

As Passed by the Senate*

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 675

**REPRESENTATIVES Calvert, Hoops, DeWine, Gilb, Faber, Schmidt, Hughes,
Clancy, Raga, Webster, Peterson, Husted, Hartnett, Kearns, R. Miller, Evans,
Collier, Barrett, Allen, Jolivette, Buehrer, Seitz, Flowers, Hollister, Hagan,
Latta, Carmichael
SENATORS Amstutz, Spada, Carnes, Coughlin**

A B I L L

To amend sections 102.02, 109.71, 109.77, 122.171, 1
123.024, 123.10, 124.381, 124.82, 133.20, 145.01, 2
145.012, 145.33, 151.01, 151.40, 152.09, 152.10, 3
166.01, 166.02, 166.03, 166.04, 166.05, 166.06, 4
166.07, 166.08, 166.11, 183.021, 183.19, 183.30, 5
307.23, 715.02, 1561.351, 1565.04, 1565.15, 6
1711.11, 1711.53, 2113.031, 2901.01, 2921.51, 7
2935.01, 2935.03, 2935.031, 3318.01, 3318.011, 8
3318.03, 3318.031, 3318.032, 3318.033, 3318.042, 9
3318.08, 3318.084, 3318.086, 3318.10, 3318.12, 10
3318.15, 3318.19, 3318.25, 3318.26, 3318.311, 11
3318.36, 3354.16, 3355.12, 3357.16, 3383.01, 12
3383.02, 3383.03, 3519.04, 3702.5210, 3702.5211, 13
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4123.01, 4123.35, 4582.03, 4582.20, 4582.27, 15
4582.30, 4582.46, 5709.61, 5715.20, 5717.01, 16
5731.21, 5733.021, 5733.26, 5733.40, 5733.401, 17
5739.031, 5747.01, 5747.02, 5902.02, 5902.05, 18
5907.01, 5907.02, 5907.021, 5907.022, 5907.03, 19
5907.04, 5907.05, 5907.06, 5907.07, 5907.08, 20
5907.09, 5907.10, 5907.11, 5907.12, 5907.13, 21

5907.131, 5907.14, 5907.141, 5907.15, 6103.02, and 22
6103.25; to enact new section 5747.231 and sections 23
152.101, 166.12, 166.13, 166.14, 166.15, 166.16, 24
184.01, 184.02, 184.03, 307.675, 718.151, 3318.40, 25
3318.41, 3318.42, 3318.43, 3318.44, 3318.45, 26
3318.46, 3385.01, 3385.02, 3385.03, 3385.04, 27
3385.05, 3385.06, 3385.07, 3385.08, 3385.09, 28
3385.10, 5747.011, 5747.012, and 5907.023; to 29
repeal sections 183.20, 183.21, 183.22, 183.23, 30
183.24, 183.25, and 5747.231 of the Revised Code; 31
and to amend Section 9 of Am. Sub. S.B. 242 of the 32
124th General Assembly to repeal Section 25 of Am. 33
Sub. S.B. 261 of the 124th General Assembly to make 34
capital appropriations, to modify other 35
appropriations for the biennium ending June 30, 36
2004, and to provide authorization and conditions 37
for the operation of state programs; to amend the 38
version of section 2935.03 of the Revised Code that 39
is scheduled to take effect January 1, 2004, to 40
continue the provisions of this act on and after 41
that effective date; to amend the versions of 42
sections 5739.026 and 5739.033 of the Revised Code 43
that are scheduled to take effect July 1, 2003, to 44
continue the provisions of this act on and after 45
that effective date; and to repeal Section 32.01 of 46
this act on July 1, 2003. 47

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

Section 1.01. That sections 102.02, 109.71, 109.77, 122.171, 48
123.024, 123.10, 124.381, 124.82, 133.20, 145.01, 145.012, 145.33, 49
151.01, 151.40, 152.09, 152.10, 166.01, 166.02, 166.03, 166.04, 50
166.05, 166.06, 166.07, 166.08, 166.11, 183.021, 183.19, 183.30, 51

307.23, 715.02, 1561.351, 1565.04, 1565.15, 1711.11, 1711.53, 52
2113.031, 2901.01, 2921.51, 2935.01, 2935.03, 2935.031, 3318.01, 53
3318.011, 3318.03, 3318.031, 3318.032, 3318.033, 3318.042, 54
3318.08, 3318.084, 3318.086, 3318.10, 3318.12, 3318.15, 3318.19, 55
3318.25, 3318.26, 3318.311, 3318.36, 3354.16, 3355.12, 3357.16, 56
3383.01, 3383.02, 3383.03, 3519.04, 3702.5210, 3702.5211, 57
3702.5213, 3721.01, 3737.71, 4117.01, 4117.14, 4123.01, 4123.35, 58
4582.03, 4582.20, 4582.27, 4582.30, 4582.46, 5709.61, 5715.20, 59
5717.01, 5731.21, 5733.021, 5733.26, 5733.40, 5733.401, 5739.031, 60
5747.01, 5747.02, 5902.02, 5902.05, 5907.01, 5907.02, 5907.021, 61
5907.022, 5907.03, 5907.04, 5907.05, 5907.06, 5907.07, 5907.08, 62
5907.09, 5907.10, 5907.11, 5907.12, 5907.13, 5907.131, 5907.14, 63
5907.141, 5907.15, 6103.02, and 6103.25 be amended and new section 64
5747.231 and sections 152.101, 166.12, 166.13, 166.14, 166.15, 65
166.16, 184.01, 184.02, 184.03, 307.675, 718.151, 3318.40, 66
3318.41, 3318.42, 3318.43, 3318.44, 3318.45, 3318.46, 3385.01, 67
3385.02, 3385.03, 3385.04, 3385.05, 3385.06, 3385.07, 3385.08, 68
3385.09, 3385.10, 5747.011, 5747.012, and 5907.023 of the Revised 69
Code be enacted to read as follows: 70

Sec. 102.02. (A) Except as otherwise provided in division (H) 71
of this section, every person who is elected to or is a candidate 72
for a state, county, or city office, or the office of member of 73
the United States congress, and every person who is appointed to 74
fill a vacancy for an unexpired term in such an elective office; 75
all members of the state board of education; the director, 76
assistant directors, deputy directors, division chiefs, or persons 77
of equivalent rank of any administrative department of the state; 78
the president or other chief administrative officer of every state 79
institution of higher education as defined in section 3345.011 of 80
the Revised Code; the chief executive officer of each state 81
retirement system; all members of the board of commissioners on 82
grievances and discipline of the supreme court and the ethics 83

commission created under section 102.05 of the Revised Code; every 84
business manager, treasurer, or superintendent of a city, local, 85
exempted village, joint vocational, or cooperative education 86
school district or an educational service center; every person who 87
is elected to or is a candidate for the office of member of a 88
board of education of a city, local, exempted village, joint 89
vocational, or cooperative education school district or of a 90
governing board of an educational service center that has a total 91
student count of twelve thousand or more as most recently 92
determined by the department of education pursuant to section 93
3317.03 of the Revised Code; every person who is appointed to the 94
board of education of a municipal school district pursuant to 95
division (B) or (F) of section 3311.71 of the Revised Code; all 96
members of the board of directors of a sanitary district 97
established under Chapter 6115. of the Revised Code and organized 98
wholly for the purpose of providing a water supply for domestic, 99
municipal, and public use that includes two municipal corporations 100
in two counties; every public official or employee who is paid a 101
salary or wage in accordance with schedule C of section 124.15 or 102
schedule E-2 of section 124.152 of the Revised Code; members of 103
the board of trustees and the executive director of the tobacco 104
use prevention and control foundation; members of the board of 105
trustees and the executive director of the southern Ohio 106
agricultural and community development foundation; ~~members and the~~ 107
~~executive director of the biomedical research and technology~~ 108
~~transfer commission;~~ and every other public official or employee 109
who is designated by the appropriate ethics commission pursuant to 110
division (B) of this section shall file with the appropriate 111
ethics commission on a form prescribed by the commission, a 112
statement disclosing all of the following: 113

(1) The name of the person filing the statement and each 114
member of the person's immediate family and all names under which 115
the person or members of the person's immediate family do 116

business;

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(2)(a) Subject to divisions (A)(2)(b) and (c) of this section
and except as otherwise provided in section 102.022 of the Revised
Code, identification of every source of income, other than income
from a legislative agent identified in division (A)(2)(b) of this
section, received during the preceding calendar year, in the
person's own name or by any other person for the person's use or
benefit, by the person filing the statement, and a brief
description of the nature of the services for which the income was
received. If the person filing the statement is a member of the
general assembly, the statement shall identify the amount of every
source of income received in accordance with the following ranges
of amounts: zero or more, but less than one thousand dollars; one
thousand dollars or more, but less than ten thousand dollars; ten
thousand dollars or more, but less than twenty-five thousand
dollars; twenty-five thousand dollars or more, but less than fifty
thousand dollars; fifty thousand dollars or more, but less than
one hundred thousand dollars; and one hundred thousand dollars or
more. Division (A)(2)(a) of this section shall not be construed to
require a person filing the statement who derives income from a
business or profession to disclose the individual items of income
that constitute the gross income of that business or profession,
except for those individual items of income that are attributable
to the person's or, if the income is shared with the person, the
partner's, solicitation of services or goods or performance,
arrangement, or facilitation of services or provision of goods on
behalf of the business or profession of clients, including
corporate clients, who are legislative agents as defined in
section 101.70 of the Revised Code. A person who files the
statement under this section shall disclose the identity of and
the amount of income received from a person who the public
official or employee knows or has reason to know is doing or

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seeking to do business of any kind with the public official's or 149
employee's agency. 150

(b) If the person filing the statement is a member of the 151
general assembly, the statement shall identify every source of 152
income and the amount of that income that was received from a 153
legislative agent, as defined in section 101.70 of the Revised 154
Code, during the preceding calendar year, in the person's own name 155
or by any other person for the person's use or benefit, by the 156
person filing the statement, and a brief description of the nature 157
of the services for which the income was received. Division 158
(A)(2)(b) of this section requires the disclosure of clients of 159
attorneys or persons licensed under section 4732.12 of the Revised 160
Code, or patients of persons certified under section 4731.14 of 161
the Revised Code, if those clients or patients are legislative 162
agents. Division (A)(2)(b) of this section requires a person 163
filing the statement who derives income from a business or 164
profession to disclose those individual items of income that 165
constitute the gross income of that business or profession that 166
are received from legislative agents. 167

(c) Except as otherwise provided in division (A)(2)(c) of 168
this section, division (A)(2)(a) of this section applies to 169
attorneys, physicians, and other persons who engage in the 170
practice of a profession and who, pursuant to a section of the 171
Revised Code, the common law of this state, a code of ethics 172
applicable to the profession, or otherwise, generally are required 173
not to reveal, disclose, or use confidences of clients, patients, 174
or other recipients of professional services except under 175
specified circumstances or generally are required to maintain 176
those types of confidences as privileged communications except 177
under specified circumstances. Division (A)(2)(a) of this section 178
does not require an attorney, physician, or other professional 179
subject to a confidentiality requirement as described in division 180

(A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank,

savings and loan association, credit union, or building and loan
association with which the person filing the statement has a
deposit or a withdrawable share account.

(4) All fee simple and leasehold interests to which the
person filing the statement holds legal title to or a beneficial
interest in real property located within the state, excluding the
person's residence and property used primarily for personal
recreation;

(5) The names of all persons residing or transacting business
in the state to whom the person filing the statement owes, in the
person's own name or in the name of any other person, more than
one thousand dollars. Division (A)(5) of this section shall not be
construed to require the disclosure of debts owed by the person
resulting from the ordinary conduct of a business or profession or
debts on the person's residence or real property used primarily
for personal recreation, except that the superintendent of
financial institutions shall disclose the names of all
state-chartered savings and loan associations and of all service
corporations subject to regulation under division (E)(2) of
section 1151.34 of the Revised Code to whom the superintendent in
the superintendent's own name or in the name of any other person
owes any money, and that the superintendent and any deputy
superintendent of banks shall disclose the names of all
state-chartered banks and all bank subsidiary corporations subject
to regulation under section 1109.44 of the Revised Code to whom
the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business
in the state, other than a depository excluded under division
(A)(3) of this section, who owe more than one thousand dollars to
the person filing the statement, either in the person's own name
or to any person for the person's use or benefit. Division (A)(6)
of this section shall not be construed to require the disclosure

of clients of attorneys or persons licensed under section 4732.12
or 4732.15 of the Revised Code, or patients of persons certified
under section 4731.14 of the Revised Code, nor the disclosure of
debts owed to the person resulting from the ordinary conduct of a
business or profession.

(7) Except as otherwise provided in section 102.022 of the
Revised Code, the source of each gift of over seventy-five
dollars, or of each gift of over twenty-five dollars received by a
member of the general assembly from a legislative agent, received
by the person in the person's own name or by any other person for
the person's use or benefit during the preceding calendar year,
except gifts received by will or by virtue of section 2105.06 of
the Revised Code, or received from spouses, parents, grandparents,
children, grandchildren, siblings, nephews, nieces, uncles, aunts,
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law,
fathers-in-law, mothers-in-law, or any person to whom the person
filing the statement stands in loco parentis, or received by way
of distribution from any inter vivos or testamentary trust
established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 of the
Revised Code, identification of the source and amount of every
payment of expenses incurred for travel to destinations inside or
outside this state that is received by the person in the person's
own name or by any other person for the person's use or benefit
and that is incurred in connection with the person's official
duties, except for expenses for travel to meetings or conventions
of a national or state organization to which any state agency,
including, but not limited to, any legislative agency or state
institution of higher education as defined in section 3345.011 of
the Revised Code, pays membership dues, or any political
subdivision or any office or agency of a political subdivision
pays membership dues;

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(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the financial disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code. As used in division (A)(10) of this section, "legislative agent," "executive agency lobbyist," and "employer" have the same meanings as in sections 101.70 and 121.60 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy

is to be voted on, whichever election occurs soonest, except that
a person who is a write-in candidate shall file the statement no
later than the twentieth day before the earliest election at which
the person's candidacy is to be voted on. A person who holds
elective office shall file the statement on or before the
fifteenth day of April of each year unless the person is a
candidate for office. A person who is appointed to fill a vacancy
for an unexpired term in an elective office shall file the
statement within fifteen days after the person qualifies for
office. Other persons shall file an annual statement on or before
the fifteenth day of April or, if appointed or employed after that
date, within ninety days after appointment or employment. No
person shall be required to file with the appropriate ethics
commission more than one statement or pay more than one filing fee
for any one calendar year.

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The appropriate ethics commission, for good cause, may extend
for a reasonable time the deadline for filing a statement under
this section.

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A statement filed under this section is subject to public
inspection at locations designated by the appropriate ethics
commission except as otherwise provided in this section.

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(B) The Ohio ethics commission, the joint legislative ethics
committee, and the board of commissioners on grievances and
discipline of the supreme court, using the rule-making procedures
of Chapter 119. of the Revised Code, may require any class of
public officials or employees under its jurisdiction and not
specifically excluded by this section whose positions involve a
substantial and material exercise of administrative discretion in
the formulation of public policy, expenditure of public funds,
enforcement of laws and rules of the state or a county or city, or
the execution of other public trusts, to file an annual statement
on or before the fifteenth day of April under division (A) of this

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section. The appropriate ethics commission shall send the public
officials or employees written notice of the requirement by the
fifteenth day of February of each year the filing is required
unless the public official or employee is appointed after that
date, in which case the notice shall be sent within thirty days
after appointment, and the filing shall be made not later than
ninety days after appointment.

