAN ARMY AND NAVY UNION, USA, INC.

GRF	746-501	State Support	$ 53,723	$	55,012

VKW KOREAN WAR VETERANS

GRF	747-501	State Support	$ 48,294	$	49,453

VJW JEWISH WAR VETERANS

GRF	748-501	State Support	$ 29,018	$	29,715

VCW CATHOLIC WAR VETERANS

GRF	749-501	State Support	$ 56,631	$	57,990

VPH MILITARY ORDER OF THE PURPLE HEART

GRF	750-501	State Support	$ 55,056	$	56,377

VVV VIETNAM VETERANS OF AMERICA

GRF	751-501	State Support	$ 177,947	$	185,954

VAL AMERICAN LEGION OF OHIO

GRF	752-501	State Support	$ 241,462	$	252,328

VII VETERANS OF WORLD WAR II-KOREA-VIETNAM

GRF	753-501	State Support	$ 728,535	$	~~237,919~~

					387,919
		VAV DISABLED AMERICAN VETERANS			
GRF	754-501	State Support	$ 159,146	$	166,308
		VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO			
GRF	755-501	State Support	$ 4,127	$	4,226
		VMC MARINE CORPS LEAGUE			
GRF	756-501	State Support	$ 82,270	$	85,972
		V37 37TH DIVISION AEF VETERANS' ASSOCIATION			
GRF	757-501	State Support	$ 5,807	$	5,946
		VFW VETERANS OF FOREIGN WARS			
GRF	758-501	State Support	$ 163,846	$	196,615
		VWI VETERANS OF WORLD WAR I			
GRF	759-501	State Support	$ 24,444	$	25,031
TOTAL GRF General Revenue Fund			$ 1,854,750	$	~~1,433,876~~ 1,583,876
TOTAL ALL BUDGET FUND GROUPS			$ 1,854,750	$	~~1,433,876~~ 1,583,876

Release of Funds

The foregoing appropriation items 743-501, 746-501, 747-501, 748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 755-501, 756-501, 757-501, 758-501, and 759-501, State Support, shall be released upon approval by the Director of Budget and Management.

American Ex-Prisoners of War

The American Ex-Prisoners of War shall be permitted to share an office with the Veterans of World War I.

Central Ohio United Services Organization

Of the foregoing appropriation item 751-501, State Support, Vietnam Veterans of America, $50,000 in each fiscal year shall be used to support the activities of the Central Ohio USO.

National World War II Memorial Fund

Of the foregoing appropriation item 753-501, State Support, Veterans of World War II-Korea-Vietnam, $500,000 in fiscal year 2000 shall be used for the contribution to the National World War II Memorial Fund. The Director of Budget and Management shall not release any funds for the National World War II Memorial until the national capital campaign has received ninety per cent of its goal through cash received or commitments.

Of the foregoing appropriation item 753-501, State Support, Veterans of World War II-Korea-Vietnam, $150,000 in fiscal year 2001 shall be used for the AMVETS Career Center.

Veterans Service Commission Education

Of the foregoing appropriation item 753-501, State Support, up to $20,000 in each fiscal year may be used to provide moneys to the Association of County Veterans Service Commissioners to reimburse its

member county veterans service commissions for costs incurred in carrying out educational and outreach duties required under divisions (E) and (F) of section 5901.03 of the Revised Code. Upon the presentation of an itemized statement to the Office of Veterans Affairs, the office shall direct the Auditor of State to issue a warrant upon the state treasury to the association to reimburse member commissions for reasonable and appropriate expenses incurred performing these duties. The association shall establish uniform procedures for reimbursing member commissions."

SECTION 71. That existing Sections 28, 37, 37.14, 55.07, 72, 90, 98, and 101 of Am. Sub. H.B. 283 of the 123rd General Assembly, as amended by Sub. S.B. 245 of the 123rd General Assembly, are hereby repealed.

SECTION 72. That Section 21 of Am. Sub. H.B. 283, as amended by both Am. Sub. S.B. 153 and Sub. S.B. 245, all of the 123rd General Assembly, be amended to read as follows:

" Sec. 21. AGO ATTORNEY GENERAL

General Revenue Fund

GRF	055-321	Operating Expenses	$ 56,367,407	$ 60,102,251
GRF	055-405	Law-Related Education	$ 190,164	$ 195,489
GRF	055-411	County Sheriffs	$ 590,612	$ 607,149
GRF	055-415	County Prosecutors	$ 495,027	$ 508,888
TOTAL GRF General Revenue Fund			$ 57,643,210	$ 61,413,777

