

AN ACT

To amend sections 105.41, 133.06, 135.18, 135.181, 151.01, 151.09, 151.40, 175.03, 727.01, 3318.03, 3318.04, 3318.05, 3318.06, 3318.061, 3318.08, 3318.084, 3318.11, 3318.36, 3318.362, 3318.363, 3318.38, 3333.17, 3345.05, 5705.19, 5705.218, 5709.081, 5709.82, 5739.01, and 5741.01 and to enact sections 3311.25, 3318.023, 3318.056, 3318.062, and 3702.5213 of the Revised Code and to amend Sections 4.03 and 5.04 of Sub. H.B. 73 of the 124th General Assembly, Sections 13, 13.01, 13.05, 13.12, and 69 of Am. Sub. H.B. 94 of the 124th General Assembly, Sections 32, 45, 56.01, and 63.09 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended, and Section 30 of Am. Sub. H.B. 405 of the 124th General Assembly to modify conditions for the operation of state programs, to make certain supplemental and capital appropriations, and to make capital reappropriations for the biennium ending June 30, 2004.

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

SECTION 1. That sections 105.41, 133.06, 135.18, 135.181, 151.01, 151.09, 151.40, 175.03, 727.01, 3318.03, 3318.04, 3318.05, 3318.06, 3318.061, 3318.08, 3318.084, 3318.11, 3318.36, 3318.362, 3318.363, 3318.38, 3333.17, 3345.05, 5705.19, 5705.218, 5709.081, 5709.82, 5739.01, and 5741.01 be amended and sections 3311.25, 3318.023, 3318.056, 3318.062, and 3702.5213 of the Revised Code be enacted to read as follows:

Sec. 105.41. (A) There is hereby created the capitol square review and advisory board, consisting of ~~nine~~ eleven members as follows:

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

(2) Two members of the house of representatives, appointed by the

speaker of the house of representatives, both of whom shall not be members of the same political party;

(3) Five members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall represent the office of the state architect and engineer, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio historical society, one of whom shall represent the Ohio building authority, and one of whom shall represent the public at large;

(4) One member, who shall be a former president of the senate, appointed by the current president of the senate. If the current president of the senate, in the current president's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall remain vacant.

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

(B) Terms of office of each appointed member of the board shall be for three years, except that members of the general assembly appointed to the board shall be members of the board only so long as they are members of the general assembly. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. In case of a vacancy occurring on the board, the president of the senate, the speaker of the house of representatives, or the governor, as the case may be, shall in the same manner prescribed for the regular appointment to the commission, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(C) The board shall hold meetings in a manner and at times prescribed by the rules adopted by the board. A majority of the board constitutes a quorum, and no action shall be taken by the board unless approved by at least five voting members or by at least six voting members if a person is appointed under division (A)(4) or (5) of this section. At its first meeting,

the board shall adopt rules for the conduct of its business and the election of its officers, and shall organize by selecting a chairperson and other officers as it considers necessary. Board members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

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

(1) Employ or hire on a consulting basis professional, technical, and clerical employees as are necessary for the performance of its duties;

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

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

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

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

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

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

(3) Employ, fix the compensation of, and prescribe the duties of the executive director of the board and other employees the board considers necessary for the performance of its powers and duties;

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

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

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

(F)(1) The board shall lease capital facilities improved or financed by the Ohio building authority pursuant to Chapter 152. of the Revised Code for the use of the board, and may enter into any other agreements with the authority ancillary to improvement, financing, or leasing of those capital facilities, including, but not limited to, any agreement required by the applicable bond proceedings authorized by Chapter 152. of the Revised Code. Any lease of capital facilities authorized by this section shall be governed by division (D) of section 152.24 of the Revised Code.

(2) Fees, receipts, and revenues received by the board from the state underground parking garage constitute available receipts as defined in section 152.09 of the Revised Code, and may be pledged to the payment of bond service charges on obligations issued by the Ohio building authority pursuant to Chapter 152. of the Revised Code to improve or finance capital facilities useful to the board. The authority may, with the consent of the board, provide in the bond proceedings for a pledge of all or a portion of those fees, receipts, and revenues as the authority determines. The authority may provide in the bond proceedings or by separate agreement with the board for the transfer of those fees, receipts, and revenues to the appropriate bond service fund or bond service reserve fund as required to pay the bond service charges when due, and any such provision for the transfer of those fees, receipts, and revenues shall be controlling notwithstanding any other provision of law pertaining to those fees, receipts, and revenues.

(3) All moneys received by the treasurer of state on account of the board and required by the applicable bond proceedings or by separate agreement with the board to be deposited, transferred, or credited to the bond service fund or bond service reserve fund established by the bond proceedings shall be transferred by the treasurer of state to such fund, whether or not it is in the custody of the treasurer of state, without necessity for further appropriation, upon receipt of notice from the Ohio building authority as prescribed in the bond proceedings.

(G) All fees, receipts, and revenues received by the board from the state underground parking garage shall be deposited into the state treasury to the credit of the underground parking garage operating fund, which is hereby created, to be used for the purposes specified in division (F) of this section and for the operation and maintenance of the garage. All investment earnings of the fund shall be credited to the fund.

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

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

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

(3) To award contracts or make grants to organizations for educating the public regarding the historical background and governmental functions of the capitol square. Chapters 125., 127., and 153. and section 3517.13 of the Revised Code do not apply to purchases made exclusively from the fund, notwithstanding anything to the contrary in those chapters or that section. All investment earnings of the fund shall be credited to the fund.

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

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

(K) As the operation and maintenance of the capitol square constitute essential government functions of a public purpose, the board shall not be required to pay taxes or assessments upon the square, upon any property acquired or used by the board under this section, or upon any income generated by the operation of the square.

(L) As used in this section, "capitol square" means the capitol building, senate building, capitol atrium, capitol grounds, and the state underground parking garage.

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

Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (C) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 of the Revised Code, or as provided in division (J) of this section.

(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least thirty days prior to the election at which the question is to be submitted, except that the superintendent of public instruction and the tax commissioner may waive this thirty-day deadline or grant their consents after the election if the school district shows good cause for such waiver or consent after the election.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;

(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the Revised Code;

(5) Debt incurred under section 3313.374 of the Revised Code;

(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;

(7) Debt incurred under section ~~3318.041~~ 3318.042 of the Revised Code.

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) A history of and a projection of the growth of the student population;

(b) The history of and a projection of the growth of the tax valuation;

(c) The projected needs;

(d) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than three per cent per year. The findings and certification of the superintendent shall be conclusive.

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined

by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.

(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least seventy-five days prior to the election;

(c) The county auditor shall advise and, not later than sixty-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than sixty days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set

at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the Ohio school facilities commission, would be reduced.

If the board finds after receiving the report that the amount of money the district would spend on such installations, modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the making or modification of installations or the remodeling of buildings for the purpose of significantly reducing energy consumption.

If the commission determines that the board's findings are reasonable, it shall approve the board's request. Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose of making such installations, modifications, or remodeling, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code shall not exceed one per cent of the district's tax valuation.

So long as any securities issued under division (G) of this section remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to division (G) of this section and shall maintain and annually update a report documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to such installations, modifications, or remodeling. The report shall be certified by an architect or engineer independent of any person that provided goods or services to the board in connection with the energy conservation measures that are the subject of the report. The resultant operational and maintenance

cost savings shall be certified by the school district treasurer. The report shall be made available to the commission upon request.

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code.

(I) A school district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of this section when necessary to raise the school district portion of the basic project cost pursuant to Chapter 3318. of the Revised Code. The school facilities commission shall notify the superintendent of public instruction whenever a school district will exceed ~~the nine per cent~~ either limit pursuant to this division.

(J) A school district whose portion of the basic project cost of its classroom facilities project under sections 3318.01 to 3318.20 of the Revised Code is greater than or equal to one hundred million dollars may incur without a vote of the electors net indebtedness in an amount up to two

per cent of its tax valuation through the issuance of general obligation securities in order to generate all or part of the amount of its portion of the basic project cost if the controlling board has approved the school facilities commission's conditional approval of the project under section 3318.04 of the Revised Code. The school district board and the Ohio school facilities commission shall include the dedication of the proceeds of such securities in the agreement entered into under section 3318.08 of the Revised Code. No state moneys shall be released for a project to which this section applies until the proceeds of any bonds issued under this section that are dedicated for the payment of the school district portion of the project are first deposited into the school district's project construction fund.

Sec. 135.18. (A) The treasurer, before making the initial deposit in a public depository pursuant to an award made under sections 135.01 to 135.21 of the Revised Code, shall require the institution designated as a public depository to pledge to and deposit with the treasurer, as security for the repayment of all public moneys to be deposited in the public depository during the period of designation pursuant to the award, eligible securities of aggregate market value equal to the excess of the amount of public moneys to be at the time so deposited, over and above such portion or amount of such moneys as is at such time insured by the federal deposit insurance corporation or by any other agency or instrumentality of the federal government. In the case of any deposit other than the initial deposit made during the period of designation, the amount of the aggregate market value of securities required to be pledged and deposited shall be equal to the difference between the amount of public moneys on deposit in such public depository plus the amount to be so deposited, minus the portion or amount of the aggregate as is at the time insured as provided in this section. The treasurer may require additional eligible securities to be deposited to provide for any depreciation which may occur in the market value of any of the securities so deposited.

(B) The following securities shall be eligible for the purposes of this section:

(1) Bonds, notes, or other obligations of the United States; or bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by language appearing in the instrument specifically providing such guarantee or pledge and not merely by interpretation or otherwise;

(2) Bonds, notes, debentures, letters of credit, or other obligations or securities issued by any federal government agency or instrumentality, or

he export-import bank of Washington; bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by interpretation or otherwise and not by language appearing in the instrument specifically providing such guarantee or pledge;

(3) Obligations of or fully insured or fully guaranteed by the United States or any federal government agency or instrumentality;

(4) Obligations partially insured or partially guaranteed by any federal agency or instrumentality;

(5) Obligations of or fully guaranteed by the federal national mortgage association, federal home loan mortgage corporation, federal farm credit bank, or student loan marketing association;

(6) Bonds and other obligations of this state;

(7) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;

(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;

(9) Shares of 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;

(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304.

(C) If the public depository fails to pay over any part of the public deposit made therein as provided by law, the treasurer shall sell at public sale any of the bonds or other securities deposited with the treasurer pursuant to this section or section 131.09 of the Revised Code, or shall draw on any letter of credit to the extent of such failure to pay. Thirty days' notice of such sale shall be given in a newspaper of general circulation at Columbus, in the case of the treasurer of state, and at the county seat of the county in which the office of the treasurer is located, in the case of any other treasurer. When a sale of bonds or other securities has been so made and upon payment to the treasurer of the purchase money, the treasurer shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus remaining after

deducting the amount due the state or subdivision and expenses of sale shall be paid to the public depository.

(D) An institution designated as a public depository may, by written notice to the treasurer, designate a qualified trustee and deposit the eligible securities required by this section with the trustee for safekeeping for the account of the treasurer and the institution as a public depository, as their respective rights to and interests in such securities under this section may appear and be asserted by written notice to or demand upon the trustee. In such case, the treasurer shall accept the written receipt of the trustee describing the securities which have been deposited with the trustee by the public depository, a copy of which shall also be delivered to the public depository. Thereupon all such securities so deposited with the trustee are deemed to be pledged with the treasurer and to be deposited with the treasurer, for all the purposes of this section.

(E) The governing board may make provisions for the exchange and release of securities and the substitution of other eligible securities therefor except where the public depository has deposited eligible securities with a trustee for safekeeping as provided in this section.

(F) When the public depository has deposited eligible securities described in division (B)(1) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities described in division (B)(1) of this section having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged, without specific authorization from any governing board, boards, or treasurer of any such substitution or exchange.

(G) When the public depository has deposited eligible securities described in divisions (B)(2) to (9) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization of any governing board, boards, or treasurer of any such substitution or exchange only if:

(1) The treasurer has authorized the public depository to make such substitution or exchange on a continuing basis during a specified period without prior approval of each substitution or exchange. Such authorization may be effected by the treasurer sending to the trustee a written notice stating that substitution may be effected on a continuing basis during a specified period which shall not extend beyond the end of the period of

designation during which the notice is given. The trustee may rely upon such notice and upon the period of authorization stated therein and upon the period of designation stated therein.

(2) No continuing authorization for substitution has been given by the treasurer, the public depository notifies the treasurer and the trustee of an intended substitution or exchange, and the treasurer fails to object to the trustee as to the eligibility or market value of the securities being substituted within ten calendar days after the date appearing on the notice of proposed substitution. The notice to the treasurer and to the trustee shall be given in writing and delivered personally or by certified or registered mail with a return receipt requested. The trustee may assume in any case that the notice has been delivered to the treasurer. In order for objections of the treasurer to be effective, receipt of the objections must be acknowledged in writing by the trustee.

(3) The treasurer gives written authorization for a substitution or exchange of specific securities.

(H) The public depository shall notify any governing board, boards, or treasurer of any substitution or exchange under division (G)(1) or (2) of this section. Upon request from the treasurer, the trustee shall furnish a statement of the securities pledged against such public deposits.

(I) Any federal reserve bank or branch thereof located in this state or federal home loan bank, without compliance with Chapter 1111. of the Revised Code and without becoming subject to any other law of this state relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities, under this section. Any institution mentioned in section 135.03 of the Revised Code that holds a certificate of qualification issued by the superintendent of financial institutions or any institution complying with sections 1111.04, 1111.05, and 1111.06 of the Revised Code, is qualified to act as trustee for the safekeeping of securities, other than those belonging to itself, under this section. Upon application to the superintendent in writing by any such institution, the superintendent shall investigate the applicant and ascertain whether or not it has been authorized to execute and accept trusts in this state and has safe and adequate vaults and efficient supervision thereof for the storage and safekeeping within this state of such securities. If the superintendent finds that the applicant has been so authorized and does have such vaults and supervision thereof, the superintendent shall approve the application and issue a certificate to that effect, the original or any certified copy of which shall be conclusive evidence that the institution therein named is qualified to act as trustee for the purposes of this section with

respect to securities other than those belonging to itself.

Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure deposits of public moneys, a trustee shall have no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, without limitation, a substitution or exchange of securities.

Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the state or the subdivision or to the treasurer or to any officer of the state or subdivision. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in such securities of the state or the subdivision or of the treasurer. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the state or the subdivision or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

Sec. 135.181. (A) As used in this section:

(1) "Public depository" means that term as defined in section 135.01 of the Revised Code, but also means an institution which receives or holds any public deposits as defined in section 135.31 of the Revised Code.

(2) "Public deposits," "public moneys," and "treasurer" mean those terms as defined in section 135.01 of the Revised Code, but also have the same meanings as are set forth in section 135.31 of the Revised Code.

(3) "Subdivision" means that term as defined in section 135.01 of the Revised Code, but also includes a county.

(B) In lieu of the pledging requirements prescribed in sections 135.18 and 135.37 of the Revised Code, an institution designated as a public depository at its option may pledge a single pool of eligible securities to secure the repayment of all public moneys deposited in the institution and not otherwise secured pursuant to law, provided that at all times the total market value of the securities so pledged is at least equal to one hundred five per cent of the total amount of all public deposits to be secured by the pooled securities, including the portion of such deposits covered by any federal deposit insurance. Each such institution shall carry in its accounting records at all times a general ledger or other appropriate account of the total amount of all public deposits to be secured by the pool, as determined at the opening of business each day, and the total market value of securities pledged to secure such deposits.

(C) The securities described in division (B) of section 135.18 of the

Revised Code shall be eligible as collateral for the purposes of division (B) of this section, provided no such securities pledged as collateral are at any time in default as to either principal or interest.

(D) The state and each subdivision shall have an undivided security interest in the pool of securities pledged by a public depository pursuant to division (B) of this section in the proportion that the total amount of the state's or subdivision's public moneys secured by the pool bears to the total amount of public deposits so secured.

(E) An institution designated as a public depository shall designate a qualified trustee and deposit with the trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The institution shall give written notice of the qualified trustee to any treasurer or treasurers depositing public moneys for which such securities are pledged. The treasurer shall accept the written receipt of the trustee describing the pool of securities so deposited by the depository, a copy of which also shall be delivered to the depository.

(F) Any federal reserve bank or branch thereof located in this state or federal home loan bank, without compliance with Chapter 1111. of the Revised Code and without becoming subject to any other law of this state relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities, under this section. Any institution mentioned in section 135.03 or 135.32 of the Revised Code which holds a certificate of qualification issued by the superintendent of financial institutions or any institution complying with sections 1111.04, 1111.05, and 1111.06 of the Revised Code is qualified to act as trustee for the safekeeping of securities under this section, other than those belonging to itself or to an affiliate as defined in division (A) of section 1101.01 of the Revised Code. Upon application to the superintendent in writing by any such institution, the superintendent shall investigate the applicant and ascertain whether or not it has been authorized to execute and accept trusts in this state and has safe and adequate vaults and efficient supervision thereof for the storage and safekeeping of such securities. If the superintendent finds that the applicant has been so authorized and does have such vaults and supervision thereof, the superintendent shall approve the application and issue a certificate to that effect, the original or any certified copy of which shall be conclusive evidence that the institution named therein is qualified to act as trustee for the purposes of this section with respect to securities other than those belonging to itself or to an affiliate.

(G) The public depository at any time may substitute, exchange, or release eligible securities deposited with a qualified trustee pursuant to this

section, provided that such substitution, exchange, or release does not reduce the total market value of the securities to an amount that is less than one hundred five per cent of the total amount of public deposits as determined pursuant to division (B) of this section.

(H) Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure deposits of public moneys, a trustee shall have no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, but not limited to, a substitution or exchange of securities, but excluding those situations effectuated by division (I) of this section in which the trustee is required to determine face and market value.

(I) If the public depository fails to pay over any part of the public deposits made therein as provided by law and secured pursuant to division (B) of this section, the treasurer shall give written notice of this failure to the qualified trustee holding the pool of securities pledged against public moneys deposited in the depository, and at the same time shall send a copy of this notice to the depository. Upon receipt of such notice, the trustee shall transfer to the treasurer for public sale such of the pooled securities as may be necessary to produce an amount equal to the deposits made by the treasurer and not paid over, less the portion of such deposits covered by any federal deposit insurance, plus any accrued interest due on such deposits; however, the amount shall not exceed the state's or subdivision's proportional security interest in the market value of the pool as of the date of the depository's failure to pay over the deposits, as such interest and value are determined by the trustee. The treasurer shall sell at public sale any of the bonds or other securities so transferred. Thirty days' notice of such sale shall be given in a newspaper of general circulation at Columbus, in the case of the treasurer of state, and at the county seat of the county in which the office of the treasurer is located, in the case of any other treasurer. When a sale of bonds or other securities has been so made and upon payment to the treasurer of the purchase money, the treasurer shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus after deducting the amount due the state or subdivision and expenses of sale shall be paid to the public depository.

(J) Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the state or subdivision or to the treasurer or to any officer of the state or subdivision. The charges or compensation shall

not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in such securities of the state or subdivision or of the treasurer. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the state or subdivision or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

(K) In lieu of placing its unqualified endorsement on each security, a public depository pledging securities pursuant to division (B) of this section that are not negotiable without its endorsement or assignment may furnish to the qualified trustee holding the securities an appropriate resolution and irrevocable power of attorney authorizing the trustee to assign the securities. The resolution and power of attorney shall conform to such terms and conditions as the trustee prescribes.

(L) Upon request of a treasurer no more often than four times per year, a public depository shall report the amount of public moneys deposited by the treasurer and secured pursuant to division (B) of this section, and the total market value of the pool of securities pledged to secure public moneys held by the depository, including those deposited by the treasurer. Upon request of a treasurer no more often than four times per year, a qualified trustee shall report the total market value of the pool of securities deposited with it by the depository and shall provide an itemized list of the securities in the pool. These reports shall be made as of the date the treasurer specifies.

Sec. 151.01. (A) As used in sections 151.01 to 151.09 and 151.40 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, 151.08, 151.09, or 151.40 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, 151.08, 151.09, or 151.40 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, 151.08, 151.09, or 151.40 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, 151.07, or 151.09 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, 151.08, or 151.40 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 151.09 or 151.40 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. "Principal amount" of a capital appreciation bond, as defined in division (C) of section 3334.01 of the Revised Code, means its face amount, and "principal amount" of a zero coupon bond, as defined in division (J) of section 3334.01 of the Revised Code, means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser, if provided for pursuant to the bond proceedings.

(11) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. Special funds do not include the school building program assistance fund created by section 3318.25 of the Revised Code, the higher education improvement fund created by division (F) of section 154.21 of the Revised Code, the 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, the clean Ohio conservation fund created by section 164.27 of the Revised Code, the clean Ohio revitalization fund created by section 122.658 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, 2o, 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 151.09 or 151.40 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," "financing or assisting in the financing of local subdivision capital improvement projects as authorized by Section 2m of Article VIII, Ohio Constitution," "paying costs of conservation projects as authorized by Section 2o of Article VIII, Ohio Constitution," or "paying costs of revitalization projects as authorized by Section 2o 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 the issuing authority's functions under this chapter. 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 151.09 or 151.40 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 state. 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

ty 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, 2o, or 15, and Section 17, of Article VIII, Ohio Constitution and sections 151.01 to 151.09 or 151.40 of the Revised Code, the issuing authority may, in addition to the authority referred to in division (B) of this section, authorize and provide for the issuance of:

(a) Obligations in the form of bond anticipation notes, and may provide for the renewal of those notes from time to time by the issuance of new notes. The holders of notes or appertaining interest coupons have the right to have debt service on those notes paid solely from the moneys and special funds that are or may be pledged to that payment, including the proceeds of bonds or renewal notes or both, as the issuing authority provides in the bond proceedings authorizing the notes. Notes may be additionally secured by covenants of the issuing authority to the effect that the issuing authority and the state will do all things necessary for the issuance of bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide moneys to pay when due the debt service on the notes, and apply their proceeds to the extent necessary, to make full and timely payment of debt service on the notes as provided in the applicable bond proceedings. In the bond proceedings authorizing the issuance of bond anticipation notes the issuing authority shall set forth for the bonds anticipated an estimated schedule of annual principal payments the latest of which shall be no later than provided in division (C) of this section. While the notes are outstanding there shall be deposited, as shall be provided in the bond proceedings for those notes, from the sources authorized for payment of debt service on the bonds, amounts sufficient to pay the principal of the bonds anticipated as set forth in that estimated schedule during the time the notes are outstanding, which amounts shall 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 151.09 or 151.40 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, 151.08, 151.09, or 151.40 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, 2o, or 15 of Article VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 151.07, 151.08, or 151.09 of the Revised Code. Moneys referred to in Section 5a of Article XII, Ohio Constitution, may not be pledged or used for the payment of debt service except on obligations referred to in section 151.06 of the Revised Code. Net state lottery proceeds, as provided for and referred to in section 3770.06 of the Revised Code, may not be pledged or used for the payment of debt service except on obligations referred to in section 151.03 of the Revised Code. The state covenants, and that covenant shall be controlling notwithstanding any other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, shall, so long as any obligations are outstanding in accordance with their terms, maintain statutory authority for and cause to be levied, collected and applied sufficient pledged excises, taxes, and revenues of the state so that the revenues shall be sufficient in amounts to pay debt service when due, to establish and maintain any reserves and other requirements, and to pay financing costs, including costs of or relating to credit enhancement facilities, all as provided for in the bond proceedings. Those excises, taxes, and revenues are and shall be deemed to be levied and collected, in addition to the purposes otherwise provided for by law, to provide for the payment of debt service and financing costs in accordance with sections 151.01 to ~~151.08~~ 151.09 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, 2o, or 15 of Article VIII, Ohio Constitution, and sections 151.01 to 151.09 or 151.40 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, or of designated revenues and receipts, except fees, excises or taxes referred to in Section 5a of Article XII, Ohio Constitution, for other than obligations referred to in section 151.06 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) For obligations issued pursuant to sections 151.01 to 151.09 of the Revised Code, 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 151.09 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~~ bonds, 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 151.09 or 151.40 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. 151.09. (A) As used in this section:

(1) "Costs of conservation projects" includes related direct administrative expenses and allocable portions of the direct costs of those projects of the department of agriculture, the department of natural resources, or the Ohio public works commission.

(2) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of projects for conservation purposes as referred to in division (A)(1) of Section 2o of Article VIII, Ohio Constitution.

(B)(1) The issuing authority shall issue general obligations of the state to pay costs of conservation projects pursuant to division (B)(1) of Section 2o of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. The issuing authority, upon the certification to it by the Ohio public works commission of amounts needed in and for the purposes of the clean Ohio conservation fund created by section 164.27 of the

Revised Code, the clean Ohio agricultural easement fund created by section 901.21 of the Revised Code, and the clean Ohio trail fund created by section 1519.05 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. The total principal amount of obligations issued under this section shall not exceed two hundred million dollars.

(2) In making the certification required under division (B)(1) of this section, the Ohio public works commission shall consult with the department of agriculture and the department of natural resources. The commission shall certify amounts that correspond to the distribution of the net proceeds of obligations provided in division (C) of this section.

(C) Net proceeds of obligations shall be deposited as follows:

(1) Seventy-five per cent into the clean Ohio conservation fund created by section 164.27 of the Revised Code;

(2) Twelve and one-half per cent into the clean Ohio agricultural easement fund created by section 901.21 of the Revised Code;

(3) Twelve and one-half per cent into the clean Ohio trail fund created by section 1519.05 of the Revised Code.

(D) There is hereby created in the state treasury the conservation projects bond service fund. All moneys received by the state and required by the bond proceedings, consistent with section 151.01 of the Revised Code and this section, 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. 151.40. (A) As used in this section:

(1) "Bond proceedings" includes any trust agreements, and any amendments or supplements to them, as authorized by this section.

(2) "Costs of revitalization projects" includes related direct administrative expenses and allocable portions of the direct costs of those

projects of the department of development or the environmental protection agency.

(3) "Issuing authority" means the treasurer of state.

(4) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay the costs of projects for revitalization purposes as referred to in division (A)(2) of Section 2o of Article VIII, Ohio Constitution.

(5) "Pledged liquor profits" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as it was in effect on May 2, 1980, to be paid into the state treasury.

(6) "Pledged receipts" means, as and to the extent provided in bond proceedings:

(a) Pledged liquor profits. The pledge of pledged liquor profits to obligations is subject to the priority of the pledge of those profits to obligations issued and to be issued, and guarantees made and to be made, pursuant to Chapter 166. of the Revised Code.

(b) Moneys accruing to the state from the lease, sale, or other disposition or use of revitalization projects or from the repayment, including any interest, of loans or advances made from net proceeds;

(c) Accrued interest received from the sale of obligations;

(d) Income from the investment of the special funds;

(e) Any gifts, grants, donations, or pledges, and receipts therefrom, available for the payment of debt service;

(f) Additional or any other specific revenues or receipts lawfully available to be pledged, and pledged, pursuant to further authorization by the general assembly, to the payment of debt service.

(B) The issuing authority shall issue obligations of the state to pay costs of revitalization projects pursuant to division (B)(2) of Section 2o of Article VIII, Ohio Constitution, section 151.01 of the Revised Code as applicable to this section, and this section. The issuing authority, upon the certification to it by the clean Ohio council of the amount of moneys needed in and for the purposes of the clean Ohio revitalization fund created by section 122.658 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. The total principal amount of obligations issued under this section shall not exceed two

hundred million dollars. The provisions and authorizations in section 151.01 of the Revised Code apply to the obligations and the bond proceedings except as otherwise provided or provided for in those obligations and bond proceedings.

(C) Net proceeds of obligations shall be deposited in the clean Ohio revitalization fund created in section 122.658 of the Revised Code.

(D) There is hereby created the revitalization projects 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 money received by the state and required by the bond proceedings, consistent with section 151.01 of the Revised Code and this section, to be deposited, transferred, or credited to the bond service fund, and all other money 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 pledged receipts 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.

(E) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of the debt 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 in the bond proceedings with respect to pledged receipts as authorized by this section, which provisions are controlling notwithstanding any other provisions of law pertaining to them.

(F) The issuing authority may covenant in the bond proceedings, and such covenants shall be controlling notwithstanding any other provision of law, that the state and applicable officers and state agencies, including the general assembly, so long as any obligations issued under this section are outstanding, shall maintain statutory authority for and cause to be charged and collected wholesale or retail prices for spirituous liquor sold by the state or its agents so that the available pledged receipts are sufficient in time and amount to meet debt service payable from pledged liquor profits and for the

establishment and maintenance of any reserves and other requirements provided for in the bond proceedings.

(G) Obligations may be further secured, as determined by the issuing authority, 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 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 of that type, including, but not limited to:

(1) Maintenance of each pledge, trust agreement, or other instrument comprising part of the bond proceedings until the state has fully paid or provided for the payment of debt service on the obligations secured by it;

(2) In the event of default in any payments required to be made by the bond proceedings, enforcement of those payments or agreements by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of them;

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

(H) The obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them. The holders or owners of the obligations shall have no right to have any moneys obligated or pledged for the payment of debt service except as provided in this section and in the applicable bond proceedings. The rights of the holders and owners to payment of debt service are limited to all or that portion of the pledged receipts, and those special funds, pledged to the payment of debt service pursuant to the bond proceedings in accordance with this section, and each obligation shall bear on its face a statement to that effect.

Sec. 175.03. (A)(1) The Ohio housing finance agency shall consist of eleven members. Nine of the members shall be appointed by the governor with the advice and consent of the senate. The director of commerce and the director of development, or their respective designees, shall also be voting members of the agency. Of the nine appointed members, at least one shall have experience in residential housing construction; at least one shall have experience in residential housing mortgage lending, loan servicing, or brokering; at least one shall have experience in the licensed residential housing brokerage business; at least one shall have experience with the housing needs of senior citizens; at least one shall be from a background in labor representation in the construction industry; at least one shall represent

the interests of nonprofit multifamily housing development ~~organizations~~ corporations; at least one shall represent the interests of for-profit multifamily housing development ~~corporations~~ organizations; and two shall be public members. The governor shall receive recommendations from the Ohio housing council for appointees to represent the interests of nonprofit multifamily housing development corporations and for-profit multifamily housing development organizations. Each appointee representing multifamily housing interests currently shall be employed with an organization that is active in the area of affordable housing development or management. No more than six of the appointed members of the agency shall be of the same political party. Of the appointments made to the agency for the eighth and ninth appointed members in accordance with this amendment, one shall be for a term ending on January 31, 2005, and one shall be for a term ending on January 31, 2006. Thereafter, each appointed member shall serve for a term ending on the thirty-first day of January which is six years following the date of termination of the term which it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Each appointed member may be removed from office by the governor for misfeasance, nonfeasance, malfeasance in office, or for failure to attend in person three consecutive meetings of the agency.

(2) The director of development or the director's designee shall be the chairperson of the agency. The agency shall elect one of its appointed members as vice-chairperson and such other officers as it deems necessary, who need not be members of the agency. Each appointed member of the agency shall receive compensation at the rate of one hundred fifty dollars per agency meeting attended in person, not to exceed a maximum of three thousand dollars per year. All members shall be reimbursed for their actual and necessary expenses incurred in the discharge of their official duties.

(3) ~~six~~ Six members of the agency constitute a quorum, and the affirmative vote of six members shall be necessary for any action taken by the agency. No vacancy in membership of the agency impairs the right of a quorum to exercise all the rights and perform all the duties of the agency. Meetings of the agency may be held at any place within the state. Meetings of the agency, including notice of the place of meetings, shall comply with

section 121.22 of the Revised Code.

(B)(1) The appointed members of the agency are not subject to section 102.02 of the Revised Code. Each such appointed member shall file with the agency a signed written statement setting forth the general nature of sales of goods, property or services or of loans to the agency in which such member has a pecuniary interest or in which any member of the member's immediate family, as defined in section 102.01 of the Revised Code, or any corporation, partnership or enterprise of which the member is an officer, director, or partner, or of which the member or a member of the member's immediate family, as so defined, owns more than a five per cent interest, has a pecuniary interest, and of which sale, loan and interest such member has knowledge. The statement shall be supplemented from time to time to reflect changes in the general nature of any such sales or loans. No member shall participate in portions of agency meetings dealing with, or vote concerning, any such matter. ~~The~~

(2) The requirements of this section pertaining to disclosure and prohibition from participation and voting do not apply to agency loans to lending institutions or contracts between the agency and lending institutions for the purchase, administration, or servicing of loans notwithstanding that such lending institution has a director, officer, employee, or owner who is a member of the agency, and no such loans or contracts shall be deemed to be prohibited or otherwise regulated by reason of any other law or rule.

(3) The members of the agency representing multifamily housing interests are not in violation of division (A) of section 2921.42, division (D) of section 102.03, or division (E) of section 102.03 of the Revised Code in regard to a contract the agency enters into if both of the following apply:

(a) The contract is entered into for a loan, grant, or participation in a program administered or funded by the agency and the contract was awarded pursuant to rules or guidelines the agency adopted.

(b) The member does not participate in the discussion or vote on the contract if the contract secured a grant or loan that would directly benefit the member, a family member, or a business associate of the member.

Sec. 727.01. Each municipal corporation shall have special power to levy and collect special assessments. The legislative authority of a municipal corporation may assess upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, any part of the cost connected with the improvement of any street, alley, dock, wharf, pier, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation available for the purpose of the improvement to be made ~~therein~~ in it by grading, draining, curbing, paving,

repaving, repairing, treating the surface with substances designed to lay the dust ~~thereon on it~~ or preserve ~~such surface it~~, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, sewage disposal works and treatment plants ~~and~~, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefor, drains, storm-water retention basins, watercourses, water mains, or laying of water pipe, or the lighting, sprinkling, sweeping, or cleaning thereof, or removing snow therefrom, any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost of a voluntary action, as defined in section 3746.01 of the Revised Code, undertaken pursuant to Chapter 3746. of the Revised Code by a special improvement district created under Chapter 1710. of the Revised Code, including the cost of acquiring property with respect to which the voluntary action is undertaken; ~~and in addition~~, any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; any part of the cost and expense of operating, maintaining, and replacing heating and cooling facilities for enclosed pedestrian canopies and malls; any part of the cost and expense of acquiring and improving parking facilities and structures for off-street parking of motor vehicles or of acquiring land and improving the same it by clearing, grading, draining, paving, lighting, erecting, constructing, and equipping it for parking facilities and structures for off-street parking of motor vehicles, to the extent authorized by section 717.05 of the Revised Code; ~~provided, but only if~~ no special assessment made for the purpose of developing off-street parking facilities and structures ~~shall be~~ is levied against any land being used solely for off-street parking or against any land used solely for single or two-family dwellings; any part of the cost and expense of operating and maintaining the off-street parking facilities and structures; and any part of the cost connected with changing the channel of, or narrowing, widening, dredging, deepening, or improving, any stream or watercourse, and for constructing or improving any levees or boulevards ~~thereon on any stream or watercourse~~, or along or about ~~the same~~ any stream or watercourse, together with any retaining wall, riprap protection, bulkhead, culverts, approaches, flood gates, waterways, or drains incidental ~~thereto~~ to any stream or watercourse, or for making any other improvement of any river or lake front, whether such river front or lake front it is privately or publicly owned, which the legislative authority declares conducive to the public health, convenience, or welfare. In addition, a municipal corporation may levy a special assessment for public improvement or public services plans of a district formed under Chapter

1710. of the Revised Code, as provided in that chapter. Except as otherwise provided in Chapter 1710. of the Revised Code, special assessments may be levied by any of the following methods:

(A) By a percentage of the tax value of the property assessed;

(B) In proportion to the benefits ~~which~~ that may result from the improvement;

(C) By the front foot of the property bounding and abutting upon the improvement.

Sec. 3311.25. (A) Notwithstanding any other provision of this chapter, two or more city, local, or exempted village school districts whose territory is primarily located within the same county may be merged as provided in this section, if the county has a population of less than one hundred thousand, as determined by the most recent federal decennial census.

(B) A petition may be filed with the board of elections proposing that two or more school districts whose territory is primarily located within a county meeting the qualifications of division (A) of this section form a commission to study the proposed merger of the school districts. The petition may be presented in separate petition papers. Each petition paper shall contain, in concise language, the purpose of the petition and the names of five electors of each school district proposed to be merged to serve as commissioners on the merger study commission. The petition shall be governed by the rules of section 3501.38 of the Revised Code.

A petition filed under this section shall contain signatures of electors of each school district proposed to be merged, numbering not less than ten per cent of the number of electors residing in that district who voted for the office of governor at the most recent general election for that office. The petition shall be filed with the board of elections of the county described by division (A) of this section. The board of elections of the county in which the petition is required to be filed shall ascertain the validity of all signatures on the petition and may require the assistance of boards of elections of other counties if any of the school districts proposed to be merged are located partially in a county other than the one in which the petition is required to be filed.

(C)(1) If the board of elections of the county in which the petition is required to be filed determines that the petition is sufficient, the board shall submit the following question for the approval or rejection of the electors of each school district proposed to be merged at the next general election occurring at least seventy-five days after the date the petition is filed: "Shall a commission be established to study the proposed merger of any or all of the school districts in this county and, if a merger is considered desirable, to

draw up a statement of conditions for that proposed merger?" The ballot shall include, for each of the school districts proposed to be merged, the names of the five electors identified in the petition, who shall constitute the commissioners on behalf of that district.

(2) If any of the school districts for which merger is proposed are located partially in a county other than the one in which the petition is required to be filed, the board of elections of the county in which the petition is required to be filed shall, if the petition is found to be sufficient, certify the sufficiency of that petition and the statement of the issue to be voted on to the boards of elections of those other counties. The boards of those other counties shall submit the question of merging and the names of candidates to be elected to the commission for the approval or rejection of electors in the portions of the school districts proposed to be merged that are located within their respective counties. Upon the holding of the election, those boards shall certify the results to the board of elections of the county in which the petition is required to be filed.

(D) A petition shall not be deemed insufficient for all school districts proposed to be merged if it contains the signatures of less than ten per cent of the electors who voted for the office of governor at the most recent general election for that office in a particular school district. If the petition contains a sufficient number of signatures and is otherwise determined by the board of elections to be sufficient for at least two school districts proposed to be merged, the board shall submit the question of the proposed merger for the approval or rejection of voters under division (C) of this section in each of the districts for which the petition was determined to be sufficient. The board shall not submit the question of the proposed merger for the approval or rejection of voters under division (C) of this section for any school district for which a petition contains an insufficient number of signatures or for which the board otherwise determines the petition to be insufficient.

(E)(1) If the question of forming a merger study commission as provided in division (C) of this section is approved by a majority of those voting on it in at least two school districts, the commission shall be established and the five candidates from each school district in which the question was approved shall be elected to the commission to study the proposed merger and to formulate any conditions of any proposed merger if a merger is considered desirable after study by the commission. Any school district that disapproved of the question of forming a merger study commission by a majority of those voting on it shall not be included in, and its proposed candidates shall not be elected to, the commission.

(2) The first meeting of the commission shall be held in the regular meeting place of the board of county commissioners of the county in which the petition is required to be filed, at nine a.m. on the tenth day after the certification of the election by the last of the respective boards of elections to make such certification, unless that day is a Saturday, Sunday, or a holiday, in which case the first meeting shall be held on the next day thereafter that is not a Saturday, Sunday, or holiday. The president of the school board of the school district with the largest population of the districts that approved the question of forming a merger study commission under division (C) of this section shall serve as temporary chairperson until permanent officers are elected. The commission shall immediately elect its own permanent officers and shall proceed to meet as often as necessary to study the proposed merger, determine whether a proposed merger is desirable, and formulate any conditions for any proposed merger. All meetings of the commission shall be subject to the requirements of section 121.22 of the Revised Code.