Except for disclosure statements filed by members of the
board of trustees and the executive director of the tobacco use
prevention and control foundation, and members of the board of
trustees and the executive director of the southern Ohio
agricultural and community development foundation, ~~and members and
the executive director of the biomedical research and technology
transfer commission~~, disclosure statements filed under this
division with the Ohio ethics commission by members of boards,
commissions, or bureaus of the state for which no compensation is
received other than reasonable and necessary expenses shall be
kept confidential. Disclosure statements filed with the Ohio
ethics commission under division (A) of this section by business
managers, treasurers, and superintendents of city, local, exempted
village, joint vocational, or cooperative education school
districts or educational service centers shall be kept
confidential, except that any person conducting an audit of any
such school district or educational service center pursuant to
section 115.56 or Chapter 117. of the Revised Code may examine the
disclosure statement of any business manager, treasurer, or
superintendent of that school district or educational service
center. The Ohio ethics commission shall examine each disclosure
statement required to be kept confidential to determine whether a
potential conflict of interest exists for the person who filed the
disclosure statement. A potential conflict of interest exists if
the private interests of the person, as indicated by the person's

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disclosure statement, might interfere with the public interests 373
the person is required to serve in the exercise of the person's 374
authority and duties in the person's office or position of 375
employment. If the commission determines that a potential conflict 376
of interest exists, it shall notify the person who filed the 377
disclosure statement and shall make the portions of the disclosure 378
statement that indicate a potential conflict of interest subject 379
to public inspection in the same manner as is provided for other 380
disclosure statements. Any portion of the disclosure statement 381
that the commission determines does not indicate a potential 382
conflict of interest shall be kept confidential by the commission 383
and shall not be made subject to public inspection, except as is 384
necessary for the enforcement of Chapters 102. and 2921. of the 385
Revised Code and except as otherwise provided in this division. 386

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(C) No person shall knowingly fail to file, on or before the 388
applicable filing deadline established under this section, a 389
statement that is required by this section. 390

(D) No person shall knowingly file a false statement that is 391
required to be filed under this section. 392

(E)(1) Except as provided in divisions (E)(2) and (3) of this 393
section, the statement required by division (A) or (B) of this 394
section shall be accompanied by a filing fee of twenty-five 395
dollars. 396

(2) The statement required by division (A) of this section 397
shall be accompanied by a filing fee to be paid by the person who 398
is elected or appointed to, or is a candidate for, any of the 399
following offices: 400

For state office, except member of		401
state board of education	\$50	402
For office of member of United States		403
congress or member of general assembly	\$25	404

For county office	\$25	405
For city office	\$10	406
For office of member of state board of education	\$20	407 408
For office of member of city, local, exempted village, or cooperative education board of education or educational service center governing board	\$ 5	409 410 411 412 413
For position of business manager, treasurer, or superintendent of city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$ 5	414 415 416 417 418 419

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee equal to one-half of the applicable filing fee for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed one hundred dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

Sec. 109.71. There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one

member who is the special agent in charge of a field office of the 468
federal bureau of investigation in this state; and one member from 469
the department of education, trade and industrial education 470
services, law enforcement training. 471

As used in sections 109.71 to 109.77 of the Revised Code: 472

(A) "Peace officer" means: 473

(1) A deputy sheriff, marshal, deputy marshal, member of the 474
organized police department of a township or municipal 475
corporation, member of a township police district or joint 476
township police district police force, member of a police force 477
employed by a metropolitan housing authority under division (D) of 478
section 3735.31 of the Revised Code, or township constable, who is 479
commissioned and employed as a peace officer by a political 480
subdivision of this state or by a metropolitan housing authority, 481
and whose primary duties are to preserve the peace, to protect 482
life and property, and to enforce the laws of this state, 483
ordinances of a municipal corporation, resolutions of a township, 484
or regulations of a board of county commissioners or board of 485
township trustees, or any of those laws, ordinances, resolutions, 486
or regulations; 487

(2) A police officer who is employed by a railroad company 488
and appointed and commissioned by the governor pursuant to 489
sections 4973.17 to 4973.22 of the Revised Code; 490

(3) Employees of the department of taxation engaged in the 491
enforcement of Chapter 5743. of the Revised Code and designated by 492
the tax commissioner for peace officer training for purposes of 493
the delegation of investigation powers under section 5743.45 of 494
the Revised Code; 495

(4) An undercover drug agent; 496

(5) Enforcement agents of the department of public safety 497
whom the director of public safety designates under section 498

5502.14 of the Revised Code;	499
(6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a park officer designated pursuant to section 1541.10, a forest officer designated pursuant to section 1503.29, a preserve officer designated pursuant to section 1517.10, a wildlife officer designated pursuant to section 1531.13, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code;	500 501 502 503 504 505 506 507
(7) An employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code;	508 509
(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	510 511
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the governor pursuant to sections 4973.17 to 4973.22 of the Revised Code;	512 513 514 515 516
(10) Ohio veterans' home <u>Veterans' homes</u> police officers designated under section 5907.02 of the Revised Code;	517 518
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	519 520 521
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training council attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	522 523 524 525 526 527 528 529

(13) A special police officer employed by the department of 530
mental health pursuant to section 5119.14 of the Revised Code or 531
the department of mental retardation and developmental 532
disabilities pursuant to section 5123.13 of the Revised Code; 533

(14) A member of a campus police department appointed under 534
section 1713.50 of the Revised Code; 535

(15) A member of a police force employed by a regional 536
transit authority under division (Y) of section 306.35 of the 537
Revised Code; 538

(16) Investigators appointed by the auditor of state pursuant 539
to section 117.091 of the Revised Code and engaged in the 540
enforcement of Chapter 117. of the Revised Code; 541

(17) A special police officer designated by the 542
superintendent of the state highway patrol pursuant to section 543
5503.09 of the Revised Code or a person who was serving as a 544
special police officer pursuant to that section on a permanent 545
basis on October 21, 1997, and who has been awarded a certificate 546
by the executive director of the Ohio peace officer training 547
commission attesting to the person's satisfactory completion of an 548
approved state, county, municipal, or department of natural 549
resources peace officer basic training program; 550

~~(19)~~(18) A special police officer employed by a port 551
authority under section 4582.04 or 4582.28 of the Revised Code or 552
a person serving as a special police officer employed by a port 553
authority on a permanent basis on ~~the effective date of this~~ 554
~~amendment~~ May 17, 2000, who has been awarded a certificate by the 555
executive director of the Ohio peace officer training council 556
attesting to the person's satisfactory completion of an approved 557
state, county, municipal, or department of natural resources peace 558
officer basic training program. 559

(B) "Undercover drug agent" has the same meaning as in 560

division (B)(2) of section 109.79 of the Revised Code. 561

(C) "Crisis intervention training" means training in the use 562
of interpersonal and communication skills to most effectively and 563
sensitively interview victims of rape. 564

(D) "Missing children" has the same meaning as in section 565
2901.30 of the Revised Code. 566

Sec. 109.77. (A) As used in this section, "felony" has the 567
same meaning as in section 109.511 of the Revised Code. 568

(B)(1) Notwithstanding any general, special, or local law or 569
charter to the contrary, and except as otherwise provided in this 570
section, no person shall receive an original appointment on a 571
permanent basis as any of the following unless the person 572
previously has been awarded a certificate by the executive 573
director of the Ohio peace officer training commission attesting 574
to the person's satisfactory completion of an approved state, 575
county, municipal, or department of natural resources peace 576
officer basic training program: 577

(a) A peace officer of any county, township, municipal 578
corporation, regional transit authority, or metropolitan housing 579
authority; 580

(b) A natural resources law enforcement staff officer, park 581
officer, forest officer, preserve officer, wildlife officer, or 582
state watercraft officer of the department of natural resources; 583

(c) An employee of a park district under section 511.232 or 584
1545.13 of the Revised Code; 585

(d) An employee of a conservancy district who is designated 586
pursuant to section 6101.75 of the Revised Code; 587

(e) A state university law enforcement officer; 588

(f) A special police officer employed by the department of 589

mental health pursuant to section 5119.14 of the Revised Code or 590
the department of mental retardation and developmental 591
disabilities pursuant to section 5123.13 of the Revised Code; 592

(g) An enforcement agent of the department of public safety 593
whom the director of public safety designates under section 594
5502.14 of the Revised Code; 595

(h) A special police officer employed by a port authority 596
under section 4582.04 or 4582.28 of the Revised Code. 597

(2) Every person who is appointed on a temporary basis or for 598
a probationary term or on other than a permanent basis as any of 599
the following shall forfeit the appointed position unless the 600
person previously has completed satisfactorily or, within the time 601
prescribed by rules adopted by the attorney general pursuant to 602
section 109.74 of the Revised Code, satisfactorily completes a 603
state, county, municipal, or department of natural resources peace 604
officer basic training program for temporary or probationary 605
officers and is awarded a certificate by the director attesting to 606
the satisfactory completion of the program: 607

(a) A peace officer of any county, township, municipal 608
corporation, regional transit authority, or metropolitan housing 609
authority; 610

(b) A natural resources law enforcement staff officer, park 611
officer, forest officer, preserve officer, wildlife officer, or 612
state watercraft officer of the department of natural resources; 613

(c) An employee of a park district under section 511.232 or 614
1545.13 of the Revised Code; 615

(d) An employee of a conservancy district who is designated 616
pursuant to section 6101.75 of the Revised Code; 617

(e) A special police officer employed by the department of 618
mental health pursuant to section 5119.14 of the Revised Code or 619

the department of mental retardation and developmental 620
disabilities pursuant to section 5123.13 of the Revised Code; 621

(f) An enforcement agent of the department of public safety 622
whom the director of public safety designates under section 623
5502.14 of the Revised Code; 624

(g) A special police officer employed by a port authority 625
under section 4582.04 or 4582.28 of the Revised Code. 626

(3) For purposes of division (B) of this section, a state, 627
county, municipal, or department of natural resources peace 628
officer basic training program, regardless of whether the program 629
is to be completed by peace officers appointed on a permanent or 630
temporary, probationary, or other nonpermanent basis, shall 631
include at least fifteen hours of training in the handling of the 632
offense of domestic violence, other types of domestic 633
violence-related offenses and incidents, and protection orders and 634
consent agreements issued or approved under section 2919.26 or 635
3113.31 of the Revised Code and at least six hours of crisis 636
intervention training. The requirement to complete fifteen hours 637
of training in the handling of the offense of domestic violence, 638
other types of domestic violence-related offenses and incidents, 639
and protection orders and consent agreements issued or approved 640
under section 2919.26 or 3113.31 of the Revised Code does not 641
apply to any person serving as a peace officer on March 27, 1979, 642
and the requirement to complete six hours of training in crisis 643
intervention does not apply to any person serving as a peace 644
officer on April 4, 1985. Any person who is serving as a peace 645
officer on April 4, 1985, who terminates that employment after 646
that date, and who subsequently is hired as a peace officer by the 647
same or another law enforcement agency shall complete the six 648
hours of training in crisis intervention within the time 649
prescribed by rules adopted by the attorney general pursuant to 650
section 109.742 of the Revised Code. No peace officer shall have 651

employment as a peace officer terminated and then be reinstated 652
with intent to circumvent this section. 653

(4) Division (B) of this section does not apply to any person 654
serving on a permanent basis on March 28, 1985, as a park officer, 655
forest officer, preserve officer, wildlife officer, or state 656
watercraft officer of the department of natural resources or as an 657
employee of a park district under section 511.232 or 1545.13 of 658
the Revised Code, to any person serving on a permanent basis on 659
March 6, 1986, as an employee of a conservancy district designated 660
pursuant to section 6101.75 of the Revised Code, to any person 661
serving on a permanent basis on January 10, 1991, as a preserve 662
officer of the department of natural resources, to any person 663
employed on a permanent basis on July 2, 1992, as a special police 664
officer by the department of mental health pursuant to section 665
5119.14 of the Revised Code or by the department of mental 666
retardation and developmental disabilities pursuant to section 667
5123.13 of the Revised Code, to any person serving on a permanent 668
basis on ~~the effective date of this amendment~~ May 17, 2000, as a 669
special police officer employed by a port authority under section 670
4582.04 or 4582.28 of the Revised Code, to any person serving on a 671
permanent basis on June 19, 1978, as a state university law 672
enforcement officer pursuant to section 3345.04 of the Revised 673
Code and who, immediately prior to June 19, 1978, was serving as a 674
special police officer designated under authority of that section, 675
or to any person serving on a permanent basis on September 20, 676
1984, as a liquor control investigator, known after June 30, 1999, 677
as an enforcement agent of the department of public safety, 678
engaged in the enforcement of Chapters 4301. and 4303. of the 679
Revised Code. 680

(5) Division (B) of this section does not apply to any person 681
who is appointed as a regional transit authority police officer 682
pursuant to division (Y) of section 306.35 of the Revised Code if, 683

on or before July 1, 1996, the person has completed satisfactorily
an approved state, county, municipal, or department of natural
resources peace officer basic training program and has been
awarded a certificate by the executive director of the Ohio peace
officer training commission attesting to the person's satisfactory
completion of such an approved program and if, on July 1, 1996,
the person is performing peace officer functions for a regional
transit authority.

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(C) No person, after September 20, 1984, shall receive an
original appointment on a permanent basis as ~~an Ohio~~ a veterans'
home police officer designated under section 5907.02 of the
Revised Code unless the person previously has been awarded a
certificate by the executive director of the Ohio peace officer
training commission attesting to the person's satisfactory
completion of an approved police officer basic training program.
Every person who is appointed on a temporary basis or for a
probationary term or on other than a permanent basis as ~~an Ohio~~ a
veterans' home police officer designated under section 5907.02 of
the Revised Code shall forfeit that position unless the person
previously has completed satisfactorily or, within one year from
the time of appointment, satisfactorily completes an approved
police officer basic training program.

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(D) No bailiff or deputy bailiff of a court of record of this
state and no criminal investigator who is employed by the state
public defender shall carry a firearm, as defined in section
2923.11 of the Revised Code, while on duty unless the bailiff,
deputy bailiff, or criminal investigator has done or received one
of the following:

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(1) Has been awarded a certificate by the executive director
of the Ohio peace officer training commission, which certificate
attests to satisfactory completion of an approved state, county,
or municipal basic training program for bailiffs and deputy

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bailiffs of courts of record and for criminal investigators 716
employed by the state public defender that has been recommended by 717
the Ohio peace officer training commission; 718

(2) Has successfully completed a firearms training program 719
approved by the Ohio peace officer training commission prior to 720
employment as a bailiff, deputy bailiff, or criminal investigator; 721

(3) Prior to June 6, 1986, was authorized to carry a firearm 722
by the court that employed the bailiff or deputy bailiff or, in 723
the case of a criminal investigator, by the state public defender 724
and has received training in the use of firearms that the Ohio 725
peace officer training commission determines is equivalent to the 726
training that otherwise is required by division (D) of this 727
section. 728

(E)(1) Prior to awarding any certificate prescribed in this 729
section, the executive director of the Ohio peace officer training 730
commission shall request the person to whom the certificate is to 731
be awarded to disclose, and the person shall disclose, any 732
previous criminal conviction of or plea of guilty of that person 733
to a felony. 734

(2) Prior to the award by the executive director of the 735
commission of any certificate prescribed in this section, the 736
prospective employer of the person to whom the certificate is to 737
be awarded or the commander of the peace officer training school 738
attended by that person shall request the bureau of criminal 739
identification and investigation to conduct a criminal history 740
records check on the person. Upon receipt of the request, the 741
bureau promptly shall conduct a criminal history records check on 742
the person and, upon completion of the check, promptly shall 743
provide a copy of the criminal history records check to the 744
prospective employer or peace officer training school commander 745
that made the request. Upon receipt of the copy of the criminal 746
history records check from the bureau, the prospective employer or 747

peace officer training school commander that made the request 748
shall submit the copy to the executive director of the Ohio peace 749
officer training commission. The executive director shall not 750
award any certificate prescribed in this section unless the 751
executive director has received a copy of the criminal history 752
records check on the person to whom the certificate is to be 753
awarded. 754

(3) The executive director of the commission shall not award 755
a certificate prescribed in this section to a person who has been 756
convicted of or has pleaded guilty to a felony or who fails to 757
disclose any previous criminal conviction of or plea of guilty to 758
a felony as required under division (E)(1) of this section. 759

(4) The executive director of the commission shall revoke the 760
certificate awarded to a person as prescribed in this section, and 761
that person shall forfeit all of the benefits derived from being 762
certified as a peace officer under this section, if the person, 763
prior to the award of the certificate, failed to disclose any 764
previous criminal conviction of or plea of guilty to a felony as 765
required under division (E)(1) of this section. 766

(F)(1) Regardless of whether the person has been awarded the 767
certificate or has been classified as a peace officer prior to, 768
on, or after October 16, 1996, the executive director of the Ohio 769
peace officer training commission shall revoke any certificate 770
that has been awarded to a person as prescribed in this section if 771
the person does either of the following: 772

(a) Pleads guilty to a felony committed on or after January 773
1, 1997. 774

(b) Pleads guilty to a misdemeanor committed on or after 775
January 1, 1997, pursuant to a negotiated plea agreement as 776
provided in division (D) of section 2929.29 of the Revised Code in 777
which the person agrees to surrender the certificate awarded to 778

the person under this section. 779

(2) The executive director of the commission shall suspend 780
any certificate that has been awarded to a person as prescribed in 781
this section if the person is convicted, after trial, of a felony 782
committed on or after January 1, 1997. The executive director 783
shall suspend the certificate pursuant to division (F)(2) of this 784
section pending the outcome of an appeal by the person from that 785
conviction to the highest court to which the appeal is taken or 786
until the expiration of the period in which an appeal is required 787
to be filed. If the person files an appeal that results in that 788
person's acquittal of the felony or conviction of a misdemeanor, 789
or in the dismissal of the felony charge against that person, the 790
executive director shall reinstate the certificate awarded to the 791
person under this section. If the person files an appeal from that 792
person's conviction of the felony and the conviction is upheld by 793
the highest court to which the appeal is taken or if the person 794
does not file a timely appeal, the executive director shall revoke 795
the certificate awarded to the person under this section. 796