General Services Fund Group

106	055-612	General Reimbursement	$ 12,452,999	$ ~~12,810,180~~ 14,010,180
107	055-624	Employment Services	$ 1,064,659	$ 1,116,469
195	055-660	Workers' Compensation Section	$ 6,646,301	$ 6,794,833
4Y7	055-608	Title Defect Rescission	$ 785,800	$ 807,141
4Z2	055-609	BCI Asset Forfeiture and Cost Reimbursement	$ 308,400	$ 317,035
418	055-615	Charitable Foundations	$ 1,460,757	$ 1,498,158
420	055-603	Attorney General Antitrust	$ 420,108	$ 426,184
421	055-617	Police Officers' Training Academy Fee	$ 1,035,353	$ 1,062,272
5A9	055-618	Telemarketing Fraud Enforcement	$ 50,000	$ 50,000
590	055-633	Peace Officer Private Security Fund	$ 85,962	$ 90,790
629	055-636	Corrupt Activity Investigation and Prosecution	$ 100,503	$ 103,317
631	055-637	Consumer Protection Enforcement	$ 1,090,936	$ ~~1,103,555~~ 2,103,555
TOTAL GSF General Services Fund				

Group			$ 25,501,778	$ ~~26,179,934~~ 28,379,934
Federal Special Revenue Fund Group				
3E5	055-638	Anti-Drug Abuse	$ 2,650,000	$ 2,650,000
3R6	055-613	Attorney General Federal Funds	$ 1,000,000	$ 1,000,000
306	055-620	Medicaid Fraud Control	$ 2,515,772	$ 2,515,772
381	055-611	Civil Rights Legal Service	$ 315,329	$ 315,329
383	055-634	Crime Victims Assistance	$ 8,000,000	$ 6,500,000
TOTAL FED Federal Special Revenue Fund Group			$ 14,481,101	$ 12,981,101
State Special Revenue Fund Group				
108	055-622	Crime Victims Compensation	$ 4,039,318	$ 0
176	055-625	Victims Assistance Office	$ 374,768	$ 0
177	055-626	Victims Assistance Programs	$ 1,745,612	$ 0
4L6	055-606	DARE	$ 3,738,067	$ 3,744,361
402	055-616	Victims of Crime	$ 0	$ 24,186,406
417	055-621	Domestic Violence Shelter	$ 13,458	$ 13,835
419	055-623	Claims Section	$ 16,740,686	$ 17,177,546
659	055-641	Solid and Hazardous Waste Background Investigations	$ 756,162	$ 775,535
TOTAL SSR State Special Revenue Fund Group			$ 27,408,071	$ 45,897,683
Holding Account Redistribution Fund Group				
R03	055-629	Bingo License Refunds	$ 5,200	$ 5,200
R04	055-631	General Holding Account	$ 75,000	$ 75,000
R05	055-632	Antitrust Settlements	$ 10,400	$ 10,400
R18	055-630	Consumer Frauds	$ 750,000	$ 750,000
R42	055-601	Organized Crime Commission Account	$ 200,000	$ 200,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 1,040,600	$ 1,040,600
TOTAL ALL BUDGET FUND GROUPS			$ 126,074,760	$ ~~147,851,028~~ ~~129,647,950~~ 149,713,095

Law-Related Education

The foregoing appropriation item 055-405, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students and accessing additional public and private money for new programs.

Workers' Compensation Section

The Workers' Compensation Section Fund (Fund 195) shall receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. Such advance payment shall be subject to adjustment.

In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

Corrupt Activity Investigation and Prosecution

The foregoing appropriation item 055-636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are hereby appropriated.

Community Police Match and Law Enforcement Assistance

In fiscal years 2000 and 2001, the Attorney General's Office may request the Director of Budget and Management to, and the Director of Budget and Management shall, establish GRF appropriation item 055-406, Community Police Match and Law Enforcement Assistance. The Director of Budget and Management shall then transfer appropriation authority from appropriation item 055-321, Operating Expenses, to appropriation item 055-406, Community Police Match and Law Enforcement Assistance. Moneys transferred to appropriation item 055-406 shall be used to pay operating expenses and to provide grants to local law enforcement agencies and communities for the purpose of supporting law enforcement-related activities.

SECTION 73. That existing Section 21 of Am. Sub. H.B. 283, as amended by both Am. Sub. S.B. 153 and Sub. S.B. 245, all of the 123rd General Assembly, is hereby repealed.

SECTION 74. That Section 20.01 of Sub. S.B. 245 of the 123rd General Assembly be amended to read as follows:

" Sec. 20.01. ADJ ADJUTANT GENERAL

CAP-032	Upgrade Underground Storage Tanks	$	42,854
CAP-034	Asbestos Abatement - Various Facilities	$	227,439
CAP-036	Roof Replacement - Various Facilities	$	250,000
CAP-038	Electrical System - Various Facilities	$	261,382
CAP-039	Camp Perry Facility Improvements	$	2,179,911
CAP-043	Renovate/Expand Existing Eaton Facility	$	800,498
CAP-044	Replace Windows/Doors - Various Facilities	$	350,000
CAP-045	Plumbing Renovations - Various Facilities	$	528,000

CAP-046	Paving Renovations - Various Facilities	$	50,000
CAP-050	HVAC Systems - Various Facilities	$	9,351
CAP-052	Cincinnati Shadybrook Armory	$	2,149,705
CAP-054	Construct Camp Perry Administration Building	$	6,540
CAP-055	Hillsboro Armory Renovations	$	478,974
Total Adjutant General		$	7,334,654

Camp Perry Facility Improvements

Of the foregoing appropriation item CAP-039, Camp Perry Facility Improvements, $2,000,000 shall be used for the construction of the following two base housing buildings: the Bachelor Officers Quarters and the Bachelor Enlisted Quarters.