(3) The conditions for a proposed merger may provide for the election of school board members for the new school district and any other conditions that a majority of the members of the commission from each school district find necessary. The conditions for the proposed merger also may provide that the merger, if approved, shall not become effective until the date on which any required changes in state law necessary for the school district merger to occur become effective.

(4) As soon as the commission determines that a merger is not desirable or finalizes the conditions for a proposed merger, the commission shall report this fact, and the name of each school district proposed for merger in which the majority of the district's commissioners have agreed to the conditions for merger, to the board of elections of each of the counties in which the school districts proposed for merger are located.

The question shall be submitted to the voters in each school district in which the majority of the district's commissioners have agreed to the conditions for merger at the next general election occurring after the commission is elected. The question shall not be submitted to the voters in any school district in which a majority of that district's commissioners have not agreed to the conditions for merger. The board of elections shall not submit the conditions for merger to the voters in any district if the conditions for merger include the merging of any district in which the majority of that district's commissioners have not agreed to the conditions for merger.

The boards of elections shall submit the conditions of proposed merger

for the approval or rejection of the electors in the portions of the school districts proposed to be merged within their respective counties. Upon the holding of that election, the boards of elections shall certify the results to the board of elections of the county in which the petition is required to be filed.

Regardless of whether the commission succeeds in reaching agreement, the commission shall cease to exist on the seventy-fifth day prior to the next general election after the commission is elected.

(F) If the conditions of merger agreed upon by the merger commission are disapproved by a majority of those voting on them in any school district proposed to be merged, the merger shall not occur, unless the conditions of merger provide for a merger to occur without the inclusion of that district and the conditions of merger are otherwise met. No district in which the conditions of merger are disapproved by a majority of those voting on them shall be included in any merger resulting from that election. If the conditions of merger are approved by a majority of those voting on them in each school district proposed to be merged, or if the conditions of merger provide for a merger to occur without the inclusion of one or more districts in which the conditions of merger are disapproved by a majority of those voting on them, the merger shall be effective on the date specified in the conditions of the merger, unless the conditions of merger specify changes required to be made in state law for the merger to occur, in which case the merger shall be effective on the date on which those changes to state law become effective.

Sec. 3318.023. Notwithstanding anything to the contrary in section 3318.02 of the Revised Code, each fiscal year, at the time that the Ohio school facilities commission conditionally approves projects of school districts under section 3318.01 to 3318.20 of the Revised Code for which it plans to provide assistance under those sections for that fiscal year, the commission also shall identify the next ten school districts from lowest to highest in order of the ranking calculated for the previous fiscal year under division (D) of section 3318.011 of the Revised Code that have not yet been conditionally approved for assistance under section 3318.01 to 3318.20 of the Revised Code. Those districts shall have priority in the order of such ranking with the lowest valuation having the highest priority for future assistance under those sections over all other school districts except for districts receiving assistance under division (B)(2) of section 3318.04, section 3318.37, or section 3318.38 of the Revised Code or districts that have priority under section 3318.05 of the Revised Code.

Sec. 3318.03. Before conducting an on-site evaluation of a school district under section 3318.02 of the Revised Code, at the request of the district board of education, the Ohio school facilities commission shall

examine any classroom facilities needs assessment that has been conducted by the district and any master plan developed for meeting the facility needs of the district.

Upon conducting the on-site evaluation under section 3318.02 of the Revised Code, the Ohio school facilities commission shall make a determination of all of the following:

(A) The needs of the school district for additional classroom facilities;

(B) The number of classroom facilities to be included in a project, including classroom facilities authorized by a bond issue described in section 3318.033 of the Revised Code, and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility;

(C) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project, including bonds authorized by the district's electors as described in section 3318.033 of the Revised Code, and by the issuance of bonds under section 3318.05 of the Revised Code;

(D) The remaining amount of such cost that shall be supplied by the state;

(E) ~~If the state's portion of the basic project cost exceeds twenty-five million dollars, the~~ The amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal bienniums from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code.

The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable.

Sections 125.81 and 153.04 of the Revised Code shall not apply to classroom facilities constructed under sections 3318.01 to 3318.20 of the Revised Code.

Sec. 3318.04. (A) If the Ohio school facilities commission makes a determination under section 3318.03 of the Revised Code in favor of constructing, acquiring, reconstructing, or making additions to a classroom

facility, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and, ~~if the state's portion exceeds twenty-five million dollars,~~ the amount of the state's portion to be encumbered in the current fiscal biennium. In the event of approval thereof by the controlling board, the commission shall certify such conditional approval to the school district board and shall encumber from the total funds appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code ~~the amount of the state's portion of the basic project cost or, if the state's portion exceeds twenty-five million dollars,~~ the amount approved under this section to be encumbered in the current fiscal biennium.

The basic project cost for a project approved under this section shall not exceed the cost that would otherwise have to be incurred if the classroom facilities to be constructed, acquired, or reconstructed, or the additions to be made to classroom facilities, under such project meet, but do not exceed, the specifications for plans and materials for classroom facilities adopted by the commission.

(B)(1) No school district shall have a project conditionally approved pursuant to this section if the school district has already received any assistance for a project funded under any version of sections 3318.01 to 3318.20 of the Revised Code, and the prior project was one for which the electors of such district approved a levy within the last twenty years pursuant to any version of section 3318.06 of the Revised Code for purposes of qualifying for the funding of that project, unless the district demonstrates to the satisfaction of the commission that the district has experienced since approval of its prior project an exceptional increase in enrollment significantly above the district's design capacity under that prior project as determined by rule of the commission.

(2) Notwithstanding division (B)(1) of this section, any school district that received assistance under sections 3318.01 to 3318.20 of the Revised Code, as those sections existed prior to May 20, 1997, may receive additional assistance under those sections, as they exist on and after May 20, 1997, prior to the expiration of the period of time required under division (B)(1) of this section, if the percentile in which the school district is located, as determined under section 3318.011 of the Revised Code, is eligible for assistance as prescribed in section 3318.02 of the Revised Code.

The commission may provide assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to this division to no more than five

school districts per fiscal year until all eligible school districts have received the additional assistance authorized under this division. The commission shall establish application procedures, deadlines, and priorities for funding projects under this division.

The commission at its discretion may waive current design specifications it has adopted for projects under sections 3318.01 to 3318.20 of the Revised Code when assessing an application for additional assistance under this division for the renovation of classroom facilities constructed or renovated under a school district's previous project. If the commission finds that a school district's existing classroom facilities are adequate to meet all of the school district's needs, the commission may determine that no additional state assistance be awarded to a school district under this division.

In order for a school district to be eligible to receive any additional assistance under this division, the school district electors shall extend the school district's existing levy dedicated for maintenance of classroom facilities under Chapter 3318. of the Revised Code, pursuant to section 3318.061 of the Revised Code or shall provide equivalent alternative maintenance funds as specified in division ~~(B)~~(A)(2) of section 3318.06 of the Revised Code.

(3) Notwithstanding division (B)(1) of this section, any school district that has received assistance under sections 3318.01 to 3318.20 of the Revised Code after May 20, 1997, may receive additional assistance if the commission decides in favor of providing such assistance pursuant to section 3318.042 of the Revised Code.

Sec. 3318.05. The conditional approval of the Ohio school facilities commission for a project shall lapse and the amount reserved and encumbered for such project shall be released unless the school district board accepts such conditional approval within one hundred twenty days following the date of certification of the conditional approval to the school district board and the electors of the school district vote favorably on both of the propositions described in divisions (A) and (B) of this section within one year of the date of such certification, except that a school district described in division (C) of this section does not need to submit the proposition described in division (B) of this section. The propositions described in divisions (A) and (B) of this section shall be combined in a single proposal. If the district board or the district's electors fail to meet such requirements and the amount reserved and encumbered for the district's project is released, the district shall be given first priority for project funding as such funds become available.

(A) On the question of issuing bonds of the school district board, for the

school district's portion of the basic project cost, in an amount equal to the school district's portion of the basic project cost less any deduction made under section 3318.033 of the Revised Code and less the amount of the proceeds of any securities authorized or to be authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost; and

(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project. Such tax shall be at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years, subject to any extension approved under section 3318.061 of the Revised Code.

(C) If a school district has in place a tax levied under section 5705.21 of the Revised Code for general ongoing permanent improvements of at least two mills for each dollar of valuation and the proceeds of such tax can be used for maintenance, the school district need not levy the additional tax required under division (B) of this section, provided the school district board includes in the agreement entered into under section 3318.08 of the Revised Code provisions earmarking an amount from the proceeds of that permanent improvement tax for maintenance of classroom facilities equivalent to the amount of the additional tax and for the equivalent number of years otherwise required under this section.

(D) Proceeds of the tax to be used for maintenance of the classroom facilities under either division (B) or (C) of this section shall be deposited into a separate fund established by the school district for such purpose.

Sec. 3318.056. A school district may adopt a resolution proposing that any of the following questions be combined with the questions specified in divisions (A) and (B) of section 3318.05 of the Revised Code:

(A) A bond issue question under section 133.18 of the Revised Code;

(B) A tax levy question under section 5705.21 of the Revised Code;

(C) A combined bond issue and tax levy question under section 5705.218 of the Revised Code;

(D) A school district income tax question under section 5748.08 of the Revised Code.

Any question described in divisions (A) to (D) of this section that is combined with a question proposed under divisions (A) and (B) of section 3318.05 of the Revised Code shall be for the purpose of either paying for any permanent improvement as defined in section 133.01 of the Revised Code or generating operating revenue specifically for the facilities acquired under the school district's project under Chapter 3318. of the Revised Code or for both to the extent such purposes are permitted by the sections of law

under which each is proposed.

Sec. 3318.06. (A) After receipt of the conditional approval of the Ohio school facilities commission, the school district board by a majority of all of its members shall, if it desires to proceed with the project, declare all of the following by resolution:

~~(A)(1)~~ That by issuing bonds in an amount equal to the school district's portion of the basic project cost, including bonds previously authorized by the district's electors as described in section 3318.033 of the Revised Code, the district is unable to provide adequate classroom facilities without assistance from the state;

~~(B)(2)~~ Unless the school district board has resolved to apply the proceeds of a property tax or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized under section 3318.052 of the Revised Code, that to qualify for such state assistance it is necessary to do either of the following:

~~(1)(a)~~ Levy a tax outside the ten-mill limitation the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project;

~~(2)(b)~~ Earmark for maintenance of classroom facilities from the proceeds of an existing permanent improvement tax levied under section 5705.21 of the Revised Code, if such tax is of at least two mills for each dollar of valuation and can be used for maintenance, an amount equivalent to the amount of the additional tax otherwise required under this section and sections 3318.05 and 3318.08 of the Revised Code.

~~(C)(3)~~ That the question of any tax levy specified in a resolution described in division ~~(B)(1)(A)(2)(a)~~ of this section, if required, shall be submitted to the electors of the school district at the next general or primary election, if there be a general or primary election not less than seventy-five and not more than ninety-five days after the day of the adoption of such resolution or, if not, at a special election to be held at a time specified in the resolution which shall be not less than seventy-five days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.

Such resolution shall also state that the question of issuing bonds of the board shall be combined in a single proposal with the question of such tax levy. More than one election under this section may be held in any one calendar year. Such resolution shall specify both of the following:

~~(1)(a)~~ That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for a period of twenty-three years;

~~(2)~~(b) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

(B) A copy of ~~such~~ a resolution adopted under division (A) of this section shall after its passage and not less than seventy-five days prior to the date set therein for the election be certified to the county board of elections.

The resolution of the school district board, in addition to meeting other applicable requirements of section 133.18 of the Revised Code, shall state that the amount of bonds to be issued will be an amount equal to the school district's portion of the basic project cost, and state the maximum maturity of the bonds which, ~~notwithstanding section 133.20 of the Revised Code,~~ may be any number of years not exceeding ~~twenty-three~~ the term calculated under section 133.20 of the Revised Code as determined by the board. In estimating the amount of bonds to be issued, the board shall take into consideration the amount of moneys then in the bond retirement fund and the amount of moneys to be collected for and disbursed from the bond retirement fund during the remainder of the year in which the resolution of necessity is adopted.

If the bonds are to be issued in more than one series, the resolution may state, in addition to the information required to be stated under division (B)(3) of section 133.18 of the Revised Code, the number of series, which shall not exceed five, the principal amount of each series, and the approximate date each series will be issued, and may provide that no series, or any portion thereof, may be issued before such date. Upon such a resolution being certified to the county auditor as required by division (C) of section 133.18 of the Revised Code, the county auditor, in calculating, advising, and confirming the estimated average annual property tax levy under that division, shall also calculate, advise, and confirm by certification the estimated average property tax levy for each series of bonds to be issued.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each one dollar of valuation for a period of twenty-three years, and that the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

If the bonds are to be issued in more than one series, the board of education, when filing copies of the resolution with the board of elections as required by division (D) of section 133.18 of the Revised Code, may direct the board of elections to include in the notice of election the principal amount and approximate date of each series, the maximum number of years over which the principal of each series may be paid, the estimated additional average property tax levy for each series, and the first calendar year in which the tax is expected to be due for each series, in addition to the

information required to be stated in the notice under division (E)(3)(a) to (e) of section 133.18 of the Revised Code.

The (C)(1) Except as otherwise provided in division (C)(2) of this section, the form of the ballot to be used at such election shall be:

"A majority affirmative vote is necessary for passage.

Shall bonds be issued by the (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the principal amount of (here insert principal amount of the bond issue), to be repaid annually over a maximum period of (here insert the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue (here insert the number of mills estimated) mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of tax valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

and, unless the additional levy
of taxes is not required pursuant
to division (C) of section
3318.05 of the Revised Code,

"Shall an additional levy of taxes be made for a period of twenty-three years to benefit the (here insert name of school district) school district, the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project at the rate of (here insert the number of mills, which shall not be less than one-half mill) mills for each one dollar of valuation?"

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

(2) If authority is sought to issue bonds in more than one series and the board of education so elects, the form of the ballot shall be as prescribed in section 3318.062 of the Revised Code. If the board of education elects the form of the ballot prescribed in that section, it shall so state in the resolution adopted under this section.

(D) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division ~~(C)~~ (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of (here insert principal amount of the bond issue), to be repaid annually over a maximum period of (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue (here insert number of mills) mills for each one dollar of tax valuation, which amount to (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of (here insert annual amount the levy is to produce) estimated by the county auditor to average (here insert number of mills) mills for each one hundred dollars of valuation, for a period of (here insert number of years the millage is to be imposed) years?"

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division ~~(C)~~(B) of this section with the question of issuing bonds of the school district for acquisition of a site, the question specified in that division ~~(C)~~ of this section to be voted on shall be "For the Bond Issues and the Tax Levy" and "Against the Bond Issues and the Tax Levy."

Where it is necessary to combine the question of issuing bonds of the

school district and levying a tax as described in division ~~(C)~~(B) of this section with the question of levying a tax for the acquisition of a site, the question specified in that division ~~(C) of this section~~ to be voted on shall be "For the Bond Issue and the Tax Levies" and "Against the Bond Issue and the Tax Levies."

Where the school district board chooses to combine the question in division (B) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (B) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

If a majority of those voting upon a proposition hereunder which includes the question of issuing bonds vote in favor thereof, and if the agreement provided for by section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code, with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement.

Sec. 3318.061. This section applies only to school districts eligible to receive additional assistance under division (B)(2) of section 3318.04 of the Revised Code and to big eight districts segmenting projects under section 3318.38 of the Revised Code.

The board of education of a school district in which a tax described by division (B) of section 3318.05 and levied under section 3318.06 of the Revised Code is in effect, may adopt a resolution by vote of a majority of its members to extend the term of that tax beyond the expiration of that tax as originally approved under that section. The school district board may include in the resolution a proposal to extend the term of that tax at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years from the year in which the school district board and the Ohio school facilities commission enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or in the following year, as specified in the resolution or, as applicable in the case of a district segmenting a project under section 3318.38 of the Revised Code, from the year in which the last segment is undertaken. Such a resolution may be adopted at any time before such an agreement is entered into and before the tax levied pursuant to section 3318.06 of the Revised Code expires. If the resolution is combined with a resolution to issue bonds to pay the school district's portion of the basic project cost, it shall conform with the requirements of divisions (A), ~~(B)(1), (2), and (C)(3)~~ of section 3318.06 of the Revised Code, except that the resolution also shall state that the tax levy

proposed in the resolution is an extension of an existing tax levied under that section. A resolution proposing an extension adopted under this section does not take effect until it is approved by a majority of electors voting in favor of the resolution at a general, primary, or special election as provided in this section.

A tax levy extended under this section is subject to the same terms and limitations to which the original tax levied under section 3318.06 of the Revised Code is subject under that section, except the term of the extension shall be as specified in this section.

The school district board shall certify a copy of the resolution adopted under this section to the proper county board of elections not later than seventy-five days before the date set in the resolution as the date of the election at which the question will be submitted to electors. The notice of the election shall conform with the requirements of division ~~(C)~~(A)(3) of section 3318.06 of the Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining classroom facilities constructed with the proceeds of the previously issued bonds at the rate of (here insert the number of mills, which shall not be less than one-half mill) mills per dollar of tax valuation, be extended until (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or the following year)?

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY "

Section 3318.07 of the Revised Code applies to ballot questions under this section.

Sec. 3318.062. (A) If authority is sought to issue bonds in more than one series to pay the school district's portion of the basic project cost under sections 3318.01 to 3318.20 of the Revised Code, the form of the ballot shall be:

"Shall bonds be issued by the (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the total principal amount of (total principal amount of the bond issue), to be issued in

..... (number of series) series, each series to be repaid annually over not more than (maximum number of years over which the principal of each series may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation to pay the annual debt charges on the bonds and on any notes issued in anticipation of the bonds, at a rate estimated by the county auditor to average over the repayment period of each series as follows: (insert the following for each series: "the series, in a principal amount of dollars, requiring mills per dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each one hundred dollars in tax valuation, commencing in and first payable in)?"

and, unless the additional levy of taxes is not required pursuant to division (C) of section 3318.05 of the Revised Code,

"Shall an additional levy of taxes be made for a period of twenty-three years to benefit the (here insert name of school district) school district, the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project at the rate of (here insert the number of mills, which shall not be less than one-half mill) mills for each one dollar of valuation?"

	<u>For the bond issue</u>	"
	<u>Against the bond issue</u>	

(B) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (A) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the forms prescribed in division (D) of section 3318.06 of the Revised Code.

(C) Where the school district board chooses to combine the question in division (A) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (A) of this section to be voted on shall be "For the

Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

(D) If a majority of those voting upon a proposition prescribed in this section which includes the question of issuing bonds vote in favor of that issuance, and if the agreement prescribed in section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement.

Sec. 3318.08. If the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project, which agreement shall include, but need not be limited to, the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the agreement, in an amount equal to the school district's portion of the basic project cost, including any bonds previously authorized by the district's electors as described in section 3318.033 of the Revised Code and any securities authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost of the project; provided, that if at that time the county treasurer of each county in which the school district is located has not commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, the school district board shall authorize the issuance of a first installment of bond anticipation notes in an amount specified by the agreement, which amount shall not exceed an amount necessary to raise the net bonded indebtedness of the school district as of the date of the controlling board's approval to within five thousand dollars of the required level of indebtedness for the preceding year. In the event that a first installment of bond anticipation notes is issued, the school district board shall, as soon as practicable after the county treasurer of each county in which the school district is located has commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, authorize the issuance of a second and final installment of bond anticipation notes or a first and final issue of bonds.

The combined value of the first and second installment of bond anticipation notes or the value of the first and final issue of bonds shall be equal to the school district's portion of the basic project cost. The proceeds of any such bonds shall be used first to retire any bond anticipation notes. Otherwise, the proceeds of such bonds and of any bond anticipation notes, except the premium and accrued interest thereon, shall be deposited in the school district's project construction fund. In determining the amount of net bonded indebtedness for the purpose of fixing the amount of an issue of either bonds or bond anticipation notes, gross indebtedness shall be reduced by moneys in the bond retirement fund only to the extent of the moneys therein on the first day of the year preceding the year in which the controlling board approved the project. Should there be a decrease in the tax valuation of the school district so that the amount of indebtedness that can be incurred on the tax duplicates for the year in which the controlling board approved the project is less than the amount of the first installment of bond anticipation notes, there shall be paid from the school district's project construction fund to the school district's bond retirement fund to be applied against such notes an amount sufficient to cause the net bonded indebtedness of the school district, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness for the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any school district board as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B) The transfer of such funds of the school district board available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the school district's project construction fund;

(C) If section 3318.052 of the Revised Code applies, the earmarking of the proceeds of a tax levied under section 5705.21 of the Revised Code for general ongoing permanent or under section 5705.218 of the Revised Code for the purpose of permanent improvements, or the proceeds of a school district income tax levied under Chapter 5748. of the Revised Code, or the

proceeds from a combination of those two taxes, in an amount to pay all or part of the service charges on bonds issued to pay the school district portion of the project and an amount equivalent to all or part of the tax required under division (B) of section 3318.05 of the Revised Code.

~~(C)~~(D) If section 3318.052 of the Revised Code does not apply, either of the following:

(1) The levy of the tax authorized at the election for the payment of maintenance costs, as specified in division (B) of section 3318.05 of the Revised Code;

(2) If the school district electors have approved a continuing tax of at least two mills for each dollar of valuation for general ongoing permanent improvements under section 5705.21 of the Revised Code and that tax can be used for maintenance, the earmarking of an amount of the proceeds from such tax for maintenance of classroom facilities as specified in division (B) of section 3318.05 of the Revised Code.

~~(D)~~(E) Dedication of any local donated contribution as provided for under section 3318.084 of the Revised Code, including a schedule for depositing such moneys applied as an offset of the district's obligation to levy the tax described in division (B) of section 3318.05 of the Revised Code as required under division (D)(2) of section 3318.084 of the Revised Code.

(F) Ownership of or interest in the project during the period of construction, which shall be divided between the commission and the school district board in proportion to their respective contributions to the school district's project construction fund;

~~(E)~~(G) Maintenance of the state's interest in the project until any obligations issued for the project under section 3318.26 of the Revised Code are no longer outstanding;

~~(F)~~(H) The insurance of the project by the school district from the time there is an insurable interest therein and so long as the state retains any ownership or interest in the project pursuant to division ~~(D)~~(F) of this section, in such amounts and against such risks as the commission shall require; provided, that the cost of any required insurance until the project is completed shall be a part of the basic project cost;

~~(G)~~(I) The certification by the director of budget and management that funds are available and have been set aside to meet the state's share of the basic project cost as approved by the controlling board pursuant to section 3318.04 of the Revised Code;

~~(H)~~(J) Authorization of the school district board to advertise for and receive construction bids for the project, for and on behalf of the

mission, and to award contracts in the name of the state subject to approval by the commission;

~~(H)~~(K) Provisions for the disbursement of moneys from the school district's project account upon issuance by the commission or the commission's designated representative of vouchers for work done to be certified to the commission by the treasurer of the school district board;

~~(J)~~(L) Disposal of any balance left in the school district's project construction fund upon completion of the project;

~~(K)~~(M) Limitations upon use of the project or any part of it so long as any obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;

~~(L)~~(N) Provision for vesting the state's interest in the project to the school district board when the obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;

~~(M)~~(O) Provision for deposit of an executed copy of the agreement in the office of the commission;

~~(N)~~(P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission;

~~(O)~~(Q) Provision for the school district to maintain the project in accordance with a plan approved by the commission;

~~(P)~~ ~~Provision~~ (R)(1) For all school districts except those undertaking a project under section 3318.38 of the Revised Code, provision that all state funds reserved and encumbered to pay the state share of the cost of the project pursuant to section 3318.03 of the Revised Code be spent on the construction or acquisition of the project prior to the expenditure of any funds provided by the school district to pay for its share of the project cost, unless the school district certifies to the commission that expenditure by the school district is necessary to maintain the tax-exempt status of notes or bonds issued by the school district to pay for its share of the project cost or to comply with applicable temporary investment periods or spending exceptions to rebate as provided for under federal law in regard to those notes or bonds, in which ease cases, the school district may commit to spend, or spend, a portion of the funds it provides;

(2) For school districts undertaking a project under section 3318.38 of the Revised Code, provision that the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of

any segment of the project, or of the entire project if it is not divided into segments, be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code.

~~(Q)(S)~~ A provision stipulating that the commission may prohibit the district from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes.

~~(R)(T)~~ A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project as provided under section 3318.086 of the Revised Code.

Sec. 3318.084. (A) Notwithstanding anything to the contrary in Chapter 3318. of the Revised Code, a school district board may apply any local donated contribution toward either or both of the following:

(1) The district's portion of the basic project cost of a project under sections 3318.01 to 3318.20 of the Revised Code to reduce the amount of bonds the district otherwise must issue in order to receive state assistance under those sections;

(2) An offset of all or part of a district's obligation to levy the tax described in division (B) of section 3318.05 of the Revised Code, which shall be applied only in the manner prescribed in division (B) of this section.

(B) No school district board shall apply any local donated contribution under division (A)(2) of this section unless the Ohio school facilities commission first approves that application.

Upon the request of the school district board to apply local donated contribution under division (A)(2) of this section, the commission in consultation with the department of taxation shall determine the amount of total revenue that likely would be generated by one-half mill of the tax described in division (B) of section 3318.05 of the Revised Code over the entire twenty-three-year period required under that section and shall deduct from that amount any amount of local donated contribution that the board has committed to apply under division (A)(2) of this section. The commission then shall determine in consultation with the department of taxation the rate of tax over twenty-three years necessary to generate the

amount of a one-half mill tax not offset by the local donated contribution. Notwithstanding anything to the contrary in section 3318.06, 3318.061, or 3318.361 of the Revised Code, the rate determined by the commission shall be the rate for which the district board shall seek elector approval under those sections to meet its obligation under division (B) of section 3318.05 of the Revised Code. In the case of a complete offset of the district's obligation under division (B) of section 3318.05 of the Revised Code, the district shall not be required to levy the tax otherwise required under that section. At the end of the twenty-three-year period of the tax required under division (B) of section 3318.05 of the Revised Code, whether or not the tax is actually levied, the commission in consultation of the department of taxation shall recalculate the amount that would have been generated by the tax if it had been levied at one-half mill. If the total amount actually generated over that period from both the tax that was actually levied and any local donated contribution applied under division (A)(2) of this section is less than the amount that would have been raised by a one-half mill tax, the district shall pay any difference. If the total amount actually raised in such manner is greater than the amount that would have been raised by a one-half mill tax the difference shall be zero and no payments shall be made by either the district or the commission.

(C) As used in this section, "local donated contribution" means ~~either~~ any of the following:

(1) Any moneys irrevocably donated or granted to a school district board by a source other than the state which the board has the authority to apply to the school district's project under sections 3318.01 to 3318.20 of the Revised Code and which the board has pledged for that purpose by resolution adopted by a majority of its members;

(2) Any irrevocable letter of credit issued on behalf of a school district or any cash a school district has on hand, including any year-end operating fund balances, that can be spent for classroom facilities, either of which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code and either of which has been approved by the commission in consultation with the department of education;

(3) Any moneys spent by a source other than the school district or the state for construction or renovation of specific classroom facilities that have been approved by the commission as part of the basic project cost of the district's project. The school district, the commission, and the entity providing the local donated contribution under division (C) (3) of this section shall enter into an agreement indentifying the classroom facilities to

be acquired by the expenditures made by that entity. The agreement shall include, but not be limited to, stipulations that require an audit by the commission of such expenditures made on behalf of the district and that specify the maximum amount of credit to be allowed for those expenditures. Upon completion of the construction or renovation, the commission shall determine the actual amount that the commission will credit, at the request of the district board, toward the district's portion of the basic project cost, any project cost overruns, or the basic project cost of future segments if the project has been divided into segments under section 3318.38 of the Revised Code. The actual amount of the credit shall not exceed the lesser of the amount specified in the agreement or the actual cost of the construction or renovation.

(D) No state moneys shall be released for a project to which this section applies until ~~any~~:

(1) Any local donated contribution authorized under division (A)(1) of this section is first deposited into the school district's project construction fund, if applied under division (A)(1) of this section, or into the district's capital and maintenance fund if applied under division (A)(2) of this section.

(2) The school district board and the commission have included a stipulation in their agreement entered into under section 3318.08 of the Revised Code under which the board will deposit into a fund approved by the commission according to a schedule that does not extend beyond the anticipated completion date of the project the total amount of any local donated contribution authorized under division (A)(2) of this section and dedicated by the board for that purpose.

However, if any local donated contribution as described in division (C) (3) of this section has been approved under this section, the state moneys may be released even if the entity providing that local donated contribution has not spent the moneys so dedicated as long as the agreement required under that section has been executed.

Sec. 3318.11. ~~For any project for which the state's portion of the basic project cost exceeds twenty-five million dollars undertaken with financial assistance from the state under this chapter,~~ the amount of state appropriations to be encumbered for the project in each fiscal biennium shall be determined by the Ohio school facilities commission based on the project's estimated construction schedule for that biennium. In each fiscal biennium subsequent to the first biennium in which state appropriations are encumbered for the project, the project has priority for state funds over projects for which initial state funding is sought.

Sec. 3318.36. (A) As used in this section:

(1) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(2) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks in the fiscal year the commission and the school district enter into such agreement minus one)].

(3) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio school facilities commission may enter into an agreement with the school district board of any school district under which the school district board may proceed with the new construction or major repairs of a part of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under sections 3318.01 to 3318.20 of the Revised Code and may apply that expenditure toward meeting the school district's portion of the basic project cost of the total of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code and as recalculated under division (E) of this section, that are eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code when the school district becomes eligible for such state assistance. Any school district that is reasonably expected to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program.

(2) To participate in the program, a school district board shall first adopt a resolution certifying to the commission the board's intent to participate in the program.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local

resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(4) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(5) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of the on-site visits and assessment conducted under division (B)(2) of this section, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of:

(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking in the fiscal year the commission and the school district enter into the agreement under division (B) of this section;

(2) An amount necessary to raise the school district's net bonded indebtedness, as of the fiscal year the commission and the school district enter into the agreement under division (B) of this section, to within five thousand dollars of the required level of indebtedness.

(D)(1) When the commission determines the basic project cost of the

classroom facilities needs of a school district and the school district's portion of that basic project cost under division (C) of this section, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, and the amount of the state's portion of the basic project cost; however, no state funds shall be encumbered under this section. Upon approval by the controlling board, the school district board may identify a discrete part of its classroom facilities needs, which shall include only new construction of or additions or major repairs to a particular building, to address with local resources. Upon identifying a part of the school district's basic project cost to address with local resources, the school district board may allocate any available school district moneys to pay the cost of that identified part, including the proceeds of an issuance of bonds if approved by the electors of the school district.

All local resources utilized under this division shall first be deposited in the project construction account required under section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, either one of the following conditions shall be satisfied:

(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code, which may be combined in a single ballot question with the questions prescribed under section 5705.218 of the Revised Code.

(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or

dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay levying the additional tax required under division (D)(2)(a) of this section or earmarking of the proceeds of a permanent improvement tax alternatively required under division (D)(2)(b) of this section until such time as the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise its option under this division, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under this division either has levied the additional tax or has earmarked the proceeds of a tax as specified in division (D) of this section.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code based on its percentile ranking as determined under division (B) of this section, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the

percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of school district moneys made under division (D)(1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. Any tax levy approved under division (D) of this section satisfies the requirements to levy the additional tax under section 3318.06 of the Revised Code.

(2) If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is more than the total amount of such portion as recalculated under this division, within one year after the school district's portion is recalculated under division (E)(1) of this section the commission may grant to the school district the difference between the two calculated portions, but at no time shall the commission expend any state funds on a project in an amount greater than the state's portion of the basic project cost as recalculated under this division.

Any reimbursement under this division shall be only for local resources the school district has applied toward construction cost expenditures for the classroom facilities approved by the commission, which shall not include any financing costs associated with that construction.

The school district board shall use any moneys reimbursed to the district under this division to pay off any debt service the district owes for classroom facilities constructed under its project under this section before such moneys are applied to any other purpose.

Sec. 3318.362. This section applies only to a school district that participates in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

~~Notwithstanding the twenty three year maximum maturity for bonds proposed to be issued by a school district board for a classroom facilities project pursuant to division (C) of section 3318.06 of the Revised Code, a~~ A school district board that enters into an agreement with the Ohio school

facilities commission under division (B) of section 3318.36 of the Revised Code may propose for issuance any bonds necessary for its participation in the program under section 3318.36 of the Revised Code for ~~a term longer than twenty three years but not to exceed~~ any number of years not exceeding the term calculated pursuant to section 133.20 of the Revised Code. Any moneys received from the state under division (E)(2) of section 3318.36 of the Revised Code shall be applied, as agreed in writing by the school district board and the commission, to pay debt service on outstanding bonds or bond anticipation notes issued by the school district board for its participation in the expedited local partnership program, including by placing those moneys in an applicable escrow fund under division (D) of section 133.34 of the Revised Code.

Sec. 3318.363. (A) This section applies beginning in fiscal year 2003 and only to a school district participating in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

(B) If there is a decrease in the tax valuation of a school district to which this section applies by ten per cent or greater from one tax year to the next due to a decrease in the assessment rate of the taxable property of an electric company that owns property in the district, as provided for in section 5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd General Assembly, the Ohio school facilities commission shall calculate or recalculate the state and school district portions of the basic project cost of the school district's project by determining the percentile rank in which the district would be located if such ranking were made using the ~~current year adjusted valuation per pupil, as calculated and reported to the commission by the department of education under division (A) of section 3318.011 of the Revised Code,~~ adjusted valuation per pupil calculated under division (C) of this section rather than the three-year average adjusted valuation per pupil, calculated under division (B) of ~~that~~ section 3318.011 of the Revised Code. For such district, the required percentage of the basic project cost used to determine the state and school district shares of that cost under division (C) of section 3318.36 of the Revised Code shall be based on the percentile rank as calculated under this section rather than as otherwise provided in division (C)(1) of section 3318.36 of the Revised Code. If the commission has determined the state and school district portion of the basic project cost of such a district's project under section 3318.36 of the Revised Code prior to that decrease in tax valuation, the commission shall adjust the state and school district shares of the basic project cost of such project in accordance with this section.

(C)(1) As used in divisions (C) and (D) of this section, "total taxable value," "formula ADM," and "income factor" have the same meanings as in section 3317.02 of the Revised Code.

(2) The adjusted valuation per pupil for a school district to which this section applies shall be calculated using the following formula:

(The district's total taxable value for the tax year preceding the calendar year in which the current fiscal year begins / the district's formula ADM for the previous fiscal year) - [\$30,000 x (1 - the district's income factor)].

(D) At the request of the Ohio school facilities commission, the department of education shall report a district's total taxable value for the tax year preceding the calendar year in which the current fiscal year begins for any district to which this section applies as that information has been certified to the department by the tax commissioner pursuant to section 3317.021 of the Revised Code.

Sec. 3318.38. (A) As used in this section, "big-eight school district" has the same meaning as in section 3314.02 of the Revised Code.

(B) There is hereby established the accelerated urban school building assistance program. Under the program, notwithstanding section 3318.02 of the Revised Code, any big-eight school district that has not been approved to receive assistance under sections 3318.01 to 3318.20 of the Revised Code by July 1, 2002, may beginning on that date apply for approval of and be approved for such assistance. Except as otherwise provided in this section, any project approved and undertaken pursuant to this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code.

The Ohio school facilities commission shall provide assistance to any big-eight school district eligible for assistance under this section in the following manner:

(1) Notwithstanding section 3318.02 of the Revised Code:

(a) Not later than June 30, 2002, the commission shall conduct an on-site visit and shall assess the classroom facilities needs of each big-eight school district eligible for assistance under this section;

(b) Beginning July 1, 2002, any big-eight school district eligible for assistance under this section may apply to the commission for conditional approval of its project as determined by the assessment conducted under division (B)(1)(a) of this section. The commission may conditionally approve that project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code.

(2) If the controlling board approves the project of a big-eight school district eligible for assistance under this section, the commission and the school district shall enter into an agreement as prescribed in section 3318.08

of the Revised Code. Any agreement executed pursuant to this division shall include any applicable segmentation provisions as approved by the commission under division (B)(3) of this section.

(3) Notwithstanding any provision to the contrary in sections 3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight school district eligible for assistance under this section may with the approval of the commission opt to divide the project as approved under division (B)(1)(b) of this section into discrete segments to be completed sequentially. Any project divided into segments shall comply with all other provisions of sections 3318.05, 3318.06, and 3318.08 of the Revised Code except as otherwise specified in this division.

If a project is divided into segments under this division:

(a) The school district need raise only the amount equal to its proportionate share, as determined under section 3318.032 of the Revised Code, of each segment at any one time and may seek voter approval of each segment separately;

(b) The state's proportionate share, as determined under section 3318.032 of the Revised Code, of only the segment which has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered ~~at any one time in accordance with section 3318.11 of the Revised Code~~. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section 3318.084 of the Revised Code. ~~If the state's share of any one segment exceeds twenty five million dollars, encumbrance of that share is subject to the provisions of section 3318.11 of the Revised Code.~~

(c) If it is necessary to levy the additional tax for maintenance under division (B) of section 3318.05 of the Revised Code with respect to any segment of the project, the district may utilize the provisions of section 3318.061 of the Revised Code to ensure that the maintenance tax extends for twenty-three years after the last segment of the project is undertaken.

(4) For any project under this section, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of any segment of the project, or of the entire project if it is not divided into segments, shall be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code.

Sec. 3333.17. The Ohio board of regents may enter into contracts with the appropriate agency in a contiguous state whereby the agency provides for charging Ohio residents enrolled in state-assisted post-secondary educational institutions in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the Ohio board of regents, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

State-assisted post-secondary educational institutions in Ohio may enter into contracts with appropriate state-assisted post-secondary educational institutions in a contiguous state whereby the state-assisted post-secondary educational institution provides for charging Ohio residents enrolled in the institution in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the Ohio state-assisted post-secondary institution, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in the state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

The contracts entered into by the board of regents or a state-assisted post-secondary educational institution may limit the type of academic program offered at the reciprocal rates. Residents of contiguous states enrolled in for credit courses taught at the main campus and identified off-campus sites at state-assisted post-secondary educational institutions in Ohio under such contracts shall be included in calculating the number of full-time equivalent students for state subsidy purposes. The board of regents and each state-assisted post-secondary educational institution shall periodically assess the costs and benefits of each such contract and the extent to which parity is achieved between Ohio and the contiguous state with respect to students benefiting from the contract. All Ohio state-assisted post-secondary educational institutions participating in these contracts shall report enrollments and other information annually to the Ohio board of regents. No contract shall be entered into under this section without the approval of the ~~controlling board~~ Ohio board of regents. The Ohio board of regents shall report the status of these contracts to the controlling board annually.

Sec. 3345.05. (A) All registration fees, nonresident tuition fees, academic fees for the support of off-campus instruction, laboratory and course fees when so assessed and collected, student health fees for the support of a student health service, all other fees, deposits, charges, receipts,

and income from all or part of the students, all subsidy or other payments from state appropriations, and all other fees, deposits, charges, receipts, and income received by each state-supported university and college, the Ohio state university hospitals and their ancillary facilities, the Ohio agricultural research and development center, and the Ohio state university cooperative extension service shall be held and administered by the respective boards of trustees of the state-supported universities and colleges; provided, that such fees, deposits, charges, receipts, and income, to the extent required by resolutions, trust agreements, indentures, leases, and agreements adopted, made, or entered into under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be held, administered, transferred, and applied in accordance therewith.