(G)(1) If a person is awarded a certificate under this 797
section and the certificate is revoked pursuant to division (E)(4) 798
or (F) of this section, the person shall not be eligible to 799
receive, at any time, a certificate attesting to the person's 800
satisfactory completion of a peace officer basic training program. 801

(2) The revocation or suspension of a certificate under 802
division (E)(4) or (F) of this section shall be in accordance with 803
Chapter 119. of the Revised Code. 804

(H)(1) A person who was employed as a peace officer of a 805
county, township, or municipal corporation of the state on January 806
1, 1966, and who has completed at least sixteen years of full-time 807
active service as such a peace officer may receive an original 808
appointment on a permanent basis and serve as a peace officer of a 809
county, township, or municipal corporation, or as a state 810

university law enforcement officer, without complying with the 811
requirements of division (B) of this section. 812

(2) Any person who held an appointment as a state highway 813
trooper on January 1, 1966, may receive an original appointment on 814
a permanent basis and serve as a peace officer of a county, 815
township, or municipal corporation, or as a state university law 816
enforcement officer, without complying with the requirements of 817
division (B) of this section. 818

(I) No person who is appointed as a peace officer of a 819
county, township, or municipal corporation on or after April 9, 820
1985, shall serve as a peace officer of that county, township, or 821
municipal corporation unless the person has received training in 822
the handling of missing children and child abuse and neglect cases 823
from an approved state, county, township, or municipal police 824
officer basic training program or receives the training within the 825
time prescribed by rules adopted by the attorney general pursuant 826
to section 109.741 of the Revised Code. 827

(J) No part of any approved state, county, or municipal basic 828
training program for bailiffs and deputy bailiffs of courts of 829
record and no part of any approved state, county, or municipal 830
basic training program for criminal investigators employed by the 831
state public defender shall be used as credit toward the 832
completion by a peace officer of any part of the approved state, 833
county, or municipal peace officer basic training program that the 834
peace officer is required by this section to complete 835
satisfactorily. 836

(K) This section does not apply to any member of the police 837
department of a municipal corporation in an adjoining state 838
serving in this state under a contract pursuant to section 737.04 839
of the Revised Code. 840

Sec. 122.171. (A) As used in this section: 841

(1) "Capital investment project" means a plan of investment 842
at a project site for the acquisition, construction, renovation, 843
or repair of buildings, machinery, or equipment, or for 844
capitalized costs of basic research and new product development 845
determined in accordance with generally accepted accounting 846
principles, but does not include any of the following: 847

(a) Payments made for the acquisition of personal property 848
through operating leases; 849

(b) Project costs paid before January 1, 2002, or after 850
December 31, 2006; 851

(c) Payments made to a related member as defined in section 852
5733.042 of the Revised Code. 853

(2) "Eligible business" means a business with Ohio operations 854
~~that~~ satisfying all of the following: 855

(a) Employed an average of at least one thousand employees in 856
full-time employment positions at a project site during each of 857
the twelve months preceding the application for a tax credit under 858
this section; and 859

(b) On or after January 1, 2002, has made payments for the 860
capital investment project of ~~at~~ either of the following: 861

(i) At least two hundred million dollars at the project site 862
during a period of three consecutive calendar years ~~that includes~~ 863
including the calendar year that includes a day of the taxpayer's 864
taxable year with respect to which the credit is granted; 865

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(ii) If the average wage of all employment positions at the 867
project site is greater than four hundred per cent of the federal 868
minimum wage, at least one hundred million dollars at the project 869
site during a period of three consecutive calendar years including 870
the calendar year that includes a day of the taxpayer's taxable 871

year with respect to which the credit is granted. 872

(c) Is engaged at the project site primarily as a 873
manufacturer or is providing significant corporate administrative 874
functions; 875

(d) Has had a capital investment project reviewed and 876
approved by the tax credit authority as provided in divisions (C), 877
(D), and (E) of this section. 878

(3) "Full-time employment position" means a position of 879
employment for consideration for at least thirty-five hours a 880
week, ~~or any other standard of service generally accepted by~~ 881
~~custom as full-time employment within the industry,~~ that has been 882
filled for at least one hundred eighty days immediately preceding 883
the filing of an application under this section, and for at least 884
one hundred eighty days during each taxable year with respect to 885
which the credit is granted. 886

(4) "Manufacturer" has the same meaning as in section 887
5739.011 of the Revised Code. 888

(5) "Project site" means an integrated complex of facilities 889
in this state, as specified by the tax credit authority under this 890
section, within a ~~five-mile~~ fifteen-mile radius where a taxpayer 891
~~in this state~~ is primarily operating as a manufacturer ~~as defined~~ 892
~~in section 5739.011 of the Revised Code.~~ 893

(B) The tax credit authority created under section 122.17 of 894
the Revised Code may grant tax credits under this section for the 895
purpose of fostering job retention in this state. Upon application 896
by an eligible business and upon consideration of the 897
recommendation of the director of budget and management, tax 898
commissioner, and director of development under division (C) of 899
this section, the tax credit authority may grant to an eligible 900
business a nonrefundable credit against the tax imposed by section 901
5733.06 or 5747.02 of the Revised Code for a period up to ten 902

taxable years. The credit shall be in an amount not exceeding
seventy-five per cent of the Ohio income tax withheld from the
employees of the eligible business occupying full-time employment
positions at the project site during the calendar year that
includes the last day of such business' taxable year with respect
to which the credit is granted. The amount of the credit shall not
be based on the Ohio income tax withheld from full-time employees
for a calendar year prior to the calendar year in which the ~~two~~
~~hundred million dollar~~ minimum investment requirement referred to
in division (A)(2)(b) of this section is completed. The credit
shall be claimed only for the taxable years specified in the
eligible business' agreement with the tax credit authority under
division (E) of this section, but in no event shall the credit be
claimed for a taxable year terminating before the date specified
in the agreement.

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Any unused portion of a tax credit may be carried forward for
not more than three additional years after the year for which the
credit is granted.

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(C) A taxpayer ~~who~~ that proposes a capital investment project
to retain jobs in this state may apply to the tax credit authority
to enter into an agreement for a tax credit under this section.
The director of development shall prescribe the form of the
application. After receipt of an application, the authority shall
forward copies of the application to the director of budget and
management, the tax commissioner, and the director of development,
each of whom shall review the application to determine the
economic impact the proposed project would have on the state and
the affected political subdivisions and shall submit a summary of
their determinations and recommendations to the authority. The
authority shall make no agreements under this section after June
30, 2007.

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(D) Upon review of the determinations and recommendations

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described in division (C) of this section, the tax credit 935
authority may enter into an agreement with the taxpayer for a 936
credit under this section if ~~it~~ the authority determines all of 937
the following: 938

(1) The taxpayer's capital investment project will result in 939
the retention of full-time employment positions in this state. 940

(2) The taxpayer is economically sound and has the ability to 941
complete the proposed capital investment project. 942

(3) The taxpayer intends to and has the ability to maintain 943
operations at the project site for at least twice the term of the 944
credit. 945

(4) Receiving the credit is a major factor in the taxpayer's 946
decision to begin, continue with, or complete the project. 947

(5) The political subdivisions in which the project is 948
located have agreed to provide substantial financial support to 949
the project. 950

(E) An agreement under this section shall include all of the 951
following: 952

(1) A detailed description of the project that is the subject 953
of the agreement, including the amount of the investment, the 954
period over which the investment has been or is being made, and 955
the number of full-time employment positions at the project site~~+~~. 956
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(2) The method of calculating the number of full-time 958
employment positions as specified in division (A)(3) of this 959
section~~+~~. 960

(3) The term and percentage of the tax credit, and the first 961
year for which the credit may be claimed~~+~~. 962

(4) A requirement that the taxpayer maintain operations at 963
the project site for at least twice the number of years as the 964

term of the credit⁷. 965

(5) A requirement that the taxpayer retain a specified number 966
of full-time employment positions at the project site and within 967
this state for the term of the credit, including a requirement 968
that the taxpayer continue to employ at least one thousand 969
employees in full-time employment positions at the project site 970
during the entire term of any agreement, subject to division 971
(E)(7) of this section⁷. 972

(6) A requirement that the taxpayer annually report to the 973
director of development the number of full-time employment 974
positions subject to the credit, the amount of tax withheld from 975
employees in those positions, the amount of the payments made for 976
the capital investment project, and any other information the 977
director needs to perform the director's duties under this 978
section⁷. 979

(7) A requirement that the director of development annually 980
review the annual reports of the taxpayer to verify the 981
information reported under division (E)(6) of this section and 982
compliance with the agreement. Upon verification, the director 983
shall issue a certificate to the taxpayer stating that the 984
information has been verified and identifying the amount of the 985
credit for the taxable year. The director shall not issue a 986
certificate for any year in which the total number of filled 987
full-time employment positions for each day of the calendar year 988
divided by three hundred sixty-five is less than ninety per cent 989
of the full-time employment positions specified in division (E)(5) 990
of this section. In determining the number of full-time employment 991
positions, no position shall be counted that is filled by an 992
employee who is included in the calculation of a tax credit under 993
section 122.17 of the Revised Code. 994

(8)(a) A provision requiring that the taxpayer, except as 995
otherwise provided in division (E)(8)(b) of this section, shall 996

not relocate employment positions from elsewhere in this state to 997
the project site that is the subject of the agreement for the 998
lesser of five years from the date the agreement is entered into 999
or the number of years the taxpayer is entitled to claim the 1000
credit. 1001

(b) The taxpayer may relocate employment positions from 1002
elsewhere in this state to the project site that is the subject of 1003
the agreement if the director of development determines both of 1004
the following: 1005

(i) That the site from which the employment positions would 1006
be relocated is inadequate to meet market and industry conditions, 1007
expansion plans, consolidation plans, or other business 1008
considerations affecting the taxpayer; 1009

(ii) That the legislative authority of the county, township, 1010
or municipal corporation from which the employment positions would 1011
be relocated has been notified of the relocation. 1012

For purposes of this section, the movement of an employment 1013
position from one political subdivision to another political 1014
subdivision shall be considered a relocation of an employment 1015
position unless the movement is confined to the project site. The 1016
transfer of an individual employee from one political subdivision 1017
to another political subdivision shall not be considered a 1018
relocation of an employment position as long as the individual's 1019
employment position in the first political subdivision is 1020
refilled. 1021

(9) A waiver by the taxpayer of any limitations periods 1022
relating to assessments or adjustments resulting from the 1023
taxpayer's failure to comply with the agreement. 1024

(F) If a taxpayer fails to meet or comply with any condition 1025
or requirement set forth in a tax credit agreement, the tax credit 1026
authority may amend the agreement to reduce the percentage or term 1027

of the credit. The reduction of the percentage or term shall take 1028
effect in the taxable year immediately following the taxable year 1029
in which the authority amends the agreement. If the taxpayer 1030
relocates employment positions in violation of the provision 1031
required under division (D)(8)(a) of this section, the taxpayer 1032
shall not claim the tax credit under section 5733.0610 of the 1033
Revised Code for any tax years following the calendar year in 1034
which the relocation occurs, or shall not claim the tax credit 1035
under section 5747.058 of the Revised Code for the taxable year in 1036
which the relocation occurs and any subsequent taxable years. 1037

(G) Financial statements and other information submitted to 1038
the department of development or the tax credit authority by an 1039
applicant for or recipient of a tax credit under this section, and 1040
any information taken for any purpose from such statements or 1041
information, are not public records subject to section 149.43 of 1042
the Revised Code. However, the chairperson of the authority may 1043
make use of the statements and other information for purposes of 1044
issuing public reports or in connection with court proceedings 1045
concerning tax credit agreements under this section. Upon the 1046
request of the tax commissioner, the chairperson of the authority 1047
shall provide to the commissioner any statement or other 1048
information submitted by an applicant for or recipient of a tax 1049
credit in connection with the credit. The commissioner shall 1050
preserve the confidentiality of the statement or other 1051
information. 1052

(H) A taxpayer claiming a tax credit under this section shall 1053
submit to the tax commissioner a copy of the director of 1054
development's certificate of verification under division (E)(7) of 1055
this section for the taxable year. However, failure to submit a 1056
copy of the certificate does not invalidate a claim for a credit. 1057

(I) For the purposes of this section, a taxpayer may include 1058
a partnership, a corporation that has made an election under 1059

subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A tax credit received under this section by a partnership, S-corporation, or other such business entity shall be apportioned among the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed, in the same proportions as those in which the income or profit is distributed.

(J) If the director of development determines that a taxpayer ~~who has that~~ received a tax credit under this section is not complying with the requirement under division (E)(4) of this section ~~or reduces the number of employees agreed to under division (E)(5) of this section by more than ten per cent~~, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the authority may terminate the agreement and require the taxpayer to refund to the state all or a portion of the credit claimed in previous years, as follows:

(1) If the taxpayer maintained operations at the project site for less than the term of the credit, the amount required to be refunded shall not exceed the amount of any tax credits previously allowed and received under this section.

(2) If the taxpayer maintained operations at the project site longer than the term of the credit but less than one and one-half times the term of the credit, the amount required to be refunded shall not exceed fifty per cent of the sum of any tax credits previously allowed and received under this section.

(3) If the taxpayer maintained operations at the project site for at least one and one-half times the term of the credit but less than twice the term of the credit, the amount required to be refunded shall not exceed twenty-five per cent of the sum of any

tax credits previously allowed and received under this section. 1092
1093

In determining the portion of the credit to be refunded to 1094
this state, the authority shall consider the effect of market 1095
conditions on the taxpayer's project and whether the taxpayer 1096
continues to maintain other operations in this state. After making 1097
the determination, the authority shall certify the amount to be 1098
refunded to the tax commissioner. The commissioner shall make an 1099
assessment for that amount against the taxpayer under Chapter 1100
5733. or 5747. of the Revised Code. The time limitations on 1101
assessments under Chapter 5733. or 5747. of the Revised Code do 1102
not apply to an assessment under this division, but the 1103
commissioner shall make the assessment within one year after the 1104
date the authority certifies to the commissioner the amount to be 1105
refunded. 1106

If the director of development determines that a taxpayer 1107
that received a tax credit under this section has reduced the 1108
number of employees agreed to under division (E)(5) of this 1109
section by more than ten per cent, the director shall notify the 1110
tax credit authority of the noncompliance. After receiving such 1111
notice, and after providing the taxpayer an opportunity to explain 1112
the noncompliance, the authority may amend the agreement to reduce 1113
the percentage or term of the tax credit. The reduction in the 1114
percentage or term shall take effect in the taxable year in which 1115
the authority amends the agreement. 1116

(K) The director of development, after consultation with the 1117
tax commissioner and in accordance with Chapter 119. of the 1118
Revised Code, shall adopt rules necessary to implement this 1119
section. The rules may provide for recipients of tax credits under 1120
this section to be charged fees to cover administrative costs of 1121
the tax credit program. At the time the director gives public 1122
notice under division (A) of section 119.03 of the Revised Code of 1123

the adoption of the rules, the director shall submit copies of the
proposed rules to the chairpersons of the standing committees on
economic development in the senate and the house of
representatives.

(L) On or before the thirty-first day of March of each year,
the director of development shall submit a report to the governor,
the president of the senate, and the speaker of the house of
representatives on the tax credit program under this section. The
report shall include information on the number of agreements that
were entered into under this section during the preceding calendar
year, a description of the project that is the subject of each
such agreement, and an update on the status of projects under
agreements entered into before the preceding calendar year.

Sec. 123.024. (A) The department of administrative services
shall assign and make available, at state expense, suitable office
space in state-owned facilities to accommodate the office
operations of the state headquarters of all of the following:

(1) All veterans organizations in this state that either are
incorporated and issued a charter by the congress of the United
States or are recognized by the United States department of
veterans affairs;

(2) The auxiliary organizations of veterans organizations
described in division (A)(1) of this section;

(3) The Ohio veterans' home agency.

(B) The department may situate office space for each
auxiliary organization of a veterans organization with or near the
office space of that veterans organization.