Renovate/Expand Existing Eaton Facility

The amount reappropriated for the foregoing appropriation item CAP-043, Renovate/Expand Existing Eaton Facility, shall be the sum of the unencumbered and unallotted balances as of June 30, 2000, in appropriation items CAP-043, Renovate/Expand Existing Eaton Facility, and CAP-037, Kenton Armory Renovations."

SECTION 75. That existing Section 20.01 of Sub. S.B. 245 of the 123rd General Assembly is hereby repealed.

SECTION 76. That Section 178 of Am. Sub. H.B. 283 of the 123rd General Assembly is hereby repealed.

SECTION 77. That Section 3 of Am. Sub. S.B. 3 of the 123rd General Assembly is hereby repealed.

SECTION 78. Sections 54, 58 to 73, 76, 77, and 78 of this act, and the items of law of which such sections are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections, and the items of law of which such sections are composed, go into immediate effect when this act becomes law.

SECTION 79. Except as otherwise specifically provided in this act, the codified sections of law amended or enacted in this act, and the items of law of which the codified sections of law amended or enacted in this act are composed, are subject to the referendum. Therefore, under Ohio

Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the codified sections of law amended or enacted by this act, and the items of law of which the codified sections of law as amended or enacted by this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such codified section of law as amended or enacted by this act, or against any item of law of which any such codified section of law as amended or enacted by this act is composed, the codified section of law as amended or enacted, or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 80. Except as otherwise specifically provided in this act, the repeal by this act of a codified section of law is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal by this act of a codified section of law takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such repeal, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 81. Sections 124.15, 124.152, 124.18, 124.27, 124.34, 124.381, 124.384, 124.385, 124.386, 3313.98, 3313.981, 3317.03, 4104.45, 4928.20, 5727.01, 5727.03, 5727.111, 5727.15, 5727.24, 5727.25, 5727.26, 5727.27, 5727.28, 5727.29, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42, and 5727.60 of the Revised Code as amended by this act, section 124.182 of the Revised Code as enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, go into immediate effect when this act becomes law.

This section is not subject to the referendum and therefore goes into immediate effect when this act becomes law.

SECTION 82. Sections 121.04 and 121.08 of the Revised Code, as amended by this act, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised

Code, the sections as amended are entitled to go into immediate effect when this act becomes law. However, sections 121.04 and 121.08 of the Revised Code, as amended by this act, take effect on July 1, 2000, or the day this act becomes law, whichever is later.

This section is not subject to the referendum and therefore goes into immediate effect when this act becomes law.

SECTION 83. Except as otherwise specifically provided in this act, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the uncodified sections of law amended or enacted by this act, and the items of law of which the uncodified sections of law as amended or enacted by this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such uncodified section of law as amended or enacted by this act, or against any item of law of which any such uncodified section of law as amended or enacted by this act is composed, the uncodified section of law as amended or enacted, or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 84. If the amendment or enactment in this act of a codified or uncodified section of law is subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are subject to the referendum, along with the amendment or enactment. If the amendment or enactment by this act of a codified or uncodified section of law is not subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are not subject to the referendum, the same as the amendment or enactment.

SECTION 85. Section 121.04 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Am. Sub. S.B. 87 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. Section 121.08 of the Revised Code is presented in this act as a composite of the section as amended by

both Am. Sub. H.B. 215 and Am. Sub. H.B. 210 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

This section is not subject to the referendum and therefore is entitled to go into immediate effect when this act becomes law. However, this section takes effect on July 1, 2000, or the day this act becomes law, whichever is later.

SECTION 86. Section 124.18 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 649 and Am. Sub. S.B. 144 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 87. Section 124.34 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 348 and Am. Sub. S.B. 144 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 88. Section 124.381 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 117 and Am. Sub. S.B. 99 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 89. Section 3318.26 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 222 and Am. Sub. H.B. 282 of the 123rd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 90. Sections 5727.01, 5727.111, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, and 5727.42 of the Revised Code are presented in this act as composites of those sections as amended by both Am. Sub. H.B. 283 and Am. Sub. S.B. 3 of the 123rd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such are the resulting versions in effect prior to the effective date of this act.

This section is not subject to the referendum and therefore goes into immediate effect when this act becomes law.

SECTION 91. Section 5739.02 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 223 and Am. Sub. S.B. 3 of the 123rd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 92. Section 21 of Am. Sub. H.B. 283 of the 123rd General Assembly is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 153 and Sub. S.B. 245 of the 123rd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that

such is the resulting version in effect prior to the effective date of this act.

SECTION 93. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncodified sections of law contained in this act are composed, and their applications, are independent and severable.

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____