(B) The Ohio board of regents shall require annual reporting by the Ohio agricultural research and development center and by each university and college receiving state aid in such form and detail as determined by the board in consultation with such center, universities and colleges, and the director of budget and management.

(C) Notwithstanding any provision of the Revised Code to the contrary, the title to investments made by the board of trustees of a state-supported university or college with funds derived from revenues described in division (A) of this section shall not be vested in the state but shall be held in trust by the board. Such investments shall be made pursuant to an investment policy adopted by the board in public session that requires all fiduciaries to discharge their duties with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The policy also shall require at least the following:

(1) A stipulation that investment be made only in publicly traded securities averaging at least twenty-five per cent of the average amount of the investment portfolio over the course of the previous fiscal year invested in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's pooled investment program, obligations of this state or any political subdivision of this state, certificates of deposit of any national bank located in this state, written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less which are eligible for purchase by the federal reserve system, as a reserve;

(2) The establishment of an investment committee.

(D) The investment committee established under division (C)(2) of this section shall meet at least quarterly. The committee shall review and recommend revisions to the board's investment policy and shall advise the board on its investments made under division (C) of this section in an effort to assist it in meeting its obligations as a fiduciary as described in division (C) of this section. The committee shall be authorized to retain the services of an investment advisor who meets both of the following qualifications:

(1) The advisor is either:

(a) Licensed by the division of securities under section 1707.141 of the Revised Code;

(b) Registered with the securities and exchange commission.

(2) The advisor either:

(a) Has experience in the management of investments of public funds, especially in the investment of state-government investment portfolios;

(b) Is an eligible institution referenced in section 135.03 of the Revised Code.

Sec. 3702.5213. Notwithstanding sections 3702.51 to 3702.68 of the Revised Code, the southern Ohio veterans home in Brown county is not required to obtain a certificate of need for the addition of up to one hundred sixty-eight additional nursing home beds to be licensed under Chapter 3721. of the Revised Code if the additional beds are placed in service prior to December 31, 2004.

Sec. 5705.19. This section does not apply to school districts or county school financing districts.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than seventy-five days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention facility district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2152.41 and 2151.65 of the Revised Code shall not exceed four mills;

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to

January 1, 1925;

(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;

(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported;

(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;

(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships;

(H) For recreational purposes;

(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employers' contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company;

(J) For the purpose of providing and maintaining motor vehicles, communications, and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;

(K) For the maintenance and operation of a county home or detention facility;

(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code;

(M) For regional planning;

(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any

combination thereof, established under section 2152.41 or 2151.65 of the Revised Code or both of those sections;

(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;

(P) For maintaining and operating sewage disposal plants and facilities;

(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;

(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2152.41 or 2151.65 of the Revised Code or both of those sections;

(S) For the prevention, control, and abatement of air pollution;

(T) For maintaining and operating cemeteries;

(U) For providing ambulance service, emergency medical service, or both;

(V) For providing for the collection and disposal of garbage or refuse, including yard waste;

(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;

(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;

(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;

(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;

(AA) For the maintenance and operation of a free public museum of art, science, or history;

(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;

(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.

(DD) For the purpose of acquiring property for, constructing, operating,

and maintaining community centers as provided for in section 755.16 of the Revised Code;

(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code;

(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;

(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the cost of constructing, maintaining, repairing, or operating a water supply improvement;

(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use, which may be styled as protecting or preserving "greenspace" in the resolution, notice of election, or ballot form;

(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code;

(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a township.

(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.

(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;

(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;

(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold agricultural fairs. This division applies only to a county.

(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing

vements, ~~by a board of township trustees;~~

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. ~~This division applies only to a township.~~

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.

(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.

(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted.

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in rate, and the number of years during which the increase in rate shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt charges, the increased rate shall be for the life of the indebtedness.

(2) When the additional rate is for any of the following, the increased rate shall be for a continuing period of time:

(a) For the current expenses for a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;

(b) For providing a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2152.41 or 2151.65 of the Revised Code or under both of those sections.

(3) When the additional rate is for any of the following, the increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or (KK) of this section;

(b) For the maintenance and operation of a joint recreation district;

(c) A levy imposed by a township for the purposes set forth in division (G) of this section.

(4) When the increase is for the purpose or purposes set forth in division (D) ~~or (G), (CC), or (PP)~~ of this section ~~or for both of the purposes set forth in divisions (G) and (OO) of this section~~, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten.

A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section, ~~and a levy imposed by a township for the purposes set forth in division (G) of this section~~, may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section, ~~and a levy imposed by a township for the purposes set forth in division (G) of this section~~, may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2152.41 and 2151.65 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the

notice of election.

When the electors of a subdivision have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

Sec. 5705.218. (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to issue general obligation bonds for permanent improvements. The resolution shall state all of the following:

- (1) The necessity and purpose of the bond issue;
- (2) The date of the special election at which the question shall be submitted to the electors;
- (3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;
- (4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities.

On adoption of the resolution, the board shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

(B) After receiving the county auditor's certification under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; that it is necessary for a specified number of years or for a continuing period of time to levy additional taxes in excess of the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, and financing of permanent improvements or to pay for current operating expenses, or both; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than seventy-five days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of

the Revised Code. The resolution shall specify all of the following:

(1) The county auditor's estimate of the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds;

(2) The proposed rate of the tax, if any, for current operating expenses, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time;

(3) The proposed rate of the tax, if any, for permanent improvements, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time.

The resolution shall apportion the annual rate of the tax between current operating expenses and permanent improvements, if both taxes are proposed. The apportionment may but need not be the same for each year of the tax, but the respective portions of the rate actually levied each year for current operating expenses and permanent improvements shall be limited by the apportionment. The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.

(C) The board of elections shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers. The resolution shall be put before the electors as one ballot question, with a favorable vote indicating approval of the bond issue, the levy to pay debt charges on the bonds and any anticipatory securities, the current operating expenses levy, and the permanent improvements levy, if either or both levies are proposed. The board of elections shall publish notice of the election in one or more newspapers of general circulation in the school district once a week for four consecutive weeks. The notice of election shall state all of the following:

(1) The principal amount of the proposed bond issue;

(2) The permanent improvements for which the bonds are to be issued;

(3) The maximum number of years over which the principal of the bonds may be paid;

(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;

(5) The proposed rate of the additional tax, if any, for current operating

expenses;

(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;

(7) The proposed rate of the additional tax, if any, for permanent improvements;

(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;

(9) The time and place of the special election.

(D) The form of the ballot for an election under this section is as follows:

"Shall the school district be authorized to do the following:

(1) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum period of years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to average over the bond repayment period mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?"

If either a levy for permanent improvements or a levy for current operating expenses is proposed, or both are proposed, the ballot also shall contain the following language, as appropriate:

"(2) Levy an additional property tax to provide funds for the acquisition, construction, enlargement, renovation, and financing of permanent improvements at a rate not exceeding mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents) for each \$100 of tax valuation, for (number of years of the levy, or a continuing period of time)?

(3) Levy an additional property tax to pay current operating expenses at a rate not exceeding mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents) for each \$100 of tax valuation, for (number of years of the levy, or a continuing period of time)?

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)	
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"

(E) The board of elections promptly shall certify the results of the

election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote for it, the board of education may proceed with issuance of the bonds and with the levy and collection of the property tax or taxes at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(F)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

(2) After the approval of a tax under this section for permanent improvements having a specific purpose, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

(3) After the approval of a tax for general, on-going permanent improvements under this section, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected in each year over a specified period of years, not exceeding ten, after issuance of the notes.

Anticipation notes under this section shall be issued as provided in section 133.24 of the Revised Code. Notes issued under division (F)(1) or (2) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. Notes issued under division (F)(3) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.

(G) A tax for current operating expenses or for permanent improvements levied under this section for a specified number of years may be renewed or replaced in the same manner as a tax for current operating expenses or for permanent improvements levied under section 5705.21 of the Revised Code. A tax for current operating expenses or for permanent improvements levied under this section for a continuing period of time may

be decreased in accordance with section 5705.261 of the Revised Code.

(H) The submission of a question to the electors under this section is subject to the limitation on the number of elections that can be held in a year under section 5705.214 of the Revised Code.

(I) A school district board of education proposing a ballot measure under this section to generate local resources for a project under the school building assistance expedited local partnership program under section 3318.36 of the Revised Code may combine the questions under division (D) of this section with a question for the levy of a property tax to generate moneys for maintenance of the classroom facilities acquired under that project as prescribed in section 3318.361 of the Revised Code.

Sec. 5709.081. (A) Real and tangible personal property owned by a political subdivision that is a public recreational facility for athletic events shall be exempt from taxation if all of the following apply:

(1) The property is controlled and managed by a political subdivision or a county-related corporation or by a similar corporation under the direct control of a political subdivision and whose members and trustees are chosen or appointed by the subdivision;

(2) All revenues and receipts derived by the subdivision or corporation that controls and manages the property, after deducting amounts needed to pay necessary expenses for the operation and management of the property, accrue to the political subdivision owning the property;

(3) The property is not occupied and used for more than seven days in any calendar month by any private entity for profit or for more than a total of fifteen days in any calendar month by all such private entities for profit;

(4) The property is under the direction and control of the political subdivision or managing corporation whenever it is being used by a private entity for profit;

(5) The primary user or users of the property, if such a primary user exists, are controlled and managed by the political subdivision or corporation that controls and manages the property.

(B) Tangible personal property, and all buildings, structures, improvements, and fixtures of any kind on the land, that are constructed or, in the case of personal property, acquired after March 2, 1992, and are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league baseball team for a significant portion of its home schedule, and land acquired by a political subdivision in 1999 for such purposes, are declared to be public property used for a public purpose and are exempt from taxation, if all of the following apply:

(1) Such property is owned by one or more political subdivisions or by a corporation controlled by such subdivisions;

(2) Such property was or is any of the following:

(a) Constructed or, in the case of personal property, acquired pursuant to an agreement with a municipal corporation to implement a development, redevelopment, or renewal plan for an area declared by the municipal corporation to be a slum or blighted area, as those terms are defined in section 725.01 of the Revised Code;

(b) Financed in whole or in part with public obligations as defined in section 5709.76 of the Revised Code or otherwise paid for in whole or in part by one or more political subdivisions;

(c) An improvement or addition to property defined in division (B)(2)(a) or (b) of this section.

(3) Such property is controlled and managed by ~~one~~ either of the following:

(a) One or more of the political subdivisions or the corporation that owns it, ~~or controlled and managed by a~~;

(b) A designee, tenant, or agent of such political subdivision or subdivisions or corporation pursuant to a management, lease, or similar written agreement.

(4) The primary user or users of such property, if a primary user or primary users exist, either:

(a) Are controlled and managed by one or more of the political subdivisions or the corporation that owns the property; or

(b) Operate under leases, licenses, management agreements, or similar arrangements with, and providing for the payment of rents, revenues, or other remuneration to, one or more of the political subdivisions or the corporation that owns the property.

(5) Any residual cash accrues to the political subdivision or subdivisions that own the property or that control the corporation that owns the property, and is used for the public purposes of the subdivision or subdivisions. As used in division (B)(5) of this section, "residual cash" means any revenue and receipts derived from the property by the political subdivision or subdivisions or corporation that owns the property and that are available for unencumbered use by the political subdivision or subdivisions or corporation, after deducting amounts needed to make necessary expenditures, pay debt service, and provide for working capital related to the ownership, management, operation, and use of the property, including payments of taxes on the taxable part of the public recreational facility, contractually obligated payments or deposits into reserves or otherwise, and

service payments under section 307.699 of the Revised Code.

(C) The exemption provided in division (B) of this section also applies to both of the following:

(1) The property during its construction or, in the case of tangible personal property, acquisition during the construction period, if the owner meets the condition of division (B)(1) of this section and has agreements that provide for the satisfaction of all other conditions of division (B) of this section upon the completion of the construction;

(2) Any improvement or addition made after March 2, 1992, to a public recreational facility that was constructed before March 2, 1992, as long as all other conditions in division (B) of this section are met.

(D) A corporation that owns property exempt from taxation under division (B) of this section is a public body for the purposes of section 121.22 of the Revised Code. The corporation's records are public records for the purposes of section 149.43 of the Revised Code, except records related to matters set forth in division (G) of section 121.22 of the Revised Code and records related to negotiations that are not yet completed for financing, leases, or other agreements.

(E) The exemption under division (B) of this section applies to property that is owned by the political subdivision or subdivisions or the corporation that owns the public recreational facility. Tangible personal property owned by users, managers, or lessees of the facility is taxable when used in the public recreational facility.

(F) Nothing in this section or in any other section of the Revised Code prohibits or otherwise precludes an agreement between a political subdivision, or a corporation controlled by a political subdivision, that owns or operates a public recreational facility that is exempted from taxation under division (A) or (B) of this section and the board of education of a school district or the legislative authority of a municipal corporation, or both, in which all or a part of that facility is located, providing for payments to the school district or municipal corporation, or both, in lieu of taxes that otherwise would be charged against real and tangible personal property exempted from taxation under this section, for a period of time and under such terms and conditions as the legislative authority of the political subdivision and the board of education or municipal legislative authority, or both, may agree, which agreements are hereby specifically authorized.

Sec. 5709.82. (A) As used in this section:

(1) "New employee" means both of the following:

(a) Persons employed in the construction of real property exempted from taxation under the chapters or sections of the Revised Code

enumerated in division (B) of this section;

(b) Persons not described by division (A)(1)(a) of this section who are first employed at the site of such property and who within the two previous years have not been subject, prior to being employed at that site, to income taxation by the municipal corporation within whose territory the site is located on income derived from employment for the person's current employer. "New employee" does not include any person who replaces a person who is not a new employee under division (A)(1) of this section.

(2) "Infrastructure costs" means costs incurred by a municipal corporation in a calendar year to acquire, construct, reconstruct, improve, plan, or equip real or tangible personal property that directly benefits or will directly benefit the exempted property. If the municipal corporation finances the acquisition, construction, reconstruction, improvement, planning, or equipping of real or tangible personal property that directly benefits the exempted property by issuing debt, "infrastructure costs" means the annual debt charges incurred by the municipal corporation from the issuance of such debt. Real or tangible personal property directly benefits exempted property only if the exempted property places or will place direct, additional demand on the real or tangible personal property for which such costs were or will be incurred.

(B) Except as otherwise provided under division (C) of this section, the legislative authority of any political subdivision that has acted under the authority of Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised Code to grant an exemption from taxation for real or tangible personal property may negotiate with the board of education of each city, local, ~~or~~ exempted village, or joint vocational school district within the territory of which the exempted property is located, and enter into an agreement whereby the school district is compensated for tax revenue that the school district would have received had the property not been exempted from taxation.

(C) This division does not apply to the following:

(1) The legislative authority of a municipal corporation that has acted under the authority of division (H) of section 715.70 or section 715.81 of the Revised Code to consent to the granting of an exemption from taxation for real or tangible personal property in a joint economic development district.

(2) The legislative authority of a municipal corporation that has specified in an ordinance adopted under section 5709.40 or 5709.41 of the Revised Code that payments in lieu of taxes provided for under section 5709.42 of the Revised Code shall be paid to the city, local, or exempted

llage school district in which the improvements are located in the amount of taxes that would have been payable to the school district if the improvements had not been exempted from taxation, as directed in the ordinance.

If the legislative authority of any municipal corporation has acted under the authority of Chapter 725. or 1728. or section 3735.671, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, or 5709.88, or a housing officer under section 3735.67 of the Revised Code, to grant or consent to the granting of an exemption from taxation for real or tangible personal property on or after July 1, 1994, the municipal corporation imposes a tax on incomes, and the payroll of new employees resulting from the exercise of that authority equals or exceeds one million dollars in any tax year for which such property is exempted, the legislative authority and the board of education of each city, local, or exempted village school district within the territory of which the exempted property is located shall attempt to negotiate an agreement providing for compensation to the school district for all or a portion of the tax revenue the school district would have received had the property not been exempted from taxation. The agreement may include as a party the owner of the property exempted or to be exempted from taxation and may include provisions obligating the owner to compensate the school district by paying cash or providing property or services by gift, loan, or otherwise. Such an obligation is enforceable by the board of education of the school district pursuant to the terms of the agreement.

If the legislative authority and board of education fail to negotiate an agreement that is mutually acceptable within six months of formal approval by the legislative authority of the instrument granting the exemption, the legislative authority shall compensate the school district in the amount and manner prescribed by division (D) of this section.

(D) Annually, the legislative authority of a municipal corporation subject to this division shall pay to the city, local, or exempted village school district within the territory of which the exempted property is located an amount equal to fifty per cent of the difference between the amount of taxes levied and collected by the municipal corporation on the incomes of new employees in the calendar year ending on the day the payment is required to be made, and the amount of any infrastructure costs incurred in that calendar year. For purposes of such computation, the amount of infrastructure costs shall not exceed thirty-five per cent of the amount of those taxes unless the board of education of the school district, by resolution adopted by a majority of the board, approves an amount in excess of that percentage. If the amount of those taxes or infrastructure costs must be

stimated at the time the payment is made, payments in subsequent years shall be adjusted to compensate for any departure of those estimates from the actual amount of those taxes.

A municipal corporation required to make a payment under this section shall make the payment from its general fund or a special fund established for the purpose. The payment is payable on the thirty-first day of December of the tax year for or in which the exemption from taxation commences and on that day for each subsequent tax year property is exempted and the legislative authority and board fail to negotiate an acceptable agreement under division (C) of this section.

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would be exempt from the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would be exempt from the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Industrial laundry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic

data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An affiliated group means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

(f) Telecommunications service is provided that originates or terminates in this state and is charged in the records of the telecommunications service vendor to the consumer's telephone number or account in this state, or that both originates and terminates in this state; but does not include transactions by which telecommunications service is paid for by using a prepaid authorization number or prepaid telephone calling card, or by which local telecommunications service is obtained from a coin-operated telephone and paid for by using coin;

(g) Landscaping and lawn care service is or is to be provided;

(h) Private investigation and security service is or is to be provided;

(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to be provided;

(k) Employment service is or is to be provided;

(l) Employment placement service is or is to be provided;

(m) Exterminating service is or is to be provided;

(n) Physical fitness facility service is or is to be provided;

(o) Recreation and sports club service is or is to be provided.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or

improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract. The transfer of copyrighted motion picture films for exhibition purposes is not a sale, except such films as are used solely for advertising purposes. Other than as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used directly in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, if the corporation is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) All transactions by which a prepaid authorization number or a prepaid telephone calling card is or is to be transferred.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the

ions service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or

consumption in the production of that printed matter. That person is not entitled to claim exception under division (E)(8) of this section for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

(E) "Retail sale" and "sales at retail" include all sales except those in which the purpose of the consumer is:

(1) To resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person;

(2) To incorporate the thing transferred as a material or a part, into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining, or to use or consume the thing transferred directly in producing a product for sale by mining, including without limitation the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, farming, agriculture, horticulture, or floriculture, and persons engaged in rendering farming, agricultural, horticultural, or floricultural services, and services in the exploration for, and production of, crude oil and natural gas, for others are deemed engaged directly in farming, agriculture, horticulture, and floriculture, or exploration for, and production of, crude oil and natural gas; directly in the rendition of a public utility service, except that the sales tax levied by section 5739.02 of the Revised Code shall be collected upon all meals, drinks, and food for human consumption sold upon Pullman and railroad coaches. This paragraph does not exempt or except from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(3) To hold the thing transferred as security for the performance of an obligation of the vendor;

(4) To use or consume the thing transferred in the process of reclamation as required by Chapters 1513. and 1514. of the Revised Code;

(5) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(6) To use or consume the thing directly in commercial fishing;

(7) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(8) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(9) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(10) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as defined in division (B)(7) of this section, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would be exempt on its purchase from the tax imposed by section 5739.02 of the Revised Code;

(11) To use the thing transferred as qualified research and development equipment;

(12) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. Division (E)(12) of this section does not apply to motor vehicles registered for operation on the public highways. As used in division (E)(12) of this section, "affiliated group" has the same meaning as in division (B)(3)(e) of this section and "direct marketing" has the same meaning as in division (B)(37) of section 5739.02 of the Revised Code.

(13) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of this section;

(14) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(15) To use tangible personal property to perform a service listed in division (B)(3) of this section, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service.

As used in division (E) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of this section.

Sales conducted through a coin-operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction, are not retail sales or sales at retail.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1) "Price," except as provided in divisions (H)(2) and (3) of this section, means the aggregate value in money of anything paid or delivered, or promised to be paid or delivered, in the complete performance of a retail sale, without any deduction on account of the cost of the property sold, cost of materials used, labor or service cost, interest, discount paid or allowed after the sale is consummated, or any other expense. If the retail sale consists of the rental or lease of tangible personal property, "price" means the aggregate value in money of anything paid or delivered, or promised to be paid or delivered, in the complete performance of the rental or lease, without any deduction for tax, interest, labor or service charge, damage liability waiver, termination or damage charge, discount paid or allowed after the lease is consummated, or any other expense. Except as provided in division (H)(4) of this section, the sales tax shall be calculated and collected by the lessor on each payment made by the lessee. Price does not include the consideration received as a deposit refundable to the consumer upon return of a beverage container, the consideration received as a deposit on a carton or case that is used for such returnable containers, or the consideration received as a refundable security deposit for the use of tangible personal property to the extent that it actually is refunded, if the consideration for such refundable deposit is separately stated from the consideration received or to be received for the tangible personal property transferred in the retail sale. Such separation must appear in the sales agreement or on the initial invoice or initial billing rendered by the vendor to the consumer. Price is the amount received inclusive of the tax, provided the vendor establishes to the

satisfaction of the tax commissioner that the tax was added to the price. When the price includes both a charge for tangible personal property and a charge for providing a service and the sale of the property and the charge for the service are separately taxable, or have a separately determinable tax status, the price shall be separately stated for each such charge so the tax can be correctly computed and charged.

The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized in section 5739.12 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of such tax.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade.

(4) In the case of the lease of any motor vehicle ~~designed by the manufacturer to carry a load~~ having a gross vehicle weight of not more than ~~one ton~~ thirteen thousand five hundred pounds, watercraft, outboard motor, or aircraft, or the lease of any tangible personal property, other than motor vehicles ~~designed by the manufacturer to carry a load~~ having a gross vehicle weight of more than ~~one ton~~ thirteen thousand five hundred pounds, to be used by the lessee primarily for business purposes, the sales tax shall be collected by the vendor at the time the lease is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee under the lease agreement. If the total amount of the consideration for the lease includes amounts that are not calculated at the time the lease is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee. In the case of an open-end lease, the

sales tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease, and then for each subsequent renewal period as it comes due.

As used in divisions (H)(3) and (4) of this section, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, "gross vehicle weight" means the unladen weight of a vehicle fully equipped plus the maximum weight of the load to be carried on the vehicle, and "watercraft" includes an outdrive unit attached to the watercraft.

(I) "Receipts" means the total amount of the prices of the sales of vendors, provided that cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use in this state and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to

provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed, regardless of whether the vendor is a delivery vendor.

(P) "Used directly in the rendition of a public utility service" means that property which is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used in providing a public utility service as defined in this division.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most

populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

- (b) Analyzing business policies and procedures;
- (c) Identifying management information needs;
- (d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;
- (e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;
- (f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;
- (g) Testing of business procedures;
- (h) Training personnel in business procedure applications;
- (i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;
- (j) Providing debt collection services by any oral, written, graphic, or electronic means.

The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA) "Telecommunications service" means the transmission of any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium such as wires,

cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media. "Telecommunications service" includes message toll service even though the vendor provides the message toll service by means of wide area transmission type service or private communications service purchased from another telecommunications service provider, but does not include any of the following:

(1) Sales of incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight-hundred-type service, to the person contracting for the receipt of that service;

(2) Sales of private communications service to the person contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between exchanges;

(3) Sales of telecommunications service by companies subject to the excise tax imposed by Chapter 5727. of the Revised Code;

(4) Sales of telecommunications service to a provider of telecommunications service, including access services, for use in providing telecommunications service;

(5) Value-added nonvoice services in which computer processing applications are used to act on the form, content, code, or protocol of the information to be transmitted;

(6) Transmission of interactive video programming by a cable television system as defined in section 505.90 of the Revised Code.

(BB) "Industrial laundry cleaning services" means removing soil or dirt from or supplying towels, linens, or articles of clothing that belong to others and are used in a trade or business.

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a

lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development equipment unless such property is primarily used by the consumer in testing the product, equipment, or manufacturing process being created, designed, or formulated by the consumer in the research and development activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means cleaning the interior or exterior of a building and any tangible personal property located

therein or thereon, including any services incidental to such cleaning for which no separate charge is made. However, "building maintenance and janitorial service" does not include the providing of such service by a person who has less than five thousand dollars in sales of such service during the calendar year.

(JJ) "Employment service" means providing or supplying personnel, on a temporary or long-term basis, to perform work or labor under the supervision or control of another, when the personnel so supplied receive their wages, salary, or other compensation from the provider of the service. "Employment service" does not include:

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.

(2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming

lub, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(QQ) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Prepaid authorization number" means a numeric or alphanumeric combination that represents a prepaid account that can be used by the account holder solely to obtain telecommunications service, and includes any renewals or increases in the prepaid account.

(2) "Prepaid telephone calling card" means a tangible item that contains a prepaid authorization number that can be used solely to obtain telecommunications service, and includes any renewals or increases in the prepaid account.

(VV) "Lease" means any transfer for a consideration of the possession of and right to use, but not title to, tangible personal property for a fixed period of time greater than ~~twenty-eight~~ thirty days or for an open-ended period of time with a minimum fixed period of more than ~~twenty-eight~~ thirty days.

Sec. 5741.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, business trusts, governments, and combinations of individuals of any form.

(B) "Storage" means and includes any keeping or retention in this state for use or other consumption in this state.

(C) "Use" means and includes the exercise of any right or power incidental to the ownership of the thing used. A thing is also "used" in this state if its consumer gives or otherwise distributes it, without charge, to recipients in this state.

(D) "Purchase" means acquired or received for a consideration, whether such acquisition or receipt was effected by a transfer of title, or of possession, or of both, or a license to use or consume; whether such transfer was absolute or conditional, and by whatever means the transfer was effected; and whether the consideration was money, credit, barter, or exchange. Purchase includes production, even though the article produced was used, stored, or consumed by the producer. The transfer of copyrighted motion picture films for exhibition purposes is not a purchase, except such films as are used solely for advertising purposes.

(E) "Seller" means the person from whom a purchase is made, and includes every person engaged in this state or elsewhere in the business of selling tangible personal property or providing a service for storage, use, or

other consumption or benefit in this state; and when, in the opinion of the tax commissioner, it is necessary for the efficient administration of this chapter, to regard any salesman, representative, peddler, or canvasser as the agent of a dealer, distributor, supervisor, or employer under whom the person operates, or from whom the person obtains tangible personal property, sold by the person for storage, use, or other consumption in this state, irrespective of whether or not the person is making such sales on the person's own behalf, or on behalf of such dealer, distributor, supervisor, or employer, the commissioner may regard the person as such agent, and may regard such dealer, distributor, supervisor, or employer as the seller. "Seller" does not include any person to the extent the person provides a communications medium, such as, but not limited to, newspapers, magazines, radio, television, or cable television, by means of which sellers solicit purchases of their goods or services.

(F) "Consumer" means any person who has purchased tangible personal property or has been provided a service for storage, use, or other consumption or benefit in this state. "Consumer" does not include a person who receives, without charge, tangible personal property or a service.

A person who performs a facility management or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)(1) of section 5739.01 of the Revised Code.

(G)(1) "Price," except in the case of watercraft, outboard motors, or new motor vehicles, means the aggregate value in money of anything paid or delivered, or promised to be paid or delivered, by a consumer to a seller in the complete performance of the transaction by which tangible personal property has been purchased or a service has been provided for storage, use, or other consumption or benefit in this state, without any deduction or exclusion on account of the cost of the property sold, cost of materials used, labor or service cost, interest, discount paid or allowed after the sale is consummated, or any other expense. If the transaction consists of the rental or lease of tangible personal property, "price" means the aggregate value in money of anything paid or delivered, or promised to be paid or delivered by the lessee to the lessor, in the complete performance of the rental or lease, without any deduction or exclusion of tax, interest, labor or service charge, damage liability waiver, termination or damage charge, discount paid or allowed after the lease is consummated, or any other expense. Except as

provided in division (G)(6) of this section, the tax shall be calculated and collected by the lessor on each payment made by the lessee. If a consumer produces the tangible personal property used by the consumer, the price is the produced cost of such tangible personal property. The tax collected by the seller from the consumer under such sections is not a part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional use tax pursuant to section 5741.021 or 5741.023 of the Revised Code and of transit authorities levying an additional use tax pursuant to section 5741.022 of the Revised Code and, except for the discount authorized under section 5741.12 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of such tax.

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in division (H) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this state more than six months after its acquisition by the consumer, the consumer or the tax commissioner may determine the price based on the current value of such tangible personal property, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(6) In the case of the purchase or lease of any motor vehicle ~~designed by the manufacturer to carry a load~~ having a gross vehicle weight of not more than ~~one ton~~ thirteen thousand five hundred pounds, watercraft, outboard motor, or aircraft, or the lease of any tangible personal property, other than

motor vehicles ~~designed by the manufacturer to carry a load~~ having a gross vehicle weight of more than one ton thirteen thousand five hundred pounds, to be used by the lessee primarily for business purposes, the tax shall be collected by the vendor at the time the lease is consummated and calculated by the vendor on the basis of the total amount to be paid by the lessee under the lease agreement. If the total amount of the consideration for the lease includes amounts that are not calculated at the time the lease is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee. In the case of an open-end lease, the tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease, and then for each subsequent renewal period as it comes due. As used in division (G)(6) of this section only, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "gross vehicle weight" means the unladen weight of a vehicle fully equipped plus the maximum weight of the load to be carried on the vehicle.

(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state.

(I) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state. "Substantial nexus with this state" exists when the seller does any of the following:

(1) Maintains a place of business within this state, whether operated by employees or agents of the seller, by a member of an affiliated group, as described in division (B)(3)(e) of section 5739.01 of the Revised Code, of which the seller is a member, or by a franchisee using a trade name of the seller;

(2) Regularly has employees, agents, representatives, solicitors, installers, repairmen, salesmen, or other individuals in this state for the purpose of conducting the business of the seller;

(3) Uses a person in this state for the purpose of receiving or processing orders of the seller's goods or services;

(4) Makes regular deliveries of tangible personal property into this state by means other than common carrier;

(5) Has membership in an affiliated group, as described in division (B)(3)(e) of section 5739.01 of the Revised Code, at least one other member of which has substantial nexus with this state;

(6) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state;

(7) Is registered with the secretary of state to do business in this state or is registered or licensed by any state agency, board, or commission to transact business in this state or to make sales to persons in this state;

(8) Has any other contact with this state that would allow this state to require the seller to collect and remit use tax under Section 8 of Article I of the Constitution of the United States.

(J) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county which is a transit authority, the fiscal officer of the county transit board appointed pursuant to section 306.03 of the Revised Code or, if the board of county commissioners operates the county transit system, the county auditor.

(K) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(L) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority which includes territory in more than one county must include all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(M) "Providing a service" has the same meaning as in division (X) of section 5739.01 of the Revised Code.

(N) "Other consumption" includes receiving the benefits of a service.

(O) "Lease" means any transfer for a consideration of the possession of and right to use, but not title to, tangible personal property for a fixed period of time greater than ~~twenty-eight~~ thirty days or for an open-ended period of time with a minimum fixed period of more than ~~twenty-eight~~ thirty days.

SECTION 2. That existing sections 105.41, 133.06, 135.18, 135.181, 151.01, 151.09, 151.40, 175.03, 727.01, 3318.03, 3318.04, 3318.05, 3318.06, 3318.061, 3318.08, 3318.084, 3318.11, 3318.36, 3318.362,

8.363, 3318.38, 3333.17, 3345.05, 5705.19, 5705.218, 5709.081, 5709.82, 5739.01, and 5741.01 of the Revised Code are hereby repealed.

SECTION 3. All items set forth in Sections 3.01 to 3.04 of this act are hereby appropriated out of any moneys in the General Revenue Fund (GRF) that are not otherwise appropriated.

SECTION 3.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

		Reappropriations
CAP-773	Governor's Residence Restoration	\$ 4,705
CAP-785	Rural Areas Historical Projects	\$ 60,000
CAP-786	Rural Areas Community Improvements	\$ 2,197,500
CAP-804	Day Care Centers	\$ 6,473
CAP-817	Urban Areas Community Improvements	\$ 5,180,000
Total Department of Administrative Services		\$ 7,448,678

RURAL AREAS HISTORICAL PROJECTS

From the foregoing appropriation item CAP-785, Rural Areas Historical Projects, \$50,000 shall be for the Osnauburg Historical Society-Werner Inn renovations; and \$10,000 for the Historic Hopewell Church.

RURAL AREAS COMMUNITY IMPROVEMENTS

From the foregoing appropriation item CAP-786, Rural Areas Community Improvements, grants shall be made for the following projects: \$20,000 for the Smith Field Memorial Foundation; \$100,000 for the Gallia County Industrial Park; \$75,000 for the People Working Cooperatively Facility Improvements; \$200,000 for the Champaign YMCA; \$50,000 for the Clermont County Courthouse; \$50,000 for the Clermont County Visitor Information Center; \$75,000 for the Bellepoint Bridge Reconstruction; \$150,000 for the Fairport Community Center; \$100,000 for the Mentor Fire & Police Headquarters Relocation; \$65,000 for the Perry Township Industrial Park Land Acquisition; \$20,000 for the Red Mill Creek Water Retention Basin; \$25,000 for the Lawrence County Water Projects; \$350,000 for the Cave Lake Center for Community Leadership; \$300,000 for County Jail Improvements - Sandusky County; \$50,000 for the Southern Ohio Port Authority; \$45,000 for the Bradner Historic Building; \$22,500 for the Clermont County Animal Shelter; \$225,000 for the Sherwood-Davidson House - Licking County; and \$225,000 for the Jerome Buckingham House - Licking County; and \$50,000 for the Utica Historical Society.

THE AMOUNT REAPPROPRIATED FOR RURAL AREAS COMMUNITY IMPROVEMENTS

The amount reappropriated for the foregoing appropriation item CAP-786, Rural Areas Community Improvements, is \$100,080 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-786, Rural Areas Community Improvements.

URBAN AREAS COMMUNITY IMPROVEMENTS

From the foregoing appropriation item CAP-817, Urban Areas Community Improvements, grants shall be made for the following projects: \$100,000 for the Maumee Youth Center; \$25,000 for the Columbus Civic Arena Development Planning; \$50,000 for the Brown Senior Center Renovations; \$100,000 for the Hanna Fountain Renovations - Cleveland; \$100,000 for Project AHEAD Facility Improvements; \$75,000 for the J Frank-Troy Senior Citizens Center; \$50,000 for the African American Museum in Cleveland; \$200,000 for the North Royalton Recreation Center; \$1,900,000 for the Columbus Downtown Initiatives Plan; \$150,000 for Clintonville Improvements; \$35,000 for the Grove City YMCA; \$15,000 for the Victorian Village Society; \$50,000 for the Beech Acres Family Center; \$25,000 for the Health Education Center; \$500,000 for the Convention Center Expansion Center; \$1,000,000 for the Lincoln Heights Health Center Improvements; \$100,000 for the Canton Jewish Women's Center; \$450,000 for the Gateway Social Services Building; \$85,000 for the Akron Jewish Community Center Renovations; \$50,000 for the Loew Field Improvements; \$20,000 for the Harvard Community Services Center Renovation & Expansion; \$20,000 for the Collinwood Community Service Center Repair & Renovation; and \$80,000 for Bowman Park - City of Toledo.

THE AMOUNT APPROPRIATED FOR URBAN AREAS COMMUNITY IMPROVEMENTS

The amount reappropriated for the foregoing appropriation item CAP-817, Urban Areas Community Improvements, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-817, Urban Areas Community Improvements, less \$332,000.

				Reappropriations
SECTION	3.02.	AFC	ARTS AND	SPORTS FACILITIES
COMMISSION				
CAP-047	Cincinnati	Classical Music	Hall of Fame	\$ 300,000
CAP-819	Cooper Stadium	Relocation	Feasibility Study	\$ 350,000
Total Arts and Sports Facilities Commission				\$ 650,000

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

adium Relocation Feasibility Study, may be expended for the cost of preparing a financial and development plan or feasibility study, renovation, and purchasing engineering and architectural services, designs, plans, specifications, surveys, and estimates of costs for Cooper Stadium. Any amount expended for that purpose from the appropriation shall count toward the maximum 15 per cent of the construction cost of the sports facility to be paid from state funds.

		Reappropriations
SECTION 3.03. OHS OHIO HISTORICAL SOCIETY		
CAP-745	Historic Sites/Museums - Emergency Repair	\$ 302,880
Total Ohio Historical Society		\$ 302,880

		Reappropriations
SECTION 3.04. DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-702	Upgrade Underground Fuel Tanks	\$ 296,963
CAP-703	Cap Abandoned Water Wells	\$ 357,481
CAP-823	Cost Sharing-Pollution Abatement	\$ 33,614
CAP-847	Assistance to Local Governments for Conservation Works of Improvement	\$ 25,000
CAP-848	Hazardous Dam Repair	\$ 91,521
CAP-875	Ohio River Access	\$ 100,000
CAP-929	Hazardous Waste/Asbestos Abatement	\$ 294,744
CAP-931	Wastewater/Water Systems Upgrades	\$ 32,205
CAP-932	Wetlands/Waterfront Development and Acquisition	\$ 32,460
CAP-942	Local Parks Projects	\$ 5,225
CAP-999	Geographic Information Management System	\$ 1,085
Total Department of Natural Resources		\$ 1,270,298
TOTAL GRF General Revenue Fund		\$ 9,671,856

SECTION 3.05. No expenditures shall be made from any of the items appropriated from the General Revenue Fund in Sections 3.01 to 3.04 of this act until the funds are released by the Controlling Board.

SECTION 4. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Wildlife Fund (Fund 015) that are not otherwise appropriated.

		Reappropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-012	Land Acquisition	\$ 3,104,214
CAP-015	Highlandtown Wildlife Area	\$ 11,003
CAP-065	Grant Lake	\$ 3,569
CAP-088	Monroe Wildlife Area	\$ 6,164

CAP-096	Rush Run Wildlife Area	\$	1,800
CAP-117	Cooper Hollow Wildlife Area	\$	4,815
CAP-198	Veto Lake Wildlife Area	\$	12,126
CAP-216	Killbuck Creek Wildlife Area	\$	550
CAP-387	Access Development	\$	2,000,000
CAP-702	Upgrade Underground Fuel Tanks	\$	100,000
CAP-703	Cap Abandoned Water Wells	\$	50,000
CAP-754	Tiffin River Wildlife Area	\$	1,000
CAP-785	K.H. Butler Ohio River Access	\$	65,349
CAP-804	Lake La Su An Wildlife Area	\$	400
CAP-834	Appraisal Fees - Statewide	\$	48,605
CAP-852	Wildlife Area Building Development/Renovation	\$	4,000,000
CAP-881	Dam Rehabilitation	\$	1,000,000
CAP-959	Sandusky Wildlife Office	\$	50,000
CAP-995	Boundary Protection	\$	50,000
Total Department of Natural Resources		\$	10,509,595
TOTAL Wildlife Fund		\$	10,509,595

LAND ACQUISITION

The amount reappropriated for the foregoing appropriation item CAP-012, Land Acquisition, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-012, Land Acquisition, less \$158,125.