Sec. 123.10. (A) The director of administrative services
shall regulate the rate of tolls to be collected on the public

works of the state, and shall fix all rentals and collect all 1153
tolls, rents, fines, commissions, fees, and all other revenues 1154
arising from any source in the public works, including the sale, 1155
construction, purchase, or rental of property. 1156

(B) There is hereby created in the state treasury the state 1157
architect's fund which shall consist of money received by the 1158
department of administrative services under division (A) of this 1159
section, transfers of money to the fund authorized by the general 1160
assembly, and such percentage of the investment earnings of the 1161
administrative building fund created in section 152.101 of the 1162
Revised Code as the director of budget and management determines 1163
to be appropriate. Money in the fund shall be used by the 1164
department of administrative services for the following purposes: 1165

(1) To pay personnel and other administrative expenses of the 1166
department; 1167

(2) To pay the cost of conducting evaluations of public 1168
works; 1169

(3) To pay the cost of building design specifications; 1170

(4) To pay the cost of providing project management services; 1171
1172

(5) Any other purposes that the director of administrative 1173
services determines to be necessary for the department to execute 1174
its duties under this chapter. 1175

Sec. 124.381. Each employee of the department of 1176
rehabilitation and correction, the department of mental health, 1177
the department of mental retardation and developmental 1178
disabilities, the Ohio veteran's home agency, or the Ohio schools 1179
for the deaf and blind, and each employee of the department of 1180
youth services as established in division (A) of section 124.14 of 1181
the Revised Code who suffers bodily injury inflicted by an inmate, 1182

patient, client, youth, or student in the facilities of these 1183
agencies during the time the employee is lawfully carrying out the 1184
assigned duties of the employee's position shall be paid the 1185
employee's total rate of pay during the period the employee is 1186
disabled as a result of that injury, but in no case to exceed one 1187
hundred twenty work days, in lieu of workers' compensation. Pay 1188
made according to this section shall not be charged to the 1189
employee's accumulation of sick leave credit. 1190

The director of administrative services shall adopt rules for 1191
the administration of the occupational injury leave program. The 1192
rules shall include, but not be limited to, provisions for 1193
determining a disability, for filing a claim for leave under this 1194
section, and for allowing or denying claims for the leave. 1195

During the time an employee is receiving injury compensation 1196
as provided in this section, the employee shall be exempt from the 1197
accumulation of vacation leave credit under section 124.134 of the 1198
Revised Code but shall continue to receive sick leave credit and 1199
personal leave credit under sections 124.382 and 124.386 of the 1200
Revised Code. 1201

In any case when an employee's disability, as covered by this 1202
section, extends beyond one hundred twenty work days, the employee 1203
shall immediately become subject to sections 124.382 and 124.385 1204
of the Revised Code regarding sick leave and disability leave 1205
benefits. 1206

An appointing authority may apply to the director of 1207
administrative services to grant injury leave in accordance with 1208
this section to law enforcement personnel employed by the agency. 1209

Sec. 124.82. (A) Except as provided in division (D) of this 1210
section, the department of administrative services, in 1211
consultation with the superintendent of insurance, shall, in 1212
accordance with competitive selection procedures of Chapter 125. 1213

of the Revised Code, contract with an insurance company or a 1214
health plan in combination with an insurance company, authorized 1215
to do business in this state, for the issuance of a policy or 1216
contract of health, medical, hospital, dental, or surgical 1217
benefits, or any combination of those benefits, covering state 1218
employees who are paid directly by warrant of the auditor of 1219
state, including elected state officials. The department may 1220
fulfill its obligation under this division by exercising its 1221
authority under division (A)(2) of section 124.81 of the Revised 1222
Code. 1223

(B) The department may, in addition, in consultation with the 1224
superintendent of insurance, negotiate and contract with health 1225
insuring corporations holding a certificate of authority under 1226
Chapter 1751. of the Revised Code, in their approved service areas 1227
only, for issuance of a contract or contracts of health care 1228
services, covering state employees who are paid directly by 1229
warrant of the auditor of state, including elected state 1230
officials. Except for health insuring corporations, no more than 1231
one insurance carrier or health plan shall be contracted with to 1232
provide the same plan of benefits, provided that: 1233

(1) The amount of the premium or cost for such coverage 1234
contributed by the state, for an individual or for an individual 1235
and the individual's family, does not exceed that same amount of 1236
the premium or cost contributed by the state under division (A) of 1237
this section; 1238

(2) The employee be permitted to exercise the option as to 1239
which plan the employee will select under division (A) or (B) of 1240
this section, at a time that shall be determined by the 1241
department; 1242

(3) The health insuring corporations do not refuse to accept 1243
the employee, or the employee and the employee's family, if the 1244
employee exercises the option to select care provided by the 1245

corporations; 1246

(4) The employee may choose participation in only one of the 1247
plans sponsored by the department; 1248

(5) The director of health examines and certifies to the 1249
department that the quality and adequacy of care rendered by the 1250
health insuring corporations meet at least the standards of care 1251
provided by hospitals and physicians in that employee's community, 1252
who would be providing such care as would be covered by a contract 1253
awarded under division (A) of this section. 1254

(C) All or any portion of the cost, premium, or charge for 1255
the coverage in divisions (A) and (B) of this section may be paid 1256
in such manner or combination of manners as the department 1257
determines and may include the proration of health care costs, 1258
premiums, or charges for part-time employees. 1259

(D) Notwithstanding division (A) of this section, the 1260
department may provide benefits equivalent to those that may be 1261
paid under a policy or contract issued by an insurance company or 1262
a health plan pursuant to division (A) of this section. 1263

(E) This section does not prohibit the state office of 1264
collective bargaining from entering into an agreement with an 1265
employee representative for the purposes of providing fringe 1266
benefits, including, but not limited to, hospitalization, surgical 1267
care, major medical care, disability, dental care, vision care, 1268
medical care, hearing aids, prescription drugs, group life 1269
insurance, sickness and accident insurance, group legal services 1270
or other benefits, or any combination ~~thereof~~ of those benefits, 1271
to employees paid directly by warrant of the auditor of state 1272
through a jointly administered trust fund. The employer's 1273
contribution for the cost of the benefit care shall be mutually 1274
agreed to in the collectively bargained agreement. The amount, 1275
type, and structure of fringe benefits provided under this 1276

division is subject to the determination of the board of trustees 1277
of the jointly administered trust fund. Notwithstanding any other 1278
provision of the Revised Code, competitive bidding does not apply 1279
to the purchase of fringe benefits for employees under this 1280
division when ~~such~~ those benefits are provided through a jointly 1281
administered trust fund. 1282

(F) Members of state boards ~~and or~~ commissions who are 1283
~~members of the public employees retirement system~~ may be covered 1284
by any policy, contract, or plan of benefits or services described 1285
in division (A) or (B) of this section ~~if they.~~ Board or 1286
commission members who are appointed for a fixed term and who are 1287
compensated on a per meeting basis, or paid only for expenses, or 1288
receive a combination of per diem payments and expenses shall pay 1289
the entire amount of the premiums, costs, or charges for that 1290
coverage. 1291

Sec. 133.20. (A) This section applies to bonds that are 1292
general obligation Chapter 133. securities. If the bonds are 1293
payable as to principal by provision for annual installments, the 1294
period of limitations on their last maturity, referred to as their 1295
maximum maturity, shall be measured from a date twelve months 1296
prior to the first date on which provision for payment of 1297
principal is made. If the bonds are payable as to principal by 1298
provision for semiannual installments, the period of limitations 1299
on their last maturity shall be measured from a date six months 1300
prior to the first date on which provision for payment of 1301
principal is made. 1302

(B) Bonds issued for the following permanent improvements or 1303
for permanent improvements for the following purposes shall have 1304
maximum maturities not exceeding the number of years stated: 1305

(1) Fifty years: 1306

(a) The clearance and preparation of real property for 1307

redevelopment as an urban redevelopment project;	1308
(b) Acquiring, constructing, widening, relocating, enlarging, extending, and improving a publicly owned railroad or line of railway or a light or heavy rail rapid transit system, including related bridges, overpasses, underpasses, and tunnels, but not including rolling stock or equipment;	1309 1310 1311 1312 1313
(c) <u>Pursuant to section 307.675 of the Revised Code, constructing or repairing a bridge using long life expectancy material for the bridge deck, and purchasing, installing, and maintaining any performance equipment to monitor the physical condition of a bridge so constructed or repaired. Additionally, the average maturity of the bonds shall not exceed the expected useful life of the bridge deck as determined by the county engineer under that section.</u>	1314 1315 1316 1317 1318 1319 1320 1321
(2) Forty years:	1322
(a) General waterworks or water system permanent improvements, including buildings, water mains, or other structures and facilities in connection therewith;	1323 1324 1325
(b) Sewers or sewage treatment or disposal works or facilities, including fireproof buildings or other structures in connection therewith;	1326 1327 1328
(c) Storm water drainage, surface water, and flood prevention facilities.	1329 1330
(3) Thirty-five years: sports facilities.	1331
(4) Thirty years:	1332
(a) Municipal recreation, excluding recreational equipment;	1333
(b) Urban redevelopment projects;	1334
(c) Acquisition of real property;	1335
(d) Street or alley lighting purposes or relocating overhead	1336

wires, cables, and appurtenant equipment underground.	1337
(5) Twenty years: constructing, reconstructing, widening,	1338
opening, improving, grading, draining, paving, extending, or	1339
changing the line of roads, highways, expressways, freeways,	1340
streets, sidewalks, alleys, or curbs and gutters, and related	1341
bridges, viaducts, overpasses, underpasses, grade crossing	1342
eliminations, service and access highways, and tunnels.	1343
(6) Fifteen years:	1344
(a) Resurfacing roads, highways, streets, or alleys;	1345
(b) Alarm, telegraph, or other communications systems for	1346
police or fire departments or other emergency services;	1347
(c) Passenger buses used for mass transportation;	1348
(d) Energy conservation measures as authorized by section	1349
133.06 of the Revised Code.	1350
(7) Ten years:	1351
(a) Water meters;	1352
(b) Fire department apparatus and equipment;	1353
(c) Road rollers and other road construction and servicing	1354
vehicles;	1355
(d) Furniture, equipment, and furnishings;	1356
(e) Landscape planting and other site improvements;	1357
(f) Playground, athletic, and recreational equipment and	1358
apparatus;	1359
(g) Energy conservation measures as authorized by section	1360
307.041, 505.264, or 717.02 of the Revised Code.	1361
(8) Five years: New motor vehicles other than those described	1362
in any other division of this section and those for which	1363
provision is made in other provisions of the Revised Code.	1364

(C) Bonds issued for any permanent improvements not within 1365
the categories set forth in division (B) of this section shall 1366
have maximum maturities of from five to thirty years as the fiscal 1367
officer estimates is the estimated life or period of usefulness of 1368
those permanent improvements. Bonds issued under section 133.51 of 1369
the Revised Code for purposes other than permanent improvements 1370
shall have the maturities, not to exceed forty years, that the 1371
taxing authority shall specify. 1372

(D) Securities issued under section 505.265 or 717.07 of the 1373
Revised Code shall mature not later than December 31, 2035. 1374

(E) A securities issue for one purpose may include permanent 1375
improvements within two or more categories under divisions (B) and 1376
(C) of this section. The maximum maturity of such a bond issue 1377
shall not exceed the average number of years of life or period of 1378
usefulness of the permanent improvements as measured by the 1379
weighted average of the amounts expended or proposed to be 1380
expended for the categories of permanent improvements. 1381

Sec. 145.01. As used in this chapter: 1382

(A) "Public employee" means: 1383

(1) Any person holding an office, not elective, under the 1384
state or any county, township, municipal corporation, park 1385
district, conservancy district, sanitary district, health 1386
district, metropolitan housing authority, state retirement board, 1387
Ohio historical society, public library, county law library, union 1388
cemetery, joint hospital, institutional commissary, state 1389
university, or board, bureau, commission, council, committee, 1390
authority, or administrative body as the same are, or have been, 1391
created by action of the general assembly or by the legislative 1392
authority of any of the units of local government named in 1393
division (A)(1) of this section, or employed and paid in whole or 1394
in part by the state or any of the authorities named in division 1395

(A)(1) of this section in any capacity not covered by section 1396
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 1397

(2) A person who is a member of the public employees 1398
retirement system and who continues to perform the same or similar 1399
duties under the direction of a contractor who has contracted to 1400
take over what before the date of the contract was a publicly 1401
operated function. The governmental unit with which the contract 1402
has been made shall be deemed the employer for the purposes of 1403
administering this chapter. 1404

(3) Any person who is an employee of a public employer, 1405
notwithstanding that the person's compensation for that employment 1406
is derived from funds of a person or entity other than the 1407
employer. Credit for such service shall be included as total 1408
service credit, provided that the employee makes the payments 1409
required by this chapter, and the employer makes the payments 1410
required by sections 145.48 and 145.51 of the Revised Code. 1411

(4) A person who elects in accordance with section 145.015 of 1412
the Revised Code to remain a contributing member of the public 1413
employees retirement system. 1414

In all cases of doubt, the public employees retirement board 1415
shall determine whether any person is a public employee, and its 1416
decision is final. 1417

(B) "Member" means any public employee, other than a public 1418
employee excluded or exempted from membership in the retirement 1419
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 1420
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 1421
retirant who becomes a member under division (C) of section 145.38 1422
of the Revised Code. "Member" also includes a disability benefit 1423
recipient. 1424

(C) "Head of the department" means the elective or appointive 1425
head of the several executive, judicial, and administrative 1426

departments, institutions, boards, and commissions of the state 1427
and local government as the same are created and defined by the 1428
laws of this state or, in case of a charter government, by that 1429
charter. 1430

(D) "Employer" or "public employer" means the state or any 1431
county, township, municipal corporation, park district, 1432
conservancy district, sanitary district, health district, 1433
metropolitan housing authority, state retirement board, Ohio 1434
historical society, public library, county law library, union 1435
cemetery, joint hospital, institutional commissary, state medical 1436
college, state university, or board, bureau, commission, council, 1437
committee, authority, or administrative body as the same are, or 1438
have been, created by action of the general assembly or by the 1439
legislative authority of any of the units of local government 1440
named in this division not covered by section 742.01, 3307.01, 1441
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 1442
means the employer of any public employee. 1443

(E) "Prior service" means all service as a public employee 1444
rendered before January 1, 1935, and all service as an employee of 1445
any employer who comes within the state teachers retirement system 1446
or of the school employees retirement system or of any other 1447
retirement system established under the laws of this state 1448
rendered prior to January 1, 1935, provided that if the employee 1449
claiming the service was employed in any capacity covered by that 1450
other system after that other system was established, credit for 1451
the service may be allowed by the public employees retirement 1452
system only when the employee has made payment, to be computed on 1453
the salary earned from the date of appointment to the date 1454
membership was established in the public employees retirement 1455
system, at the rate in effect at the time of payment, and the 1456
employer has made payment of the corresponding full liability as 1457
provided by section 145.44 of the Revised Code. "Prior service" 1458

also means all service credited for active duty with the armed 1459
forces of the United States as provided in section 145.30 of the 1460
Revised Code. 1461

If an employee who has been granted prior service credit by 1462
the public employees retirement system for service rendered prior 1463
to January 1, 1935, as an employee of a board of education 1464
establishes, before retirement, one year or more of contributing 1465
service in the state teachers retirement system or school 1466
employees retirement system, then the prior service ceases to be 1467
the liability of this system. 1468

If the board determines that a position of any member in any 1469
calendar year prior to January 1, 1935, was a part-time position, 1470
the board shall determine what fractional part of a year's credit 1471
shall be allowed by the following formula: 1472

(1) When the member has been either elected or appointed to 1473
an office the term of which was two or more years and for which an 1474
annual salary is established, the fractional part of the year's 1475
credit shall be computed as follows: 1476

First, when the member's annual salary is one thousand 1477
dollars or less, the service credit for each such calendar year 1478
shall be forty per cent of a year. 1479

Second, for each full one hundred dollars of annual salary 1480
above one thousand dollars, the member's service credit for each 1481
such calendar year shall be increased by two and one-half per 1482
cent. 1483

(2) When the member is paid on a per diem basis, the service 1484
credit for any single year of the service shall be determined by 1485
using the number of days of service for which the compensation was 1486
received in any such year as a numerator and using two hundred 1487
fifty days as a denominator. 1488

(3) When the member is paid on an hourly basis, the service 1489

credit for any single year of the service shall be determined by 1490
using the number of hours of service for which the compensation 1491
was received in any such year as a numerator and using two 1492
thousand hours as a denominator. 1493

(F) "Contributor" means any person who has an account in the 1494
employees' savings fund created by section 145.23 of the Revised 1495
Code. When used in the sections listed in division (B) of section 1496
145.82 of the Revised Code, "contributor" includes any person 1497
participating in a PERS defined contribution plan. 1498

(G) "Beneficiary" or "beneficiaries" means the estate or a 1499
person or persons who, as the result of the death of a member, 1500
contributor, or retirant, qualify for or are receiving some right 1501
or benefit under this chapter. 1502

(H)(1) "Total service credit," except as provided in section 1503
145.37 of the Revised Code, means all service credited to a member 1504
of the retirement system since last becoming a member, including 1505
restored service credit as provided by section 145.31 of the 1506
Revised Code; credit purchased under sections 145.293 and 145.299 1507
of the Revised Code; all the member's prior service credit; all 1508
the member's military service credit computed as provided in this 1509
chapter; all service credit established pursuant to section 1510
145.297 of the Revised Code; and any other service credited under 1511
this chapter. In addition, "total service credit" includes any 1512
period, not in excess of three years, during which a member was 1513
out of service and receiving benefits under Chapters 4121. and 1514
4123. of the Revised Code. For the exclusive purpose of satisfying 1515
the service credit requirement and of determining eligibility for 1516
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 1517
and 145.361 of the Revised Code, "five or more years of total 1518
service credit" means sixty or more calendar months of 1519
contributing service in this system. 1520

(2) "One and one-half years of contributing service credit," 1521

as used in division (B) of section 145.45 of the Revised Code, 1522
also means eighteen or more calendar months of employment by a 1523
municipal corporation that formerly operated its own retirement 1524
plan for its employees or a part of its employees, provided that 1525
all employees of that municipal retirement plan who have eighteen 1526
or more months of such employment, upon establishing membership in 1527
the public employees retirement system, shall make a payment of 1528
the contributions they would have paid had they been members of 1529
this system for the eighteen months of employment preceding the 1530
date membership was established. When that payment has been made 1531
by all such employee members, a corresponding payment shall be 1532
paid into the employers' accumulation fund by that municipal 1533
corporation as the employer of the employees. 1534

(3) Where a member also is a member of the state teachers 1535
retirement system or the school employees retirement system, or 1536
both, except in cases of retirement on a combined basis pursuant 1537
to section 145.37 of the Revised Code or as provided in section 1538
145.383 of the Revised Code, service credit for any period shall 1539
be credited on the basis of the ratio that contributions to the 1540
public employees retirement system bear to total contributions in 1541
all state retirement systems. 1542

(4) Not more than one year of credit may be given for any 1543
period of twelve months. 1544

(5) "Ohio service credit" means credit for service that was 1545
rendered to the state or any of its political subdivisions or any 1546
employer. 1547

(I) "Regular interest" means interest at any rates for the 1548
respective funds and accounts as the public employees retirement 1549
board may determine from time to time. 1550

(J) "Accumulated contributions" means the sum of all amounts 1551
credited to a contributor's individual account in the employees' 1552

savings fund together with any interest credited to the 1553
contributor's account under section 145.471 or 145.472 of the 1554
Revised Code. 1555

(K)(1) "Final average salary" means the quotient obtained by 1556
dividing by three the sum of the three full calendar years of 1557
contributing service in which the member's earnable salary was 1558
highest, except that if the member has a partial year of 1559
contributing service in the year the member's employment 1560
terminates and the member's earnable salary for the partial year 1561
is higher than for any comparable period in the three years, the 1562
member's earnable salary for the partial year shall be substituted 1563
for the member's earnable salary for the comparable period during 1564
the three years in which the member's earnable salary was lowest. 1565

(2) If a member has less than three years of contributing 1566
service, the member's final average salary shall be the member's 1567
total earnable salary divided by the total number of years, 1568
including any fraction of a year, of the member's contributing 1569
service. 1570

(3) For the purpose of calculating benefits payable to a 1571
member qualifying for service credit under division (Z) of this 1572
section, "final average salary" means the total earnable salary on 1573
which contributions were made divided by the total number of years 1574
during which contributions were made, including any fraction of a 1575
year. If contributions were made for less than twelve months, 1576
"final average salary" means the member's total earnable salary. 1577

(L) "Annuity" means payments for life derived from 1578
contributions made by a contributor and paid from the annuity and 1579
pension reserve fund as provided in this chapter. All annuities 1580
shall be paid in twelve equal monthly installments. 1581

(M) "Annuity reserve" means the present value, computed upon 1582
the basis of the mortality and other tables adopted by the board, 1583

of all payments to be made on account of any annuity, or benefit 1584
in lieu of any annuity, granted to a retirant as provided in this 1585
chapter. 1586

(N)(1) "Disability retirement" means retirement as provided 1587
in section 145.36 of the Revised Code. 1588

(2) "Disability allowance" means an allowance paid on account 1589
of disability under section 145.361 of the Revised Code. 1590

(3) "Disability benefit" means a benefit paid as disability 1591
retirement under section 145.36 of the Revised Code, as a 1592
disability allowance under section 145.361 of the Revised Code, or 1593
as a disability benefit under section 145.37 of the Revised Code. 1594

(4) "Disability benefit recipient" means a member who is 1595
receiving a disability benefit. 1596

(O) "Age and service retirement" means retirement as provided 1597
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 1598
the Revised Code. 1599

(P) "Pensions" means annual payments for life derived from 1600
contributions made by the employer that at the time of retirement 1601
are credited into the annuity and pension reserve fund from the 1602
employers' accumulation fund and paid from the annuity and pension 1603
reserve fund as provided in this chapter. All pensions shall be 1604
paid in twelve equal monthly installments. 1605

(Q) "Retirement allowance" means the pension plus that 1606
portion of the benefit derived from contributions made by the 1607
member. 1608

(R)(1) Except as otherwise provided in division (R) of this 1609
section, "earnable salary" means all salary, wages, and other 1610
earnings paid to a contributor by reason of employment in a 1611
position covered by the retirement system. The salary, wages, and 1612
other earnings shall be determined prior to determination of the 1613

amount required to be contributed to the employees' savings fund 1614
under section 145.47 of the Revised Code and without regard to 1615
whether any of the salary, wages, or other earnings are treated as 1616
deferred income for federal income tax purposes. "Earnable salary" 1617
includes the following: 1618

(a) Payments made by the employer in lieu of salary, wages, 1619
or other earnings for sick leave, personal leave, or vacation used 1620
by the contributor; 1621

(b) Payments made by the employer for the conversion of sick 1622
leave, personal leave, and vacation leave accrued, but not used if 1623
the payment is made during the year in which the leave is accrued, 1624
except that payments made pursuant to section 124.383 or 124.386 1625
of the Revised Code are not earnable salary; 1626

(c) Allowances paid by the employer for full maintenance, 1627
consisting of housing, laundry, and meals, as certified to the 1628
retirement board by the employer or the head of the department 1629
that employs the contributor; 1630

(d) Fees and commissions paid under section 507.09 of the 1631
Revised Code; 1632

(e) Payments that are made under a disability leave program 1633
sponsored by the employer and for which the employer is required 1634
by section 145.296 of the Revised Code to make periodic employer 1635
and employee contributions; 1636

(f) Amounts included pursuant to divisions (K)(3) and (Y) of 1637
this section. 1638

(2) "Earnable salary" does not include any of the following: 1639

(a) Fees and commissions, other than those paid under section 1640
507.09 of the Revised Code, paid as sole compensation for personal 1641
services and fees and commissions for special services over and 1642
above services for which the contributor receives a salary; 1643

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(b) Amounts paid by the employer to provide life insurance, 1645
sickness, accident, endowment, health, medical, hospital, dental, 1646
or surgical coverage, or other insurance for the contributor or 1647
the contributor's family, or amounts paid by the employer to the 1648
contributor in lieu of providing the insurance; 1649

(c) Incidental benefits, including lodging, food, laundry, 1650
parking, or services furnished by the employer, or use of the 1651
employer's property or equipment, or amounts paid by the employer 1652
to the contributor in lieu of providing the incidental benefits; 1653

(d) Reimbursement for job-related expenses authorized by the 1654
employer, including moving and travel expenses and expenses 1655
related to professional development; 1656

(e) Payments for accrued but unused sick leave, personal 1657
leave, or vacation that are made at any time other than in the 1658
year in which the sick leave, personal leave, or vacation was 1659
accrued; 1660

(f) Payments made to or on behalf of a contributor that are 1661
in excess of the annual compensation that may be taken into 1662
account by the retirement system under division (a)(17) of section 1663
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1664
U.S.C.A. 401(a)(17), as amended; 1665

(g) Payments made under division (B), (C), or (E) of section 1666
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1667
No. 3 of the 119th general assembly, Section 3 of Amended 1668
Substitute Senate Bill No. 164 of the 124th general assembly, or 1669
Amended Substitute House Bill No. 405 of the 124th general 1670
assembly; 1671

(h) Anything of value received by the contributor that is 1672
based on or attributable to retirement or an agreement to retire, 1673
except that payments made on or before January 1, 1989, that are 1674

based on or attributable to an agreement to retire shall be 1675
included in earnable salary if both of the following apply: 1676

(i) The payments are made in accordance with contract 1677
provisions that were in effect prior to January 1, 1986; 1678

(ii) The employer pays the retirement system an amount 1679
specified by the retirement board equal to the additional 1680
liability resulting from the payments. 1681

(3) The retirement board shall determine by rule whether any 1682
compensation not enumerated in division (R) of this section is 1683
earnable salary, and its decision shall be final. 1684

(S) "Pension reserve" means the present value, computed upon 1685
the basis of the mortality and other tables adopted by the board, 1686
of all payments to be made on account of any retirement allowance 1687
or benefit in lieu of any retirement allowance, granted to a 1688
member or beneficiary under this chapter. 1689

(T)(1) "Contributing service" means all service credited to a 1690
member of the system since January 1, 1935, for which 1691
contributions are made as required by sections 145.47, 145.48, and 1692
145.483 of the Revised Code. In any year subsequent to 1934, 1693
credit for any service shall be allowed by the following formula: 1694

(a) For each month for which the member's earnable salary is 1695
two hundred fifty dollars or more, allow one month's credit. 1696

(b) For each month for which the member's earnable salary is 1697
less than two hundred fifty dollars, allow a fraction of a month's 1698
credit. The numerator of this fraction shall be the earnable 1699
salary during the month, and the denominator shall be two hundred 1700
fifty dollars, except that if the member's annual earnable salary 1701
is less than six hundred dollars, the member's credit shall not be 1702
reduced below twenty per cent of a year for a calendar year of 1703
employment during which the member worked each month. Division 1704
(T)(1)(b) of this section shall not reduce any credit earned 1705

before January 1, 1985.

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

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

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

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(W) "Employer contribution" means the amount paid by an
employer as determined under section 145.48 of the Revised Code.

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

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

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

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

(AA) "Deputy sheriff" means any person who is commissioned
and employed as a full-time peace officer by the sheriff of any
county, and has been so employed since on or before December 31,

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

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

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

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

(2) Employed full-time as an undercover drug agent as defined 1801
in section 109.79 of the Revised Code and is in compliance with 1802
section 109.77 of the Revised Code. 1803

(DD) "Department of public safety enforcement agent" means a 1804
full-time employee of the department of public safety who is 1805
designated under section 5502.14 of the Revised Code as an 1806
enforcement agent and who is in compliance with section 109.77 of 1807
the Revised Code. 1808

(EE) "Natural resources law enforcement staff officer" means 1809
a full-time employee of the department of natural resources who is 1810
designated a natural resources law enforcement staff officer under 1811
section 1501.013 of the Revised Code and is in compliance with 1812
section 109.77 of the Revised Code. 1813

(FF) "Park officer" means a full-time employee of the 1814
department of natural resources who is designated a park officer 1815
under section 1541.10 of the Revised Code and is in compliance 1816
with section 109.77 of the Revised Code. 1817

(GG) "Forest officer" means a full-time employee of the 1818
department of natural resources who is designated a forest officer 1819
under section 1503.29 of the Revised Code and is in compliance 1820
with section 109.77 of the Revised Code. 1821

(HH) "Preserve officer" means a full-time employee of the 1822
department of natural resources who is designated a preserve 1823
officer under section 1517.10 of the Revised Code and is in 1824
compliance with section 109.77 of the Revised Code. 1825

(II) "Wildlife officer" means a full-time employee of the 1826
department of natural resources who is designated a wildlife 1827
officer under section 1531.13 of the Revised Code and is in 1828
compliance with section 109.77 of the Revised Code. 1829

(JJ) "State watercraft officer" means a full-time employee of 1830
the department of natural resources who is designated a state 1831

watercraft officer under section 1547.521 of the Revised Code and 1832
is in compliance with section 109.77 of the Revised Code. 1833

(KK) "Park district police officer" means a full-time 1834
employee of a park district who is designated pursuant to section 1835
511.232 or 1545.13 of the Revised Code and is in compliance with 1836
section 109.77 of the Revised Code. 1837

(LL) "Conservancy district officer" means a full-time 1838
employee of a conservancy district who is designated pursuant to 1839
section 6101.75 of the Revised Code and is in compliance with 1840
section 109.77 of the Revised Code. 1841

(MM) "Municipal police officer" means a member of the 1842
organized police department of a municipal corporation who is 1843
employed full-time, is in compliance with section 109.77 of the 1844
Revised Code, and is not a member of the Ohio police and fire 1845
pension fund. 1846

(NN) "~~Ohio veterans~~ Veterans' home police officer" means any 1847
person who is employed at ~~the Ohio~~ a veterans' home as a police 1848
officer pursuant to section 5907.02 of the Revised Code and is in 1849
compliance with section 109.77 of the Revised Code. 1850

(OO) "Special police officer for a mental health institution" 1851
means any person who is designated as such pursuant to section 1852
5119.14 of the Revised Code and is in compliance with section 1853
109.77 of the Revised Code. 1854

(PP) "Special police officer for an institution for the 1855
mentally retarded and developmentally disabled" means any person 1856
who is designated as such pursuant to section 5123.13 of the 1857
Revised Code and is in compliance with section 109.77 of the 1858
Revised Code. 1859

(QQ) "State university law enforcement officer" means any 1860
person who is employed full-time as a state university law 1861
enforcement officer pursuant to section 3345.04 of the Revised 1862

Code and who is in compliance with section 109.77 of the Revised Code. 1863
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(RR) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section. 1865
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(SS) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code. 1869
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(TT) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 1872
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(UU) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person serving full time as a special police officer pursuant to that section on a permanent basis on October 21, 1997, who is in compliance with section 109.77 of the Revised Code. 1876
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(VV) Notwithstanding section 2901.01 of the Revised Code, "PERS law enforcement officer" means a sheriff, deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, Ohio veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, state university law enforcement 1883
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officer, municipal police officer, house sergeant at arms, 1894
assistant house sergeant at arms, regional transit authority 1895
police officer, or state highway patrol police officer. 1896

(WW) "Hamilton county municipal court bailiff" means a person 1897
appointed by the clerk of courts of the Hamilton county municipal 1898
court under division (A)(3) of section 1901.32 of the Revised Code 1899
who is employed full time as a bailiff or deputy bailiff, who has 1900
received a certificate attesting to the person's satisfactory 1901
completion of the peace officer basic training described in 1902
division (D)(1) of section 109.77 of the Revised Code, and whose 1903
primary duties are to preserve the peace, to protect life and 1904
property, and to enforce the laws of this state. 1905

(XX) "Fiduciary" means a person who does any of the 1906
following: 1907

(1) Exercises any discretionary authority or control with 1908
respect to the management of the system or with respect to the 1909
management or disposition of its assets; 1910

(2) Renders investment advice for a fee, direct or indirect, 1911
with respect to money or property of the system; 1912

(3) Has any discretionary authority or responsibility in the 1913
administration of the system. 1914

(YY) "Actuary" means an individual who satisfies all of the 1915
following requirements: 1916

(1) Is a member of the American academy of actuaries; 1917

(2) Is an associate or fellow of the society of actuaries; 1918

(3) Has a minimum of five years' experience in providing 1919
actuarial services to public retirement plans. 1920

(ZZ) "PERS defined benefit plan" means the plan described in 1921
sections 145.201 to 145.79 of the Revised Code. 1922

(AAA) "PERS defined contribution plans" means the plan or 1923

plans established under section 145.81 of the Revised Code.	1924
Sec. 145.012. (A) "Public employee," as defined in division	1925
(A) of section 145.01 of the Revised Code, does not include any	1926
person:	1927
(1) Who is employed by a private, temporary-help service and	1928
performs services under the direction of a public employer or is	1929
employed on a contractual basis as an independent contractor under	1930
a personal service contract with a public employer;	1931
(2) Who is an emergency employee serving on a temporary basis	1932
in case of fire, snow, earthquake, flood, or other similar	1933
emergency;	1934
(3) Who is employed in a program established pursuant to the	1935
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	1936
1501;	1937
(4) Who is an appointed member of either the motor vehicle	1938
salvage dealers board or the motor vehicle dealer's board whose	1939
rate and method of payment are determined pursuant to division (J)	1940
of section 124.15 of the Revised Code;	1941
(5) Who is employed as an election worker and paid less than	1942
five hundred dollars per calendar year for that service;	1943
(6) Who is employed as a firefighter in a position requiring	1944
satisfactory completion of a firefighter training course approved	1945
under former section 3303.07 or section 4765.55 of the Revised	1946
Code or conducted under section 3737.33 of the Revised Code except	1947
for the following:	1948
(a) Any firefighter who has elected under section 145.013 of	1949
the Revised Code to remain a contributing member of the public	1950
employees retirement system;	1951
(b) Any firefighter who was eligible to transfer from the	1952

public employees retirement system to the Ohio police and fire 1953
pension fund under section 742.51 or 742.515 of the Revised Code 1954
and did not elect to transfer; 1955

(c) Any firefighter who has elected under section 742.516 of 1956
the Revised Code to transfer from the Ohio police and fire pension 1957
fund to the public employees retirement system. 1958