ACCESS DEVELOPMENT

The amount reappropriated for the foregoing appropriation item CAP-387, Access Development, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-387, Access Development, plus \$1,519,533.

UPGRADE UNDERGROUND FUEL TANKS

The amount reappropriated for the foregoing appropriation item CAP-702, Upgrade Underground Fuel Tanks, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-702, Upgrade Underground Fuel Tanks, less \$112,271.

CAP ABANDONED WATER WELLS

The amount reappropriated for the foregoing appropriation item CAP-703, Cap Abandoned Water Wells, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-703, Cap Abandoned Water Wells, less \$14,057.

WILDLIFE AREA BUILDING DEVELOPMENT/RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-852, Wildlife Area Building Development/Renovations, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-852, Wildlife Area Building Development/Renovations, less \$1,505,949.

DAM REHABILITATION

The amount reappropriated for the foregoing appropriation item

CAP-881, Dam Rehabilitation, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-881, Dam Rehabilitation, less \$1,829,541.

BOUNDARY PROTECTION

The amount reappropriated for the foregoing appropriation item CAP-995, Boundary Protection, is \$50,000.

SECTION 5. 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) that are not otherwise appropriated.

		Reappropriations
SFC SCHOOL FACILITIES COMMISSION		
CAP-622	Public School Buildings	\$ 5,000,000
CAP-777	Disability Access Projects	\$ 6,000,000
CAP-778	Exceptional Needs	\$ 24,000,000
CAP-781	Big Eight Renovation Program	\$ 6,770,781
CAP-783	Emergency School Building Assistance	\$ 15,000,000
Total School Facilities Commission		\$ 56,770,781
TOTAL Public School Building Fund		\$ 56,770,781

DISABILITY ACCESS PROJECTS

The amount reappropriated for appropriation item CAP-777, Disability Access Projects, shall be used to fund capital projects pursuant to this section that make buildings more accessible to students with disabilities.

(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 excludes a school district that is one of the state's twenty-one 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 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 for which the grant is being awarded equal to the percentile in which the district is so ranked.

SECTION 5.01. BIG EIGHT SCHOOL DISTRICTS

(A) The amounts reappropriated for appropriation item CAP-781, Big Eight Renovation Program, shall be used by the School Facilities Commission to provide funds to the big eight school districts as defined in section 3314.02 of the Revised Code to be used for major renovations and repairs of school facilities. Big eight school districts that levy at least 2.5 voted mills for permanent improvements shall also be eligible to expend funding from this program for additions to existing facilities. However, any big eight school district that does so shall receive no financial assistance from the School Facilities Commission for the purpose of replacing that facility for a period of at least twenty years. These appropriations shall be allocated to the big eight school districts on a per-pupil basis, based on fiscal year 1999 average daily membership as defined in section 3317.03 of the Revised Code. School districts that receive conditional approval by the Controlling Board, pursuant to section 3318.04 of the Revised Code, to participate in the Accelerated Urban School Building Program shall no longer be eligible to receive funding from the Big Eight Renovation Program, except for appropriations already encumbered at the time the conditional approval is granted. To be eligible to receive appropriations from the Big Eight Renovation Program, each school district shall:

(1) Provide a 100 per cent match from funds that are approved by the School Facilities Commission. Except for, after the effective date of this section, eligible districts in the first through fiftieth percentile, as determined under section 3318.011 of the Revised Code, shall provide a match to their remaining balances in the Big Eight Renovation Program as of the effective date of this section such that the local match is equal to the district's percentage share contribution as determined under the fiscal year 2002 three-year average adjusted valuation per pupil list pursuant to section 3318.011 of the Revised Code.

(2) Develop and submit a capital renovations plan for the use of the state and local funds, subject to approval by the School Facilities Commission.

(B) The Executive Director of the School Facilities Commission may from time to time request the Director of Budget and Management to transfer any unencumbered and unallotted balances in appropriation item CAP-781, Big Eight Renovation Program, to appropriation item CAP-622,

Public School Buildings. Any amounts transferred are hereby appropriated.

SECTION 6. 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) that are not otherwise appropriated.

		Reappropriations	
DHS DEPARTMENT OF PUBLIC SAFETY			
CAP-045	Platform Scales Improvements	\$	200,000
CAP-058	Construct District 3 Complex	\$	444,338
CAP-059	Patrol Post ADA Compliance	\$	272,769
CAP-065	Replace Windows at the Academy	\$	79,000
CAP-071	Construct Georgetown Patrol Post	\$	1,900,000
CAP-072	Patrol Academy Infrastructure Improvements	\$	723,250
CAP-073	Massillon District HQ Renovations	\$	534,800
CAP-074	Construct Warren District Blue Title Facility	\$	500,000
CAP-075	Cambridge District HQ Post Renovations	\$	394,208
Total Department of Public Safety		\$	5,048,365
TOTAL Highway Safety Fund		\$	5,048,365

SECTION 7. 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) that are not otherwise appropriated.

		Reappropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			
CAP-324	Cooperative Funding for Boating Facilities	\$	6,110,250
CAP-781	Vinton Community Park Ramp	\$	11,513
CAP-844	Put-in-Bay Township Port Authority	\$	6,466
CAP-874	Recreational Harbor Evaluation Project	\$	910,000
CAP-934	Operations Facilities Development	\$	1,050,000
Total Department of Natural Resources		\$	8,088,229
TOTAL Waterways Safety Fund		\$	8,088,229

SECTION 8. 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) that are not otherwise appropriated.

		Reappropriations	
CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			
CAP-003	Renovate Garage Offices	\$	199,317
CAP-004	Emergency Generator and Lighting System	\$	200,000
CAP-007	Garage Elevator Upgrades	\$	5,670
CAP-008	Install Garage Oil Interceptor System	\$	60,000
CAP-009	Garage Fire Suppression System	\$	1,050,000
Total Capitol Square Review and Advisory Board		\$	1,514,987
TOTAL Underground Parking Garage Operating Fund		\$	1,514,987

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 Nursing Home - Federal Fund (Fund 319) that are not otherwise appropriated.

		Reappropriations
OVH OHIO VETERANS' HOME		
CAP-759	Veterans Home Construction - Federal Funding	\$ 10,238,750
Total Ohio Veterans Home		\$ 10,238,750
TOTAL Nursing Home - Federal Fund		\$ 10,238,750

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 Capital Donations Fund (Fund 5A1) that are not otherwise appropriated.

		Reappropriations
AFC ARTS AND SPORTS FACILITIES COMMISSION		
CAP-702	Capital Donations	\$ 976,130
Total Arts and Sports Facilities Commission		\$ 976,130
CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS		

The Executive Director of the Arts and Sports Facilities Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a city for deposit to the Capital Donations Fund and are related to an anticipated project. These amounts are hereby appropriated to appropriation item CAP-702, Capital Donations. Prior to certifying these amounts to the Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

SECTION 11. 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) that are not otherwise appropriated.

		Reappropriations
OVH OHIO VETERANS' HOME		
CAP-755	Secrest Security System Improvement	\$ 65,000
CAP-760	Security System Improvement	\$ 110,000
CAP-761	Griffin Nursing Home Improvements	\$ 278,775
CAP-762	Renovate Secrest Floors and Walls in Bathroom and 1N	\$ 492,000
CAP-764	O Cottage Roof and HVAC Improvements	\$ 84,000
CAP-765	Install Warehouse Freezer	\$ 80,000

Total Ohio Veterans' Home	\$	1,109,775
TOTAL Veterans' Home Improvement Fund	\$	1,109,775

SECTION 12. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Education Facilities Trust Fund (Fund N87) that are not otherwise appropriated.

Reappropriations

SFC SCHOOL FACILITIES COMMISSION

CAP-780 Classroom Facilities Assistance Program	\$	7,510,374
CAP-784 Exceptional Needs Program	\$	26,205,339
Total School Facilities Commission	\$	33,715,713
TOTAL Education Facilities Trust Fund	\$	33,715,713

SECTION 13. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Revitalization Fund (Fund 003) and derived from the proceeds of obligations heretofore authorized to pay the costs of the following categories of capital improvements:

Reappropriations

DEV DEPARTMENT OF DEVELOPMENT

CAP-001 Clean Ohio Revitalization	\$	40,000,000
CAP-002 Clean Ohio Assistance	\$	10,000,000
Total Department of Development	\$	50,000,000
TOTAL Clean Ohio Revitalization Fund	\$	50,000,000

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 Sports Facilities Building Fund (Fund 024) and derived from the proceeds of obligations heretofore authorized to pay the costs of the following capital improvements:

Reappropriations

AFC ARTS AND SPORTS FACILITIES COMMISSION

CAP-024 Sports Facilities Improvements - Akron	\$	147,546
Total Arts and Sports Facilities Commission	\$	147,546
TOTAL Sports Facilities Building Fund	\$	147,546

SECTION 15. 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) and derived from the proceeds and obligations heretofore authorized to pay the costs of the following capital improvements:

Reappropriations

DHS DEPARTMENT OF PUBLIC SAFETY

CAP-047	Public Safety Office Building	\$	2,710,400
CAP-048	Statewide Communications System	\$	17,380,997
CAP-068	Alum Creek Warehouse Renovations	\$	1,600,000
CAP-069	Centre School Renovations	\$	20,219
CAP-070	Canton One-Stop Shop	\$	800,000
CAP-076	Investigative Unit MARCS Equipment	\$	897,691
	Total Department of Public Safety	\$	23,409,307
	TOTAL Highway Safety Building Fund	\$	23,409,307

PUBLIC SAFETY OFFICE BUILDING

The amount reappropriated for the foregoing appropriation item CAP-047, Public Safety Office Building, shall be the unencumbered and unallotted balance as of June 30, 2000, in appropriation item CAP-047, Public Safety Office Building, minus \$897,691.

INVESTIGATIVE UNIT MARCS EQUIPMENT

The amount reappropriated for the foregoing appropriation item CAP-076, Investigative Unit MARCS Equipment, shall be \$897,691.

SECTION 16. All items set forth in Sections 16.01 to 16.15 are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 026) and derived from the proceeds of obligations heretofore authorized to pay the costs of capital facilities, as defined in section 152.09 of the Revised Code, for the following capital improvements:

Reappropriations

SECTION 16.01. ADJ ADJUTANT GENERAL

CAP-032	Upgrade Underground Storage Tanks	\$	41,795
CAP-034	Asbestos Abatement - Various Facilities	\$	207,790
CAP-036	Roof Replacement - Various Facilities	\$	615,113
CAP-038	Electrical System - Various Armories	\$	976,000
CAP-039	Camp Perry Facility Improvements	\$	30,239
CAP-043	Renovate/Expand Existing Eaton Facility	\$	800,498
CAP-044	Replace Windows/Doors - Various Armories	\$	567,582
CAP-045	Plumbing Renovations - Various Armories	\$	264,499
CAP-046	Paving Renovations - Various Armories	\$	1,625,466
CAP-050	HVAC Systems - Various Armories	\$	760,486
CAP-052	Cincinnati Shadybrook Armory	\$	2,149,705
CAP-054	Construct Camp Perry Administration Building	\$	6,540
CAP-055	Hillsboro Armory Renovations	\$	478,974
CAP-056	Masonry Renovations - Various Armories	\$	297,813
CAP-057	Sewer Improvement - Rickenbacker	\$	180,000
CAP-058	Construct Cincinnati Armory	\$	275,000
CAP-059	Construct Bowling Green Armory	\$	200,000
	Total Adjutant General	\$	9,477,500

NEW ARMORY CONSTRUCTION

The foregoing appropriation item 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 Bowling Green area, including the cost of site acquisition, site preparation, and planning and design. Appropriations shall not be released for this item without a certification by the Adjutant General to the Director of Budget and Management that sufficient moneys have been allocated for the federal share of the cost of construction.

Reappropriations

SECTION 16.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

CAP-773	Governor's Residence Renovations	\$	51,151
CAP-809	Hazardous Substance Abatement	\$	1,654,249
CAP-811	Health/EPA Laboratory Facilities	\$	6,350,628
CAP-822	Americans with Disabilities Act	\$	1,846,405
CAP-826	Office Services Building Renovation	\$	2,764,677
CAP-827	Statewide Communications System	\$	131,876,397
CAP-830	Canton Office Building Planning	\$	5,000
CAP-834	Capital Improvements Tracking System	\$	407,600
CAP-835	Energy Conservation Projects	\$	3,011,138
CAP-837	Major Computer Purchases	\$	3,142,555
CAP-838	SOCC Renovations	\$	1,952,480
CAP-843	New Veterans Home Planning	\$	100,000
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500
CAP-847	Coit Road Site Improvements	\$	1,199,453
CAP-848	ODOT Building Boiler Replacement	\$	155,981
CAP-849	Facility Planning and Development	\$	5,264,281
CAP-850	Renovation of Old ODOT Building	\$	455,415
CAP-852	North High Building Complex Renovations	\$	6,215,474
CAP-855	Office Space Planning	\$	150,000
CAP-860	Structured Cabling	\$	650,000
Total Department of Administrative Services		\$	167,310,385

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES

The foregoing appropriation item CAP-809, Hazardous Substance Abatement, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities.

Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the department may request the release of funds for such projects by the Controlling Board. State

agencies intending to fund asbestos abatement or other toxic materials removal through existing capital and operating appropriations shall notify the Director of Administrative Services of the nature and scope prior to commencing the project.

Only agencies that have received appropriations for capital projects from the Administrative Building Fund (Fund 026) are eligible to receive funding from this item. Public school districts are not eligible.

OFFICE SERVICES BUILDING RENOVATION

The amount reappropriated for the foregoing appropriation item CAP-826, Office Services Building Renovation, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in Fund 026 appropriation items CAP-812, Old School for the Blind Renovation; CAP-814, Old School for the Blind Planning; CAP-824, State Real Estate Inventory System; CAP-826, Office Services Building Renovation; CAP-858, Lausche Building Improvements Planning; and CAP-861, Facilities Master Plan State Schools for the Blind and Deaf.

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT

The foregoing appropriation item CAP-822, Americans with Disabilities Act, shall be used to renovate state-owned facilities to provide access for physically disabled persons in accordance with Title II of the Americans with Disabilities Act.

Prior to the release of funds for renovation, state agencies shall perform self-evaluations of state-owned facilities identifying barriers to access to service. State agencies shall prioritize access barriers and develop a transition plan for the removal of these barriers. The Department of Administrative Services shall review proposals from state agencies to use these funds for Americans with Disabilities Act renovations.

Only agencies that have received appropriations for capital projects from Administrative Building Fund (Fund 026) are eligible to receive funding from this item. Public school districts are not eligible.

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 on 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 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, 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 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 Energy Star 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.

MAJOR COMPUTER PURCHASES

The amount reappropriated for the foregoing appropriation item CAP-837, Major Computer Purchases, is \$2,660,065 plus the sum of the unencumbered and unallotted balances as of June 30, 2002, in Fund 026 appropriation item CAP-837, Major Computer Purchases.

STRUCTURED CABLING

The amount reappropriated for the foregoing appropriation item CAP-860, Structured Cabling, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in Fund 026 appropriation item CAP-860, Structured Cabling, less \$2,660,065.

Reappropriations

SECTION 16.03. AGE DEPARTMENT OF AGING

CAP-001	Renovate Martin Janis Center	\$	10,013
Total Department of Aging		\$	10,013

Reappropriations

SECTION 16.04. AGR DEPARTMENT OF AGRICULTURE

CAP-025	Building Renovations	\$	54,097
CAP-029	Administration Building Renovation	\$	579,436
CAP-033	Site Electrical/Utility Improvement	\$	117,341
CAP-037	Consumer Lab/Weights/Measures Equip.	\$	19,714
CAP-042	Reynoldsburg Complex Security Improvements	\$	325,000
CAP-043	Building and Grounds Renovation	\$	336,553
CAP-044	Renovate Building 4	\$	2,857,954
Total Department of Agriculture		\$	4,290,095

Reappropriations

SECTION 16.05. AGO ATTORNEY GENERAL

CAP-715	Expand/Renovate Richfield Lab	\$	94,427
CAP-717	HVAC Improvements OPOTA	\$	1,777,096
CAP-720	POTA Outdoor Training Facility	\$	2,300,000
Total Attorney General		\$	4,171,523

Reappropriations

SECTION 16.06. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

CAP-010	Capitol Rotunda Renovations	\$	500,000
CAP-011	Statehouse Security Improvements	\$	2,005,420
Total Capitol Square Review and Advisory Board		\$	2,505,420

STATEHOUSE SECURITY IMPROVEMENTS

Of the foregoing appropriation item CAP-011, Statehouse Security Improvements, \$1,050,000 shall be used in conjunction with funds from appropriation item CAP-009, Garage Fire Suppression, in the Underground Parking Garage Operating Fund (Fund 208), for the installation of a new fire suppression system in the Statehouse garage. Notwithstanding any section of the Revised Code, any transfer or disbursement of moneys from appropriation items CAP-009, Garage Fire Suppression, and CAP-011, Statehouse Security Improvements, shall be subject to Controlling Board approval.

Reappropriations

SECTION 16.07. COM DEPARTMENT OF COMMERCE

CAP-008	Fire Academy Building Renovations	\$	580,195
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CAP-011	Roadway/Training Area Resurfacing	\$	225,000
CAP-012	Fire Academy Architectural Plan		75,000
Total Department of Commerce		\$	880,195

Reappropriations

SECTION 16.08. EXP EXPOSITIONS COMMISSION

CAP-037	Electric and Lighting Upgrade	\$	2,651,408
CAP-046	Land Acquisition	\$	1,259,624
CAP-051	Roof Renovations	\$	2,602
CAP-052	Sewer Separation	\$	1,897,590
CAP-053	Multipurpose Agricultural Center	\$	2,671
CAP-056	Building Renovations - 2	\$	9,813
CAP-057	HVAC Planning	\$	2,001
CAP-063	Facility Improvements and Modernization Plan	\$	642,033
CAP-064	Replacement of Water Lines	\$	16,209
CAP-066	Stairtower Replacement	\$	1,427
CAP-068	Masonry Renovations	\$	1,124,126
CAP-069	Restroom Renovations	\$	166,223
CAP-071	Campgrounds Renovations	\$	770,118
CAP-072	Emergency Renovations and Equipment Replacement	\$	347,058
Total Expositions Commission		\$	8,892,902

Reappropriations

SECTION 16.09. JSC JUDICIARY/SUPREME COURT

CAP-001	Ohio Courts Building Renovations	\$	63,968,080
Total Judiciary/Supreme Court		\$	63,968,080

EXEMPT FROM PER CENT FOR ARTS PROGRAM

The foregoing appropriation item CAP-001, Ohio Courts Building Renovations, is exempt from section 3379.10 of the Revised Code, the Per Cent for Arts Program.

Reappropriations

SECTION 16.10. LIB STATE LIBRARY

CAP-702	SEO Regional Center Expansion	\$	73,324
Total State Library		\$	73,324

Reappropriations

SECTION 16.11. DNR DEPARTMENT OF NATURAL RESOURCES

CAP-741	DNR Communications System	\$	51,612
CAP-742	Fountain Square Building and Telephone System Improvements	\$	3,493,476
CAP-744	Multi-Agency Radio Communications Equipment	\$	7,000,000
CAP-747	DNR Fairgrounds Area - General Upgrading	\$	17,000
CAP-867	Reclamation Facility Renovation and Development	\$	225,000
CAP-928	Handicapped Accessibility	\$	39,654

CAP-934	District Office Renovations and Development	\$	1,000,000
Total Department of Natural Resources		\$	11,826,742

Reappropriations

SECTION 16.12. DHS DEPARTMENT OF PUBLIC SAFETY

CAP-053	Construct EMA/EOC and Office Building	\$	6,605
CAP-054	Multi-Agency Radio Communications System	\$	1,017,366
CAP-056	Emergency Operations Center Equipment	\$	1,502
CAP-067	VHS Radio System Improvements	\$	518,227
Total Department of Public Safety		\$	1,543,700

CONSTRUCT EMA/EOC AND OFFICE BUILDING

The amount reappropriated for the foregoing appropriation item CAP-053, Construct EMA/EOC and Office Building, is \$6,605.

Reappropriations

SECTION 16.13. OSB SCHOOL FOR THE BLIND

CAP-745	Roof Improvements on the School and Cottage	\$	910,488
CAP-751	Upgrade Fire Alarm System	\$	461,250
CAP-752	Equipment Storage Building	\$	3,279
CAP-757	Bathroom Handicapped Accessibility	\$	264,787
CAP-763	Natatorium Flooring Improvements	\$	47,474
CAP-764	Electric System Improvements	\$	144,900
CAP-765	Upgrade Campus Safety and Security	\$	180,054
CAP-780	Residential Renovations	\$	7,737
CAP-783	Natatorium Improvements	\$	31,300
Total Ohio School for the Blind		\$	2,051,269

Reappropriations

SECTION 16.14. OSD SCHOOL FOR THE DEAF

CAP-760	Handicapped Accessibility Projects	\$	2,241
CAP-767	Roof Renovations	\$	250,848
CAP-785	Site Improvements	\$	150
Total Ohio School for the Deaf		\$	253,239

ROOF RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-767, Roof Renovations, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-766, Construct Security Building at Entrance; CAP-767, Roof Renovations; and CAP-768, Dorm Furniture Replacement.

Reappropriations

SECTION 16.15. OVH OHIO VETERANS' HOME

CAP-759	Veterans' Home Construction	\$	3,385,868
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Total Ohio Veterans' Home	\$	3,385,868
TOTAL Administrative Building Fund	\$	280,640,255

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 Adult Correctional Building Fund (Fund 027) and derived from the proceeds of obligations heretofore authorized to pay costs of capital facilities, as defined in section 152.09 of the Revised Code, for the Department of Rehabilitation and Correction.

Reappropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION STATEWIDE AND CENTRAL OFFICE PROJECTS

CAP-002	Local Jails	\$	28,137,041
CAP-003	Community-Based Correctional Facilities	\$	20,024,289
CAP-004	Site Renovations	\$	1,784,982
CAP-007	Asbestos Removal	\$	1,014,957
CAP-008	Powerhouse/Utility Improvements	\$	3,496,344
CAP-009	Water System/Plant Improvements	\$	3,568,748
CAP-010	Industrial Equipment - Statewide	\$	2,104,647
CAP-011	Roof/Window Renovations - Statewide	\$	1,288,798
CAP-012	Shower/Restroom Improvements	\$	1,528,125
CAP-015	Underground Storage Tanks Improvements	\$	600
CAP-017	Security Improvements - Statewide	\$	3,315,977
CAP-018	Emergency and Security Lighting	\$	62,927
CAP-026	Waste Water Treatment Facilities	\$	862,787
CAP-028	Power House Improvements	\$	383,596
CAP-041	Community Residential Program	\$	5,909,563
CAP-043	Design/Construct/Parole Detention Centers	\$	294,055
CAP-109	Statewide Fire Alarm Systems	\$	387,662
CAP-110	Construct Maximum Security Facility	\$	779
CAP-111	General Building Renovations	\$	1,900,000
CAP-129	Water Treatment Plants - Statewide	\$	688,020
CAP-140	Boot Camp/Substance Abuse Offenders	\$	82,314
CAP-141	Multi-Agency Radio System Equipment	\$	1,237,490
CAP-142	Various Facility Medical Services	\$	838,593
CAP-143	Perimeter Security, Lighting, Alarms, and Sallyports	\$	2,218,931
CAP-144	Medium/Minimum Security Privatized Prison	\$	150,301
CAP-161	1,000-Bed Close Custody Prison	\$	1,039,144
CAP-186	Close Custody Prison and Camp	\$	5,000,000
CAP-187	Mandown Alert Communication System - Statewide	\$	2,043,361
CAP-188	Manufacturing/Storage Building Additions - Statewide	\$	159,300
CAP-189	Tuck-pointing - Statewide	\$	253,345
CAP-238	Electrical Systems Upgrades	\$	961,700
CAP-239	Emergency Projects	\$	2,634,750
CAP-240	State Match for Federal Prison Construction Funds	\$	2,410,000
CAP-252	Construction Meat Processing Plant	\$	7,193,150
	Total Statewide and Central Office Projects	\$	102,976,276

BELMONT CORRECTIONAL INSTITUTION

CAP-094	Belmont Correctional Institution	\$	11,850
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CAP-241	Inmate Health Services Renovations - BECI	\$	2,195,060
Total Belmont Correctional Institution		\$	2,206,910

CHILLICOTHE CORRECTIONAL INSTITUTION

CAP-113	Fire Alarm, Egress System Improvements	\$	57,127
CAP-115	Roof Renovations	\$	296,312
CAP-145	Plumbing Renovations	\$	216
CAP-146	Renovate Food Service Area - CCI	\$	586,421
CAP-147	Wastewater Treatment Plant	\$	487,208
CAP-149	New Classroom Building	\$	888,199
CAP-177	Convert Warehouse to Dormitory	\$	596
CAP-190	Utility Improvements	\$	200,000
CAP-191	Life & Fire Safety Improvements - CCI	\$	145,715
CAP-253	Install Electro-Static Precipitator	\$	237,165
CAP-254	Boiler House Renovations	\$	2,297,819
CAP-255	Replace Windows and Doors	\$	591,125
CAP-256	Construct New Freezers	\$	372,338
CAP-257	Emergency Generator Improvements	\$	3,011,700
Total Chillicothe Correctional Institution		\$	9,171,941

CORRECTIONAL RECEPTION CENTER

CAP-173	CRC E-Dorm Renovation	\$	3,000
Total Correctional Reception Center		\$	3,000

CORRECTIONS TRAINING ACADEMY

CAP-148	Roof Replacement	\$	21,110
CAP-193	AT Building Roof Replacement	\$	131,388
CAP-194	Construct Conference Center	\$	10,849
CAP-292	Tunnel Renovation/Orient Complex	\$	200,000
Total Corrections Training Academy		\$	363,347

DAYTON CORRECTIONAL INSTITUTION

CAP-195	Hot Water System Improvements - DCI	\$	400,000
CAP-242	Shower Renovations - DCI	\$	218,029
Total Dayton Correctional Institution		\$	618,029

GRAFTON CORRECTIONAL INSTITUTION

CAP-196	Camp Egress System Improvements - GCI	\$	400,292
Total Grafton Correctional Institution		\$	400,292

HOCKING CORRECTIONAL INSTITUTION

CAP-053	General Building Renovations	\$	522
CAP-054	Water Tower Improvements	\$	4,683
CAP-258	Sewer Upgrades	\$	454,552
CAP-259	Freezer Building Replacement	\$	152,812
Total Hocking Correctional Institution		\$	612,569

LEBANON CORRECTIONAL INSTITUTION

CAP-057	Shower Pan/Drain Renovations	\$	42,121
CAP-118	Water Tower Renovations	\$	123,307
CAP-119	Masonry Improvements - LECI	\$	465,933
CAP-197	Cell Door Lock Replacement - LECI	\$	2,384,520
CAP-198	Water Treatment Plant - LECI	\$	1,269,008
CAP-285	Bar Screen Replacement	\$	143,000
CAP-300	Water Softener Replacement	\$	569,260
Total Lebanon Correctional Institution		\$	4,997,149

LIMA CORRECTIONAL INSTITUTION

CAP-058	Water System Renovations	\$	5,476
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CAP-120	Kitchen Renovations	\$	120
CAP-121	Shower and Lavatory Renovations	\$	63,328
CAP-153	Convert ODOT Building to Minimum Security Camp	\$	535,608
CAP-155	Heating System Renovations	\$	953,229
CAP-156	Water and Sewer Lines Renovations	\$	1,000,000
CAP-199	Windows/Security Bar Improvements	\$	301,000
CAP-200	Utility Renovations	\$	156,000
CAP-243	HVAC Renovations - LCI	\$	4,317,100
CAP-244	Heating System Piping Replacement - LCI	\$	2,465,000
CAP-260	ADA Renovations	\$	1,169,237
Total Lima Correctional Institution		\$	10,966,098

LONDON CORRECTIONAL INSTITUTION

CAP-059	Convert Brush Factory to Dormitory	\$	16,774
CAP-122	Master Plan Building/Renovations	\$	205,194
CAP-201	Water Treatment Plant Addition	\$	434,985
CAP-245	Bridge Replacement - LOCI	\$	116,150
CAP-261	Roof Replacement	\$	189,487
CAP-283	Gas Boiler Installation - LOCI	\$	1,276,520
Total London Correctional Institution		\$	2,239,110

MADISON CORRECTIONAL INSTITUTION

CAP-176	Madison Classroom Renovation	\$	29,408
CAP-263	Upgrade Emergency Electrical Service	\$	890,815
CAP-264	Sewage Station Upgrade	\$	197,226
CAP-286	Juvenile Unit Remodeling - Madison	\$	36,454
CAP-288	Water Softener System - Madison	\$	1,500
Total Madison Correctional Institution		\$	1,155,403

MANSFIELD CORRECTIONAL INSTITUTION

CAP-123	Smoke Removal/Sprinkler System Improvements	\$	7,618
CAP-159	Power Pole Replacement	\$	16,800
CAP-203	Hot Water System Improvements - MANCI	\$	750,000
Total Mansfield Correctional Institution		\$	774,418

MARION CORRECTIONAL INSTITUTION

CAP-067	Roof Replacement	\$	3,000
CAP-124	Fire Sprinkler System Improvements	\$	1,723
CAP-172	Marion Camp Shower Renovation	\$	2,756
CAP-205	Cooler Replacement	\$	225,221
CAP-208	Hot Water Tank Replacement	\$	909,309
CAP-246	Exterior Window Replacement - MCI	\$	604,395
CAP-247	Plumbing Upgrades - MCI	\$	1,360,525
CAP-294	Asphalt Paving - MCI	\$	117,380
CAP-295	Sanitary Manhole Sewer - MCI	\$	116,172
Total Marion Correctional Institution		\$	3,340,481

NORTHEAST PRE-RELEASE CENTER

CAP-209	Security Improvements - NEPRC	\$	809,200
Total Northeast Pre-Release Center		\$	809,200

OAKWOOD CORRECTIONAL FACILITY

CAP-154	Install New Locking Systems	\$	1,826
CAP-163	Install Positive Latching Devices	\$	1,674
CAP-164	Renovate East Wing Electrical System	\$	1,500
Total Oakwood Correctional Facility		\$	5,000

OHIO REFORMATORY FOR WOMEN

CAP-125	Replacement Dormitory	\$	11,669
CAP-165	Master Plan Building/Renovations - ORW	\$	231,780
CAP-210	Replacement Dormitory - ORW	\$	650,000
CAP-211	Renovate J.G. Cottage	\$	1,062,085
CAP-212	Powerhouse Renovation & Replumbing	\$	1,250,000
CAP-216	Elevator Renovation	\$	121,500
CAP-217	Perimeter Lighting Improvements	\$	100,979
CAP-218	Rewire Harmon Building	\$	376,289
CAP-219	Fire Alarm System Improvements	\$	740,221
CAP-266	Construct New Medical and Food Services Building	\$	9,000,000
CAP-267	Renovate ARN Dorms	\$	570,500
CAP-268	Emergency Generator Improvements	\$	1,692,254
CAP-269	Utility Tunnels Improvements		407,500
CAP-289	Perimeter - Security	\$	1,639,578
CAP-296	Domestic Waterline Renovation	\$	594,000
CAP-301	500 Car Parking/Road Design	\$	1,500
Total Ohio Reformatory for Women		\$	18,449,855

PICKAWAY CORRECTIONAL INSTITUTION

CAP-074	Fire Alarm System Improvements	\$	11,909
CAP-166	Renovate Milk Processing Facility	\$	3,031
CAP-222	Sludge Removal System Improvements	\$	1,375,296
CAP-224	Replacement Generator - Dairy Farm	\$	3,678
CAP-225	Water System Improvements	\$	493,970
CAP-226	Milk Processing Plant	\$	212,462
CAP-227	Roof Improvements	\$	373,575
CAP-228	Power House Improvements	\$	212,889
CAP-248	Replacement of Perimeter Fence - PCI	\$	2,218,500
CAP-274	Replacement of Segregation Housing	\$	4,806,750
CAP-275	Replace and Upgrade Fence Alarm System	\$	1,848,750
CAP-297	Steam Waterline Replacement	\$	1,363,430
Total Pickaway Correctional Institution		\$	12,924,240

RICHLAND CORRECTIONAL INSTITUTION

CAP-251	Construct Retaining Wall - RIC	\$	379,451
CAP-293	Asphalt Parking - RIC	\$	128,559
Total Richland Correctional Institution		\$	508,010

ROSS CORRECTIONAL INSTITUTION

CAP-229	Waste Water Treatment Plant - RCI	\$	6,644,677
CAP-276	Rubberized Roof Replacement	\$	142,864
Total Ross Correctional Institution		\$	6,787,541

SOUTHEASTERN CORRECTIONAL INSTITUTION

CAP-134	Wastewater Treatment Storage Addition	\$	528,875
CAP-167	Master Plan Building/Renovations - SCI	\$	234,221
CAP-233	Replacement 2 Story Dorm/J, K, L Dorm	\$	1,357,622
CAP-234	High Voltage Electrical System	\$	4,489,713
CAP-235	Construct Warehouse & Utility Buildings	\$	2,970,381
CAP-236	Construct Dining Hall - SCI	\$	2,097,174
CAP-237	Power Plant Improvements	\$	429,398
CAP-249	I Dorm Air Handling - SCI	\$	580,700
CAP-250	Wastewater Treatment Plant Improvements - SCI	\$	863,600
CAP-277	Powerhouse Boiler Improvements	\$	1,520,875
Total Southeastern Correctional Institution		\$	15,072,559

SOUTHERN OHIO CORRECTIONAL FACILITY

CAP-135	SOCF Renovation and Improvements	\$	138,844
CAP-136	Waste Water Treatment Plant Improvements	\$	661
CAP-230	Waste Water Treatment Plant	\$	881,881
CAP-231	Gas Boiler Installation	\$	1,287,686
CAP-279	Powerhouse Domestic Hot Water Replacement	\$	198,534
CAP-287	Roof Renovations B Wing - SOCF	\$	85,416
Total Southern Ohio Correctional Facility		\$	2,593,022

TRUMBULL CORRECTIONAL INSTITUTION

CAP-280	Door Control Switch Renovation	\$	16,050
CAP-281	Construct Psychiatric Residential Treatment Unit	\$	603,120
Total Trumbull Correctional Institution		\$	619,170

WARREN CORRECTIONAL INSTITUTION

CAP-284	Compound Lighting Upgrade	\$	447,991
CAP-290	Security Upgrades	\$	775,056
Total Warren Correctional Institution		\$	1,223,047
TOTAL Department of Rehabilitation and Correction		\$	198,816,667
TOTAL Adult Correctional Building Fund		\$	198,816,667

SECTION 17.01. 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, multicounty, municipal-county, and multicounty-municipal jail facilities and workhouses, including correctional centers authorized under sections 153.61 and 307.93 of the Revised Code, for which the Ohio Building Authority is authorized to issue obligations. Notwithstanding any provisions to the contrary in Chapter 152. or 153. of the Revised Code, the Department of Rehabilitation and Correction may 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, and multicounty-municipal jail facilities and workhouses, including correctional centers authorized under sections 153.61 and 307.93 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 multicounty 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. Multicounty 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 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, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center established under sections 153.61 and 307.93 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 under section 5120.10 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, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center established under sections 153.61 and 307.93 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 under section 5120.10 of the Revised Code.

SECTION 17.02. COMMUNITY-BASED CORRECTIONAL FACILITIES

The Department of Rehabilitation and Correction may designate to the Ohio Building Authority the sites of, and, notwithstanding any provisions to the contrary in Chapter 152. or 153. of the Revised Code, may review the renovation or construction of the single county and district community-based correctional facilities funded by the foregoing

iation item CAP-003, Community-Based Correctional Facilities.

POWERHOUSE/UTILITY IMPROVEMENTS

The amount reappropriated for the foregoing appropriation item CAP-008, Powerhouse/Utility Improvements, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-008, Powerhouse/Utility Improvements, plus \$544,622.

SECTION 17.03. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS

The foregoing appropriation item CAP-041, Community Residential Program, may be used by the Department of Rehabilitation and Correction, under sections 5120.103, 5120.104, and 5120.105 of the Revised Code, to provide for the construction or renovation of halfway house facilities for offenders eligible for community supervision by the Department of Rehabilitation and Correction.

GENERAL BUILDING RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-111, General Building Renovations, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-111, General Building Renovations, plus \$1,666,065.

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 Juvenile Correctional Building Fund (Fund 028) and derived from the proceeds of obligations heretofore authorized to pay costs of capital facilities, as defined in section 152.09 of the Revised Code, for the Department of Youth Services.

Reappropriations

DYS DEPARTMENT OF YOUTH SERVICES

CAP-801	Fire Suppression/Safety/Security	\$	1,325,219
CAP-803	General Institutional Renovations	\$	757,608
CAP-812	Community Rehabilitation Centers	\$	4,880,992
CAP-821	Construct Maximum Security Facility	\$	117,491
CAP-823	Cuyahoga Boys School Renovation/Expansion	\$	400
CAP-827	Facility Space Study/Plan	\$	80,000
CAP-828	Multi-Agency Radio System Equipment	\$	753,186
CAP-829	Local Juvenile Detention Centers	\$	21,632,623
CAP-830	Muskingum County Juvenile Justice Center	\$	600,000
CAP-831	Gym Expansion - Cuyahoga Hills Boys School	\$	1,234,000
CAP-832	72-Bed Unit Housing Addition - Ohio River Valley Correctional Center	\$	10,248,923
CAP-833	Security Renovations - Indian River	\$	7,997,953
CAP-834	Health & Safety Unit - Riverview	\$	3,472,351

Total Department of Youth Services	\$	53,100,746
TOTAL Juvenile Correctional Building Fund	\$	53,100,746

SECTION 18.01. COMMUNITY REHABILITATION CENTERS

From the foregoing appropriation item CAP-812, Community Rehabilitation Centers, the Department of Youth Services shall designate the projects involving the construction and renovation of single county and multicounty community corrections facilities 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 and approved by the Department of Youth Services.

The Department of Youth Services shall adopt guidelines to accept and review applications and designate projects. The guidelines shall require the county or counties to justify the need for the facility and to comply with timelines for the submission of documentation pertaining to the site, program, and construction.

For purposes of this section, "community corrections facilities" has the same meaning as in section 5139.36 of the Revised Code.