(7) Who is a member of the board of health of a city or 1959
general health district, which pursuant to sections 3709.051 and 1960
3709.07 of the Revised Code includes a combined health district, 1961
and whose compensation for attendance at meetings of the board is 1962
set forth in division (B) of section 3709.02 or division (B) of 1963
section 3709.05 of the Revised Code, as appropriate; 1964

(8) Who participates in an alternative retirement plan 1965
established under Chapter 3305. of the Revised Code; 1966

(9) Who is a member of the board of directors of a sanitary 1967
district established under Chapter 6115. of the Revised Code. 1968

(B) No inmate of a correctional institution operated by the 1969
department of rehabilitation and correction, no patient in a 1970
hospital for the mentally ill or criminally insane operated by the 1971
department of mental health, no resident in an institution for the 1972
mentally retarded operated by the department of mental retardation 1973
and developmental disabilities, no resident admitted as a patient 1974
of ~~the Ohio~~ a veterans' home at Sandusky operated under Chapter 1975
5907. of the Revised Code, and no resident of a county home shall 1976
be considered as a public employee for the purpose of establishing 1977
membership or calculating service credit or benefits under this 1978
chapter. Nothing in this division shall be construed to affect any 1979
service credit attained by any person who was a public employee 1980
before becoming an inmate, patient, or resident at any institution 1981
listed in this division, or the payment of any benefit for which 1982
such a person or such a person's beneficiaries otherwise would be 1983

eligible. 1984

Sec. 145.33. (A) Except as provided in division (B) or (C) of 1985
this section, a member with at least five years of total service 1986
credit who has attained age sixty, or who has thirty years of 1987
total Ohio service credit, may apply for age and service 1988
retirement, which shall consist of: 1989

(1) An annuity having a reserve equal to the amount of the 1990
member's accumulated contributions at that time; 1991

(2) A pension equal to the annuity provided by division 1992
(A)(1) of this section; 1993

(3) An additional pension, if the member can qualify for 1994
prior service, equal to forty dollars multiplied by the number of 1995
years, and fraction thereof, of such prior and military service 1996
credit; 1997

(4) A basic annual pension equal to one hundred eighty 1998
dollars if the member has ten or more years of total service 1999
credit as of October 1, 1956, except that the basic annual pension 2000
shall not exceed the sum of the annual benefits provided by 2001
divisions (A)(1), (2), and (3) of this section. 2002

(5) When a member retires on age and service retirement, the 2003
member's total annual single lifetime allowance, including the 2004
allowances provided in divisions (A)(1), (2), (3), and (4) of this 2005
section, shall be not less than a base amount adjusted in 2006
accordance with division (A)(5) of this section and determined by 2007
multiplying the member's total service credit by the greater of 2008
the following: 2009

(a) Eighty-six dollars; 2010

(b) Two and two-tenths per cent of the member's final average 2011
salary for each of the first thirty years of service plus two and 2012
one-half per cent of the member's final average salary for each 2013

subsequent year of service. 2014

The allowance shall be adjusted by the factors of attained 2015
age or years of service to provide the greater amount as 2016
determined by the following schedule: 2017

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	2018
59		26	80	2019
60		27	85	2020
61			88	2021
		28	90	2022
62			91	2023
63			94	2024
		29	95	2025
64			97	2026
65		30 or more	100	2027

Members shall vest the right to a benefit in accordance with 2031
the following schedule, based on the member's attained age by 2032
September 1, 1976: 2033

Attained Birthday	Percentage of Base Amount	
66	102	2034
67	104	2035
68	106	2036
69	108	2037
70 or more	110	2038

(6) The total annual single lifetime allowance that a member 2042
shall receive under division (A)(5) of this section shall not 2043
exceed the lesser of one hundred per cent of the member's final 2044
average salary or the limit established by section 415 of the 2045

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415,
as amended. 2046
2047

(B)(1) For the purposes of divisions (B) to ~~(H)~~(G) of this 2048
section, "total service credit as a PERS law enforcement officer" 2049
and "total service credit as a Hamilton county municipal court 2050
bailiff" include credit for military service to the extent 2051
permitted by division ~~(F)~~(E)(2) of this section and credit for 2052
service as a police officer or state highway patrol trooper to the 2053
extent permitted by divisions ~~(F)~~(E)(3) and (4) of this section. 2054

(2) A member who meets the conditions in division (B)(2)(a), 2055
(b), (c), or (d) of this section may apply for an age and service 2056
retirement benefit under this division: 2057

(a) The member has attained age forty-eight and has at least 2058
twenty-five years of total service credit as a PERS law 2059
enforcement officer whose primary duties were to preserve the 2060
peace, protect life and property, and enforce the laws in the 2061
member's jurisdiction; 2062

(b) The member has attained age fifty-two, and has at least 2063
twenty-five years of total service credit as a PERS law 2064
enforcement officer, but the member's primary duties were other 2065
than to preserve the peace, protect life and property, and enforce 2066
the laws in the member's jurisdiction; 2067

(c) The member has attained age fifty-two and has at least 2068
twenty-five years of total service as a Hamilton county municipal 2069
court bailiff; 2070

(d) The member has attained age sixty-two and has at least 2071
fifteen years of total service credit as either of the following: 2072

(i) A PERS law enforcement officer; 2073

(ii) A Hamilton county municipal court bailiff. 2074

(3) A benefit paid under division (B)(2) of this section 2075

shall consist of an annual single lifetime allowance equal to the
sum of two and one-half per cent of the member's final average
salary multiplied by the first twenty-five years of the member's
total service plus two and one-tenth per cent of the member's
final average salary multiplied by the number of years of the
member's total service credit in excess of twenty-five years.

(4) A member with at least fifteen years of total service
credit as a PERS law enforcement officer or Hamilton county
municipal court bailiff who voluntarily resigns or is discharged
for any reason except death, dishonesty, cowardice, intemperate
habits, or conviction of a felony may apply for an age and service
retirement benefit, which shall consist of an annual single
lifetime allowance equal to one and one-half per cent of the
member's final average salary multiplied by the number of years of
the member's total service credit. The allowance shall commence on
the first day of the calendar month following the month in which
the application is filed with the public employees retirement
board on or after the attainment by the applicant of age
fifty-two.

(C)(1) A member with at least twenty-five years of total
service credit who would be eligible to retire under division
(B)(2)(b) or (c) of this section had the member attained age
fifty-two and who voluntarily resigns or is discharged for any
reason except death, dishonesty, cowardice, intemperate habits, or
conviction of a felony, on or after the date of attaining
forty-eight years of age, but before the date of attaining
fifty-two years of age, may elect to receive a reduced benefit as
determined by the following schedule:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(3) of this section
49	80% of the benefit payable under

	division (B)(3) of this section	2108
50	86% of the benefit payable under division (B)(3) of this section	2109 2110
51	93% of the benefit payable under division (B)(3) of this section	2111 2112
	(2) If a member elects to receive a reduced benefit after attaining age forty-eight the reduced benefit is payable from the later of the date of the member's most recent birthday or the date the member becomes eligible to receive the reduced benefit.	2113 2114 2115 2116
	(3) Once a member elects to receive a reduced benefit determined by the schedule in division (C)(1) of this section and has received a payment, the member may not reelect to change that election.	2117 2118 2119 2120
	(4) If a member who has resigned or been discharged has left on deposit the member's accumulated contributions in the employees' savings fund and has not elected to receive a reduced benefit determined by the schedule in division (C)(1) of this section, upon attaining fifty-two years of age, the member shall be entitled to receive a benefit computed and paid under division (B)(3) of this section.	2121 2122 2123 2124 2125 2126 2127
	(D) A benefit paid under division (B) or (C) of this section shall not exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.	2128 2129 2130 2131 2132
	(E)(1) A member with service credit as a PERS law enforcement officer or a Hamilton county municipal court bailiff and other service credit under this chapter may elect one of the following:	2133 2134 2135 2136
	(a) To have all the member's service credit under this chapter, including credit for service as a PERS law enforcement	2137 2138

officer or Hamilton county municipal court bailiff, used in 2139
calculating a retirement allowance under division (A) of this 2140
section if the member qualifies for an allowance under that 2141
division; 2142

(b) If the member qualifies for an allowance under division 2143
(B) or (C) of this section, to have the member's service credit as 2144
a PERS law enforcement officer or Hamilton county municipal court 2145
bailiff used in calculating a benefit under the appropriate 2146
division and the member's credit for all service other than PERS 2147
law enforcement service or service as a Hamilton county municipal 2148
court bailiff under this chapter used in calculating a benefit 2149
consisting of a single life annuity having a reserve equal to the 2150
amount of the member's accumulated contributions and an equal 2151
amount of the employer's contributions. 2152

(2) Notwithstanding sections 145.01 and 145.30 of the Revised 2153
Code, no more than four years of military service credit granted 2154
under section 145.30 of the Revised Code and five years of 2155
military service credit purchased under section 145.301 or 145.302 2156
of the Revised Code shall be used in calculating service as a PERS 2157
law enforcement officer or Hamilton county municipal court bailiff 2158
or the total service credit of that person. 2159

(3) Only credit for the member's service as a PERS law 2160
enforcement officer or service credit obtained as a police officer 2161
or state highway patrol trooper shall be used in computing the 2162
benefit of a member who qualifies for a benefit under division 2163
(B)(2)(a), (b), or (d)(ii) or (4) or division (C) of this section 2164
for the following: 2165

(a) Any person who originally is commissioned and employed as 2166
a deputy sheriff by the sheriff of any county, or who originally 2167
is elected sheriff, on or after January 1, 1975; 2168

(b) Any deputy sheriff who originally is employed as a 2169

criminal bailiff or court constable on or after April 16, 1993;	2170
(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;	2171 2172 2173
(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;	2174 2175
(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, Ohio veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988;	2176 2177 2178 2179 2180 2181 2182 2183 2184 2185
(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;	2186 2187
(g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;	2188 2189 2190
(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;	2191 2192
(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;	2193 2194 2195
(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;	2196 2197
(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September	2198 2199

5, 2001;	2200
(1) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after the effective date of this amendment <u>February 1, 2002</u> .	2201 2202 2203 2204
(4) Only credit for a member's service as a Hamilton county municipal court bailiff or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(2)(c) or (d)(ii) or (4) or division (C) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.	2205 2206 2207 2208 2209 2210 2211 2212
(G) (F) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.	2213 2214
(H) (G) For the purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer.	2215 2216 2217 2218
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:	2219 2220 2221
(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.	2222 2223 2224 2225 2226 2227 2228
(2) "Bond service fund" means the respective bond service	2229

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 2262
capital facilities, the financing of those costs, and the placing 2263
of the capital facilities in use and operation, including any one, 2264
part of, or combination of those classes of costs and expenses. 2265

(5) "Credit enhancement facilities," "financing costs," and 2266
"interest" or "interest equivalent" have the same meanings as in 2267
section 133.01 of the Revised Code. 2268

(6) "Debt service" means principal, including any mandatory 2269
sinking fund or redemption requirements for retirement of 2270
obligations, interest and other accreted amounts, interest 2271
equivalent, and any redemption premium, payable on obligations. If 2272
not prohibited by the applicable bond proceedings, debt service 2273
~~includes~~ may include costs relating to credit enhancement 2274
facilities that are related to and represent, or are intended to 2275
provide a source of payment of or limitation on, other debt 2276
service. 2277

(7) "Issuing authority" means the Ohio public facilities 2278
commission created in section 151.02 of the Revised Code for 2279
obligations issued under section 151.03, 151.04, 151.05, 151.07, 2280
or 151.09 of the Revised Code, or the treasurer of state, or the 2281
officer who by law performs the functions of that office, for 2282
obligations issued under section 151.06, 151.08, or 151.40 of the 2283
Revised Code. 2284

(8) "Net proceeds" means amounts received from the sale of 2285
obligations, excluding amounts used to refund or retire 2286
outstanding obligations, amounts required to be deposited into 2287
special funds pursuant to the applicable bond proceedings, and 2288
amounts to be used to pay financing costs. 2289

(9) "Obligations" means bonds, notes, or other evidences of 2290
obligation of the state, including any appertaining interest 2291
coupons, issued pursuant to sections 151.01 to 151.09 or 151.40 of 2292

the Revised Code. 2293

(10) "Principal amount" means the aggregate of the amount as 2294
stated or provided for in the applicable bond proceedings as the 2295
amount on which interest or interest equivalent on particular 2296
obligations is initially calculated. Principal amount does not 2297
include any premium paid to the state by the initial purchaser of 2298
the obligations. "Principal amount" of a capital appreciation 2299
bond, as defined in division (C) of section 3334.01 of the Revised 2300
Code, means its face amount, and "principal amount" of a zero 2301
coupon bond, as defined in division (J) of section 3334.01 of the 2302
Revised Code, means the discounted offering price at which the 2303
bond is initially sold to the public, disregarding any purchase 2304
price discount to the original purchaser, if provided for pursuant 2305
to the bond proceedings. 2306

(11) "Special funds" or "funds," unless the context indicates 2307
otherwise, means the bond service fund, and any other funds, 2308
including any reserve funds, created under the bond proceedings 2309
and stated to be special funds in those proceedings, including 2310
moneys and investments, and earnings from investments, credited 2311
and to be credited to the particular fund. Special funds do not 2312
include the school building program assistance fund created by 2313
section 3318.25 of the Revised Code, the higher education 2314
improvement fund created by division (F) of section 154.21 of the 2315
Revised Code, the highway capital improvement bond fund created by 2316
section 5528.53 of the Revised Code, the state parks and natural 2317
resources fund created by section 1557.02 of the Revised Code, the 2318
coal research and development fund created by section 1555.15 of 2319
the Revised Code, the clean Ohio conservation fund created by 2320
section 164.27 of the Revised Code, the clean Ohio revitalization 2321
fund created by section 122.658 of the Revised Code, or other 2322
funds created by the bond proceedings that are not stated by those 2323
proceedings to be special funds. 2324

(B) Subject to Section 2l, 2m, 2n, 2o, or 15, and Section 17, 2325
of Article VIII, Ohio Constitution, the state, by the issuing 2326
authority, is authorized to issue and sell, as provided in 2327
sections 151.03 to 151.09 or 151.40 of the Revised Code, and in 2328
respective aggregate principal amounts as from time to time 2329
provided or authorized by the general assembly, general 2330
obligations of this state for the purpose of paying costs of 2331
capital facilities or projects identified by or pursuant to 2332
general assembly action. 2333

(C) Each issue of obligations shall be authorized by 2334
resolution or order of the issuing authority. The bond proceedings 2335
shall provide for or authorize the manner for determining the 2336
principal amount or maximum principal amount of obligations of an 2337
issue, the principal maturity or maturities, the interest rate or 2338
rates, the date of and the dates of payment of interest on the 2339
obligations, their denominations, and the place or places of 2340
payment of debt service which may be within or outside the state. 2341
Unless otherwise provided by law, the latest principal maturity 2342
may not be later than the earlier of the thirty-first day of 2343
December of the twenty-fifth calendar year after the year of 2344
issuance of the particular obligations or of the twenty-fifth 2345
calendar year after the year in which the original obligation to 2346
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 2347
and 9.983 of the Revised Code apply to obligations. The purpose of 2348
the obligations may be stated in the bond proceedings in general 2349
terms, such as, as applicable, "financing or assisting in the 2350
financing of projects as provided in Section 2l of Article VIII, 2351
Ohio Constitution," "financing or assisting in the financing of 2352
highway capital improvement projects as provided in Section 2m of 2353
Article VIII, Ohio Constitution," "paying costs of capital 2354
facilities for a system of common schools throughout the state as 2355
authorized by Section 2n of Article VIII, Ohio Constitution," 2356

"paying costs of capital facilities for state-supported and 2357
state-assisted institutions of higher education as authorized by 2358
Section 2n of Article VIII, Ohio Constitution," "paying costs of 2359
coal research and development as authorized by Section 15 of 2360
Article VIII, Ohio Constitution," "financing or assisting in the 2361
financing of local subdivision capital improvement projects as 2362
authorized by Section 2m of Article VIII, Ohio Constitution," 2363
"paying costs of conservation projects as authorized by Section 2o 2364
of Article VIII, Ohio Constitution," or "paying costs of 2365
revitalization projects as authorized by Section 2o of Article 2366
VIII, Ohio Constitution." 2367

(D) The issuing authority may appoint or provide for the 2368
appointment of paying agents, bond registrars, securities 2369
depositories, clearing corporations, and transfer agents, and may 2370
without need for any other approval retain or contract for the 2371
services of underwriters, investment bankers, financial advisers, 2372
accounting experts, marketing, remarketing, indexing, and 2373
administrative agents, other consultants, and independent 2374
contractors, including printing services, as are necessary in the 2375
judgment of the issuing authority to carry out the issuing 2376
authority's functions under this chapter. When the issuing 2377
authority is the Ohio public facilities commission, the issuing 2378
authority also may without need for any other approval retain or 2379
contract for the services of attorneys and other professionals for 2380
that purpose. Financing costs are payable, as may be provided in 2381
the bond proceedings, from the proceeds of the obligations, from 2382
special funds, or from other moneys available for the purpose. 2383