SECTION 18.02. 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 multicounty 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 in this section, 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 may 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 multicounty 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 not 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 to 60 per cent based on the above factors. Notwithstanding the foregoing provisions, if a single county or multicounty 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 is multiplied by \$105,000 per bed for detention centers with a designated 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 19. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Transportation Building Fund (Fund 029) and derived from the proceeds of obligations heretofore authorized to pay costs of the following capital improvements:

		Reappropriations
DOT DEPARTMENT OF TRANSPORTATION		
CAP-001	Transportation Buildings Capital Improvements	\$ 250,000
Total Department of Transportation		\$ 250,000
TOTAL Transportation Building Fund		\$ 250,000

SECTION 20. 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) and derived from the proceeds of obligations heretofore authorized to pay costs of the following capital improvements:

		Reappropriations
AFC ARTS AND SPORTS FACILITIES COMMISSION		
CAP-003	Center of Science and Industry - Toledo	\$ 6,635
CAP-004	Valentine Theatre	\$ 68,798
CAP-005	Center of Science and Industry - Columbus	\$ 191,536
CAP-006	Appalachian Region - Arts Facilities	\$ 13,494
CAP-010	Sandusky State Theatre Improvements	\$ 2,633
CAP-013	Stambaugh Hall Improvements	\$ 303,742
CAP-016	Paul Laurence Dunbar State Memorial Renovations	\$ 64,586
CAP-017	Zion Center of the National Afro-American Museum	\$ 702,479
CAP-018	Adena State Memorial Renovations and Exhibit Planning	\$ 749
CAP-020	Piqua Historical Area Buildings, Exhibits, and Site Renovations	\$ 747
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$ 92,377
CAP-023	National Afro-American Museum - Demolition of Shorter Hall	\$ 18,757
CAP-028	Ohio Ceramic Center	\$ 7,417
CAP-033	Woodward Opera House Renovation	\$ 800,000

CAP-044	National Underground Railroad Freedom Center	\$	4,333,332
CAP-045	Cincinnati Contemporary Arts Center	\$	5,500,000
CAP-051	Akron Civic Theatre Improvements	\$	1,000,000
CAP-052	Akron Art Museum	\$	3,500,000
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000
CAP-056	Ohio Agricultural and Industrial Heritage Center	\$	2,291,787
CAP-058	Cedar Bog Nature Preserve Education Center	\$	736,200
CAP-061	Statewide Arts Facilities Planning	\$	35,931
CAP-063	Robins Theatre Renovations	\$	1,000,000
CAP-702	Campus Martius Museum	\$	7,605
CAP-708	Museum of Ceramics Renovations	\$	6,708
CAP-734	Hayes Presidential Center	\$	750,000
CAP-735	Paul Lawrence Dunbar House	\$	565,100
CAP-744	Zoar Village Visitor Center	\$	11,242
CAP-747	Ft Recovery Museum, Fort, and Monument Improvements	\$	3,089
CAP-748	Ft Jefferson Building and Site Improvements	\$	288
CAP-753	Buffington Island State Memorial	\$	100,000
CAP-757	Schoenbrunn Village Restoration and Renovation	\$	98,000
CAP-760	Goodwin-Baggott Pottery Building	\$	28,519
CAP-770	Serpent Mound State Memorial	\$	295,000
CAP-774	Acquisition of Warehouses	\$	84,455
CAP-776	Flint Ridge Building, Site, Exhibit Improvements	\$	142,779
CAP-777	Ft Amanda Building and Site Improvements	\$	1,335
CAP-778	Ft Ancient Museum, Site, Exhibit Improvements	\$	10,686
CAP-780	Harding Home State Memorial	\$	421,188
CAP-784	Ohio Historical Center Rehabilitation	\$	203,182
CAP-785	Ohio Village Building Renovations and Improvements	\$	300,000
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	109,816
CAP-792	Harriet Beecher Stowe Museum Improvements	\$	13,980
CAP-796	Moundbuilders State Memorial	\$	530,000
CAP-797	National Afro-American Museum	\$	84,200
CAP-798	Multi-site Fire/Security System	\$	180,200
CAP-803	Digitization of OHS Collection	\$	318,000
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-814	Crawford Museum of Transportation & Industry	\$	2,500,000
	Total Arts and Sports Facilities Commission	\$	29,222,572
	TOTAL Arts Facilities Building Fund	\$	29,222,572

CENTER OF SCIENCE AND INDUSTRY - TOLEDO

The amount reappropriated for the foregoing item CAP-003, Center of Science and Industry - Toledo, is \$6,559 plus the unencumbered and unallotted balances as of June 30, 2002, in appropriation item CAP-003, Center of Science and Industry - Toledo.

VALENTINE THEATRE

The amount reappropriated for the foregoing appropriation item CAP-004, Valentine Theatre, is \$31,828 plus the unencumbered and unallotted balances as of June 30, 2002, in appropriation item CAP-004, Valentine Theatre.

CENTER OF SCIENCE AND INDUSTRY - COLUMBUS

The amount reappropriated for the foregoing appropriation item CAP-005, Center of Science and Industry - Columbus, is \$190,334 plus the unencumbered and unallotted balances as of June 30, 2002, in appropriation item CAP-005, Center of Science and Industry - Columbus.

COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT CONTRACTS

Notwithstanding division (A) of section 3383.07 of the Revised Code, the Ohio Arts and Sports Facilities Commission, with respect to the foregoing appropriation item CAP-005, Center of Science and Industry - Columbus may administer all or part of capital facilities project contracts involving exhibit fabrication and installation as determined by the Department of Administrative Services, the Center of Science and Industry - Columbus, and the Ohio Arts and Sports Facilities Commission in review of the project plans. The Ohio Arts and Sports Facilities Commission shall enter into a contract with the Center of Science and Industry - Columbus to administer the exhibit fabrication and installation contracts and such contracts are not subject to Chapter 123. or 153. of the Revised Code.

SANDUSKY STATE THEATRE IMPROVEMENTS

The amount reappropriated for the foregoing appropriation item CAP-010, Sandusky State Theatre Improvements, is \$2,633 plus the unencumbered and unallotted balances as of June 30, 2002, in appropriation item CAP-010, Sandusky State Theatre Improvements.

STAMBAUGH HALL IMPROVEMENTS

The amount reappropriated for the foregoing appropriation item CAP-013, Stambaugh Hall Improvements, is \$1,477 plus the unencumbered and unallotted balances as of June 30, 2002, in appropriation item CAP-013, Stambaugh Hall Improvements.

OHIO AGRICULTURAL AND INDUSTRIAL HERITAGE CENTER

The amount reappropriated for the foregoing appropriation item CAP-056, Ohio Agricultural and Industrial Heritage Center, is \$1,787 plus the unencumbered and unallotted balances as of June 30, 2002, in appropriation item CAP-056, Ohio Agricultural and Industrial Heritage Center.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER

The amount reappropriated for appropriation item CAP-044, National Underground Railroad Freedom Center, is the sum of the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-044, National Underground Railroad Freedom Center, and CAP-029, Cincinnati Riverfront Development.

SECTION 21. 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) and derived from the proceeds of obligations heretofore authorized to pay costs of capital facilities, as defined in sections 151.01 and 151.05 of the Revised Code, for natural resource-related purposes.

		Reappropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
STATEWIDE AND LOCAL PROJECTS		
CAP-012	Land Acquisition	\$ 3,280,309
CAP-702	Upgrade Underground Fuel Storage Tanks	\$ 1,021,843
CAP-703	Cap Abandoned Water Wells	\$ 225,140
CAP-746	Athens District Office-Land Acquisition, Design, and Construction	\$ 188,600
CAP-747	DNR Fairground Areas-General Upgrading	\$ 96,231
CAP-748	Local Parks Projects - Statewide	\$ 7,242,859
CAP-751	City of Portsmouth Launch Ramp	\$ 454,950
CAP-753	Project Planning	\$ 280,171
CAP-780	City of Huron Project	\$ 209,802
CAP-784	Inland Access	\$ 42,100
CAP-788	Community Recreation Projects	\$ 60,000
CAP-814	North of Rush Run Wildlife Area	\$ 200
CAP-834	Appraisal Fees - Statewide	\$ 98,265
CAP-844	Put-In-Bay Township Port Authority	\$ 79,784
CAP-868	New Philadelphia Office Relocation	\$ 1,500,000
CAP-874	Lake Erie Access	\$ 302,682
CAP-875	Ohio River Access	\$ 300,787
CAP-881	Dam Rehabilitation	\$ 14,060,581
CAP-928	Handicapped Accessibility	\$ 937,800
CAP-929	Hazardous Waste/Asbestos Abatement	\$ 455,357
CAP-931	Wastewater/Water Systems Upgrades	\$ 9,936,503
CAP-932	Wetlands/Waterfront Acquisition	\$ 321,811
CAP-934	Operations Facilities Development	\$ 3,072,000
CAP-948	Burke's Point Launch Ramp	\$ 91,938
CAP-995	Boundary Protection	\$ 304,051
CAP-999	Geographic Information Management System	\$ 1,909,866
Total Statewide and Local Projects		\$ 46,473,630
DIVISION OF CIVILIAN CONSERVATION		
CAP-750	Quilter CCC Camp	\$ 900
CAP-817	Riffe CCC Camp	\$ 1,309
CAP-835	Civilian Conservation Facilities	\$ 1,858,057
CAP-961	Zaleski CCC Camp	\$ 900
Total Division of Civilian Conservation		\$ 1,861,166
DIVISION OF FORESTRY		
CAP-021	Mohican State Forest	\$ 1,200
CAP-030	Shawnee State Forest	\$ 5,405
CAP-073	Brush Creek State Forest	\$ 5,850
CAP-146	Zaleski State Forest	\$ 200

CAP-213	Shade River State Forest	\$	200
CAP-793	Perry State Forest	\$	1,253
CAP-841	Operations and Maintenance Facility Development and Renovation	\$	1,654,852
Total Division of Forestry		\$	1,668,960

DIVISION OF GEOLOGIC SURVEY

CAP-762	Statewide Geologic Sample Repository Facility	\$	12,498
Total Division of Geologic Survey		\$	12,498

DIVISION OF MINERAL RESOURCES MANAGEMENT

CAP-867	Reclamation Facilities Renovation and Development	\$	250,000
Total Division of Mineral Resources Management		\$	250,000

DIVISION OF NATURAL AREAS AND PRESERVES

CAP-006	Little Beaver Creek Nature Preserve	\$	1,500
CAP-749	Southwest Ohio Boundary Surveys	\$	10,012
CAP-757	Cranberry Island Natural Area	\$	2,300
CAP-765	Clifton Gorge Natural Area	\$	2,000
CAP-768	Grand River Wildlife Area	\$	5,550
CAP-770	Chaparral Prairie Nature Preserve	\$	900
CAP-826	Natural Areas and Preserves Maintenance/Facility Development	\$	1,937,310
Total Division of Natural Areas		\$	1,959,572

DIVISION OF WILDLIFE

CAP-764	Fire Lookout/Radio Tower Inspections	\$	2,121
Total Division of Wildlife		\$	2,121

DIVISION OF PARKS AND RECREATION

CAP-003	Barkcamp State Park	\$	3,025
CAP-010	East Harbor State Park	\$	38,129
CAP-016	Hueston Woods State Park	\$	4,800
CAP-017	Indian Lake State Park	\$	3,744
CAP-018	Kelleys Island State Park	\$	3,825
CAP-025	Punderson State Park	\$	97,357
CAP-026	Pymatuning State Park	\$	110,845
CAP-029	Salt Fork State Park	\$	4,285
CAP-032	West Branch State Park	\$	197,555
CAP-037	Kiser Lake State Park	\$	13,166
CAP-060	East Fork State Park	\$	27,675
CAP-064	Geneva State Park	\$	2,300
CAP-067	Guilford Lake State Park	\$	1,400
CAP-089	Mosquito Lake State Park	\$	32,318
CAP-114	Beaver Creek State Park	\$	12,000
CAP-120	Harrison Lake State Park	\$	5,600
CAP-166	Adams Lake State Park	\$	1,800
CAP-222	Wolf Run State Park	\$	3,809
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	5,515,492
CAP-305	Maumee Bay State Park	\$	900
CAP-331	Park Boating Facilities	\$	7,013,069
CAP-390	State Park Maintenance/Facility Development	\$	2,083,780
CAP-815	Mary Jane Thurston State Park	\$	2,200
CAP-825	Marblehead Lighthouse State Park	\$	43,500
CAP-829	Sycamore State Park	\$	500
CAP-836	State Park Renovations/Upgrading	\$	6,011,853
CAP-851	Cleveland Lakefront	\$	240,000

Total Division of Parks and Recreation		\$	21,474,927
DIVISION OF SOIL AND WATER CONSERVATION			
CAP-809	State Parks Lakes Restoration	\$	541,670
CAP-810	New Facilities at Farm Science Review	\$	500
Total Division of Soil and Water Conservation		\$	542,170
DIVISION OF WATER			
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	6,064,233
CAP-730	Miami and Erie Canal	\$	7,050
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	543,756
CAP-820	Automated Stream, Lake, and Ground Water Data Collection	\$	509,396
CAP-822	Flood Hazard Information Studies	\$	5,518
CAP-833	Ohio and Erie Canal	\$	126,884
CAP-848	Hazardous Dam Repair - Statewide	\$	500,000
CAP-873	Mill Creek Watershed	\$	24,378
Total Division of Water		\$	7,781,215
TOTAL Department of Natural Resources		\$	82,026,259
TOTAL Ohio Parks and Natural Resources Fund		\$	82,026,259

SECTION 21.01. LAND ACQUISITION

Of the foregoing appropriation item CAP-012, Land Acquisition, \$300,000 shall be used by the City of Mentor to purchase property for the Mentor Marsh.

CHIPPEWA MARINA

Of the foregoing appropriation item CAP-331, Park Boating Facilities, \$200,000 shall be used for the Chippewa Marina Rehabilitation at Indian Lake State Park in Logan County for dock replacement, additional docks, and seawall repairs.

MIAMI AND ERIE CANAL IMPROVEMENTS

Of the foregoing appropriation item CAP-705, Rehabilitate Canals, Hydraulic Works, and Support Facilities, at least \$1,250,000 shall be used for Miami and Erie Canal improvements.

REHABILITATE CANALS, HYDRAULIC WORKS, AND SUPPORT FACILITIES

Of the foregoing reappropriation 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.

OPERATIONS AND MAINTENANCE FACILITY DEVELOPMENT AND RENOVATION

Of the foregoing reappropriation item CAP-841, Operations and Maintenance Facility Renovation and Development, \$8,000 shall be used for

Perry State Forest Fencing in Perry County, and \$10,000 shall be used for Harrison State Forest Improvements.

LOCAL PARKS PROJECTS - STATEWIDE

The amount reappropriated for the foregoing appropriation item CAP-748, Local Parks Projects - Statewide, is \$1,311,625 plus the unencumbered and unallotted balance as of June 30, 2002, in item CAP-748, Local Parks Projects - Statewide. The \$1,311,625 represents amounts that were previously appropriated, allocated to counties pursuant to division (D) of section 1557.06 of the Revised Code, and encumbered for local project grants. The encumbrances for these local projects in the various counties shall be canceled by the Director of Natural Resources or the Director of Budget and Management. The Director of Natural Resources shall allocate the \$1,311,625 to the same counties the moneys were originally allocated to, in the amount of the canceled encumbrances.

COMMUNITY RECREATION PROJECTS

Of the foregoing appropriation item CAP-788, Community Recreation Projects, grants shall be made for the following projects: \$10,000 for Goodale Park Improvements, \$20,000 for Grove City Park Improvements, \$100,000 for Chagrin Falls Park, \$10,000 for Holmes County Park District, \$60,000 for the Leighty Lake Restoration Project, \$300,000 for Firestone Park Improvements, \$50,000 for Dover City Parks, \$50,000 for New Philadelphia City Park, and \$82,000 for Hamilton Township Park at Foster.

DAM REHABILITATION

Of the foregoing appropriation item CAP-881, Dam Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the Muskingum River Locks and Dams.

SECTION 21.02. For the projects appropriated in Section 21 of this act, the Ohio 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 22. 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) and derived from the proceeds of obligations heretofore authorized to pay the cost to the state of constructing classroom facilities pursuant to sections 3318.01 to 3318.35 of the Revised Code.

		Reappropriations
SFC SCHOOL FACILITIES COMMISSION		
CAP-770	School Building Program Assistance	\$ 27,647,407
CAP-775	Big Eight Capital Improvement Program	\$ 4,647,407
CAP-776	Emergency School Building Repair Program	\$ 1,000,000
CAP-779	Exceptional Needs	\$ 8,776,860
Total School Facilities Commission		\$ 41,424,267
TOTAL School Building Program Assistance Fund		\$ 41,424,267

SECTION 22.01. BIG EIGHT SCHOOL DISTRICTS

(A) The amount reappropriated for the foregoing appropriation item CAP-775, Big Eight Capital Improvement Program, shall be used by the School Facilities Commission to provide funding to the big eight school districts, as defined in section 3314.02 of the Revised Code, to be used for major renovations and repairs of school facilities. Big eight school districts that levy at least 2.5 voted mills for permanent improvements also are eligible to expend funding from this program for additions to existing facilities. However, any big eight school district that does so shall receive no financial assistance from the School Facilities Commission for the purpose of replacing that facility for a period of at least twenty years. These appropriations shall be allocated to the big eight school districts on a per-pupil basis, based on fiscal year 1997 average daily membership as defined in section 3317.03 of the Revised Code. School districts that receive conditional approval by the Controlling Board, pursuant to section 3318.04 of the Revised Code, to participate in the Accelerated Urban School Building Program are no longer eligible to receive funding from the Big Eight Capital Improvement Program, except for appropriations already encumbered at the time the conditional approval is granted. To be eligible to receive appropriations from the Big Eight Capital Improvement Program, each school district shall:

(1) Provide a 100 per cent match from funds that are approved by the School Facilities Commission. Except for, after the effective date of this section, eligible districts in the first through fiftieth percentile, as determined

under section 3318.011 of the Revised Code, shall provide a match to their remaining balances in the Big Eight Renovation Program as of the effective date of this section such that the local match is equal to the district's percentage share contribution as determined under the fiscal year 2002 three-year average adjusted valuation per pupil list pursuant to section 3318.011 of the Revised Code.

(2) Develop and submit a capital renovations plan for the use of the state and local funds subject to approval by the School Facilities Commission.

(B) The Executive Director of the School Facilities Commission may from time to time request the Director of Budget and Management to transfer any unencumbered and unallotted balances in appropriation item CAP-775, Big Eight Capital Improvement Program, to appropriation item CAP-770, School Building Program Assistance. Any amounts transferred are hereby appropriated.

SECTION 23. All items set forth in Sections 23.01 to 23.03 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the Mental Health Facilities Improvement Fund (Fund 033) and derived from the proceeds of obligations heretofore authorized to pay costs of capital facilities, as defined in section 154.01 of the Revised Code, for mental hygiene and retardation.

Reappropriations

SECTION 23.01. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES

CAP-001	Renovate Rollman Center	\$	25,640
CAP-002	Community Assistance Projects	\$	4,161,744
Total Department of Alcohol and Drug Addiction Services		\$	4,187,384

Reappropriations

SECTION 23.02. DMH DEPARTMENT OF MENTAL HEALTH STATEWIDE AND CENTRAL OFFICE PROJECTS

CAP-092	Hazardous Materials Abatement	\$	6,000
CAP-479	Community Assistance Projects	\$	2,291,633
CAP-946	Demolition	\$	10,000
CAP-976	Life Safety/Critical Plant Renovations	\$	80,713
CAP-977	Patient Care/Environment Improvement	\$	4,419,423
CAP-978	Infrastructure Renovations	\$	29,000
CAP-981	Emergency Improvements	\$	2,000,000
CAP-986	Campus Consolidation	\$	1,001,000
Total Department of Mental Health		\$	9,837,769

HAZARDOUS MATERIALS ABATEMENT

The amount reappropriated for appropriation item CAP-092, Hazardous Materials Abatement, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-973, Abatement of Hazardous Airborne Materials, and CAP-092, Hazardous Materials Abatement.

LIFE SAFETY AND CRITICAL PLANT RENOVATIONS

The amount reappropriated for appropriation item CAP-976, Life Safety/Critical Plant Renovations, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-954, Fire Suppression Improvements - Dayton; CAP-979, Life Safety/Critical Plant Renovation; CAP-983, Life Safety/Critical Plant Renovation; and CAP-976, Life Safety/Critical Plant Renovation.

PATIENT CARE AND ENVIRONMENT IMPROVEMENTS

The amount reappropriated for appropriation item CAP-977, Patient Care/Environment Improvements, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-303, Center School Replacement; CAP-701, Energy Conservation Projects; CAP-790, Main Building Addition - Phase 1 - Toledo; CAP-822, New Facility Development - Athens; CAP-949, Building/Residential Unit Rehabilitation - CMHC; CAP-950, Residential Unit Reconfiguration - Columbus; CAP-953 Building/Residential Unit Reconfiguration - North Campus; CAP-956, Building/Residential Unit Reconfiguration - Dayton; CAP-958, Building/Residential Unit Reconfiguration - MPC; CAP-963, Building Reconfiguration/Consolidation - Toledo; CAP-980, Patient Environment Improvements/Consolidation; CAP-984, Patient Environment Improvements/Consolidation; and CAP-977, Patient Care/Environment Improvements.

INFRASTRUCTURE RENOVATIONS

The amount reappropriated for appropriation item CAP-978, Infrastructure Renovations, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-825, Dietary Facility Development; CAP-930, Boiler/HVAC Renovation - Phase 2; CAP-833, Dietary Renovation - North Campus; CAP-943, Dietary Delivery System; CAP-947, Telephone System Renovation; CAP-951, Utility Consolidation/Site Improvements - Columbus; CAP-982, Infrastructure Renovations; CAP-985, Infrastructure Renovations; CAP-987, Telecommunication Renovations; and CAP-978, Infrastructure Renovations.

CAMPUS CONSOLIDATION

The amount reappropriated for appropriation item CAP-986, Campus

Consolidation, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-906, Campus Consolidation Planning; and CAP-986, Campus Consolidation.

Reappropriations

SECTION 23.03. DMR DEPARTMENT OF MENTAL RETARDATION AND

DEVELOPMENTAL DISABILITIES STATEWIDE PROJECTS

CAP-001	Asbestos Abatement	\$	1,069,021
CAP-480	Community Assistance Projects	\$	21,218,745
CAP-886	Replacement of Underground Tanks	\$	4,500
CAP-901	Razing of Buildings	\$	500,000
CAP-912	Telecommunications Systems Improvement	\$	354,005
CAP-941	Emergency Generator Replacement	\$	426,400
CAP-955	Statewide Developmental Centers	\$	990,659
CAP-961	Energy Conservation	\$	345,990
CAP-981	Emergency Improvements	\$	477,888
Total Statewide and Central Office Projects		\$	25,387,208

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 are subject to the prevailing wage provisions in section 176.05 of the Revised Code.

STATEWIDE DEVELOPMENTAL CENTERS

The amount reappropriated for the foregoing appropriation item CAP-955, Statewide Developmental Centers, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-014, Electrical System Renovations; CAP-479, Community Residential Projects; CAP-712, Administration/Education/Workshop; CAP-849, Exterior Renovations; CAP-854, Renovate Residential Buildings; CAP-888, New Dietary/Support Service Building - CDC; CAP-890, Roof Renovations - GDC; CAP-897, ADA Compliance Improvements - TDC; CAP-916, Electrical System Renovation; CAP-918, Renovation of Water Wells/Tower; CAP-921, Window Replacements; CAP-929, Program

lding Renovation; CAP-930, Garza Building Renovation; CAP-939, Tunnel and Site Improvements; CAP-942, Fire Alarm/Sprinkler System Improvements; and CAP-980, Pool Chemical Feed System.

APPLE CREEK DEVELOPMENTAL CENTER

CAP-790	Cortland Hall Renovation	\$	31,183
CAP-791	Jonathan Hall Renovation	\$	417,107
CAP-795	Ruby Hall Renovation	\$	320,000
CAP-940	Sewage Treatment Plant Renovation	\$	55,307
CAP-953	Door Replacements	\$	61,000
CAP-956	Apple Creek Developmental Center	\$	126,611
Total Apple Creek Developmental Center		\$	1,011,208

CAMBRIDGE DEVELOPMENTAL CENTER

CAP-711	Residential Renovations - CAMDC	\$	150,000
CAP-910	HVAC Renovations - Residential Buildings	\$	53,550
CAP-913	Cambridge HVAC Upgrade - Activity Center	\$	250,000
CAP-957	Cambridge Developmental Center	\$	489,668
CAP-969	Utility Upgrade Centerwide	\$	50,000
Total Cambridge Developmental Center		\$	993,218

COLUMBUS DEVELOPMENTAL CENTER

CAP-106	Roof Repairs - Various Buildings	\$	300,000
CAP-852	Fire Alarm System Improvements	\$	200,000
CAP-958	Columbus Developmental Center	\$	1,029,908
CAP-970	Clinical/Support Building Addition	\$	308,000
Total Columbus Developmental Center		\$	1,837,908

GALLIPOLIS DEVELOPMENTAL CENTER

CAP-723	HVAC System Replacement	\$	407,000
CAP-853	Residential Renovations - GDC	\$	23,180
CAP-959	Gallipolis Developmental Center	\$	252,433
CAP-971	Replace Fire Alarm System	\$	2,500
CAP-972	Refrigerator and Freezer Renovation	\$	40,000
CAP-973	Replace Steam Absorption Unit	\$	130,000
Total Gallipolis Developmental Center		\$	855,113

MONTGOMERY DEVELOPMENTAL CENTER

CAP-728	Maintenance Shop Addition	\$	187,848
CAP-805	Replacement of Fire Alarm System	\$	150,000
CAP-945	Roof and Exterior Renovations	\$	53,838
CAP-960	Montgomery Developmental Center	\$	723,322
Total Montgomery Developmental Center		\$	1,115,008

MOUNT VERNON DEVELOPMENTAL CENTER

CAP-080	Renovate Main Kitchen - Rian Hall	\$	121,319
CAP-101	Rian Hall Residential Renovations	\$	224,000
CAP-735	Administration Building Renovation	\$	17,076
CAP-808	Roof Replacement	\$	64,095
CAP-810	Replacement of Fire Alarm System	\$	150,000
CAP-962	Mount Vernon Developmental Center	\$	430,170
CAP-974	Pool/Gymnasium Renovation	\$	60,000
CAP-975	Exterior Building Renovation	\$	75,000
Total Mount Vernon Developmental Center		\$	1,141,660

NORTHWEST OHIO DEVELOPMENTAL CENTER

CAP-738	Residential Laundry Renovation	\$	95,000
CAP-739	Residential Bedroom Renovation	\$	100,000

CAP-947	Replace Chiller	\$	136,525
CAP-963	Northwest Ohio Developmental Center	\$	560,443
CAP-982	Cooling Tower Replacement	\$	50,000
	Total Northwest Ohio Developmental Center	\$	941,968
SOUTHWEST OHIO DEVELOPMENTAL CENTER			
CAP-863	Residential Renovation - HVAC Upgrade	\$	286,766
CAP-964	Southwest Ohio Developmental Center	\$	171,764
CAP-976	Renovation Program and Support Services Building	\$	175,000
	Total Southwest Ohio Developmental Center	\$	633,530
SPRINGVIEW DEVELOPMENTAL CENTER			
CAP-742	Renovation - Administration Building	\$	150,000
CAP-864	Renovation of Clark Hall	\$	31,430
CAP-965	Springview Developmental Center	\$	28,986
CAP-977	Roof Replacement	\$	230,000
	Total Springview Developmental Center	\$	440,416
TIFFIN DEVELOPMENTAL CENTER			
CAP-085	Roof Replacement - Dietary	\$	100,000
CAP-086	Replace Boiler Feedwater Heating and Storage Unit	\$	88,738
CAP-899	Utah & Nevada Buildings Renovation	\$	250,000
CAP-931	Exterior Renovations - Various Buildings	\$	184,825
CAP-933	Sprinkler System Installation	\$	51,407
CAP-966	Tiffin Developmental Center	\$	291,004
	Total Tiffin Developmental Center	\$	965,974
WARRENSVILLE DEVELOPMENTAL CENTER			
CAP-088	Exterior Lighting Replacement	\$	160,000
CAP-867	Residential Renovations - WDC	\$	75,000
CAP-900	Water Line Replacement - WDC	\$	77,922
CAP-936	HVAC Renovations	\$	103,185
CAP-950	ADA Compliance - WDC	\$	41,435
CAP-951	Central Kitchen Improvements	\$	50,256
CAP-967	Warrensville Developmental Center	\$	247,117
CAP-978	Boiler Replacement	\$	260,000
	Total Warrensville Developmental Center	\$	1,014,915
YOUNGSTOWN DEVELOPMENTAL CENTER			
CAP-091	Water Line Renovation	\$	75,000
CAP-871	Residential Renovations	\$	181,131
CAP-904	Roof Renovations - YDC	\$	82,152
CAP-952	Catch Basin and Gutter Replacement	\$	50,923
CAP-968	Youngstown Developmental Center	\$	210,312
	Total Youngstown Developmental Center	\$	599,518
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	36,937,644
	TOTAL Mental Health Facilities Improvement Fund	\$	50,962,797

SECTION 23.04. The foregoing capital improvements for which appropriations are made in Sections 23.01 to 23.03 of this act are determined to be capital improvements and capital facilities for mental hygiene and retardation, and are 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 adopted pursuant to those chapters and that section 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 23.05. (A) No capital improvement appropriations made in Sections 23.01 to 23.03 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 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 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 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 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 applicable 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 statutes and rules, including provisions of this act.

SECTION 24. All items set forth in Sections 24.01 to 24.56 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the Higher Education Improvement Fund (Fund 034) and derived from the proceeds of obligations heretofore 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.

SECTION	24.01.	OEB	OHIO	Reappropriations EDUCATIONAL
TELECOMMUNICATIONS NETWORK COMMISSION				
CAP-001	Educational Television and Radio Equipment		\$	3,936,799
CAP-002	Educational Broadcasting Fiber Optic Network		\$	51,748
Total Ohio Educational Telecommunications Network Commission			\$	3,988,547

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.

EDUCATIONAL BROADCASTING FIBER OPTIC NETWORK

The foregoing appropriation item CAP-002, Educational Broadcasting Fiber Optic Network, shall be used to link the Ohio public radio and television stations, radio reading services, and the Ohio Educational Broadcasting Network for the reception and transmission of digital communications through fiber optic cable or other technology.

Reappropriations

SECTION 24.02. BOR BOARD OF REGENTS

CAP-021	Educational Television and Radio Equipment	\$	124,942
CAP-030	Supercomputer Center Expansion	\$	6,510
CAP-031	Ohio Aerospace Institute - Building Improvements	\$	300,692
CAP-032	Research Facility Action and Investment Funds	\$	14,863,723
CAP-033	Child Care Facility - Matching Grants	\$	1,627,126
CAP-054	Appalachian-Higher Ed Facilities	\$	3,379
CAP-060	Technology Initiatives	\$	10,000,000
CAP-061	Central State Rehabilitation	\$	207,012
CAP-064	Eminent Scholars Capital Grants	\$	2,750,000
CAP-065	Biomedical Technology Center	\$	8,500,000
Total Board of Regents		\$	38,383,384

SECTION 24.03. SUPERCOMPUTER CENTER EXPANSION

The amount reappropriated for the foregoing appropriation item CAP-030, Supercomputer Center Expansion, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-030, Supercomputer Center Expansion, minus \$508,599.

SECTION 24.04. RESEARCH FACILITY ACTION INVESTMENT FUNDS

The amount reappropriated for the foregoing appropriation item CAP-032, Research Facility Action and Investment Funds, is the sum of the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-032, Research Facility Action and Investment Funds, plus the unencumbered and unallotted balance as of June 30, 2002, in Youngstown State University's appropriation item CAP-118, X-Ray Defractometer.

SECTION 24.05. 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 adopt rules under 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. The 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.

SECTION 24.06. REPAYMENT OF RESEARCH FACILITY ACTION AND INVESTMENT FUND MONEYS

Notwithstanding any provision of law to the contrary, all repayments of Research Facility Action and 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 Action and 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 24.07. 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, 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 24.08. TECHNOLOGY INITIATIVES

In order to determine a method of awarding grants from the foregoing appropriation item CAP-060, Technology Initiatives, the Board of Regents shall form a consultation group including, but not limited to, representatives of state-supported and state-affiliated colleges and universities, the Office of

Budget and Management, the Legislative Service Commission, and the Legislative Office of Education Oversight.

SECTION 24.09. EMINENT SCHOLARS CAPITAL GRANTS

The foregoing appropriation item CAP-064, Eminent Scholars Capital Grants, shall be used by the Board of Regents to make grants to state colleges and universities and nonprofit 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 that shall make recommendations for the administration of the Eminent Scholars Program, including the award of capital grants. The panel's recommendations for capital grants from appropriation item CAP-064, Eminent Scholars Capital Grants, shall require the approval of the Board of Regents.

SECTION 24.10. 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 shall 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 Section 24.54 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 ceases to exist 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 24.11. REIMBURSEMENT FOR PROJECT COSTS

Appropriations made in Sections 24.02 to 24.56 of this act for purposes of the 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 institution's obligations.

Appropriations made in Sections 24.02 to 24.56 of this act for purposes of the 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.

		Reappropriations
SECTION 24.12. UAK UNIVERSITY OF AKRON		
CAP-008	Basic Renovations	\$ 7,128,474
CAP-047	Polsky Building Renovation	\$ 724,887
CAP-049	Basic Renovations - Wayne	\$ 173,886
CAP-054	Auburn Science/Whitby Rehabilitation	\$ 149,600
CAP-061	Asbestos Abatement	\$ 641,327
CAP-063	Child Care Facility	\$ 149,998
CAP-066	Global Business Institute	\$ 300,000
CAP-067	ADA Modifications	\$ 364,735
CAP-075	Infrastructure Materials/Rehabilitation	\$ 102,932
CAP-076	Supercritical Fluid Technology	\$ 291,900
CAP-077	Leigh Hall Rehabilitation	\$ 5,520,471
CAP-079	Science/Technology Library Addition Phase 2	\$ 222,178
CAP-081	Classroom/Office Building - Arts/Sciences	\$ 345,609
CAP-085	Non-Credit Job Training	\$ 27,500
CAP-086	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$ 69,000
CAP-091	Student Affairs Building	\$ 13,977,457
CAP-092	Whitby Hall Rehabilitation	\$ 2,694,656
Total University of Akron		\$ 32,884,700

Reappropriations

SECTION 24.13. BGU BOWLING GREEN STATE UNIVERSITY

CAP-009	Basic Renovations	\$	4,526,309
CAP-060	Basic Renovations - Firelands	\$	43,951
CAP-066	South Hall Replacement	\$	7,276
CAP-078	Asbestos Abatement	\$	1,584
CAP-088	ADA Modifications	\$	220,396
CAP-091	Child Care Facility	\$	49,406
CAP-093	Pedestrian Mall Project	\$	24,275
CAP-094	Materials Network	\$	90,981
CAP-095	Video Link	\$	10,644
CAP-102	Network Infrastructure Phase 1	\$	6,346,772
CAP-103	University Community Center - Firelands	\$	2,056,440
CAP-104	Jerome Library Renovations	\$	113,946
CAP-105	Administration Building Elevators	\$	19,777
CAP-106	LSC Stairwell/MSC Exterior Steps	\$	24,486
CAP-108	Tunnel Upgrade - Phase II	\$	129,386
CAP-109	Cedar Point Community Center	\$	515,600
CAP-110	Hannah Hall Rehabilitation	\$	2,005,522
CAP-111	Re-roof East West and North Buildings	\$	503,326
CAP-112	Biology Lab Renovation	\$	54,827
CAP-113	Campus-Wide Paving/Sidewalk Upgrade	\$	352,700
	Total Bowling Green State University	\$	17,097,604

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-009, Basic Renovations, shall be the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-009, Basic Renovations; CAP-054, University Hall Rehabilitation; CAP-055, Fine Arts Addition; CAP-056, Modify Continuing Education Offices; CAP-057, Roof Renovations; CAP-061, Bursar/Biology Labs/Library/Sewer; CAP-063, Eppler Rehabilitation; CAP-081, Large Lecture Hall Renovations; CAP-083, Central Heating Plant Replacement; CAP-084, Physical Sciences Chiller; CAP-086, Health Center - 2nd Floor Renovations; CAP-096, Campus-wide Paving - Phase II; CAP-097, Education Building HVAC Upgrades; CAP-098, Sciences Complex Cooling Tower; CAP-099, Technology Building Chiller; and CAP-107, Campus Lighting Project - Phase II, plus \$2,070.

BASIC RENOVATIONS - FIRELANDS

The amount reappropriated for the foregoing appropriation item CAP-060, Basic Renovations - Firelands, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-060, Basic Renovations - Firelands; CAP-067, Energy Conservation Project - Firelands; and CAP-089, ADA Modifications - Firelands.

Reappropriations

SECTION 24.14. CSU CENTRAL STATE UNIVERSITY

CAP-022	Basic Renovations	\$	909,557
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CAP-036	National Afro-American Cultural Center/Museum Improvements	\$	4,975
CAP-043	Paul Dunbar Museum	\$	1,547
CAP-053	Roof Replacement	\$	4,101
CAP-068	Instructional and Data Processing Equipment	\$	16,002
CAP-075	ADA Modifications	\$	51,645
CAP-078	Brown Library Roof Replacement	\$	21,479
CAP-082	Child Care Facility	\$	149,052
CAP-083	Master Plan/Supplemental Renovations	\$	114,669
CAP-084	College of Education Facility - Planning	\$	30,400
CAP-085	Green Hall Rehabilitation	\$	50,406
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
CAP-097	Campus-wide Master Plan	\$	11,366
	Total Central State University	\$	10,128,999

Reappropriations

SECTION 24.15. UCN UNIVERSITY OF CINCINNATI

CAP-009	Basic Renovations	\$	6,891,515
CAP-054	Raymond Walters Renovations	\$	4,428
CAP-115	Hazardous Waste	\$	29,465
CAP-116	Aerospace Engineering	\$	105,624
CAP-121	Child Care Facility	\$	100,000
CAP-122	Infrastructure Assessment	\$	4,818
CAP-125	Supplemental Renovations - Interior Spaces	\$	15,223
CAP-127	New Classroom/Lab Building - Clermont	\$	21,215
CAP-128	Science and Allied Health Building - Walters	\$	1,859,825
CAP-137	MSB Otolaryngology	\$	1,228
CAP-141	ADA Modifications	\$	239,535
CAP-142	ADA Modifications - Clermont	\$	6,039
CAP-143	ADA Modifications - Walters	\$	2,101
CAP-156	CFC Unit Replacement	\$	2,173
CAP-158	Molecular Components/Simulation Network	\$	14,154
CAP-168	International Friendship Park	\$	3,151,002
CAP-171	Asbestos - Rieveschl Hall	\$	298,057
CAP-173	Surface Engineering	\$	2,292
CAP-174	Classroom/Teaching Lab Renovations	\$	1,284,028
CAP-176	Network Expansion	\$	228,100
CAP-177	Critical Building Component Renovations	\$	2,910,000
CAP-179	Rieveschl Rehabilitation	\$	27,240
CAP-180	Rapid Prototype Process	\$	17,982
CAP-182	Elevator - Critical Building Components	\$	33,271
CAP-188	HPB/Wherry Service Entrances	\$	56,649
CAP-193	Nano Particles	\$	17,015
CAP-194	Transgenic Core Capacity	\$	1,633
CAP-195	Thin Film Analysis	\$	110,452

CAP-196	Electronic Reconstruction	\$	130,649
CAP-197	Med Center Technology	\$	7,260
CAP-198	TC/Dyer Rehabilitation Phase 1A	\$	48,128
CAP-199	TC/Dyer Rehabilitation Phase 1B	\$	226
CAP-201	WC Faculty Media Center	\$	120,116
CAP-202	Baldwin Hall Rehabilitation - Phase I	\$	103,256
CAP-203	Zimmer Plaza & Auditorium Rehabilitation	\$	7,976
CAP-205	Medical Science Building Rehabilitation	\$	3,796,727
CAP-206	One Stop Services Center	\$	3,284,801
CAP-207	Central Campus Infrastructure	\$	232,629
CAP-208	Security System Upgrade	\$	5,279
CAP-209	Library Renovations	\$	101,308
CAP-210	Cincinnati Observatory Center	\$	150,000
CAP-212	Roof Replacement - MSB Complex	\$	24,906
CAP-214	Microscopy	\$	90,000
CAP-215	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	162,500
CAP-217	Center for Fire and Explosion Science and Technology	\$	178,800
CAP-218	Creation of a P3 Facility	\$	273,808
CAP-223	Teachers College/Dyer Hall Rehabilitation Phase 2	\$	4,136,000
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	16,772
CAP-226	Holocaust Archives at Hebron Union College	\$	250,000
CAP-227	Old Chemistry Roof and Masonry	\$	330,181
CAP-228	MSB G, 1 & 2 Lab Upgrades	\$	50,136
CAP-230	Focused Ion Beam Fabrication	\$	170,000
CAP-231	National Institute of Health	\$	374,250
CAP-232	Expression Technology	\$	215,303
CAP-233	Environmental Scanning Microscope	\$	142,073
CAP-234	Lean Direct Fuel Inject Combustion	\$	90,645
CAP-237	Biomedical Engineering	\$	485,500
CAP-240	Control Tech Hazard Waste/Oil Spill	\$	21,294
CAP-244	Pulse Detonation Engine	\$	140,050
Total University of Cincinnati		\$	32,575,637

NEW CLASSROOM/LAB BUILDING - CLERMONT

The amount reappropriated for the foregoing appropriation item CAP-127, New Classroom/Lab Building - Clermont, is \$21,215.