(E) The bond proceedings may contain additional provisions 2384
customary or appropriate to the financing or to the obligations or 2385
to particular obligations including, but not limited to, 2386
provisions for: 2387

(1) The redemption of obligations prior to maturity at the 2388

option of the state or of the holder or upon the occurrence of	2389
certain conditions, and at particular price or prices and under	2390
particular terms and conditions;	2391
(2) The form of and other terms of the obligations;	2392
(3) The establishment, deposit, investment, and application	2393
of special funds, and the safeguarding of moneys on hand or on	2394
deposit, in lieu of the applicability of provisions of Chapter	2395
131. or 135. of the Revised Code, but subject to any special	2396
provisions of sections 151.01 to 151.09 or 151.40 of the Revised	2397
Code with respect to the application of particular funds or	2398
moneys. Any financial institution that acts as a depository of any	2399
moneys in special funds or other funds under the bond proceedings	2400
may furnish indemnifying bonds or pledge securities as required by	2401
the issuing authority.	2402
(4) Any or every provision of the bond proceedings being	2403
binding upon the issuing authority and upon such governmental	2404
agency or entity, officer, board, commission, authority, agency,	2405
department, institution, district, or other person or body as may	2406
from time to time be authorized to take actions as may be	2407
necessary to perform all or any part of the duty required by the	2408
provision;	2409
(5) The maintenance of each pledge or instrument comprising	2410
part of the bond proceedings until the state has fully paid or	2411
provided for the payment of the debt service on the obligations or	2412
met other stated conditions;	2413
(6) In the event of default in any payments required to be	2414
made by the bond proceedings, or by any other agreement of the	2415
issuing authority made as part of a contract under which the	2416
obligations were issued or secured, including a credit enhancement	2417
facility, the enforcement of those payments by mandamus, a suit in	2418
equity, an action at law, or any combination of those remedial	2419

actions;	2420
(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;	2421 2422 2423 2424 2425
(8) The replacement of mutilated, destroyed, lost, or stolen obligations;	2426 2427
(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;	2428 2429 2430 2431
(10) Amendment of the bond proceedings;	2432
(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.	2433 2434 2435 2436
(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.	2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448
(G) Obligations are investment securities under Chapter 1308. of the Revised Code. Obligations may be issued in bearer or in	2449 2450

registered form, registrable as to principal alone or as to both 2451
principal and interest, or both, or in certificated or 2452
uncertificated form, as the issuing authority determines. 2453
Provision may be made for the exchange, conversion, or transfer of 2454
obligations and for reasonable charges for registration, exchange, 2455
conversion, and transfer. Pending preparation of final 2456
obligations, the issuing authority may provide for the issuance of 2457
interim instruments to be exchanged for the final obligations. 2458

(H) Obligations may be sold at public sale or at private 2459
sale, in such manner, and at such price at, above or below par, 2460
all as determined by and provided by the issuing authority in the 2461
bond proceedings. 2462

(I) Except to the extent that rights are restricted by the 2463
bond proceedings, any owner of obligations or provider of a credit 2464
enhancement facility may by any suitable form of legal proceedings 2465
protect and enforce any rights relating to obligations or that 2466
facility under the laws of this state or granted by the bond 2467
proceedings. Those rights include the right to compel the 2468
performance of all applicable duties of the issuing authority and 2469
the state. Each duty of the issuing authority and that authority's 2470
officers, staff, and employees, and of each state entity or 2471
agency, or using district or using institution, and its officers, 2472
members, staff, or employees, undertaken pursuant to the bond 2473
proceedings, is hereby established as a duty of the entity or 2474
individual having authority to perform that duty, specifically 2475
enjoined by law and resulting from an office, trust, or station 2476
within the meaning of section 2731.01 of the Revised Code. The 2477
individuals who are from time to time the issuing authority, 2478
members or officers of the issuing authority, or those members' 2479
designees acting pursuant to section 154.02 of the Revised Code, 2480
or the issuing authority's officers, staff, or employees, are not 2481
liable in their personal capacities on any obligations or 2482

otherwise under the bond proceedings. 2483

(J)(1) Subject to Section 2l, 2m, 2n, 2o, or 15, and Section 2484
17, of Article VIII, Ohio Constitution and sections 151.01 to 2485
151.09 or 151.40 of the Revised Code, the issuing authority may, 2486
in addition to the authority referred to in division (B) of this 2487
section, authorize and provide for the issuance of: 2488

(a) Obligations in the form of bond anticipation notes, and 2489
may provide for the renewal of those notes from time to time by 2490
the issuance of new notes. The holders of notes or appertaining 2491
interest coupons have the right to have debt service on those 2492
notes paid solely from the moneys and special funds that are or 2493
may be pledged to that payment, including the proceeds of bonds or 2494
renewal notes or both, as the issuing authority provides in the 2495
bond proceedings authorizing the notes. Notes may be additionally 2496
secured by covenants of the issuing authority to the effect that 2497
the issuing authority and the state will do all things necessary 2498
for the issuance of bonds or renewal notes in such principal 2499
amount and upon such terms as may be necessary to provide moneys 2500
to pay when due the debt service on the notes, and apply their 2501
proceeds to the extent necessary, to make full and timely payment 2502
of debt service on the notes as provided in the applicable bond 2503
proceedings. In the bond proceedings authorizing the issuance of 2504
bond anticipation notes the issuing authority shall set forth for 2505
the bonds anticipated an estimated schedule of annual principal 2506
payments the latest of which shall be no later than provided in 2507
division (C) of this section. While the notes are outstanding 2508
there shall be deposited, as shall be provided in the bond 2509
proceedings for those notes, from the sources authorized for 2510
payment of debt service on the bonds, amounts sufficient to pay 2511
the principal of the bonds anticipated as set forth in that 2512
estimated schedule during the time the notes are outstanding, 2513
which amounts shall be used solely to pay the principal of those 2514

notes or of the bonds anticipated. 2515

(b) Obligations for the refunding, including funding and 2516
retirement, and advance refunding with or without payment or 2517
redemption prior to maturity, of any obligations previously 2518
issued. Refunding obligations may be issued in amounts sufficient 2519
to pay or to provide for repayment of the principal amount, 2520
including principal amounts maturing prior to the redemption of 2521
the remaining prior obligations, any redemption premium, and 2522
interest accrued or to accrue to the maturity or redemption date 2523
or dates, payable on the prior obligations, and related financing 2524
costs and any expenses incurred or to be incurred in connection 2525
with that issuance and refunding. Subject to the applicable bond 2526
proceedings, the portion of the proceeds of the sale of refunding 2527
obligations issued under division (J)(1)(b) of this section to be 2528
applied to debt service on the prior obligations shall be credited 2529
to an appropriate separate account in the bond service fund and 2530
held in trust for the purpose by the issuing authority or by a 2531
corporate trustee. Obligations authorized under this division 2532
shall be considered to be issued for those purposes for which the 2533
prior obligations were issued. 2534

(2) Except as otherwise provided in sections 151.01 to 151.09 2535
or 151.40 of the Revised Code, bonds or notes authorized pursuant 2536
to division (J) of this section are subject to the provisions of 2537
those sections pertaining to obligations generally. 2538

(3) The principal amount of refunding or renewal obligations 2539
issued pursuant to division (J) of this section shall be in 2540
addition to the amount authorized by the general assembly as 2541
referred to in division (B) of the following sections: section 2542
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, or 151.40 2543
of the Revised Code. 2544

(K) Obligations are lawful investments for banks, savings and 2545
loan associations, credit union share guaranty corporations, trust 2546

companies, trustees, fiduciaries, insurance companies, including 2547
domestic for life and domestic not for life, trustees or other 2548
officers having charge of sinking and bond retirement or other 2549
special funds of the state and political subdivisions and taxing 2550
districts of this state, the sinking fund, the administrator of 2551
workers' compensation subject to the approval of the workers' 2552
compensation board, the state teachers retirement system, the 2553
public employees retirement system, the school employees 2554
retirement system, and the Ohio police and fire pension fund, 2555
notwithstanding any other provisions of the Revised Code or rules 2556
adopted pursuant to those provisions by any state agency with 2557
respect to investments by them, and are also acceptable as 2558
security for the repayment of the deposit of public moneys. The 2559
exemptions from taxation in Ohio as provided for in particular 2560
sections of the Ohio Constitution and section 5709.76 of the 2561
Revised Code apply to the obligations. 2562

(L)(1) Unless otherwise provided or provided for in any 2563
applicable bond proceedings, moneys to the credit of or in a 2564
special fund shall be disbursed on the order of the issuing 2565
authority. No such order is required for the payment, from the 2566
bond service fund or other special fund, when due of debt service 2567
or required payments under credit enhancement facilities. 2568

(2) Payments received by the state under interest rate hedges 2569
entered into as credit enhancement facilities under this chapter 2570
shall be deposited to the credit of the bond service fund for the 2571
obligations to which those credit enhancement facilities relate. 2572

(M) The full faith and credit, revenue, and taxing power of 2574
the state are and shall be pledged to the timely payment of debt 2575
service on outstanding obligations as it comes due, all in 2576
accordance with Section 21, 2m, 2n, 2o, or 15 of Article VIII, 2577
Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 2578

151.07, 151.08, or 151.09 of the Revised Code. Moneys referred to 2579
in Section 5a of Article XII, Ohio Constitution, may not be 2580
pledged or used for the payment of debt service except on 2581
obligations referred to in section 151.06 of the Revised Code. Net 2582
state lottery proceeds, as provided for and referred to in section 2583
3770.06 of the Revised Code, may not be pledged or used for the 2584
payment of debt service except on obligations referred to in 2585
section 151.03 of the Revised Code. The state covenants, and that 2586
covenant shall be controlling notwithstanding any other provision 2587
of law, that the state and the applicable officers and agencies of 2588
the state, including the general assembly, shall, so long as any 2589
obligations are outstanding in accordance with their terms, 2590
maintain statutory authority for and cause to be levied, collected 2591
and applied sufficient pledged excises, taxes, and revenues of the 2592
state so that the revenues shall be sufficient in amounts to pay 2593
debt service when due, to establish and maintain any reserves and 2594
other requirements, and to pay financing costs, including costs of 2595
or relating to credit enhancement facilities, all as provided for 2596
in the bond proceedings. Those excises, taxes, and revenues are 2597
and shall be deemed to be levied and collected, in addition to the 2598
purposes otherwise provided for by law, to provide for the payment 2599
of debt service and financing costs in accordance with sections 2600
151.01 to 151.09 of the Revised Code and the bond proceedings. 2601

(N) The general assembly may from time to time repeal or 2602
reduce any excise, tax, or other source of revenue pledged to the 2603
payment of the debt service pursuant to Section 2l, 2m, 2n, 2o, or 2604
15 of Article VIII, Ohio Constitution, and sections 151.01 to 2605
151.09 or 151.40 of the Revised Code, and may levy, collect and 2606
apply any new or increased excise, tax, or revenue to meet the 2607
pledge, to the payment of debt service on outstanding obligations, 2608
of the state's full faith and credit, revenue and taxing power, or 2609
of designated revenues and receipts, except fees, excises or taxes 2610

referred to in Section 5a of Article XII, Ohio Constitution, for 2611
other than obligations referred to in section 151.06 of the 2612
Revised Code and except net state lottery proceeds for other than 2613
obligations referred to in section 151.03 of the Revised Code. 2614
Nothing in division (N) of this section authorizes any impairment 2615
of the obligation of this state to levy and collect sufficient 2616
excises, taxes, and revenues to pay debt service on obligations 2617
outstanding in accordance with their terms. 2618

(O) Each bond service fund is a trust fund and is hereby 2619
pledged to the payment of debt service on the applicable 2620
obligations. Payment of that debt service shall be made or 2621
provided for by the issuing authority in accordance with the bond 2622
proceedings without necessity for any act of appropriation. The 2623
bond proceedings may provide for the establishment of separate 2624
accounts in the bond service fund and for the application of those 2625
accounts only to debt service on specific obligations, and for 2626
other accounts in the bond service fund within the general 2627
purposes of that fund. 2628

(P) Subject to the bond proceedings pertaining to any 2629
obligations then outstanding in accordance with their terms, the 2630
issuing authority may in the bond proceedings pledge all, or such 2631
portion as the issuing authority determines, of the moneys in the 2632
bond service fund to the payment of debt service on particular 2633
obligations, and for the establishment and maintenance of any 2634
reserves for payment of particular debt service. 2635

(Q) The issuing authority shall by the fifteenth day of July 2636
of each fiscal year, certify or cause to be certified to the 2637
office of budget and management the total amount of moneys 2638
required during the current fiscal year to meet in full all debt 2639
service on the respective obligations and any related financing 2640
costs payable from the applicable bond service fund and not from 2641
the proceeds of refunding or renewal obligations. The issuing 2642

authority shall make or cause to be made supplemental 2643
certifications to the office of budget and management for each 2644
debt service payment date and at such other times during each 2645
fiscal year as may be provided in the bond proceedings or 2646
requested by that office. Debt service, costs of credit 2647
enhancement facilities, and other financing costs shall be set 2648
forth separately in each certification. If and so long as the 2649
moneys to the credit of the bond service fund, together with any 2650
other moneys available for the purpose, are insufficient to meet 2651
in full all payments when due of the amount required as stated in 2652
the certificate or otherwise, the office of budget and management 2653
shall at the times as provided in the bond proceedings, and 2654
consistent with any particular provisions in sections 151.03 to 2655
151.09 and 151.40 of the Revised Code, transfer a sufficient 2656
amount to the bond service fund from the pledged revenues in the 2657
case of obligations issued pursuant to section 151.40 of the 2658
Revised Code, and in the case of other obligations from the 2659
revenues derived from excises, taxes, and other revenues, 2660
including net state lottery proceeds in the case of obligations 2661
referred to in section 151.03 of the Revised Code. 2662

(R) Unless otherwise provided in any applicable bond 2663
proceedings, moneys to the credit of special funds may be invested 2664
by or on behalf of the state only in one or more of the following: 2665

(1) Notes, bonds, or other direct obligations of the United 2666
States or of any agency or instrumentality of the United States, 2667
or in no-front-end-load money market mutual funds consisting 2668
exclusively of those obligations, or in repurchase agreements, 2669
including those issued by any fiduciary, secured by those 2670
obligations, or in collective investment funds consisting 2671
exclusively of those obligations; 2672

(2) Obligations of this state or any political subdivision of 2673
this state; 2674

(3) Certificates of deposit of any national bank located in 2675
this state and any bank, as defined in section 1101.01 of the 2676
Revised Code, subject to inspection by the superintendent of 2677
financial institutions; 2678

(4) The treasurer of state's pooled investment program under 2679
section 135.45 of the Revised Code. 2680

The income from investments referred to in division (R) of 2681
this section shall, unless otherwise provided in sections 151.01 2682
to 151.09 or 151.40 of the Revised Code, be credited to special 2683
funds or otherwise as the issuing authority determines in the bond 2684
proceedings. Those investments may be sold or exchanged at times 2685
as the issuing authority determines, provides for, or authorizes. 2686

(S) The treasurer of state shall have responsibility for 2687
keeping records, making reports, and making payments, relating to 2688
any arbitrage rebate requirements under the applicable bond 2689
proceedings. 2690

Sec. 151.40. (A) As used in this section: 2691

(1) "Bond proceedings" includes any trust agreements, and any 2692
amendments or supplements to them, as authorized by this section. 2693
2694

(2) "Costs of revitalization projects" includes related 2695
direct administrative expenses and allocable portions of the 2696
direct costs of those projects of the department of development or 2697
the environmental protection agency. 2698

(3) "Issuing authority" means the treasurer of state. 2699

(4) "Obligations" means obligations as defined in section 2700
151.01 of the Revised Code issued to pay the costs of projects for 2701
revitalization purposes as referred to in division (A)(2) of 2702
Section 2o of Article VIII, Ohio Constitution. 2703

(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 20 of Article VIII, Ohio Constitution, section 2734
151.01 of the Revised Code as applicable to this section, and this 2735
section. The issuing authority, upon the certification to it by 2736
the clean Ohio council of the amount of moneys needed in and for 2737
the purposes of the clean Ohio revitalization fund created by 2738
section 122.658 of the Revised Code, shall issue obligations in 2739
the amount determined by the issuing authority to be required for 2740
those purposes. The total principal amount of obligations issued 2741
under this section shall not exceed two hundred million dollars. 2742
The provisions and authorizations in section 151.01 of the Revised 2743
Code apply to the obligations and the bond proceedings except as 2744
otherwise provided or provided for in those obligations and bond 2745
proceedings. 2746