SCIENCE/ALLIED HEALTH BUILDING - WALTERS

The amount reappropriated for the foregoing appropriation item CAP-128, Science/Allied Health Building - Walters, is \$77,947, plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-128, Science/Allied Health Building - Walters.

Reappropriations**SECTION 24.16. CLS CLEVELAND STATE UNIVERSITY**

CAP-017	Land Acquisition	\$	594,955
CAP-023	Basic Renovations	\$	750,766
CAP-044	Chester Building Rehabilitation	\$	84,274
CAP-067	17th - 18th Street Block	\$	205,862
CAP-069	Great Lakes Museum for Science, Environment, and	\$	200,000

	Technology		
CAP-088	Asbestos Abatement	\$	1,696,687
CAP-092	Handicapped Requirements	\$	155,485
CAP-099	Main Classroom Plaza Conversion	\$	13,147
CAP-100	Special Studies Space Conversion	\$	1,762
CAP-101	Classroom Building Renovations	\$	50,000
CAP-104	ADA Modifications	\$	409
CAP-109	Classroom Upgrade	\$	15,804
CAP-112	Land Acquisitions	\$	1,035,037
CAP-114	Geographic Information Systems	\$	77,005
CAP-115	Plant Services Building HVAC	\$	14,081
CAP-117	Landscaping/Sidewalks/Stairs	\$	20,436
CAP-118	Structural Concrete Rehabilitation	\$	1,407,013
CAP-120	Physical Education Building Enhancements	\$	53,380
CAP-125	College of Education Building	\$	600,000
CAP-126	Electrical System Upgrades Phase 2	\$	2,291,335
CAP-127	Fire Alarm System Upgrade	\$	400,000
CAP-128	Property Acquisition	\$	1,298,322
CAP-129	Vocational Guidance Campus	\$	30,000
CAP-130	WVIZ Technology Center	\$	1,000,000
CAP-132	Rhodes Tower Stair Renovation	R	1,632
CAP-133	Rhodes Tower Library Carpet	\$	11,980
CAP-134	Physical Education Building Men's Locker Room	\$	16,478
CAP-136	University Center HVAC Phase 1	\$	918,541
CAP-137	University Center Elevator Upgrades	\$	546,500
	Total Cleveland State University	\$	13,490,891

CLASSROOM UPGRADE

The amount reappropriated for the foregoing appropriation item CAP-109, Classroom Upgrade, is \$5,192 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-109, Classroom Upgrade.

LANDSCAPING/SIDEWALKS/STAIRS

The amount reappropriated for the foregoing appropriation item CAP-117, Landscaping/Sidewalks/Stairs, is \$12,621 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-117, Landscaping/Sidewalks/Stairs.

			Reappropriations
SECTION 24.17. KSU KENT STATE UNIVERSITY			
CAP-022	Basic Renovations	\$	2,074,204
CAP-098	Trumbull Branch Addition	\$	13,972
CAP-105	Basic Renovations - East Liverpool	\$	96,138
CAP-106	Basic Renovations - Geauga	\$	114,839
CAP-107	Basic Renovations - Salem	\$	57,426
CAP-110	Basic Renovations - Ashtabula	\$	45,057
CAP-111	Basic Renovations - Trumbull	\$	398,671
CAP-112	Basic Renovations - Tuscarawas	\$	214,947
CAP-121	Supplement Renovations - Tuscarawas	\$	9,756
CAP-122	Faculty Office Addition - Salem	\$	12,072

CAP-126	HVAC Renovations - Ashtabula	\$	5,545
CAP-128	Roof Renovations - Ashtabula	\$	1,435
CAP-134	Roof Replacements	\$	7,000
CAP-137	LCI/Materials Science Building	\$	24,730
CAP-139	Science Building - Stark	\$	54,890
CAP-140	Road Improvements - Trumbull	\$	12,282
CAP-142	Music Center Improvements	\$	3,300,000
CAP-143	Liquid Crystals	\$	1,059,474
CAP-145	Heating Plant Electrical Cable	\$	9,393
CAP-146	Williams Hall Medium Voltage	\$	17,377
CAP-154	Separation Science	\$	1,497
CAP-156	Boiler Plant Controls and Building Alterations	\$	30,194
CAP-157	Moulton Hall Rehabilitation	\$	30,772
CAP-158	Auditorium Building Rehabilitation	\$	495,791
CAP-159	Electrical Substation/Fiber Optic Network	\$	47,087
CAP-160	Patterson Building Renovation - East Liverpool	\$	8,610
CAP-161	Addition to Cunningham Hall	\$	95,071
CAP-162	Science and Technology Building - Trumbull	\$	166,974
CAP-164	ADA Modifications - Ashtabula	\$	6,772
CAP-166	ADA Modifications - Geauga	\$	440
CAP-167	ADA Modifications - Salem	\$	5,312
CAP-168	ADA Modifications - Stark	\$	620
CAP-170	ADA Modifications - Tuscarawas	\$	3,276
CAP-173	Child Care Facility	\$	18,650
CAP-176	Midway Drive Utilities Tunnel - II	\$	84,846
CAP-177	Corporate Education and Conference Center, Phase 2 Stark	\$	69,753
CAP-179	New Power Plant	\$	4,943,431
CAP-184	Distributed Computation/Visualization	\$	33,833
CAP-185	Nixson Hall/Music & Speech Tunnel	\$	4,163
CAP-186	Prentice Hall/Taylor Hall Tunnel	\$	21,919
CAP-187	Fiber Optic Installation, Phase II	\$	4,816
CAP-188	Child Care Funds - East Liverpool	\$	90,000
CAP-189	Child Care Funds - Tuscarawas	\$	19,847
CAP-190	Child Care Funds - Ashtabula	\$	12,500
CAP-194	Child Care - Salem	\$	100,000
CAP-195	Child Care - Geauga	\$	100,000
CAP-196	Technology Improvements - Ashtabula	\$	282,234
CAP-197	Technology Improvements - Geauga	\$	6,044
CAP-198	Technology Improvements - Salem	\$	120,148
CAP-199	Technology Improvements - Trumbull	\$	72,860
CAP-200	Technology Improvements - Tuscarawas	\$	75,000
CAP-202	Utility Tunnel Upgrade	\$	8,490
CAP-206	Child Care Facility and Related Renovations and Additions	\$	277,314
CAP-207	Kent Hall Planning and Addition	\$	4,165,000
CAP-208	Mary Patterson Exterior Renovations	\$	440,621
CAP-210	Rooftop Air Handler Repair/Replacement	\$	1,107
CAP-212	Technology Building Rehabilitation and Addition Planning	\$	908,500
CAP-213	Electric Distribution Renovation	\$	36,396
CAP-214	Stark Selective Interior Renovation	\$	17,558
CAP-215	Library Utility Tunnel Expansion	\$	21,224
CAP-217	Non Credit Job Training	\$	169,915

CAP-218	Henderson Hall Roof Replace/Masonry	\$	56,385
CAP-219	Campus Electrical Infrastructure Improvements	\$	43,800
CAP-220	Campus Steam System Evaluation & Upgrade - New ALI	\$	250,000
CAP-221	Organic Semiconductor Facility	\$	60,000
CAP-222	White Hall Corridor Ceiling/Lighting	\$	44,000
Total Kent State University		\$	20,981,978

Reappropriations

SECTION 24.18. MUN MIAMI UNIVERSITY

CAP-018	Basic Renovations	\$	4,597,854
CAP-064	Land Restoration - Hamilton	\$	11,466
CAP-066	Basic Renovations - Hamilton	\$	484,727
CAP-069	Basic Renovations - Middletown	\$	408,385
CAP-070	Chilled Water System - Phase 2	\$	423,189
CAP-072	Hiestand Hall Renovations	\$	4,315
CAP-081	Cooperative Regional Library Depository SW	\$	2,546
CAP-083	Campus Avenue Building Renovation	\$	43,612
CAP-085	Alumni Hall Rehabilitation - Phase I	\$	65,582
CAP-086	Classroom/Conference Facility - Hamilton	\$	8,373
CAP-088	Hoyt Hall Rehabilitation	\$	9,022
CAP-089	High Voltage Electric	\$	1,026,863
CAP-092	Science Building - Middletown	\$	701,440
CAP-094	Instructional and Data Processing Equipment	\$	2,434,816
CAP-096	McGuffey Hall Rehabilitation	\$	1,142,972
CAP-098	Computer Network Installation	\$	187,891
CAP-099	King Library Rehabilitation	\$	15,947
CAP-101	ADA Modifications	\$	8,399
CAP-102	ADA Modifications - Hamilton	\$	686
CAP-103	ADA Modifications - Middletown	\$	2,798
CAP-105	Plant Response/Environmental Stress	\$	72,641
CAP-107	Gas Phase Chemistry of Ions	\$	65,647
CAP-109	Molecular Microbial Biology	\$	67,500
CAP-110	Micromachining Technology	\$	664,368
CAP-111	Roudebush Hall Rehabilitation	\$	203,474
CAP-112	Chilled Water Loop Phase I - Hamilton	\$	564,119
CAP-113	Special Academic/Administrative Projects - Hamilton	\$	617,803
CAP-114	Chilled Water Loop Phase I - Middletown	\$	750,000
CAP-115	Special Academic/Administrative Projects - Middletown	\$	1,155,050
CAP-116	Hughes Hall Rehabilitation - Phase 2	\$	1,515,875
CAP-117	North Campus Refrigeration/Chilled Water	\$	170,892
CAP-119	Increased Network Access	\$	414,949
CAP-120	Cole Service Building Addition	\$	18,030
CAP-121	Southwestern Book Depository	\$	215,436
CAP-122	Child Care Facility	\$	70,000
CAP-123	Phillips Hall Rehabilitation	\$	709,884
CAP-124	Bonham House Rehabilitation/Multicultural Center Planning	\$	785,478
CAP-127	Campus Steam Distribution - Phase I	\$	500,000
CAP-129	Steam Plant Electrostatic Precipitator	\$	20,953
CAP-130	MacMillan Rehabilitation/Multicultural Center	\$	4,200,000

CAP-131	Miami University Learning Center	\$	500,000
CAP-132	Mass Spectrum Consortium	\$	35,000
CAP-133	Single Crystal X-Ray Diffractometer	\$	70,144
CAP-134	Thermal Ionization Mass Spectrometer	\$	147,481
CAP-135	NMR Spectrometer	\$	159,654
Total Miami University		\$	25,275,261

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-018, Basic Renovations, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-018, Basic Renovations, and CAP-084, Central Steam Plant Addition.

BASIC RENOVATIONS - HAMILTON

The amount reappropriated for the foregoing appropriation item CAP-066, Basic Renovations - Hamilton, is \$22,712 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-066, Basic Renovations - Hamilton.

LAND RESTORATION - HAMILTON

The amount reappropriated for the foregoing appropriation item CAP-064, Land Restoration - Hamilton, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-064, Land Restoration - Hamilton, minus \$22,712.

HOYT HALL REHABILITATION

The amount reappropriated for the foregoing appropriation item CAP-088, Hoyt Hall Rehabilitation, is \$3,693 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-088, Hoyt Hall Rehabilitation.

HIGH VOLTAGE ELECTRIC

The amount reappropriated for the foregoing appropriation item CAP-089, High Voltage Electric, is \$1,155 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-089, High Voltage Electric.

ROUDEBUSH HALL REHABILITATION

The amount reappropriated for the foregoing appropriation item CAP-111, Roudebush Hall Rehabilitation, is \$161,556 plus the unencumbered and unallotted balance as of June 20, 2002, in appropriation item CAP-111, Roudebush Hall Rehabilitation.

CHILLED WATER LOOP - HAMILTON

The amount reappropriated for the foregoing appropriation item CAP-112, Chilled Water Loop Phase I - Hamilton, is \$507,029 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-112, Chilled Water Loop - Hamilton.

CHILLED WATER LOOP - MIDDLETOWN

The amount reappropriated for the foregoing appropriation item CAP-114, Chilled Water Loop Phase I - Middletown, is the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-114, Chilled Water Loop - Middletown, minus \$501,381.

SECTION 24.19. OSU OHIO STATE UNIVERSITY		Reappropriations
CAP-074	Basic Renovations	\$ 13,197,315
CAP-141	Health Center Access Improvement	\$ 131,820
CAP-149	Basic Renovations - Regional Campuses	\$ 1,286,620
CAP-198	Brown Hall Annex Replacement	\$ 8,310
CAP-216	Evans Lab Addition	\$ 165,124
CAP-217	Library Book Warehouse	\$ 14,721
CAP-254	Basic Renovations - ATI	\$ 204,602
CAP-255	Supplemental Renovations - OARDC	\$ 2,315,052
CAP-256	Supplemental Renovations - Regional	\$ 191,955
CAP-257	Equine Center Phase I	\$ 4,119
CAP-258	Dreese Lab Addition	\$ 283,491
CAP-259	Mendenhall Lab Rehabilitation	\$ 14,691
CAP-261	Bioscience/Parks Hall Addition	\$ 12,584
CAP-268	Horse/Farm Management Facility - ATI	\$ 8,522
CAP-269	Greenhouse Modernization	\$ 40,982
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$ 9,432
CAP-273	Retrovirus Research Center	\$ 3,554
CAP-274	OARDC Thorne & Gourley Halls	\$ 11,094
CAP-292	Life Sciences Research Building	\$ 925,868
CAP-293	College of Business Facilities	\$ 134,074
CAP-294	Stillman Hall Addition	\$ 58,779
CAP-295	Poultry Science Facility	\$ 8,568
CAP-297	Library/Classroom Building - Marion	\$ 573
CAP-302	Food Science & Technology Building	\$ 99,990
CAP-306	Heart & Lung Institute	\$ 32,437
CAP-311	Superconducting Radiation	\$ 65,094
CAP-313	Brain Tumor Research Center	\$ 6,001
CAP-314	Engineering Center Net Shape Manufacturing	\$ 20,730
CAP-315	Membrane Protein Typology	\$ 8,835
CAP-316	Instructional and Data Processing Equipment	\$ 198,844
CAP-321	Fine Particle Technologies	\$ 157,937
CAP-323	Advanced Plasma Engineering	\$ 117,972
CAP-324	Plasma Ramparts	\$ 128,530
CAP-326	IN-SITU AL-BE Composites	\$ 1,733
CAP-329	Jesse Owens Recreation Center	\$ 3,057
CAP-331	Cunz Hall - Partial 2nd Floor Renovation	\$ 6,716
CAP-333	Larkins Hall - Roof Replacement Phase III	\$ 85,159
CAP-334	Center for Automotive Research	\$ 4,681
CAP-335	Jay Cooke Residence - Roof and Windows	\$ 86,668
CAP-339	Poultry Science Lab Remodeling	\$ 3,679
CAP-342	Success Center	\$ 18,571
CAP-346	Hopkins Hall Chiller/Ventilation	\$ 1,326
CAP-347	Asbestos Abatement	\$ 5,724
CAP-348	Child Care Facility - Marion	\$ 2,835

CAP-349	Materials Network	\$	56,025
CAP-350	Bio-Technology Consortium	\$	42,378
CAP-352	Analytical Electron Microscope	\$	375,000
CAP-353	High Temp Alloys & Alluminoids	\$	220,000
CAP-357	Supplemental Renovations - ATI	\$	33,969
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	66,836
CAP-362	McPherson Lab Rehabilitation	\$	178,325
CAP-363	School of Architecture Facility	\$	8,700,556
CAP-368	Heart and Lung Institute	\$	101,808
CAP-372	Veterinary Hospital - Animal Isolation	\$	200
CAP-374	ADA Modifications	\$	473,848
CAP-375	ADA Modifications - ATI	\$	37,204
CAP-376	ADA Modifications - Lima	\$	50,745
CAP-377	ADA Modifications - Mansfield	\$	15,253
CAP-379	ADA Modifications - Newark	\$	4,058
CAP-387	Titanium Alloys	\$	54,912
CAP-391	Haskett/Hopkins Halls Renovations	\$	7,312
CAP-394	ATI/OARDC Roof Replacements	\$	13,913
CAP-398	Advanced Manufacturing	\$	38,579
CAP-399	Manufacturing Processes/Materials	\$	62,574
CAP-401	Terhertz Studies	\$	35,240
CAP-402	Caldwell Laboratory Remodeling	\$	57,304
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750
CAP-407	Dulles Chilled Water	\$	2,095
CAP-411	Campus Grounds - Lights Phase 4	\$	7,018
CAP-412	Hitchcock Hall HVAC Upgrades	\$	10,392
CAP-413	Pomerene Lighting/Wiring	\$	235,300
CAP-414	Postle Hall Roof Replacement	\$	2,332
CAP-419	NMR Consortium	\$	75,116
CAP-420	Versatile Film Facility	\$	70,894
CAP-421	OCARNET	\$	5,916
CAP-422	Bioprocessing Research	\$	181,298
CAP-423	Localized Corrosion Research	\$	6,128
CAP-424	ATM Testbed	\$	3,633
CAP-425	Physical Sciences Building	\$	45,767,197
CAP-426	Utilities Upgrade/Extension - Mansfield	\$	53,300
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,364,050
CAP-428	Capital Equipment - OARDC	\$	17,155
CAP-429	1314 Kinnear Road Center	\$	21,456
CAP-430	Hagerty Hall Rehabilitation	\$	17,824,717
CAP-431	Sisson Hall Replacement	\$	176,659
CAP-433	Central Chilled Water Plant - OARDC	\$	13,912
CAP-434	Ramseyer Hall Roof Renovations	\$	19,700
CAP-436	Machinery Acoustics	\$	3,804
CAP-439	Sensors and Measurements	\$	15,115
CAP-440	Polymer Magnets	\$	1,099
CAP-444	Larkins Hall HVAC System Upgrade	\$	15,816
CAP-445	Starling Loving Hall A Wing - HVAC	\$	5,914
CAP-446	ADA - Lecture Halls/Restrooms/Larkins	\$	196
CAP-447	Elevator Upgrades - ADA	\$	12,201
CAP-449	Bolz Hall Roof Replacement	\$	263,340
CAP-450	Campus Grounds Exterior Lighting, Phase 5	\$	1,700
CAP-453	Evans Lab Chiller Replacement	\$	14,615

CAP-454	Utilities Upgrade Lighting Retrofit	\$	12,039
CAP-458	A1 Alloy Corrosion	\$	14,292
CAP-464	Main Library HVAC Renovations	\$	6,711
CAP-465	Veterinary Hospital Chiller Replacement	\$	35,668
CAP-466	ARPS Hall Chiller Replacement	\$	6,323
CAP-468	Larkins Hall Window Replacements	\$	6,494
CAP-471	Newton Hall Renovations	\$	2,134
CAP-472	OSHA Safety Devices	\$	2,626
CAP-476	Mount Hall Lecture Hall	\$	2,116
CAP-478	Wiseman Hall Animal Facility	\$	12,980
CAP-480	Campbell Hall Public Space	\$	104,210
CAP-481	OSHA Ventilation - Bio Science	\$	9,162
CAP-484	Page Hall Planning	\$	9,792,076
CAP-485	Botany & Zoology Building Planning	\$	22,493,244
CAP-488	Don Scott Field Replacement Barns	\$	24,889
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	524,294
CAP-491	Horticultural Operations Center - ATI	\$	1,560,000
CAP-492	OARDC Feed Mill	\$	5,500,000
CAP-496	1314 Kinnear Road Building Improvement	\$	335,319
CAP-497	Book Depository	\$	10,454
CAP-498	Curl Drive Mill & Overlay	\$	28,830
CAP-500	Campus Buildings - Emergency Lighting	\$	5,242
CAP-502	Drinko Hall Air Conditioning Upgrade	\$	12,644
CAP-503	Evans Lab Roof Replacement	\$	297,063
CAP-504	Fontana Lab - Chiller Replacement	\$	12,210
CAP-505	Main Library HVAC Upgrade	\$	5,517
CAP-506	Mirror Lake Hollow Renovation	\$	466,338
CAP-507	Utilities High Voltage Electric	\$	216,544
CAP-509	Mount Hall HVAC Modifications	\$	40,982
CAP-510	Derby Hall Roof Replacement	\$	95,530
CAP-511	Arps Hall Lab Renovation	\$	351,611
CAP-512	Main Library Roof Replacement	\$	7,149
CAP-513	Main Library Carpeting	\$	8,352
CAP-514	Postle Hall Research Labs	\$	915,050
CAP-516	Orton Hall Roof Replacement	\$	490,997
CAP-517	Vet Hospital Roof Replacement	\$	42,983
CAP-518	French Field House Glass Replacement	\$	57,625
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	1,279,019
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	19,634
CAP-521	Ohio Center for Wetland & River Restoration	\$	1,180,000
CAP-522	State of the Art Mass Spectrometry Consortium	\$	121,522
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	620,989
CAP-524	Bone & Mineral Metabolism Research Lab	\$	24,525
CAP-526	Koffolt/Fontana Roof Replacement	\$	378,948
CAP-530	OSHA Fume Hood Monitors Phase I	\$	460,096
CAP-531	Animal & Plant Biology Level 3	\$	200,000
CAP-532	Food, AG, and Environmental Sciences	\$	1,500,000
CAP-534	Main Library Rehabilitation	\$	1,701
CAP-535	Psychology Building Thorne Hall and Gowley Hall Renovations, Phase 3	\$	3,000,000
CAP-536	OARDC	\$	4,195,974
CAP-537	Advanced Non Thermal Processing	\$	249,402

CAP-538	OSU Gateway Parking Garage	\$	4,500,000
CAP-539	Nanosecond Infrared Measurement	\$	2,588
CAP-542	Propulsion Systems - Future Vehicles	\$	69,066
CAP-544	Cockins Hall Math & Statistics	\$	726,745
CAP-545	Hopkins Hall Ceramics Facility Renovation Phase I	\$	55,714
CAP-546	Nanometer Scale Auger Electron	\$	5,438
CAP-548	MHZ Rate Flow Imaging System	\$	63,194
CAP-549	Caldwell Asbestos Abatement	\$	200,337
CAP-550	Millimeter/Submillimeter Instrument	\$	10,769
CAP-551	Network Computing Testbed	\$	87,500
CAP-552	X-Ray Powder Diffractometer	\$	4,670
CAP-554	Deconvolution Microscope	\$	5,793
CAP-555	Polar Rock Repository	\$	45,693
CAP-556	Heart/Lung Inst Animal Facility	\$	442,855
CAP-557	Pomerene Hall Renovation	\$	70,424
CAP-558	Campus Lighting Phase VII	\$	20,072
CAP-561	Campus Grounds Street Rebuild	\$	89,122
CAP-563	Cleveland Botanical Gardens	\$	500,000
CAP-564	Denney Hall Renovation Phase I	\$	157,179
CAP-565	Ion Mass Spectrometry	\$	60,968
CAP-566	Accelerated Maturation of Materials	\$	39,043
CAP-568	Role of Molecular Interfaces	\$	60,304
CAP-569	McCracken Steam Turbine Vibration Monitoring	\$	274,000
CAP-570	Celeste Laboratory HVAC Modifications	\$	734,000
CAP-571	Electron and Ion Optical Characterization of Materials	\$	10,164
CAP-572	New Millimeter Spectrometer	\$	123,689
CAP-573	Noncredit Job Training	\$	175,000
CAP-574	Noncredit Job Training	\$	690,000
CAP-575	Multi Object Double Spectrograph	\$	383,500
CAP-576	1224 Kinnear Road - Bale	\$	536,227
CAP-577	Non-Silicon Micromachining	\$	90,336
CAP-578	High Performance Computing	\$	220,868
CAP-579	Veterinary Hospital Auditorium Renovation	\$	492,800
CAP-580	Bevis Hall Roof Replacement	\$	320,020
CAP-581	Campus Grounds Neil Ave/Street Building	\$	458,500
CAP-582	Hayes Hall Roof Replacement	\$	385,140
CAP-583	Rightmirer Hall Roof Replacement	\$	412,650
CAP-584	Starling-Loving Hall Renovation	\$	682,000
CAP-585	Marion Campus - Student Services	\$	1,364,050
CAP-586	Electroscience Lab Renovation	\$	731,500
CAP-587	OARDC Boiler Replacement	\$	1,207,750
CAP-588	Graves Hall Roof Replacement	\$	274,100
CAP-589	Photoelectron Spectrometer	\$	150,000
CAP-590	Supercomputer Center Expansion	\$	6,246,014
CAP-591	Mansfield Parking Lot Resurfacing/Striping	\$	213,300
Total Ohio State University		\$	177,043,816

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-074, Basic Renovations, is \$370,480 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-074, Basic Renovations.

EVANS LAB ADDITION

The amount reappropriated for the foregoing appropriation item CAP-216, Evans Lab Addition, is \$14,195 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-216, Evans Lab Addition.

HORTICULTURE/ENTOMOLOGY GREENHOUSE - OARDC

The amount reappropriated for the foregoing appropriation item CAP-271, Horticulture/Entomology Greenhouse - OARDC, is \$1,860 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-271, Horticulture/Entomology Greenhouse - OARDC.

CENTER FOR AUTOMOTIVE RESEARCH

The amount reappropriated for the foregoing appropriation item CAP-334, Center for Automotive Research, is \$2,340 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-334, Center or Automotive Research.

MAINTENANCE, RECEIVING, AND STORAGE FACILITY - MARION

The amount reappropriated for the foregoing appropriation item CAP-361, Maintenance, Receiving, and Storage Facility - Marion, is \$9,951 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-361, Maintenance, Receiving, Storage - Marion.

CAMPUS GROUNDS LIGHTS

The amount reappropriated for the foregoing appropriation item CAP-411, Campus Grounds-Lights Phase 4, is \$280 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-411, Campus Grounds Lights.

OCARNET

The amount reappropriated for the foregoing appropriation item CAP-421, OCARNET, is \$4,104 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-421, OCARNET.

BIOPROCESSING RESEARCH

The amount reappropriated for the foregoing appropriation item CAP-422, Bioprocessing Research, is \$13,677 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-422, Bioprocessing Research.

CAPITAL EQUIPMENT - OARDC

The amount reappropriated for the foregoing appropriation item CAP-428, Capital Equipment - OARDC, is \$2,725 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-428, Capital Equipment - OARDC.

CAMPUS GROUNDS EXTERIOR LIGHTING

The amount reappropriated for the foregoing appropriation item CAP-450, Campus Grounds Exterior Lighting, Phase 5, is \$1,700 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-450, Campus Grounds Exterior Lighting.

FONTANA LAB - CHILLER REPLACEMENT

The amount reappropriated for the foregoing appropriation item CAP-504, Fontana Lab - Chiller Replacement, is \$5,981 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-504, Fontana Lab - Chiller Replacement.

SUPERCOMPUTER CENTER EXPANSION

The amount reappropriated for the foregoing appropriation item CAP-590, Supercomputer Center Expansion, is \$508,599 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-590, Supercomputer Center Expansion.

Reappropriations**SECTION 24.20. OHU OHIO UNIVERSITY**

CAP-020	Basic Renovations	\$	3,514,835
CAP-021	Conservancy District Assessment	\$	16,126
CAP-086	Memorial Auditorium Rehabilitation	\$	10,013
CAP-094	Bentley Hall Renovation	\$	8,101
CAP-095	Basic Renovations - Eastern	\$	328,397
CAP-098	Basic Renovations - Lancaster	\$	221,427
CAP-099	Basic Renovations - Zanesville	\$	170,703
CAP-100	Bennett Hall Renovations	\$	6,577
CAP-113	Basic Renovations - Chillicothe	\$	214,507
CAP-114	Basic Renovations - Ironton	\$	170,592
CAP-115	Bennett Hall HVAC/Lab - Chillicothe	\$	2,052,145
CAP-116	Copeland Hall Rehabilitation	\$	6,396
CAP-117	Porter Hall Rehabilitation	\$	121,193
CAP-119	Biomedical Research Center	\$	115,175
CAP-120	Ridges Auditorium Rehabilitation	\$	1,177
CAP-122	Museum	\$	39,200
CAP-129	Emergency Lighting Improvements	\$	3,524
CAP-136	Gymnasium Development - Eastern	\$	137,116
CAP-137	Classroom Building - Ironton	\$	11,471
CAP-141	College of Health and Human Services	\$	67,429
CAP-142	Health Professions Labs Phase I	\$	1,711,058
CAP-145	Asbestos Abatement	\$	40,796
CAP-148	RTVC Building Asbestos Abatement	\$	1,037
CAP-149	Electrical Distribution System	\$	1,490
CAP-152	Gordy Hall Addition and Rehabilitation	\$	22,175
CAP-155	Brasee Hall Rehabilitation - Lancaster	\$	1,189,261
CAP-156	Herrold Hall Renovation - Lancaster	\$	5,423
CAP-157	ADA Modifications	\$	67,665
CAP-160	ADA Modifications - Ironton	\$	9,113

CAP-161	ADA Modifications - Lancaster	\$	20,345
CAP-164	Southeast Library Warehouse	\$	15,369
CAP-167	Scott Quadrangle Plumbing	\$	150
CAP-169	Elevator Improvements Phase III	\$	25,345
CAP-172	Elson Hall Rehabilitation - Zanesville	\$	187,200
CAP-183	Central Classroom Building	\$	298,040
CAP-184	Utilities to Scripps Hall	\$	211
CAP-186	Ellis Hall Partial Renovation	\$	17,181
CAP-188	Technology Center Construction - Ironton	\$	219,815
CAP-189	Conference Center Planning - Lancaster	\$	510,000
CAP-190	Center For Public Policy	\$	642,074
CAP-191	District Water Cooling	\$	1,837,480
CAP-192	Plant and Microbe Functional Genomics Facilities	\$	38,319
CAP-199	Bently Hall Phase I	\$	65,645
CAP-200	Building Acquisition/Renovation - Eastern	\$	398,269
CAP-202	Putnam Hall Rehabilitation	\$	4,141,912
CAP-203	Supplemental Renovations	\$	1,417,487
CAP-204	Propulsion Systems	\$	10,671
CAP-205	Noncredit Job Training	\$	810,000
Total Ohio University		\$	20,919,635

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-020, Basic Renovations, is \$22,905 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-020, Basic Renovations.

MEMORIAL AUDITORIUM REHABILITATION

The amount reappropriated for the foregoing appropriation item CAP-086, Memorial Auditorium Rehabilitation, is \$3,977 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-086, Memorial Auditorium Rehabilitation.

BASIC RENOVATIONS - LANCASTER

The amount reappropriated for the foregoing appropriation item CAP-098, Basic Renovations - Lancaster, is \$280 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-098, Basic Renovations - Lancaster.

BASIC RENOVATIONS - ZANESVILLE

The amount reappropriated for the foregoing appropriation item CAP-099, Basic Renovations - Zanesville, is \$1,013 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-099, Basic Renovations - Zanesville.

RIDGES AUDITORIUM REHABILITATION

The amount reappropriated for the foregoing appropriation item CAP-120, Ridges Auditorium Rehabilitation, is \$474 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-120, Ridges Auditorium Rehabilitation.

GYMNASIUM DEVELOPMENT - EASTERN

The amount reappropriated for the foregoing appropriation item CAP-136, Gymnasium Development - Eastern, is \$1,267 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-136, Gymnasium Development - Eastern.

HEALTH PROFESSIONS LABS - PHASE I

The amount reappropriated for the foregoing appropriation item CAP-142, Health Professions Labs Phase I, is \$22,115 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-142, Health Professions Labs.

BRASEE HALL REHABILITATION - LANCASTER

The amount reappropriated for the foregoing appropriation item CAP-155, Brasee Hall Rehabilitation - Lancaster, is \$1,000 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-155, Brasee Hall Rehabilitation - Lancaster.

CENTRAL CLASSROOM BUILDING

The amount reappropriated for the foregoing appropriation item CAP-183, Central Classroom Building, is \$7,414 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-183, Central Classroom Building.

UTILITIES TO SCRIPPS HALL

The amount reappropriated for the foregoing appropriation item CAP-184, Utilities to Scripps Hall, is \$211 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-184, Utilities to Scripps Hall.

ELLIS HALL PARTIAL RENOVATION

The amount reappropriated for the foregoing appropriation item CAP-186, Ellis Hall Partial Renovation, is \$17,181 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-186, Ellis Hall Partial Renovation.

Reappropriations

SECTION 24.21. SSC SHAWNEE STATE UNIVERSITY

CAP-004	Basic Renovations	\$	993,874
CAP-008	Massie Hall Renovation	\$	65,905
CAP-010	Land Acquisition	\$	287,117
CAP-016	Library Building	\$	10,777
CAP-017	Math/Science Building	\$	71,794
CAP-029	Fine Arts Class and Lab Building	\$	108,704
CAP-030	Utilities and Landscaping	\$	4,679
CAP-037	ADA Modifications	\$	109,413
CAP-038	Child Care Facility	\$	50,000

CAP-039	Central Heating Plant Replacement	\$	8,137
CAP-040	Chiller Replacement	\$	12,054
CAP-041	Kricker Hall Renovation	\$	1,469,078
CAP-042	Sidewalk/Plaza Replacement	\$	250,276
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		\$	4,441,495

Reappropriations

SECTION 24.22. UTO UNIVERSITY OF TOLEDO

CAP-007	University Hall Renovation	\$	298,418
CAP-010	Basic Renovations	\$	2,571,395
CAP-025	Roof Renovations	\$	55,404
CAP-026	Road Improvements	\$	5,459
CAP-062	Pharmacy, Chemistry and Life Sciences Facility	\$	4,340
CAP-067	Asbestos Abatement	\$	27,429
CAP-071	Southwest Academic Center Rehabilitation	\$	14,933
CAP-073	ADA Modifications	\$	129,118
CAP-076	Education & Allied Professions	\$	164,288
CAP-077	Tribology	\$	341,261
CAP-083	Bowman-Oddy Rehabilitation Phase 2	\$	277,995
CAP-085	Engineering - Biomedical Lab Rehabilitation	\$	81,802
CAP-091	Greenhouse Improvements	\$	11,675
CAP-092	Plant and Microbe Functional Genomics Facilities	\$	164,597
CAP-094	Plant Operations Renovation	\$	450,000
CAP-095	Driscoll Center Renovations	\$	760
CAP-096	Health & Human Services Rehabilitation Phase I	\$	16,395,833
CAP-097	Libby Hall Rehabilitation	\$	1,962,138
CAP-100	University Computer Center	\$	2,158,788
CAP-103	Toledo Museum of Art Upgrade	\$	1,000,000
CAP-105	Gillham Hall Rehabilitation	\$	140,000
CAP-106	Bowman Oddy Rehabilitation	\$	2,762,191
CAP-107	Larimer Athletic Complex	\$	640,526
CAP-108	Roof Renovations/Scott Park	\$	1,399
Total University of Toledo		\$	29,659,749

Reappropriations

SECTION 24.23. WSU WRIGHT STATE UNIVERSITY

CAP-015	Basic Renovations	\$	1,297,450
CAP-064	Basic Renovations - Lake	\$	89,455
CAP-070	Oelman Hall Rehabilitation	\$	16,104
CAP-071	New Academic Building	\$	25,854
CAP-072	Access Circulation	\$	1,831
CAP-075	Aviation Heritage National Historical Park	\$	22,413
CAP-080	Library Access Consolidation System	\$	6,067,385
CAP-084	ADA Modifications	\$	5,913
CAP-092	Allyn Hall Rehabilitation	\$	10,179
CAP-093	Information Technology Center	\$	134,727
CAP-094	Campus Services Building	\$	481

CAP-095	Technology Infrastructure University	\$	5,211
CAP-098	Center/Hamilton/Physical Education Chiller	\$	8,877
CAP-102	Specialized Communication	\$	78,693
CAP-103	Millett Hall Rehabilitation	\$	523,157
CAP-104	Road and Parking Lot Improvements	\$	133,514
CAP-105	Cross-Modal Analysis-Signl/Sensor	\$	300,000
CAP-106	Air Force Musuem	\$	500,000
CAP-109	High Performance Connection to VBNS	\$	175,000
CAP-110	Student Union Marketplace	\$	524,887
Total Wright State University		\$	9,921,128

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-015, Basic Renovations, is \$33,910 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-015, Basic Renovations.

LIBRARY ACCESS CONSOLIDATION SYSTEM

The amount reappropriated for the foregoing appropriation item CAP-080, Library Access Consolidation System, is \$2,911 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-080, Library Access Consolidation System.

Reappropriations**SECTION 24.24. YSU YOUNGSTOWN STATE UNIVERSITY**

CAP-014	Basic Renovations	\$	2,042,939
CAP-038	Roof Renovations	\$	560
CAP-040	Bliss Hall Rehabilitation-Final Phase	\$	3,028,711
CAP-062	Central Utility Plant Improvement	\$	270,277
CAP-066	Asbestos Abatement	\$	48,574
CAP-085	College of Education - Auditorium	\$	6,524
CAP-086	Instructional and Data Processing Equipment	\$	1,287
CAP-096	ADA Modifications	\$	4,052
CAP-097	Child Care Facility	\$	5,949
CAP-099	Todd Hall Renovations	\$	155,487
CAP-104	Central Utility Plant	\$	1,089
CAP-108	Electronic Campus Infrastructure/Technology	\$	1,235,709
CAP-109	Welcome Center - Dana Hall Addition	\$	15,418
CAP-112	Beeghly Center Rehabilitation	\$	2,283,293
CAP-113	Campus Development	\$	553,091
CAP-114	Chiller and Steamline Replacement Phase 3	\$	393,805
CAP-116	Technology Incubator for Market Ready Applications	\$	1,000,000
CAP-117	Ward Beecher/HVAC Ugrade	\$	1,388,863
CAP-121	Administrative Technology Computer Systems Improvements	\$	1,500,000
Total Youngstown State University		\$	13,935,628

BLISS HALL REHABILITATING

The amount reappropriated for the foregoing appropriation item CAP-040, Bliss Hall Rehabilitation - Final Phase, is the sum of the

unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-040, Bliss Hall Rehabilitation, and CAP-115, Fedor Hall Rehabilitation.

CAMPUS DEVELOPMENT

The amount reappropriated for the foregoing appropriation item CAP-113, Campus Development, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-113, Campus Development, and CAP-027, Property Acquisitions/Street Closures.

		Reappropriations	
SECTION 24.25. NEM NORTHEASTERN OHIO UNIVERSITIES			
COLLEGE OF MEDICINE			
CAP-018	Basic Renovations	\$	421,451
CAP-034	ADA Modifications	\$	5,562
CAP-036	Computer Services Networking	\$	398
CAP-037	Conference Center Rehabilitation/Expansion	\$	27,647
CAP-040	Campus Network Expansion	\$	1,283,974
CAP-041	Optimal Health Care	\$	121,949
CAP-042	Outdoor Athletic Facilities	\$	119,542
CAP-043	Bonding and Grounding	\$	38,500
CAP-044	Collaborative Research Building Envelope	\$	378,764
Total Northeastern Ohio Universities College of Medicine		\$	2,397,787

		Reappropriations	
SECTION 24.26. MCO MEDICAL COLLEGE OF OHIO			
CAP-010	Basic Renovations	\$	281,384
CAP-048	Medical Informatics Data Highway	\$	2,118
CAP-049	Center for Classrooms of the Future	\$	1,503,225
CAP-053	ADA Modifications	\$	8,258
CAP-062	Waterproofing	\$	3,381
CAP-072	Campus Substation Repairs	\$	381,900
CAP-073	Fire Alarm Project	\$	142
CAP-074	Mulford Library Roof	\$	9,632
CAP-075	Lab Animal Medicine/Renovation	\$	7,539
Total Medical College of Ohio		\$	2,197,579

		Reappropriations	
SECTION 24.27. CWR UNIVERSITY HOSPITALS, CASE WESTERN RESERVE UNIVERSITY			
CAP-005	NE Ohio Biomedical Research Consortium	\$	33,750
CAP-013	Memsnet	\$	449,836
CAP-016	Pharmacological Sciences	\$	592,000
CAP-022	Institutional Animal Resources	\$	64,144
CAP-024	600 MHZ Spectrometer	\$	161,000
CAP-025	Chemical Studies of Biomimetics	\$	50,867

CAP-026	Cardiovascular/Neural Engineering	\$	144,000
CAP-028	Ohio Biomedical Consortium on Medical Therapeutic Microdevices	\$	11,002
CAP-029	Consortium for Novem Microfabrication Methods of Medical Devices in Non-Silicon Materials	\$	167,893
CAP-031	Propulsion Systems	\$	180,161
CAP-032	Fire and Explosion Science Technology	\$	208,883
CAP-033	NMR Spectrometer	\$	1,400,000
CAP-034	Transmission Electron Microscope	\$	225,000
CAP-035	Near Field Optical Probe	\$	145,000
Total Case Western Reserve University		\$	3,833,536

Reappropriations

SECTION 24.28. CTC CINCINNATI STATE TECHNICAL AND
COMMUNITY COLLEGE

CAP-008	Interior Renovations	\$	390,071
CAP-013	Basic Renovations	\$	1,142,126
CAP-016	Health Professions Building Planning	\$	4,044
CAP-017	Instructional and Data Processing Equipment	\$	431,851
CAP-020	Aviation Facility	\$	1,100
CAP-026	Emergency Phones and Duct Smoke Detectors	\$	217,876
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		\$	6,122,119

Reappropriations

SECTION 24.29. CLT CLARK STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	258,657
CAP-029	Shull Hall Rehabilitation	\$	34,562
CAP-034	ADA Modifications	\$	41,521
Total Clark State Community College		\$	334,740

Reappropriations

SECTION 24.30. CTI COLUMBUS STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	787,077
CAP-007	Land Acquisition	\$	936,000
CAP-027	Academic Center "B" Planning	\$	106,050
CAP-028	Instructional and Data Processing Equipment	\$	836,612
CAP-033	Child Care Facility	\$	89,510
CAP-037	Academic Center "C"	\$	103,459
CAP-040	Building "D" Planning	\$	5,069,660
Total Columbus State Community College		\$	7,928,368

Reappropriations

SECTION 24.31. CCC CUYAHOGA COMMUNITY COLLEGE

CAP-031	Basic Renovations	\$	2,817,163
CAP-033	Ohio College/Podiatric Medicine	\$	100,000
CAP-057	Job Training Program Facility	\$	197,000
CAP-058	ADA Modifications	\$	166,887
CAP-064	Technology Learning Center - Western	\$	5,003,249
CAP-066	Renovate/Create New Classrooms - West	\$	360,000
CAP-070	Interior/Exterior Signage Program	\$	394,511
CAP-073	Noncredit Job Training	\$	40,613
CAP-078	Humanities Building Renovations - Metro	\$	64,206
CAP-080	UTC Curtainwall Modifications	\$	73,646
CAP-081	Interior Courtyards Renovations	\$	15,754
CAP-082	Carpet Replacement - Western	\$	24,956
Total Cuyahoga Community College		\$	9,257,986

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-031, Basic Renovations, is the sum of the unencumbered and unallotted balances as of June 30, 2002, in appropriation items CAP-031, Basic Renovations; CAP-028, Adult Technical Education Facility; CAP-049, Exterior Building Renovations - Metro/East; CAP-052, S & T Asbestos Abatement - Metro; CAP-054, Ceiling Renovation/Damper Replacement - West; CAP-059, Electric Switchgear/Transformer - Metro; CAP-065, Exterior Lighting/Site Improvement - Eastern; CAP-067, Plant Ops/Vehicle Maint/Storage - Phase I; and CAP-072, Exterior Lighting Enhancements.

Reappropriations

SECTION 24.32. ESC EDISON STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	376,465
CAP-011	Roadway Construction	\$	16,696
CAP-014	Student Activities Area	\$	19,312
CAP-018	Master Plan Update	\$	1,220
CAP-019	Plastics Industry Noncredit Training	\$	35,225
CAP-020	Noncredit Job Training	\$	275,000
Total Edison State Community College		\$	723,918

Reappropriations

SECTION 24.33. JTC JEFFERSON COMMUNITY COLLEGE

CAP-022	Basic Renovations	\$	388,061
CAP-031	Law Enforcement/Engineering Lab Renovations	\$	56,172
CAP-033	ADA Modifications	\$	19,598
CAP-035	Exterior Improvements and Preschool Expansion	\$	24,120
CAP-037	Electrical System Evaluation/Renovation	\$	382,820

CAP-038	Library Interior Renovation	\$	259,020
CAP-039	Lecture Hall Interior Renovation	\$	175,325
CAP-040	Noncredit Job Training	\$	725,000
Total Jefferson Community College		\$	2,030,116

Reappropriations

SECTION 24.34. LCC LAKELAND COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	891,946
CAP-019	Health Technologies Building Planning	\$	2,030
CAP-021	Performing Arts Center Renovations	\$	1,062
CAP-022	Library Expansion	\$	7,895
CAP-026	Auditorium Renovation	\$	1,805
CAP-036	Noncredit Job Training	\$	850,000
Total Lakeland Community College		\$	1,754,738

Reappropriations

SECTION 24.35. LOR LORAIN COMMUNITY COLLEGE

CAP-005	Basic Renovations	\$	466,182
Total Lorain Community College		\$	466,182

Reappropriations

SECTION 24.36. NTC NORTHWEST STATE COMMUNITY COLLEGE

CAP-003	Basic Renovations	\$	65,000
CAP-006	Child Care Facility	\$	10,000
CAP-013	Classroom & Engineering Build	\$	75,917
CAP-014	ADA Modifications	\$	11,042
CAP-015	A-Wing Supplemental/Distance Learning	\$	3,390
Total Northwest State Community College		\$	165,349

Reappropriations

SECTION 24.37. OTC OWENS COMMUNITY COLLEGE

CAP-019	Basic Renovations	\$	1,058,932
CAP-032	Student Health and Activities Center	\$	74,945
CAP-034	Center for Fine and Performing Arts - Construction	\$	7,847,442
CAP-035	Findlay Campus Relocation	\$	2,000,000
Total Owens Community College		\$	10,981,319

Reappropriations

SECTION 24.38. RGC RIO GRANDE COMMUNITY COLLEGE

CAP-005	Basic Renovations	\$	267,301
CAP-013	College of Business	\$	7,392
CAP-015	ADA Modifications	\$	75,446
CAP-021	New Entrance Road	\$	34,166

Total Rio Grande Community College	\$	384,305
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Reappropriations

SECTION 24.39. SCC SINCLAIR COMMUNITY COLLEGE

CAP-007	Basic Renovations	\$	1,118,239
CAP-033	Telecommunication Infrastructure	\$	87,197
CAP-034	Advanced Educational Applications Center Phase I	\$	40,000
CAP-036	Advanced Integrated Manufacturing Center	\$	576,286
CAP-042	Autolab/Fire Science Facility	\$	45,000
Total Sinclair Community College		\$	1,866,722

Reappropriations

SECTION 24.40. SOC SOUTHERN STATE COMMUNITY COLLEGE

CAP-010	Basic Renovations	\$	347,997
CAP-022	Clinton County Facility	\$	97,056
CAP-024	Noncredit Job Training	\$	300,000
Total Southern State Community College		\$	745,053

Reappropriations

SECTION 24.41. TTC TERRA STATE COMMUNITY COLLEGE

CAP-009	Basic Renovations	\$	29,947
CAP-015	Child Care Facility	\$	166,148
Total Terra State Community College		\$	196,095

Reappropriations

SECTION 24.42. WTC WASHINGTON STATE COMMUNITY COLLEGE

CAP-009	Instructional and Data Processing Equipment	\$	129,558
CAP-012	ADA Modifications	\$	14,575
CAP-013	Child Care Facility	\$	250,235
CAP-016	Noncredit Job Training	\$	875,000
Total Washington State Community College		\$	1,269,368

Reappropriations

SECTION 24.43. BTC BELMONT TECHNICAL COLLEGE

CAP-008	Basic Renovations	\$	653,372
CAP-014	Main Building Renovation - Phase 3	\$	49,137
CAP-019	ADA Modifications	\$	45,915
Total Belmont Technical College		\$	748,424

Reappropriations

SECTION 24.44. COT CENTRAL OHIO TECHNICAL COLLEGE

CAP-003	Basic Renovations	\$	225,582
Total Central Ohio Technical College		\$	225,582

Reappropriations

SECTION 24.45. HTC HOCKING TECHNICAL COLLEGE

CAP-019	Basic Renovations	\$	418,569
CAP-024	Building Addition	\$	5,270
CAP-028	College Hall Rehabilitation	\$	3,769
CAP-032	Public Safety Service	\$	74,644
CAP-033	Light and Oakley Halls	\$	47,751
Total Hocking Technical College		\$	550,003

Reappropriations

SECTION 24.46. LTC LIMA TECHNICAL COLLEGE

CAP-004	Basic Renovations	\$	582,991
CAP-006	Building Renovations	\$	5,000
CAP-007	Training and Education Facility	\$	66,332
CAP-008	Instructional and Data Processing Equipment	\$	168,041
CAP-009	Life and Physical Sciences	\$	10,133
CAP-010	ADA Modifications	\$	53,143
Total Lima Technical College		\$	885,640

Reappropriations

SECTION 24.47. MAT MUSKINGUM AREA TECHNICAL COLLEGE

CAP-007	Basic Renovations	\$	213,276
CAP-017	Basic Capacity Grant	\$	1,410
Total Muskingum Area Technical College		\$	214,686

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-007, Basic Renovations, is \$4,780 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-007, Basic Renovations.

Reappropriations

SECTION 24.48. MTC MARION TECHNICAL COLLEGE

CAP-004	Basic Renovations	\$	25,790
Total Marion Technical College		\$	25,790

Reappropriations

SECTION 24.49. NCC NORTH CENTRAL TECHNICAL COLLEGE

CAP-003	Basic Renovations	\$	602,467
CAP-008	Ovalwood Hall Rehabilitation	\$	9,897
CAP-009	ADA Modifications	\$	25,000

CAP-012	Shelby Training Center	\$	1,388,872
CAP-013	Engineering Center Renovation	\$	300,000
CAP-018	Fallerius Center Rehabilitation	\$	919,090
	Total North Central Technical College	\$	3,245,326

FALLERIUS CENTER REHABILITATION

The amount reappropriated for the foregoing appropriation item CAP-018, Fallerius Center Rehabilitation, is \$95,000 plus the unencumbered and unallotted balance as of June 30, 2002, in appropriation item CAP-018, Fallerius Center Rehabilitation.

Reappropriations

SECTION 24.50. STC STARK TECHNICAL COLLEGE

CAP-004	Basic Renovations	\$	571,822
CAP-015	Loop Road Property Acquisition/Development	\$	229,701
CAP-024	Phase 2 Renovations	\$	252
CAP-027	Information Technology Learning Center	\$	4,540,243
CAP-028	Northside Development Parking Lot	\$	73,576
CAP-029	Fire Science Phase III Classroom	\$	13,166
	Total Stark Technical College	\$	5,428,760
	TOTAL HIGHER EDUCATION IMPROVEMENT FUND	\$	513,186,727

SECTION 24.51. 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 24.52. 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 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 24.53. 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 Board of Regents and released by the Director of Budget and Management or the Controlling Board. Either the institution concerned, or the 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.

SECTION 24.54. (A) No capital improvement appropriations made in Sections 24.02 to 24.56 of this act shall be released for planning or for improvement, renovation, 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 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) In the case of an appropriation 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 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, approved by the Board of Regents, 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 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 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 upon their completion;

(4) To be located on or adjacent to the branch campus of the university.

(C) The 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. In the case of capital facilities referred to in division (A)(3) of this section, the joint or cooperative use agreements shall include, as a minimum, provisions that:

(1) Specify the extent and nature of that joint or cooperative use, extending for not 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 Board of Regents, reasonably related to the amount of the appropriations;

(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 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 Board of Regents, may transfer amounts appropriated to the Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.

SECTION 24.55. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services in the procedure for and award of contracts for capital improvement projects, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, do not apply to projects of community college districts and technical college districts.

SECTION 24.56. Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may:

(A) 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.

(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for such 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 may not exceed seven per cent of the estimated construction cost.

SECTION 25. 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) and derived from the proceeds of obligations heretofore authorized to pay costs of capital facilities, as defined in section 154.01 of the Revised Code, for parks and recreation.

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES

CAP-005	Cowan Lake State Park	\$	51,964
CAP-011	Findley State Park	\$	22,856
CAP-012	Land Acquisition	\$	586,825
CAP-016	Hueston Woods State Park	\$	4,467
CAP-017	Indian Lake State Park	\$	5,288
CAP-019	Lake Hope State Park	\$	500
CAP-025	Punderson State Park	\$	7,763
CAP-026	Pymatuning State Park	\$	80,000
CAP-051	Buck Creek State Park	\$	3,050
CAP-064	Geneva State Park	\$	750
CAP-069	Hocking Hills State Park	\$	400
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000
CAP-162	Shawnee State Park	\$	750
CAP-205	Deer Creek State Park	\$	18,800
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	12,564,460
CAP-331	Park Boating Facilities	\$	1,061,800
CAP-390	State Park Maintenance Facility Development	\$	488,801
CAP-701	Buckeye Lake Dam Rehabilitation	\$	1,033,254
CAP-702	Upgrade Underground Storage Tanks	\$	1,933,783
CAP-703	Cap Abandoned Water Wells	\$	250,000
CAP-718	Grand Lake St. Mary's State Park	\$	157,532
CAP-719	Indian Lake State Park	\$	11,945
CAP-727	Riverfront Improvements	\$	1,000,000
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000
CAP-748	Local Parks Projects	\$	1,572,000

CAP-787	Scioto Riverfront Improvements	\$	7,750,000
CAP-789	Great Miami Riverfront Improvements	\$	2,000,000
CAP-821	State Park Dredging and Shoreline Protection	\$	300,000
CAP-827	Cuyahoga Valley Scenic Railroad	\$	3,716,666
CAP-836	State Parks Renovation/Upgrading	\$	350
CAP-876	Statewide Trails Program	\$	1,272,680
CAP-910	Scioto Peninsula Property Acquisition	\$	4,750,000
CAP-927	Mohican State Park	\$	50,571
CAP-928	Handicapped Accessibility	\$	498,089
CAP-929	Hazardous Waste/Asbestos Abatement	\$	785,978
CAP-931	Wastewater/Water Systems Upgrade	\$	3,507,391
	Total Department of Natural Resources	\$	46,703,443
	Total Parks and Recreation Improvement Fund	\$	46,703,443

LOCAL PARKS PROJECTS

The following projects shall be funded from the foregoing reappropriation item CAP-748, Local Parks Projects: \$500,000 for Erie Metro Parks Land Acquisition; \$40,000 for Grove City Fryer Park Improvements; \$12,500 for Big Prairie/Lakeville Park Improvements; \$25,000 for Holmes County Park Improvements; \$25,000 for Stockport Village Park Improvements; \$50,000 for Silver Park Improvements, \$6,500 for Crossroads Park Improvements; \$38,000 for Wauseon Park Land Acquisition; \$150,000 for Black Swamp Land Acquisition; \$75,000 for the Walbridge Parks Improvements; and \$100,000 by the West Creek Preservation Committee for a West Creek Watershed Project.

SCIOTO RIVERFRONT IMPROVEMENTS

Of the foregoing reappropriation item CAP-787, Scioto Riverfront Improvements, \$7,750,000 shall be used for Spring and Long Park.

STATEWIDE TRAILS PROGRAM

Of the foregoing reappropriation item CAP-876, Statewide Trails Program, \$50,000 shall be used for the Lake to River Greenway Bike Path in Trumbull County.

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.

SECTION 25.01. 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 are 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 25.02. (A) No capital improvement appropriations made in Section 25 of this act shall be released for planning or for improvement, renovation, 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 not 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 applicable 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 26. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital

Improvements Fund (Fund 038) and derived from the proceeds of obligations heretofore authorized to pay costs of capital facilities, as defined in sections 151.01 and 151.08 of the Revised Code, for local infrastructure purposes.

Reappropriations

PWC PUBLIC WORKS COMMISSION

Ohio Small Government Capital Improvement Commission

CAP-150	Local Public Infrastructure	\$	3,994,256
CIF-000	Small Government Set-Aside	\$	26,789,013
CIF-001	Infrastructure - District 1	\$	35,569,892
CIF-002	Infrastructure - District 2	\$	15,324,089
CIF-003	Infrastructure - District 3	\$	24,805,971
CIF-004	Infrastructure - District 4	\$	10,621,103
CIF-005	Infrastructure - District 5	\$	8,218,221
CIF-006	Infrastructure - District 6	\$	9,204,592
CIF-007	Infrastructure - District 7	\$	10,283,773
CIF-008	Infrastructure - District 8	\$	13,535,698
CIF-009	Infrastructure - District 9	\$	6,000,899
CIF-010	Infrastructure - District 10	\$	12,042,490
CIF-011	Infrastructure - District 11	\$	9,906,889
CIF-012	Infrastructure - District 12	\$	10,652,811
CIF-013	Infrastructure - District 13	\$	5,952,230
CIF-014	Infrastructure - District 14	\$	5,961,097
CIF-015	Infrastructure - District 15	\$	6,049,668
CIF-016	Infrastructure - District 16	\$	9,688,174
CIF-017	Infrastructure - District 17	\$	7,223,526
CIF-018	Infrastructure - District 18	\$	6,625,576
CIF-019	Infrastructure - District 19	\$	8,099,039
CIF-020	Emergency Set-Aside	\$	5,783,488
CIF-021	Small Counties Program	\$	1,030,678
Total Public Works Commission		\$	253,363,173
TOTAL State Capital Improvement Fund		\$	253,363,173

The appropriations in this section shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. All expenditures made from these appropriations shall be approved by the Director of the Public Works Commission. The Director of the Public Works Commission shall not allocate funds in amounts greater than those amounts appropriated by the General Assembly.

SECTION 27. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Revolving Loan Fund (Fund 040) and derived from repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of

capital improvement projects of local subdivisions.

		Reappropriations
PWC PUBLIC WORKS COMMISSION		
CAP-151	Revolving Loan	\$ 7,507,533
RLF-001	Revolving Loan-District 1	\$ 3,737,260
RLF-002	Revolving Loan-District 2	\$ 3,164,996
RLF-003	Revolving Loan-District 3	\$ 3,499,709
RLF-004	Revolving Loan-District 4	\$ 1,845,304
RLF-005	Revolving Loan-District 5	\$ 1,252,918
RLF-006	Revolving Loan-District 6	\$ 2,024,132
RLF-007	Revolving Loan-District 7	\$ 2,135,221
RLF-008	Revolving Loan-District 8	\$ 1,624,699
RLF-009	Revolving Loan-District 9	\$ 1,133,758
RLF-010	Revolving Loan-District 10	\$ 2,762,493
RLF-011	Revolving Loan-District 11	\$ 1,903,666
RLF-012	Revolving Loan-District 12	\$ 3,742,013
RLF-013	Revolving Loan-District 13	\$ 1,623,191
RLF-014	Revolving Loan-District 14	\$ 1,309,761
RLF-015	Revolving Loan-District 15	\$ 861,761
RLF-016	Revolving Loan-District 16	\$ 2,430,305
RLF-017	Revolving Loan-District 17	\$ 1,471,503
RLF-018	Revolving Loan-District 18	\$ 1,220,419
RLF-019	Revolving Loan-District 19	\$ 1,438,605
RLF-020	Small Government Program	\$ 969,234
RLF-021	Emergency Program	\$ 125,650
Total Public Works Commission		\$ 47,784,131
TOTAL State Capital Improvements		
Revolving Loan Fund		\$ 47,784,131

The appropriations in this section shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. All expenditures made from these appropriations shall be approved by the Director of the Public Works Commission. The Director of the Public Works Commission shall not allocate funds in amounts greater than those amounts appropriated by the General Assembly.

SECTION 28. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 056) and derived from the proceeds of obligations heretofore authorized to pay the costs of capital facilities or projects, as defined in sections 151.01 and 151.09 of the Revised Code, for conservation purposes:

		Reappropriations
PWC PUBLIC WORKS COMMISSION		
CAP-152	Clean Ohio Conservation	\$ 37,500,000
Total Public Works Commission		\$ 37,500,000
TOTAL Clean Ohio Conservation Fund		\$ 37,500,000

SECTION 29. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Agricultural Easement Fund (Fund 057) and derived from the proceeds of obligations heretofore authorized to pay the costs of capital facilities or projects, as defined in sections 151.01 and 151.09 of the Revised Code, for conservation purposes:

		Reappropriations
AGR DEPARTMENT OF AGRICULTURE		
CAP-047	Clean Ohio Agricultural Easement	\$ 6,250,000
	Total Department of Agriculture	\$ 6,250,000
	TOTAL Clean Ohio Agricultural Easement Fund	\$ 6,250,000

AGRICULTURAL EASEMENT PURCHASE

The foregoing appropriation item CAP-047, Clean Ohio Agricultural Easement Fund, shall be used in accordance with sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

SECTION 30. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Trail Fund (Fund 061) and derived from the proceeds of obligations heretofore authorized to pay the costs of capital facilities or projects, as defined in sections 151.01 and 151.09 of the Revised Code, for conservation purposes:

		Reappropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-014	Clean Trail Ohio	\$ 6,250,000
	Total Department of Natural Resources	\$ 6,250,000
	TOTAL Clean Ohio Trail Fund	\$ 6,250,000

SECTION 31. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 026) and derived from the proceeds of obligations heretofore authorized to pay the costs of capital facilities, as defined in section 152.09 of the Revised Code, for the following capital improvements:

		Appropriations
OVH VETERANS' HOME		
CAP-759	Veterans' Home Construction	\$ 1,377,000
	Total Ohio Veterans' Home Construction	\$ 1,377,000

SECTION 32. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital

Improvements Fund (Fund 038) and derived from the proceeds of obligations heretofore and herein authorized to pay costs of capital facilities as defined in sections 151.01 and 151.08 of the Revised Code for local infrastructure purposes.

		Appropriations
PWC PUBLIC WORKS COMMISSION		
CAP-150	Local Public Infrastructure	\$ 252,000,000
Total Public Works Commission		\$ 252,000,000
TOTAL State Capital Improvements Fund		\$ 252,000,000

The foregoing appropriation item CAP-150, Local Public Infrastructure, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

SECTION 33. The Treasurer of State is hereby authorized pursuant to section 164.09 of the Revised Code to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and sections 164.01 to 164.12 of the Revised Code, original obligations of the State of Ohio, in an aggregate principal amount not to exceed \$240,000,000, in addition to the original obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the State Capital Improvements Fund (Fund 038) to pay costs charged to that fund, as estimated by the Director of Budget and Management.

SECTION 34. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Revolving Loan Fund (Fund 040). Revenues to the State Capital Improvements Revolving Loan Fund shall consist of all repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

PWC PUBLIC WORKS COMMISSION

		Appropriations
CAP-151	Revolving Loan	\$ 37,500,000
Total Public Works Commission		\$ 37,500,000
TOTAL State Capital Improvements Revolving Loan Fund		\$ 37,500,000

The foregoing appropriation item CAP-151, Revolving Loan, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code.

SECTION 35. 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 treasury 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 126.07 of the Revised Code.

SECTION 36. The appropriations made in this act, excluding those made to the State Capital Improvement Fund (Fund 038) and the State Capital Improvements Revolving Loan Fund (Fund 040) for buildings or structures, including remodeling and renovations, are limited to:

- (A) Acquisition of real property or interest in 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) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;
- (F) 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 about \$100 or more.

(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 paid for from these appropriations that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated.

SECTION 37. 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, shall contain a contingency reserve, the amount of which shall 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, to pay costs associated with changes in the scope of work, 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 38. 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, Jobs and Family Services, Rehabilitation and Correction, Youth Services, Public Safety, and Transportation, the Ohio Veterans' Home, 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. Requests for authorization to administer

capital facilities projects shall be made in writing to the Director of Administrative Services by the respective state agency within sixty days after the effective date of the act in which the General Assembly initially makes an appropriation for the 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 without the supervision, control, or approval of the Director of Administrative Services.

SECTION 39. 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 or for payments under lease agreements relating to or debt service on bonds, notes, or other obligations of the state. Notwithstanding any other section of law to the contrary, this authorization includes appropriations from funds into which proceeds or direct obligations of the state are deposited 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 bonds were issued. 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, or is it intended to waive or compromise any defense or right available to the state in any suit against it.

SECTION 40. 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. The appropriations from the Public School Building Fund (Fund 021), the Education Facilities Trust Fund (Fund N87),

and the School Building Program Assistance Fund (Fund 032) to the School Facilities Commission, from the Transportation Building Fund (Fund 029) to the Department of Transportation, from the Clean Ohio Conservation Fund (Fund 056) to the Public Works Commission, and appropriations from the State Capital Improvement Fund (Fund 038) and the State Capital Improvements Revolving Loan Fund (Fund 040) to the Public Works 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 41. Except as provided in section 4115.04 of the Revised Code, no moneys appropriated or reappropriated by the 124th 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 42. CAPITAL FACILITIES LEASES

Capital facilities for which appropriations are made from 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 43. The Director of Budget and Management shall authorize both of the following:

(A) The initial release of moneys for projects from the funds into which proceeds of direct obligations of the state are deposited.

(B) The expenditure or encumbrance of moneys from funds into which proceeds of direct obligations are deposited, only after determining to the director's satisfaction that either of the following apply:

(1) The application of such moneys to the particular project will not negatively affect any exemption or exclusion from federal income tax of the interest or interest equivalent on obligations, issued to provide moneys to the particular fund.

(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 44. 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 45. 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 46. Capital reappropriations in this act that have been released by the Controlling Board or the Director of Budget and Management between June 30, 2000, and July 1, 2002, do not require further approval or release prior to being encumbered. Funds reappropriated in excess of such prior releases shall be released in accordance with applicable provisions of this act.

SECTION 47. Unless otherwise specified, the reappropriations made in this act represent the unencumbered and unallotted balances of prior years' capital improvements appropriations estimated to be available on June 30, 2002. The actual balances on June 30, 2002, for the appropriation items in this act are hereby reappropriated. Additionally, there is hereby reappropriated the unencumbered and unallotted balances on June 30, 2002, of any appropriation items either reappropriated in Sub. S.B. 245 of the 123rd General Assembly or appropriated in Sub. H.B. 640 of the 123rd General Assembly, or created by the Controlling Board pursuant to section 127.15 of the Revised Code from appropriation items in Sub. S.B. 245 and Am. Sub. H.B. 640, both of the 123rd General Assembly, and this act, if the Director of Budget and Management determines that such balances are needed to complete the projects for which they were reappropriated or appropriated. The appropriation items and amounts that are reappropriated by this act shall be reported to the Controlling Board within 30 days after the effective date of this section.

SECTION 48. 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 49. 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 (Fund 674). All funds deposited into the Asbestos Abatement Distribution Fund 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 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 50. The capital improvements for which appropriations are made in this act from 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), and the Arts Facilities Building Fund (Fund 030) 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 51. 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 52. 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 shall be deposited into the Administrative Building Fund (Fund 026).

SECTION 53. The balance in the Vocational School Building Assistance Fund (Fund 020), and all receipts and interest accruing to the fund from any source during the period of this act, are hereby appropriated to the Department of Education. The appropriation shall be used pursuant to section 3317.21 of the Revised Code.

SECTION 54. Sections 3 to 53 of this act shall remain in full force and effect commencing on July 1, 2002, and terminating on June 30, 2004, for the purpose of drawing money from the state treasury in payment of liabilities lawfully incurred hereunder, and on June 30, 2004, and not before, the moneys hereby appropriated shall lapse into the funds from which they are severally appropriated. If, under Ohio Constitution, Article II, Section 1c, Sections 3 to 53 of this act do not take effect until after July 1, 2002, Sections 3 to 53 of this act shall be and remain in full force and effect commencing on that later effective date.

SECTION 55. NOTARY COMMISSION TRANSFER

Upon the effective date of this section or as soon thereafter as possible, the Director of Budget and Management shall transfer \$150,000 in cash

from Fund 412, the Notary Commission Fund, to Fund 414, the Citizen Education Fund.

SECTION 56. Pursuant to the agreement made between the Department of Development and the Dayton-Montgomery County Port Authority, approved by the Controlling Board on June 19, 2000, the Director of Development shall permit the approved \$5,000,000 from appropriation item 195-412, Business Development Grants, to be used to increase the debt capacity of the Dayton-Montgomery County Port Authority and to fund regional economic development priorities approved by the Dayton-Montgomery County Port Authority Board. This change in the agreement is not subject to Controlling Board approval.

SECTION 57. 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-783, Emergency School Building Assistance, to appropriation item CAP-622, Public School Buildings. The amount transferred from appropriation item CAP-783, Emergency School Building Assistance, 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-776, 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 58. (A) As used in this section, "design-build construction method" means a construction method that has both of the following characteristics:

- (1) An architecture firm and a contractor form a single entity that files a

bid to construct a project and that, if awarded the contract to construct the project, agrees to a project price and completion date.

(2) The entity described in division (A)(1) of this section assumes all of the financial risk if the project is delayed or exceeds the project price, and receives bonuses if the cost it incurs is less than the project price and it meets the construction target dates.

(B) The Board of County Commissioners of Ashtabula County may construct, as a pilot project and by using the design-build construction method, a lodge and conference center at Geneva State Park on land leased from the Department of Natural Resources. In carrying out this pilot project, the Board and the Department are exempt from complying with any otherwise applicable provisions of Chapter 153. and sections 307.86 to 307.92 of the Revised Code.

SECTION 59. A previously effective rule or version of a rule, not effective on the effective date of this section, that, while previously effective, incorporated a text by reference, is ratified insofar as the incorporation by reference might raise a question with regard to the rule's or version's validity as applied to facts occurring while the rule or version previously was effective.

This section is a remedial law as that term is used in section 1.11 of the Revised Code.

SECTION 60. Section 5709.081 of the Revised Code, as amended by this act, is remedial in nature and applies to the tax years at issue in any application for exemption from taxation pending before the Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, or the Supreme Court on the effective date of this act and to the property that is the subject of any such application.

SECTION 61. That Sections 4.03 and 5.04 of Sub. H.B. 73 of the 124th General Assembly be amended to read as follows:

" Sec. 4.03. TRANSFER OF FUND 002 APPROPRIATIONS - PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, AVIATION, AND ADMINISTRATION

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations for highway planning and research (appropriation items 771-411 and 771-412), highway

construction (appropriation items 772-421, 772-422, and 772-424), highway maintenance (appropriation item 773-431), aviation (appropriation item 777-475), and highway administration (appropriation item 779-491). Transfers of appropriations may be made upon the written request of the Director of Transportation and 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.

This transfer authority is intended to provide for emergency situations and flexibility to meet unforeseen conditions that could arise during the budget period. It also is intended to allow the department to optimize the use of available resources and adjust to circumstances affecting the obligation and expenditure of federal funds.

TRANSFER OF APPROPRIATIONS - FEDERAL HIGHWAY AND FEDERAL TRANSIT

The Director of Budget and Management may approve requests from the Department of Transportation for the transfer of appropriations between appropriation items 772-422, Highway Construction - Federal, and 775-452, Public Transportation - Federal, based upon transit capital projects meeting Federal Highway Administration and Federal Transit Administration funding guidelines. Transfers between these appropriation items may be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

TRANSFER OF APPROPRIATIONS - STATE INFRASTRUCTURE BANK

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2002 and 2003. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. However, the director may not make transfers out of debt service and lease payment appropriation items unless the director determines that the appropriated amounts exceed the actual and projected debt, rental, or lease payments.

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash from the Highway Operating Fund (Fund 002) to the Infrastructure Bank funds created in section 5531.09 of the Revised Code. The Director of Budget and Management may transfer from the Infrastructure Bank funds to the Highway Operating Fund up to the amounts originally transferred to the

Infrastructure Bank funds under this section. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. ~~However, the~~ The director may not make transfers between modes and transfers between different funding sources with the exception of transfers that may be needed to make required payments on state Infrastructure Bank obligations.

INCREASE APPROPRIATION AUTHORITY - STATE FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund exceed the estimates upon which the appropriations have been made in ~~this act~~ Sub. H.B. 73 of the 124th General Assembly, upon the request of the Director of Transportation, the Controlling Board may increase appropriation authority in the manner prescribed in section 131.35 of the Revised Code.

INCREASE APPROPRIATION AUTHORITY - FEDERAL AND LOCAL FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund or apportionments or allocations made available from the federal and local government exceed the estimates upon which the appropriations have been made in ~~this act~~ Sub. H.B. 73 of the 124th General Assembly, upon the request of the Director of Transportation, the Controlling Board may increase appropriation authority in the manner prescribed in section 131.35 of the Revised Code.

REAPPROPRIATIONS

All appropriations of the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining unencumbered on June 30, 2001, and the unexpended balance of prior years' appropriations that subsequently become unencumbered after June 30, 2001, subject to the availability of revenue as determined by the Director of Transportation, are hereby reappropriated for the same purpose in fiscal year 2002 upon the request of the Director of Transportation and with the approval of the Director of Budget and Management. Such reappropriations shall be reported to the Controlling Board.

All appropriations of the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining unencumbered as of June 30, 2002, and the unexpended balance of prior years' appropriations that subsequently become unencumbered after June 30, 2002, subject to the availability of revenue as determined by the Director of Transportation, are hereby reappropriated for use during fiscal year 2003 for

the same purpose, upon the request of the Director of Transportation and with the approval of the Director of Budget and Management. The department shall report all such reappropriations to the Controlling Board.

Sec. 5.04. INVESTIGATIVE UNIT

State Highway Safety Fund Group

831 767-610	Liquor Enforcement - Federal	\$	483,710	\$	514,184
831 769-610	Food Stamp Trafficking Enforcement - Federal	\$	974,809	\$	1,025,732
TOTAL HSF State Highway Safety Fund Group		\$	1,458,519	\$	1,539,916

Liquor Control Fund Group

043 767-321	Liquor Enforcement - Operations	\$	8,739,650	\$	9,266,891
TOTAL LCF Liquor Control Fund Group		\$	8,739,650	\$	9,266,891

State Special Revenue Fund Group

622 767-615	Investigative Contraband and Forfeiture	\$	394,255	\$	404,111
TOTAL SSR State Special Revenue Fund Group		\$	394,255	\$	404,111

TOTAL ALL BUDGET FUND GROUPS -

Special Enforcement		\$	10,592,424	\$	11,210,918
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LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS EQUIPMENT

The Director of Public Safety, using intrastate transfer vouchers, shall make cash transfers to the State Highway Safety Fund (Fund 036) from other funds to reimburse the State Highway Safety Fund for its share of lease rental payments to the Ohio Building Authority that are associated with appropriation item CAP-076, Investigative Unit MARCS Equipment."

SECTION 62. That existing Sections 4.03 and 5.04 of Sub. H.B. 73 of the 124th General Assembly are hereby repealed.

SECTION 63. That Sections 13, 13.01, 13.05, 13.12, and 69 of Am. Sub. H.B. 94 of the 124th General Assembly be amended to read as follows:

" Sec. 13. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

General Revenue Fund

GRF 100-402	Unemployment Compensation	\$	107,713	\$	109,114
GRF 100-405	Agency Audit Expenses	\$	662,147	\$	614,704
GRF 100-406	County & University Human Resources Services	\$	850,133	\$	838,777
GRF 100-409	Departmental Information Services	\$	948,332	\$	975,481
GRF 100-414	Ohio Geographically Referenced Information	\$	512,410	\$	510,807

	ram					
GRF 100-416	Strategic Technology Development Programs	\$	3,470,440	\$	5,000,000	
GRF 100-417	MARCS	\$	5,350,344	\$	6,176,160	
GRF 100-418	E-Government Development	\$	2,000,000	\$	4,000,000	
GRF 100-419	Ohio SONET	\$	4,527,924	\$	4,625,879	
					<u>1,785,270</u>	
GRF 100-420	Innovation Ohio	\$	144,000	\$	144,000	
GRF 100-421	ERP Project Implementation	\$	600,000	\$	624,000	
GRF 100-433	State of Ohio Computer Center	\$	5,003,580	\$	5,027,234	
GRF 100-439	Equal Opportunity Certification Programs	\$	817,894	\$	861,093	
GRF 100-447	OBA - Building Rent Payments	\$	96,106,300	\$	110,268,500	
GRF 100-448	OBA - Building Operating Payments	\$	26,098,000	\$	26,098,000	
GRF 100-449	DAS - Building Operating Payments	\$	5,126,955	\$	5,126,968	
GRF 100-451	Minority Affairs	\$	119,706	\$	118,043	
GRF 100-734	Major Maintenance	\$	70,224	\$	68,376	
GRF 102-321	Construction Compliance	\$	1,392,590	\$	1,396,506	
GRF 130-321	State Agency Support Services	\$	3,632,427	\$	3,740,888	
TOTAL GRF General Revenue Fund		\$	157,541,119	\$	176,324,530	
					<u>173,483,921</u>	
General Services Fund Group						
112	100-616	DAS Administration	\$	5,243,105	\$	5,503,547
115	100-632	Central Service Agency	\$	399,438	\$	376,844
					<u>1,259,438</u>	
117	100-644	General Services Division - Operating	\$	5,790,000	\$	7,091,000
122	100-637	Fleet Management	\$	1,600,913	\$	1,652,189
125	100-622	Human Resources Division - Operating	\$	23,895,125	\$	24,640,311
127	100-627	Vehicle Liability Insurance	\$	3,373,835	\$	3,487,366
128	100-620	Collective Bargaining	\$	3,292,859	\$	3,410,952
130	100-606	Risk Management Reserve	\$	185,900	\$	197,904
131	100-639	State Architect's Office	\$	7,504,787	\$	7,772,789
132	100-631	DAS Building Management	\$	10,887,913	\$	11,362,872
188	100-649	Equal Opportunity Programs	\$	1,214,691	\$	1,253,311
201	100-653	General Services Resale Merchandise	\$	1,779,000	\$	1,833,000
210	100-612	State Printing	\$	6,648,503	\$	6,928,823
4H2	100-604	Governor's Residence Gift	\$	22,628	\$	23,194
4P3	100-603	Departmental MIS Services	\$	7,447,713	\$	7,761,365
427	100-602	Investment Recovery	\$	4,204,735	\$	4,179,184
5C2	100-605	MARCS Development	\$	3,429,947	\$	4,475,190
5C3	100-608	Skilled Trades	\$	2,237,200	\$	2,332,464
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000
5L7	100-610	Professional Development	\$	2,700,000	\$	2,700,000
TOTAL GSF General Services Fund Group			\$	103,858,292	\$	108,982,305
					<u>104,718,292</u>	

Intragovernmental Service Fund Group					
133	100-607	Information Technology Fund	\$	104,482,097	\$ 111,387,436
4N6	100-617	Major Computer Purchases	\$	12,000,000	\$ 4,500,000
TOTAL ISF Intragovernmental					
Service Fund Group			\$	116,482,097	\$ 115,887,436
Agency Fund Group					
113	100-628	Unemployment Compensation	\$	3,500,000	\$ 3,577,000
124	100-629	Payroll Deductions	\$	1,877,100,000	\$ 1,999,100,000
TOTAL AGY Agency Fund Group					
			\$	1,880,600,000	\$ 2,002,677,000
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					
			\$	<u>2,258,501,508</u>	\$ <u>2,403,891,271</u>
				<u>2,259,361,508</u>	<u>2,401,050,662</u>

Sec. 13.01. AGENCY AUDIT EXPENSES

Of the foregoing appropriation item 100-405, Agency Audit Expenses, up to \$145,261 in fiscal year 2002 and up to \$74,447 in fiscal year 2003 shall be used to subsidize the operations of the Central Service Agency. The Department of Administrative Services shall transfer cash from appropriation item 100-405, Agency Audit Expenses, to the Central Service Agency Fund (Fund 115) using an intrastate transfer voucher.

Of the foregoing appropriation item 100-405, Agency Audit Expenses, up to \$30,000 in fiscal year 2002 and \$30,000 in fiscal year 2003 shall be used for the Department of Administrative Services' GRF appropriation item-related auditing expenses. The remainder of the appropriation shall be used for auditing expenses designated in division (A)(1) of section 117.13 of the Revised Code for those state agencies audited on a biennial basis.

VETERANS' RECORDS CONVERSION

The unencumbered balance of appropriation item 100-410, Veterans' Records Conversion, at the end of fiscal year 2002 shall be transferred to fiscal year 2003 for use under the same appropriation item.

Sec. 13.05. CENTRAL SERVICE AGENCY FUND

~~In order to complete the migration of the licensing applications of the professional licensing boards to a local area network, the Director of Budget and Management may, at the request of the Director of Administrative Services, cancel related encumbrances in the Central Service Agency Fund (Fund 115) and reestablish these encumbrances in fiscal year 2002 for the same purpose and to the same vendor. The Director of Budget and Management shall reduce the appropriation balance in fiscal year 2001 by the amount of encumbrances canceled in Fund 115. As determined by the Director of Budget and Management, the amount necessary to reestablish such encumbrances or parts of encumbrances in fiscal year 2002 in the~~

~~Central Service Agency Fund (Fund 115) is appropriated.~~

The Director of Budget and Management may transfer up to ~~\$399,000~~ \$671,219 in fiscal year 2002 and up to ~~\$354,000~~ \$562,249 in fiscal year 2003 from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to ~~\$34,000~~ \$61,781 in fiscal year 2002 and up to ~~\$30,000~~ \$51,751 in fiscal year 2003 from the State Medical Board Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 115). ~~The Director of Budget and Management may transfer up to \$18,000 in fiscal year 2002 and up to \$16,000 in fiscal year 2003 from the Pharmacy Board Operating Fund (Fund 5N2) to the Central Service Agency Fund (Fund 115).~~ The appropriation item 100-632, Central Service Agency, shall be used to purchase the necessary equipment, products, and services to install and maintain a ~~local area network~~ web-based application for the professional licensing boards, and to support their licensing applications. The amount of the cash transfer is appropriated to appropriation item 100-632, Central Service Agency.

Sec. 13.12. INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the State Property Inventory and Fixed Assets Management System Program.

Of the foregoing appropriation item 100-602, Investment Recovery, up to \$2,045,302 in fiscal year 2002 and up to \$1,959,192 in fiscal year 2003 shall be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the State Property Inventory and Fixed Assets Management System Program pursuant to Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code.

Of the foregoing appropriation item 100-602, Investment Recovery, ~~\$2,045,302~~ \$2,159,433 in fiscal year 2002 and ~~\$1,959,192~~ \$2,219,992 in fiscal year 2003 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds pursuant to division (A)(2) of section 125.14 of the Revised Code. If

it is determined by the Director of Administrative Services that additional appropriations are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to increase the amounts. Such amounts are appropriated.

Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$2,500,000 of the amounts held for transfer to the General Revenue Fund from the Investment Recovery Fund (Fund 427) to the General Services Fund (Fund 117) during the biennium beginning July 1, 2001, and ending June 30, 2003. The cash transferred to the General Services Fund shall be used to pay the operating expenses of the Competitive Sealed Proposal Program.

Sec. 69. LSC LEGISLATIVE SERVICE COMMISSION

General Revenue Fund

GRF 035-321	Operating Expenses	\$	13,325,000	\$	14,470,000
GRF 035-402	Legislative Interns	\$	953,500	\$	993,500
GRF 035-404	Legislative Office of Education Oversight	\$	1,192,146	\$	1,239,832
GRF 035-406	ATMS Replacement Project	\$	90,000	\$	90,000
GRF 035-407	Legislative Task Force on Redistricting	\$	2,000,000	\$	0
GRF 035-409	National Associations	\$	417,906	\$	427,381
GRF 035-410	Legislative Information Systems	\$	4,343,000	\$	4,690,000
TOTAL GRF General Revenue Fund		\$	22,321,552	\$	21,910,713

General Services Fund Group

4F6 035-603	Legislative Budget Services	\$	140,000	\$	145,000
410 035-601	Sale of Publications	\$	25,000	\$	25,000
TOTAL GSF General Services Fund Group		\$	165,000	\$	170,000
TOTAL ALL BUDGET FUND GROUPS		\$	22,486,552	\$	22,080,713

OPERATING EXPENSES

On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation items 035-321 and 035-403. Additional appropriation authority equal to the amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission, not to exceed \$500,000, is hereby appropriated to appropriation item 035-321 Operating Expenses, for fiscal year 2002.

ATMS REPLACEMENT PROJECT

Of the foregoing appropriation item 035-406, ATMS Replacement Project, any amounts not used for the ATMS project may be used to pay the

operating expenses of the Legislative Service Commission.

LEGISLATIVE TASK FORCE ON REDISTRICTING

On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation item 035-407, Legislative Task Force on Redistricting. ~~Additional appropriation authority equal to the~~ The amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission is hereby appropriated to appropriation item 035-407, Legislative Task Force on Redistricting, for fiscal year 2002.

On or before August 1, 2002, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2002 in appropriation item 035-407, Legislative Task Force on Redistricting. The amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission is hereby appropriated to appropriation item 035-407, Legislative Task Force on Redistricting, for fiscal year 2003.

NATIONAL ASSOCIATIONS

Of the foregoing appropriation item 035-409, National Associations, \$10,000 in each fiscal year shall be used for the State and Local Legal Center.

LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT

The foregoing appropriation item 035-404, Legislative Office of Education Oversight, shall be used to support the legislative oversight activities of the Legislative Committee on Education Oversight established in section 3301.68 of the Revised Code."

SECTION 64. That existing Sections 13, 13.01, 13.05, 13.12, and 69 of Am. Sub. H.B. 94 of the 124th General Assembly are hereby repealed.

SECTION 65. That Section 32 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Sub. H.B. 386 of the 124th General Assembly, be amended to read as follows:

" Sec. 32. COM DEPARTMENT OF COMMERCE

General Revenue Fund

GRF 800-402	Grants-Volunteer Fire	\$	912,500	\$	793,750
	Departments				
GRF 800-410	Labor and Worker Safety	\$	3,898,792	\$	4,042,587

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Total GRF General Revenue Fund	\$	4,811,292	\$	4,836,337
General Services Fund Group				
163 800-620 Division of Administration	\$	5,873,604	\$	6,189,578
5F1 800-635 Small Government Fire Departments	\$	250,000	\$	250,000
TOTAL GSF General Services Fund Group	\$	6,123,604	\$	6,439,578
Federal Special Revenue Fund Group				
348 800-622 Underground Storage Tanks	\$	195,008	\$	195,008
348 800-624 Leaking Underground Storage Tanks	\$	1,850,000	\$	1,850,000
349 800-626 OSHA Enforcement	\$	1,346,000	\$	1,386,380
TOTAL FED Federal Special Revenue Fund Group	\$	3,391,008	\$	3,431,388
State Special Revenue Fund Group				
4B2 800-631 Real Estate Appraisal Recovery	\$	69,870	\$	71,267
4H9 800-608 Cemeteries	\$	260,083	\$	273,465
4L5 800-609 Fireworks Training and Education	\$	10,526	\$	10,976
4X2 800-619 Financial Institutions	\$	2,020,646	\$	2,134,754
5B8 800-628 Auctioneers	\$	60,000	\$	0
5B9 800-632 PI & Security Guard Provider	\$	1,139,377	\$	1,188,716
5K7 800-621 Penalty Enforcement	\$	2,000	\$	2,000
543 800-602 Unclaimed Funds-Operating	\$	5,921,792	\$	6,151,051
543 800-625 Unclaimed Funds-Claims	\$	24,890,602	\$	25,512,867
544 800-612 Banks	\$	6,346,230	\$	6,657,997
545 800-613 Savings Institutions	\$	2,790,960	\$	2,894,399
546 800-610 Fire Marshal	\$	10,245,737	\$	10,777,694
547 800-603 Real Estate Education/Research	\$	258,796	\$	264,141
548 800-611 Real Estate Recovery	\$	150,000	\$	150,000
549 800-614 Real Estate	\$	2,885,785	\$	3,039,837
550 800-617 Securities	\$	4,611,800	\$	4,864,800
552 800-604 Credit Union	\$	2,368,450	\$	2,477,852
553 800-607 Consumer Finance	\$	2,830,339	\$	2,908,822
556 800-615 Industrial Compliance	\$	22,176,840	\$	23,415,776
6A4 800-630 Real Estate Appraiser-Operating	\$	522,125	\$	548,006
653 800-629 UST Registration/Permit Fee	\$	1,072,795	\$	1,121,632
TOTAL SSR State Special Revenue Fund Group	\$	90,634,753	\$	94,466,052
Liquor Control Fund Group				
043 800-601 Merchandising	\$	322,741,245	\$	341,222,192
043 800-627 Liquor Control Operating	\$	16,250,400	\$	15,801,163
043 800-633 Development Assistance Debt Service	\$	16,134,800	\$	16,141,100
043 800-636 Revitalization Debt Service	\$	1,600,000	\$	6,700,000
TOTAL LCF Liquor Control Fund Group	\$	356,726,445	\$	379,864,455
TOTAL ALL BUDGET FUND GROUPS	\$	461,687,102	\$	489,037,810

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 if the volunteer fire department provides service for an area affected by a natural disaster. The grant program shall be administered by the Fire Marshal under the Department of Commerce. The Fire Marshal shall adopt rules necessary for the administration and operation of the grant program.

Notwithstanding section 3737.17 of the Revised Code, upon the request of the Director of Commerce, the Director of Budget and Management shall transfer \$200,000 cash in fiscal year 2002 and \$100,000 cash in fiscal year 2003 from the State Fire Marshal Fund (Fund 546) to the General Revenue Fund.

Of the foregoing appropriation item 800-402, Grants-Volunteer Fire Departments, \$200,000 in fiscal year 2002 shall be granted to the Monday Creek Fire Department.

LABOR AND WORKER SAFETY

The Department of Commerce may designate a portion of appropriation item 800-410, Labor and Worker Safety, to be used to match federal funding for the OSHA on-site consultation program.

SMALL GOVERNMENT FIRE DEPARTMENTS

Upon the request of the Director of Commerce, the Director of Budget and Management shall transfer \$250,000 cash in each fiscal year from the State Fire Marshal Fund (Fund 546) within the State Special Revenue Fund Group to the Small Government Fire Departments Fund (Fund 5F1) within the General Services Fund Group.

Notwithstanding section 3737.17 of the Revised Code, the foregoing appropriation item 800-635, Small Government Fire Departments, may be used to provide loans to private fire departments.

PENALTY ENFORCEMENT

The foregoing appropriation item 800-621, Penalty Enforcement, shall be used to enforce sections 4115.03 to 4115.16 of the Revised Code.

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Penalty Enforcement Fund that was in the custody of the state treasury to the Penalty Enforcement Fund (Fund 5K7) that is created in the state treasury by section 4115.10 of the Revised Code. The fund shall be used for deposit of moneys received from penalties paid under section 4115.10 of the Revised Code.

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 appropriated.

PREDATORY LENDING ENFORCEMENT

Of the foregoing appropriation item 800-607, Consumer Finance, up to \$125,000 in fiscal year 2002 and up to \$250,000 in fiscal year 2003 shall be used for the enforcement of sections 1349.25 to 1349.36 of the Revised Code.

OFFICE OF CONSUMER AFFAIRS

Of the foregoing appropriation item 800-607, Consumer Finance, up to \$400,000 in fiscal year 2002 and up to \$400,000 in fiscal year 2003 shall be used by the Department of Commerce for the operation of the Office of Consumer Affairs created in section 1349.37 of the Revised Code, including outreach efforts to provide education regarding predatory lending, borrowing, and related financial topics through seminars, local government grants, public service announcements, and brochures. On or before August 1, 2002, the Director of Budget and Management shall determine and certify to the Director of Commerce the total amount of unexpended, unobligated appropriations made to the Department for fiscal year 2002 for the purposes stated above. The amount so determined and certified by the Director of Budget and Management is hereby appropriated to appropriation item 800-607, Consumer Finance, in addition to any other amounts appropriated for fiscal year 2003, and is hereby earmarked for the purposes stated above.

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.

CASH BALANCE TRANSFER

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Salvage and Exchange Fund (Fund 861) to the Liquor Control Fund (Fund 043) created in section 4301.12 of the Revised Code. Upon the completion of the transfer, the Salvage and Exchange Fund, which was created by the Controlling Board during the 1973-1975 biennium, is abolished. The director shall cancel any existing encumbrances against appropriation item 800-634, Salvage and Exchange, and reestablish them against appropriation item 800-627, Liquor Control Operating.

DEVELOPMENT ASSISTANCE DEBT SERVICE

The foregoing appropriation item 800-633, Development Assistance Debt Service, shall be used to meet all payments at the times they are

required to be made during the period from July 1, 2001, to June 30, 2003, for bond service charges on obligations issued under section 166.08 of the Revised Code, but limited to the aggregate amount of \$32,275,900. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated, provided that the appropriation does not exceed \$25,000,000 in any fiscal year, except as may be needed for payments on obligations issued to meet guarantees. The General Assembly acknowledges that an appropriation for this purpose is not required, but is made in this form and in ~~this act~~ Am. Sub. H.B. 94 of the 124th General Assembly for record purposes only.

REVITALIZATION DEBT SERVICE

The foregoing appropriation item 800-636, Revitalization Debt Service, shall be used to pay debt service and related financing costs during the period from July 1, 2001, to June 30, 2003, on obligations to be issued for revitalization purposes under Section 2o of Article VIII, Ohio Constitution, and implementing legislation. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. The General Assembly acknowledges: (A) the priority of the pledge of a portion of receipts from that source to obligations issued and to be issued and guarantees made and to be made under Chapter 166. of the Revised Code; and (B) that ~~this appropriation is subject to further consideration pursuant to implementing legislation~~ an appropriation for this purpose is not required, but is made in this form and in this act for record purposes only.

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."

SECTION 66. That existing Section 32 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Sub. H.B. 386 of the 124th General Assembly, is hereby repealed.

SECTION 67. That Section 45 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Am. Sub. H.B. 405 of the 124th General Assembly, be amended to read as follows:

" Sec. 45. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK COMMISSION

General Revenue Fund

GRF 374-100	Personal Services	\$	1,585,648	\$	1,705,463
GRF 374-200	Maintenance	\$	902,477	\$	891,968
GRF 374-300	Equipment	\$	46,760	\$	45,313
GRF 374-401	Statehouse News Bureau	\$	253,175	\$	245,344
GRF 374-402	Ohio Government Telecommunications Studio	\$	403,026	\$	910,296
<u>GRF 374-403</u>	<u>Ohio SONET</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,840,609</u>
GRF 374-404	Telecommunications Operating Subsidy	\$	5,239,754	\$	5,051,174
TOTAL GRF General Revenue Fund		\$	8,430,840	\$	<u>8,849,558</u>
					<u>11,690,167</u>

General Services Fund Group

4F3 374-603	Affiliate Services	\$	2,941,810	\$	3,067,586
4T2 374-605	Government Television/Telecommunications Operating	\$	75,000	\$	150,000
TOTAL GSF General Services Fund Group		\$	3,016,810	\$	3,217,586
TOTAL ALL BUDGET FUND GROUPS		\$	11,447,650	\$	<u>12,067,144</u>
					<u>14,907,753</u>

STATEHOUSE NEWS BUREAU

The foregoing appropriation item 374-401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO

The foregoing appropriation item 374-402, Ohio Government Telecommunications Studio, shall be used solely to support the operations of the Ohio Government Telecommunications Studio.

OHIO SONET

The foregoing appropriation item 374-403, Ohio SONET, shall be used by the Ohio Educational Telecommunications Network Commission to pay monthly operating expenses and maintenance of the television and radio transmission infrastructure.

TELECOMMUNICATIONS OPERATING SUBSIDY

The foregoing appropriation item 374-404, Telecommunications Operating Subsidy, shall be distributed by the Ohio Educational Telecommunications Network Commission to Ohio's qualified public educational television stations, radio reading services, and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation developed by the Ohio Educational Telecommunications Network Commission.

GOVERNMENT TELEVISION/TELECOMMUNICATIONS OPERATING

Beginning on January 1, 2002, General Service Fund 4T2, Government

Television/Telecommunications Operating, currently under the direction of the Capital Square Review and Advisory Board, shall be transferred to the Ohio Educational Telecommunications Network Commission. The Director of Budget and Management shall transfer, by January 15, 2002, all remaining balances in General Services Fund 4T2, Government Television/Telecommunications Operating, in the Capital Square Review and Advisory Board to General Services Fund 4T2, Government Television/Telecommunications Operating, in the Ohio Educational Telecommunications Network Commission. General Services Fund 4T2, Government Television/Telecommunications Operating, is hereby created in the Ohio Educational Telecommunications Network Commission."

SECTION 68. That existing Section 45 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Am. Sub. H.B. 405 of the 124th General Assembly, is hereby repealed.

SECTION 69. That Section 56.01 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Am. Sub. H.B. 299 of the 124th General Assembly, be amended to read as follows:

" Sec. 56.01. 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, up to \$245,000 in each fiscal year 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.

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 counseling for or 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 that the Department of Health also determines will provide services that are physically and financially separate from abortion-providing and abortion-promoting activities, and that do not include counseling for or 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, by rule, shall 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, while ensuring that a family planning program receiving a family planning grant must be organized so that it is physically and financially separate from the provision of abortion services and from activities promoting abortion as a method of family planning.

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, \$279,000 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, \$50,000 in each fiscal year shall be used for the Tree of Knowledge Learning Center in Cleveland Heights.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in fiscal year 2002 shall be provided to the Suicide Prevention Program of Clermont County.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Discover Health Project.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$75,000 in fiscal year 2002 shall be provided to the Mayerson Center.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Central Clinic at the University of Cincinnati.

IMMUNIZATIONS

Of the foregoing appropriation item 440-418, Immunizations, \$125,000 per fiscal year shall be used to provide vaccinations for Hepatitis B to all qualified underinsured students in the seventh grade who have not been previously immunized.

Of the foregoing appropriation item 440-418, Immunizations, up to \$25,000 in each fiscal year shall be used to provide vaccinations for pneumococcal disease for children between the ages of two and five.

SEXUAL ASSAULT PREVENTION AND INTERVENTION

The foregoing appropriation item 440-419, Sexual Assault Prevention and Intervention, shall be used for the following purposes:

(A) Funding of new services in counties with no services for sexual assault;

(B) Expansion of services provided in currently funded projects so that comprehensive crisis intervention and prevention services are offered;

(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) projects;

(D) Statewide expansion of local outreach and public awareness efforts.

HIV/AIDS PREVENTION/TREATMENT

Of the foregoing appropriation item 440-444, AIDS Prevention and Treatment, \$6.7 million in fiscal year 2002 and \$7.1 million in fiscal year 2003 shall be used to assist persons with HIV/AIDS in acquiring

HIV-related medications.

The HIV Drug Assistance Program is 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 may adopt rules pursuant to Chapter 119. of the Revised Code as necessary for the administration of the program.

INFECTIOUS DISEASE PREVENTION

Notwithstanding section 339.77 of the Revised Code, \$60,000 of the foregoing appropriation item 440-446, Infectious Disease Prevention, 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 339.77 of the Revised Code.

Of the foregoing appropriation item 440-446, Infectious Disease Prevention, ~~\$200,000~~ \$335,000 in each fiscal year shall be used for the purchase of drugs for sexually transmitted diseases.

HELP ME GROW

The foregoing appropriation item 440-459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to counties to implement ~~section 3701.61 of the Revised Code~~ the Help Me Grow program. Appropriation item 440-459 may be used in conjunction with Temporary Assistance for Needy Families from the Department of Job and Family Services, Even Start from the Department of Education, and in conjunction with other early childhood funds and services to promote the optimal development of young children. Local contacts shall be developed between local departments of job and family services and family and children first councils for the administration of TANF funding for the Help Me Grow Program. The Department of Health shall enter into an interagency agreement with the Department of Education to coordinate the planning, design, and grant selection process for any new Even Start grants and to ensure that all new and existing programs within Help Me ~~grow~~ Grow are school linked.

POISON CONTROL NETWORK

The foregoing appropriation item 440-504, Poison Control Network, shall be used in each fiscal year by the Department of Health for grants to the consolidated Ohio Poison Control Center to provide poison control services to Ohio citizens.

TANF FAMILY PLANNING

The Director of Budget and Management shall transfer by intrastate

transfer voucher, no later than the fifteenth day of July of each fiscal year, cash from the General Revenue Fund, appropriation item 600-410, TANF State, to General Services Fund 5C1 in the Department of Health, in an amount of \$250,000 in each fiscal year 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.

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.

TITLE XX TRANSFER

Of the foregoing appropriation item 440-611, Title XX Transfer (Fund 3W5), \$500,000 in each fiscal year, to the extent funds are available based on deposits made pursuant to Section 63.09 of ~~this act~~ Am. Sub. H.B. 94 of the 124th General Assembly, shall be used 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. The guidelines shall be developed pursuant to Title V of the "Social Security Act," 42 U.S.C. 510, and shall include, but are not to be limited to, advertising campaigns and direct training in schools and other locations.

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. None

f these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

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.

SAFETY AND QUALITY OF CARE STANDARDS

The Department of Health may use Fund 471, Certificate of Need, for administering sections 3702.11 to 3702.20 and 3702.30 of the Revised Code in each fiscal year.

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 Medically Handicapped Children's Program 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. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

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.

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."

SECTION 70. That existing Section 56.01 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Am. Sub. H.B. 299 of the 124th General Assembly, is hereby repealed.

SECTION 71. That Section 63.09 of Am. Sub. H.B. 94 of the 124th General Assembly, as most recently amended by Am. Sub. H.B. 405 of the 124th General Assembly, be amended to read as follows:

" Sec. 63.09. TANF

TANF COUNTY INCENTIVES

Of the foregoing appropriation item 600-689, TANF Block Grant, the Department of Job and Family Services may provide financial incentives to those county departments of job and family 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 benefits and services under Chapter 5108. of the Revised Code or, on request by the county and approval by the Department of Job and Family Services, be transferred to the Child Care and Development Fund or the Social Services Block Grant. The county departments of job and family 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 job and family services shall file an annual report with the 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 benefits and services under Chapter 5108. of the Revised Code.

TANF YOUTH DIVERSION PROGRAMS

Of the foregoing appropriation item 600-689, TANF Block Grant, \$19,500,000 in each fiscal year shall be allocated by the Department of Job and Family Services to the counties according to the allocation formula established in division (D) of section 5101.14 of the Revised Code. Of the funds allocated to each county, up to half may be used for contract services

for unruly and misdemeanor diversionary programs.

The remaining funds not allocated for use in juvenile diversion activities may be used by the county for other contract child welfare services. In counties with separate departments of job and family services and public children services agencies, the county department of job and family services shall serve as a pass through to the public children services agencies for these funds. Separate public children services agencies receiving such funds shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and are responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

Of the foregoing \$19,500,000 set aside, any funds remaining unspent on June 30, 2002, shall be carried forward and added to the earmark for fiscal year 2003, and allocated to the counties according to the allocation formula established in division (D) of section 5101.14 of the Revised Code.

KINSHIP NAVIGATORS

Of the foregoing appropriation item 600-689, TANF Block Grant, up to \$3 million in each fiscal year shall be allocated by the Department of Job and Family Services to county departments of job and family services for the purpose of making allocations to local public children services agencies to provide services in the Kinship Navigation program. The allocation to county departments of job and family services shall be based on the number of Ohio works first cases in the county, and the number of children seventeen years of age or younger in the county. The Department of Job and Family Services shall develop an appropriate method of reallocating these funds in each fiscal year among the county departments of job and family services, if they would otherwise be unspent.

TANF FAITH-BASED AND NON-PROFIT CAPACITY-BUILDING PROGRAMS

From the foregoing appropriation item 600-689, TANF Block Grant, up to \$1,000,000 in each fiscal year shall be used to support capacity-building efforts among faith-based and non-profit organizations, for the purpose of providing allowable services to TANF-eligible individuals. Organizations receiving these funds shall comply with all TANF requirements, and shall agree with the Department of Job and Family Services on reporting requirements to be incorporated into the grant agreement.

TANF EDUCATION

There is hereby established the Title IV-A Education Program to be

administered by the Department of Education in accordance with an interagency agreement entered into with the Department of Job and Family Services under division (A)(2) of section 5101.801 of the Revised Code. The program shall provide benefits and services to TANF eligible individuals with incomes at or below 200 per cent of the federal poverty guidelines under a Title IV-A program pursuant to the requirements of section 5101.801 of the Revised Code. Upon approval by the Department of Job and Family Services, the Department of Education shall adopt policies and procedures establishing program requirements for eligibility, services, fiscal accountability, and other criteria necessary to comply with the provisions of Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

The Department of Job and Family Services shall reimburse the General Revenue Fund through intrastate transfer vouchers for allowable Title IV-A Head Start expenditures reported by the Department of Education ~~in fiscal year 2002~~ during the fiscal year 2002-2003 biennium by ~~amounts up to \$76,156,175~~ an amount not to exceed \$175,000,000 from Fund 3V6, TANF Block Grant, ~~and in fiscal year 2003, up to \$98,843,825 from Fund 3V6, TANF Block Grant.~~ The Department of Job and Family Services shall reimburse the General Revenue Fund through intrastate transfer vouchers for allowable Title IV-A student intervention services expenditures in fiscal year 2003 up to \$35,000,000 from Fund 3V6, TANF Block Grant.

**COUNTY DEPARTMENTS OF JOB AND FAMILY SERVICES
TITLE IV-A ADULT LITERACY AND CHILD READING PROGRAMS**

There is hereby established the Title IV-A Adult Literacy and Child Reading Program to be administered by the county departments of job and family services in accordance with division (B)(1) of section 5101.801 of the Revised Code. The program shall provide benefits and services to TANF-eligible individuals with incomes at or below 200 per cent of the federal poverty guidelines under a Title IV-A program pursuant to the requirements of section 5101.801 of the Revised Code. The county departments of job and family services shall ensure program requirements for eligibility, services, fiscal accountability, and other criteria necessary to comply with the provisions of Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, and ensure that benefits and services are allowable uses of federal Title IV-A funds as specified in 42 U.S.C.A. 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a). The benefits and services shall be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of "assistance." From the foregoing appropriation item 600-689, TANF Block Grant, up to

\$5,000,000 in each fiscal year shall be used to support local adult literacy and child reading programs.

TALBERT HOUSE

In each fiscal year, the Director of Job and Family Services shall provide \$100,500 from appropriation item 600-689, TANF Block Grant, to the Hamilton County Department of Job and Family Services to contract with the Talbert House for the purpose of providing allowable services to TANF-eligible individuals with incomes at or below 200 per cent of the federal poverty guidelines. The contract between the Hamilton County Department of Job and Family Services and the Talbert House shall establish conditions for the reimbursement of allowable Title IV-A expenditures for services that are allowable uses of federal Title IV-A funds as specified in 42 U.S.C.A. 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a). The benefits and services shall be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of "assistance." The contract shall also require Talbert House to comply with requirements of Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, including eligibility of individuals, reporting requirements, allowable benefits and services, use of funds, and audit requirements, as specified in state and federal laws, federal regulations, state rules, federal Office of Management and Budget circulars, and the Title IV-A state plan.

MONTGOMERY COUNTY OUT-OF-SCHOOL YOUTH PROJECT

In each fiscal year, the Director of Job and Family Services shall provide \$1,000,000 from appropriation item 600-689, TANF Block Grant, to the Montgomery County Department of Job and Family Services to be used to support the Out-of-School Youth Project in Montgomery County for the purpose of providing allowable services to TANF-eligible individuals. The Montgomery County Department of Job and Family Services and the Sinclair Community College shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan.

APPALACHIAN TECHNOLOGY AND WORKFORCE DEVELOPMENT

From the foregoing appropriation item 600-689, TANF Block Grant, the Director of Job and Family Services shall provide up to \$15,000,000 to be awarded to the county departments of job and family services in the twenty-nine Appalachian counties. Each county shall be eligible to apply for an initial grant, or grants, the cumulative amount of which shall not exceed \$500,000 per county. These funds shall be used by the county departments

of job and family services in coordination with the Governor's Office of Appalachia, the Governor's Regional Economic Office, and local development districts. These funds shall be used for the following eligible activities: workforce development and supportive services; microenterprise development and other entrepreneurship activities; technology expansion, technical assistance, and training; youth job training; and improving existing technology centers, job creation and retention, purchasing technology, and technology upgrades. The funds may be used to leverage other state and local funds for eligible activities.

As a condition on the use of these funds, each county department of job and family services shall have a committee that shall submit a plan for the intended use of these funds to the Governor's Office of Appalachia. The plan shall be reviewed by the Governor's Office of Appalachia, which may approve or disapprove the plan in whole or in part. The Governor's Office of Appalachia shall forward each final, approved plan to the Department of Job and Family Services. The plan must be developed and submitted by a county committee that includes, at a minimum, a county commissioner; a mayor of a municipality in the county; an economic development official from the county, local political subdivision, or development district; a representative of a chamber of commerce or a port authority in the county; a local or regional community action representative; and a representative from the county department of job and family services.

The Governor's Office of Appalachia shall develop guidelines for the submission and approval of plans, guidelines for quarterly monitoring and reporting on program activities after funds are awarded, and any other guidelines necessary for the administration of the program. The Department of Job and Family Services shall provide technical assistance and advice to the Governor's Office of Appalachia to facilitate the administration of the funds. The Governor's Office of Appalachia shall develop guidelines for the reallocation of unawarded funds.

Also as a condition on the use of these funds, each county shall acknowledge that these funds are a one-time allocation, not intended to fund services beyond June 30, 2003.

In fiscal year 2002, the TANF allocation to each of the Appalachian counties shall not be less than the TANF allocation amount for fiscal year 2001, as allocated according to the methodology set forth in paragraph (I) of rule 5101-6-03 of the Administrative Code.

The use of these funds shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan.

CENTER FOR FAMILY AND CHILDREN

Of the foregoing appropriation item 600-689, TANF Block Grant, \$150,000 in fiscal year 2002 shall be provided to the Center for Family and Children.

TANF FAMILY PLANNING

The Director of Budget and Management shall transfer by intrastate voucher, no later than the fifteenth day of July of each fiscal year, cash from the General Revenue Fund, appropriation item 600-410, TANF State, to General Services Fund 5C1 in the Department of Health, in an amount of \$250,000 in each fiscal year 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.

TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS

From the foregoing appropriation items 600-410, TANF State; 600-658, Child Support Collections; or 600-689, TANF Block Grant, or a combination of these appropriation items, no less than \$369,040,735 in each fiscal year shall be allocated to county departments of job and family services as follows:

County Allocations	\$276,586,957
WIA Supplement	\$35,109,178
Early Start - Statewide	\$38,034,600
Transportation	\$5,000,000
County Training	\$3,050,000
Adult Literacy and Child	
Reading Programs	\$5,000,000
Disaster Relief	\$5,000,000
School Readiness Centers	\$1,260,000

Upon the request of the Department of Job and Family Services, the Director of Budget and Management may seek Controlling Board approval to increase appropriations in appropriation item 600-689, TANF Block Grant, provided sufficient Federal TANF Block Grant funds exist to do so, without any corresponding decrease in other appropriation items. The Department of Job and Family Services shall provide the Office of Budget and Management and the Controlling Board 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 and Development Block Grant from either unobligated prior year appropriation authority in appropriation item 400-411, TANF Federal Block Grant, or 600-411, TANF Federal Block Grant, or from fiscal year 2002 and

fiscal year 2003 appropriation authority in item 600-689, TANF Block Grant, shall be done ten days after the Department of Job and Family Services gives written notice to the Office of Budget and Management. 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 and Development Block Grant.

The Department of Job and Family Services shall in each fiscal year of the biennium transfer the maximum amount of funds from the federal TANF Block Grant to the federal Social Services Block Grant as permitted under federal law. Not later than July 15, 2001, the Department of Job and Family Services shall draw \$60,000,000 in receipts from TANF funds that were transferred into the Social Services Block Grant into State Special Revenue Fund 5Q8, in the Office of Budget and Management. Not later than June 1, 2002, the Director of Budget and Management shall determine the amount of funds in State Special Revenue Fund 5Q8 that is needed for the purpose of balancing the General Revenue Fund, and may transfer that amount to the General Revenue Fund. Not later than June 1, 2003, the Director of Budget and Management shall determine the amount of funds in State Special Revenue Fund 5Q8 that is needed for the purpose of balancing the General Revenue Fund, and may transfer that amount to the General Revenue Fund. Any moneys remaining in State Special Revenue Fund 5Q8 on June 15, 2003, shall be transferred not later than June 20, 2003, to Fund 3V6, TANF Block Grant, in the Department of Job and Family Services.

Before the thirtieth day of September of each fiscal year, the Department of Job and Family Services shall file claims with the United States Department of Health and Human Services for reimbursement for all allowable expenditures for services provided by the Department of Job and Family Services, or other agencies that may qualify for Social Services Block Grant funding pursuant to Title XX of the Social Security Act. The Department of Job and Family Services shall deposit, into Fund 5E6, State Option Food Stamps, \$6 million, into Fund 5P4, TANF Child Welfare, \$7.5 million, into Fund 3W5, Health Care Services, \$500,000, into Fund 3W8, Hippy Program, \$62,500, and into Fund 3W9, Adoption Connection, \$50,000 and deposit in fiscal year 2002, into Fund 3W2, Title XX Vocational Rehabilitation, \$600,000, into Fund 162 in the Department of Natural Resources, \$7,885,349, and into Fund 3W3, Adult Special Needs, \$4,720,227 in receipts from TANF Block Grant funds credited to the Social Services Block Grant. In fiscal year 2003, if, pursuant to federal law, the state is allowed to transfer up to 10 per cent of the TANF block grant and no

less than \$72,796,826 for the purposes of reimbursing allowable expenditures for services provided by the Department of Job and Family Services, or other agencies that may qualify for Social Services Block Grant funding pursuant to Title XX of the Social Security Act, then the Department of Job and Family Services shall deposit \$6 million into Fund 5E6, State Option Food Stamps, \$7.5 million into Fund 5P4 TANF Child Welfare, \$897,052 into Fund 3W2, Title XX Vocational Rehabilitation, and \$500,000 into Fund 3W5, Health Care Services. To the extent that the amount allowed to be transferred is less than the \$72,796,826, then the amounts deposited into the above funds shall be reduced proportionally. On verification of the receipt of the above revenue, the funds provided by these transfers shall be used as follows:

Fund 5E6	
Second Harvest Food Bank in fiscal year 2002	\$4,500,000
Second Harvest Food Bank in fiscal year 2003	\$4,500,000
Child Nutrition Services in fiscal year 2002	\$900,000
Child Nutrition Services in fiscal year 2003	\$900,000
Ohio Alliance of Boys and Girls Clubs in fiscal year 2002	\$600,000
Ohio Alliance of Boys and Girls Clubs in fiscal year 2003	\$600,000
Fund 5P4	
Support and Expansion for PCSA Activities in fiscal year 2002	\$5,500,000
Support and Expansion for PCSA Activities in fiscal year 2003	\$5,500,000
Pilot Projects for Violent and Aggressive Youth in fiscal year 2002	\$2,000,000
Pilot Projects for Violent and Aggressive Youth in fiscal year 2003	\$2,000,000
Fund 3W2	
Title XX Vocational Rehabilitation in fiscal year 2002	\$600,000
Fund 3W3	
Adult Protective Services in fiscal year 2002	\$120,227
Non-TANF Adult Assistance in fiscal year 2002	\$1,000,000
Community-Based Correctional Facilities in fiscal year 2002	\$3,600,000
Fund 162	
CCC Operations in fiscal year 2002	\$7,885,349

Fund 3W5	
Abstinence-only Education in fiscal year 2002	\$500,000
Abstinence-only Education in fiscal year 2003	\$500,000
Fund 3W8	
Hippy Program	\$62,500
Fund 3W9	
Adoption Connection	\$50,000

WELLNESS

The foregoing appropriation item 600-690, Wellness, shall be used by county departments of job and family services for teen pregnancy prevention programming. Local contracts shall be developed between county departments of job and family services and local family and children first councils for the administration of TANF funding for this program."

SECTION 72. That existing Section 63.09 of Am. Sub. H.B. 94 of the 124th General Assembly, as most recently amended by Am. Sub. H.B. 405 of the 124th General Assembly, is hereby repealed.

SECTION 73. That Section 30 of Am. Sub. H.B. 405 of the 124th General Assembly be amended to read as follows:

" Sec. 30. TRANSFERS ~~FROM~~ TO THE BUDGET STABILIZATION FUND

Within ten working days after the end of fiscal year 2003, the Director of Budget and Management shall determine the General Revenue Fund tax revenues for fiscal year 2003. If the director finds that the tax revenues are greater than ~~\$17,037,900,000~~ \$17,263,500,000, the director shall transfer the amount that is in excess of ~~\$17,037,900,000~~ \$17,263,500,000 from the General Revenue Fund to the Budget Stabilization Fund."

SECTION 74. That existing Section 30 of Am. Sub. H.B. 405 of the 124th General Assembly is hereby repealed.

SECTION 75. Except as otherwise specifically provided in this act, the codified and uncodified sections of law amended or enacted by this act, and the items of law of which the codified and uncodified sections of law amended or enacted by 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 and uncodified sections of law amended

or enacted by this act, and the items of law of which the codified and uncodified sections 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 or uncodified section of law as amended or enacted by this act, or against any item of law of which any such codified or uncodified section of law as amended or enacted by this act is composed, the codified or 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 76. The amendments by this act to Sections 13, 13.01, 13.05, 13.12, 32, 45, 56.01, 63.09, and 69 of Am. Sub. H.B. 94 of the 124th General Assembly are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendments go into immediate effect when this act becomes law.

SECTION 77. The amendment by this act to Section 30 of Am. Sub. H.B. 405 of the 124th General Assembly is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendment goes into immediate effect when this act becomes law.

SECTION 78. Section 55 of this act is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the section goes into immediate effect when this act becomes law.

SECTION 79. 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 _____