(C) Net proceeds of obligations shall be deposited in the 2747
clean Ohio revitalization fund created in section 122.658 of the 2748
Revised Code. 2749

(D) There is hereby created the revitalization projects bond 2750
service fund, which shall be in the custody of the treasurer of 2751
state, but shall be separate and apart from and not a part of the 2752
state treasury. All money received by the state and required by 2753
the bond proceedings, consistent with section 151.01 of the 2754
Revised Code and this section, to be deposited, transferred, or 2755
credited to the bond service fund, and all other money transferred 2756
or allocated to or received for the purposes of that fund, shall 2757
be deposited and credited to the bond service fund, subject to any 2758
applicable provisions of the bond proceedings, but without 2759
necessity for any act of appropriation. During the period 2760
beginning with the date of the first issuance of obligations and 2761
continuing during the time that any obligations are outstanding in 2762
accordance with their terms, so long as moneys in the bond service 2763
fund are insufficient to pay debt service when due on those 2764
obligations payable from that fund, except the principal amounts 2765

of bond anticipation notes payable from the proceeds of renewal 2766
notes or bonds anticipated, and due in the particular fiscal year, 2767
a sufficient amount of pledged receipts is committed and, without 2768
necessity for further act of appropriation, shall be paid to the 2769
bond service fund for the purpose of paying that debt service when 2770
due. 2771

(E) The issuing authority may pledge all, or such portion as 2772
the issuing authority determines, of the pledged receipts to the 2773
payment of the debt service charges on obligations issued under 2774
this section, and for the establishment and maintenance of any 2775
reserves, as provided in the bond proceedings, and make other 2776
provisions in the bond proceedings with respect to pledged 2777
receipts as authorized by this section, which provisions are 2778
controlling notwithstanding any other provisions of law pertaining 2779
to them. 2780

(F) The issuing authority may covenant in the bond 2781
proceedings, and such covenants shall be controlling 2782
notwithstanding any other provision of law, that the state and 2783
applicable officers and state agencies, including the general 2784
assembly, so long as any obligations issued under this section are 2785
outstanding, shall maintain statutory authority for and cause to 2786
be charged and collected wholesale or retail prices for spirituous 2787
liquor sold by the state or its agents so that the available 2788
pledged receipts are sufficient in time and amount to meet debt 2789
service payable from pledged liquor profits and for the 2790
establishment and maintenance of any reserves and other 2791
requirements provided for in the bond proceedings. 2792

(G) Obligations may be further secured, as determined by the 2793
issuing authority, by a trust agreement between the state and a 2794
corporate trustee, which may be any trust company or bank having 2795
its principal place of business within the state. Any trust 2796
agreement may contain the resolution or order authorizing the 2797

issuance of the obligations, any provisions that may be contained 2798
in any bond proceedings, and other provisions that are customary 2799
or appropriate in an agreement of that type, including, but not 2800
limited to: 2801

(1) Maintenance of each pledge, trust agreement, or other 2802
instrument comprising part of the bond proceedings until the state 2803
has fully paid or provided for the payment of debt service on the 2804
obligations secured by it; 2805

(2) In the event of default in any payments required to be 2806
made by the bond proceedings, enforcement of those payments or 2807
agreements by mandamus, the appointment of a receiver, suit in 2808
equity, action at law, or any combination of them; 2809

(3) The rights and remedies of the holders or owners of 2810
obligations and of the trustee and provisions for protecting and 2811
enforcing them, including limitations on rights of individual 2812
holders and owners. 2813

(H) The obligations shall not be general obligations of the 2814
state and the full faith and credit, revenue, and taxing power of 2815
the state shall not be pledged to the payment of debt service on 2816
them. The holders or owners of the obligations shall have no right 2817
to have any moneys obligated or pledged for the payment of debt 2818
service except as provided in this section and in the applicable 2819
bond proceedings. The rights of the holders and owners to payment 2820
of debt service are limited to all or that portion of the pledged 2821
receipts, and those special funds, pledged to the payment of debt 2822
service pursuant to the bond proceedings in accordance with this 2823
section, and each obligation shall bear on its face a statement to 2824
that effect. 2825

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 2826
152.33 of the Revised Code: 2827

(1) "Obligations" means bonds, notes, or other evidences of obligation, including interest coupons pertaining thereto, issued pursuant to sections 152.09 to 152.33 of the Revised Code.

(2) "State agencies" means the state of Ohio and branches, officers, boards, commissions, authorities, departments, divisions, courts, general assembly, or other units or agencies of the state. "State agency" also includes counties, municipal corporations, and governmental entities of this state that enter into leases with the Ohio building authority pursuant to section 152.31 of the Revised Code or that are designated by law as state agencies for the purpose of performing a state function that is to be housed by a capital facility for which the Ohio building authority is authorized to issue revenue obligations pursuant to sections 152.09 to 152.33 of the Revised Code.

(3) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the Ohio building authority on obligations.

(4) "Capital facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, within the state, and any one, part of, or combination of the foregoing, for housing of branches and agencies of state government, including capital facilities for the purpose of housing personnel, equipment, or functions, or any combination thereof that the state agencies are responsible for housing, for which the Ohio building authority is authorized to issue obligations pursuant to Chapter 152. of the Revised Code, and includes storage and parking facilities related to such capital facilities.

(5) "Cost of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, altering,

maintaining, equipping, furnishing, repairing, painting, 2860
decorating, managing, or operating capital facilities, and the 2861
financing thereof, including the cost of clearance and preparation 2862
of the site and of any land to be used in connection with capital 2863
facilities, the cost of participating in capital facilities 2864
pursuant to section 152.33 of the Revised Code, the cost of any 2865
indemnity and surety bonds and premiums on insurance, all related 2866
direct administrative expenses and allocable portions of direct 2867
costs of the authority and lessee state agencies, cost of 2868
engineering and architectural services, designs, plans, 2869
specifications, surveys, and estimates of cost, legal fees, fees 2870
and expenses of trustees, depositories, and paying agents for the 2871
obligations, cost of issuance of the obligations and financing 2872
charges and fees and expenses of financial advisers and 2873
consultants in connection therewith, interest on obligations from 2874
the date thereof to the time when interest is to be covered from 2875
sources other than proceeds of obligations, amounts necessary to 2876
establish reserves as required by the resolutions or the 2877
obligations, trust agreements, or indentures, costs of audits, the 2878
reimbursement of all moneys advanced or applied by or borrowed 2879
from any governmental entity, whether to or by the authority or 2880
others, from whatever source provided, for the payment of any item 2881
or items of cost of the capital facilities, any share of the cost 2882
undertaken by the authority pursuant to arrangements made with 2883
governmental entities under division (J) of section 152.21 of the 2884
Revised Code, and all other expenses necessary or incident to 2885
planning or determining the feasibility or practicability with 2886
respect to capital facilities, and such other expenses as may be 2887
necessary or incident to the acquisition, construction, 2888
reconstruction, rehabilitation, remodeling, renovation, 2889
enlargement, improvement, alteration, maintenance, equipment, 2890
furnishing, repair, painting, decoration, management, or operation 2891
of capital facilities, the financing thereof and the placing of 2892

the same in use and operation, including any one, part of, or 2893
combination of such classes of costs and expenses. 2894

(6) "Governmental entity" means any state agency, municipal 2895
corporation, county, township, school district, and any other 2896
political subdivision or special district in this state 2897
established pursuant to law, and, except where otherwise 2898
indicated, also means the United States or any of the states or 2899
any department, division, or agency thereof, and any agency, 2900
commission, or authority established pursuant to an interstate 2901
compact or agreement. 2902

(7) "Governing body" means: 2903

(a) In the case of a county, the board of county 2904
commissioners or other legislative authority; in the case of a 2905
municipal corporation, the legislative authority; in the case of a 2906
township, the board of township trustees; in the case of a school 2907
district, the board of education; 2908

(b) In the case of any other governmental entity, the 2909
officer, board, commission, authority, or other body having the 2910
general management of the entity or having jurisdiction or 2911
authority in the particular circumstances. 2912

(8) "Available receipts" means fees, charges, revenues, 2913
grants, subsidies, income from the investment of moneys, proceeds 2914
from the sale of goods or services, and all other revenues or 2915
receipts received by or on behalf of any state agency for which 2916
capital facilities are financed with obligations issued under 2917
Chapter 152. of the Revised Code, any state agency participating 2918
in capital facilities pursuant to section 152.33 of the Revised 2919
Code, or any state agency by which the capital facilities are 2920
constructed or financed; revenues or receipts derived by the 2921
authority from the operation, leasing, or other disposition of 2922
capital facilities, and the proceeds of obligations issued under 2923

Chapter 152. of the Revised Code; and also any moneys appropriated 2924
by a governmental entity, gifts, grants, donations, and pledges, 2925
and receipts therefrom, available for the payment of bond service 2926
charges on such obligations. 2927

(B) Pursuant to the powers granted to the general assembly 2928
under Section 2i of Article VIII, Ohio Constitution, to authorize 2929
the issuance of revenue obligations and other obligations, the 2930
owners or holders of which are not given the right to have excises 2931
or taxes levied by the general assembly for the payment of 2932
principal thereof or interest thereon, the Ohio building authority 2933
may issue obligations, in accordance with Chapter 152. of the 2934
Revised Code, and shall cause the net proceeds thereof, after any 2935
deposits of accrued interest for the payment of bond service 2936
charges and after any deposit of all or such lesser portion as the 2937
authority may direct of the premium received upon the sale of 2938
those obligations for the payment of the bond service charges, to 2939
be applied to the costs of capital facilities designated by or 2940
pursuant to act of the general assembly for housing state agencies 2941
as authorized by Chapter 152. of the Revised Code. The authority 2942
shall provide by resolution for the issuance of such obligations. 2943
The bond service charges and all other payments required to be 2944
made by the trust agreement or indenture securing such obligations 2945
shall be payable solely from available receipts of the authority 2946
pledged thereto as provided in such resolution. The available 2947
receipts pledged and thereafter received by the authority are 2948
immediately subject to the lien of such pledge without any 2949
physical delivery thereof or further act, and the lien of any such 2950
pledge is valid and binding against all parties having claims of 2951
any kind against the authority, irrespective of whether those 2952
parties have notice thereof, and creates a perfected security 2953
interest for all purposes of Chapter 1309. of the Revised Code and 2954
a perfected lien for purposes of any real property interest, all 2955

without the necessity for separation or delivery of funds or for 2956
the filing or recording of the resolution, trust agreement, 2957
indenture, or other agreement by which such pledge is created or 2958
any certificate, statement, or other document with respect 2959
thereto; and the pledge of such available receipts is effective 2960
and the money therefrom and thereof may be applied to the purposes 2961
for which pledged. Every pledge, and every covenant and agreement 2962
made with respect to the pledge, made in the resolution may 2963
therein be extended to the benefit of the owners and holders of 2964
obligations authorized by Chapter 152. of the Revised Code, and to 2965
any trustee therefor, for the further securing of the payment of 2966
the bond service charges, and all or any rights under any 2967
agreement or lease made under this section may be assigned for 2968
such purpose. Obligations may be issued at one time or from time 2969
to time, and each issue shall be dated, shall mature at such time 2970
or times as determined by the authority not exceeding forty years 2971
from the date of issue, and may be redeemable before maturity at 2972
the option of the authority at such price or prices and under such 2973
terms and conditions as are fixed by the authority prior to the 2974
issuance of the obligations. The authority shall determine the 2975
form of the obligations, fix their denominations, establish their 2976
interest rate or rates, which may be a variable rate or rates, or 2977
the maximum interest rate, and establish within or without this 2978
state a place or places of payment of bond service charges. 2979

(C) The obligations shall be signed by the authority 2980
chairperson, vice-chairperson, and secretary-treasurer, and the 2981
authority seal shall be affixed. The signatures may be facsimile 2982
signatures and the seal affixed may be a facsimile seal, as 2983
provided by resolution of the authority. Any coupons attached may 2984
bear the facsimile signature of the chairperson. In case any 2985
officer who has signed any obligations, or caused the officer's 2986
facsimile signature to be affixed thereto, ceases to be such 2987
officer before such obligations have been delivered, such 2988

obligations may, nevertheless, be issued and delivered as though 2989
the person who had signed the obligations or caused the person's 2990
facsimile signature to be affixed thereto had not ceased to be 2991
such officer. 2992

Any obligations may be executed on behalf of the authority by 2993
an officer who, on the date of execution, is the proper officer 2994
although on the date of such obligations such person was not the 2995
proper officer. 2996

(D) All obligations issued by the authority shall have all 2997
the qualities and incidents of negotiable instruments and may be 2998
issued in coupon or in registered form, or both, as the authority 2999
determines. Provision may be made for the registration of any 3000
obligations with coupons attached thereto as to principal alone or 3001
as to both principal and interest, their exchange for obligations 3002
so registered, and for the conversion or reconversion into 3003
obligations with coupons attached thereto of any obligations 3004
registered as to both principal and interest, and for reasonable 3005
charges for such registration, exchange, conversion, and 3006
reconversion. The authority may sell its obligations in any manner 3007
and for such prices as it determines, except that the authority 3008
shall sell obligations sold at public or private sale in 3009
accordance with section 152.091 of the Revised Code. 3010

(E) The obligations of the authority, principal, interest, 3011
and any proceeds from their sale or transfer, are exempt from all 3012
taxation within this state. 3013

(F) The authority is authorized to issue revenue obligations 3014
and other obligations under Section 2i of Article VIII, Ohio 3015
Constitution, for the purpose of paying the cost of capital 3016
facilities for housing of branches and agencies of state 3017
government, including capital facilities for the purpose of 3018
housing personnel, equipment, or functions, or any combination 3019
thereof that the state agencies are responsible for housing, as 3020

are authorized by Chapter 152. of the Revised Code, and that are 3021
authorized by the general assembly by the appropriation of lease 3022
payments or other moneys for such capital facilities or by any 3023
other act of the general assembly, but not including the 3024
appropriation of moneys for feasibility studies for such capital 3025
facilities. This division does not authorize the authority to 3026
issue obligations pursuant to Section 2i of Article VIII, Ohio 3027
Constitution, to pay the cost of capital facilities for mental 3028
hygiene and retardation, parks and recreation, or state-supported 3029
or state-assisted institutions of higher education. 3030

Sec. 152.10. The resolution of the Ohio building authority 3031
authorizing the issuance of authority obligations may contain 3032
provisions which shall be part of the contract with the holders of 3033
the obligations as to: 3034

(A) Pledging all or such portion as it determines of the 3035
available receipts of the authority for the payment of bond 3036
service charges and all other payments required to be made by the 3037
trust agreement or indenture securing such obligations, or 3038
restricting the security for a particular issue of obligations to 3039
specific revenues or receipts of the authority; 3040

(B) The acquisition, construction, reconstruction, equipment, 3041
furnishing, improvement, operation, alteration, enlargement, 3042
maintenance, insurance, and repair of capital facilities and sites 3043
therefor, and the duties of the authority with reference thereto; 3044
3045

(C) Other terms of the obligations; 3046

(D) Limitations on the purposes to which the proceeds of the 3047
obligations may be applied; 3048

(E) The rate of rentals or other charges for the use of 3049
capital facilities, the revenues from which are pledged to the 3050

obligations authorized by such resolution, including limitations	3051
upon the power of the authority to modify such rentals or other	3052
charges;	3053
(F) The use of and the expenditures of the revenues of the	3054
authority in such manner and to such extent as shall be	3055
determined, which may include provision for the payment of the	3056
expenses of the operation, maintenance, and repair of capital	3057
facilities, and the operation and administration of the authority	3058
so that such expenses shall be paid or provided as a charge prior	3059
to the payment of bond service charges and all other payments	3060
required to be made by the trust agreement or indenture securing	3061
such obligations;	3062
(G) Limitations on the issuance of additional obligations;	3063
(H) The terms of any trust agreement or indenture securing	3064
the obligations or under which the same may be issued;	3065
(I) Any other or additional agreements with the holders of	3066
the obligations, or the trustee therefor with respect to the	3067
operation of the authority and with respect to its property,	3068
funds, and revenues, and insurance thereof, and of the authority,	3069
its members, officers, and employees;	3070
(J) The deposit and application of funds and the safeguarding	3071
of funds on hand or on deposit without regard to Chapter 131. of	3072
<u>the Revised Code, including any deposits of accrued interest for</u>	3073
<u>the payment of bond service charges and any deposits of premium</u>	3074
<u>for the payment of bond service charges or for the application to</u>	3075
<u>the payment of costs of capital facilities;</u>	3076
(K) Municipal bond insurance, letters of credit, and other	3077
related agreements, the cost of which may be included in the costs	3078
of issuance of the obligations, and the pledge, holding, and	3079
disposition of the proceeds thereof;	3080
(L) A covenant that the state and any using state agency	3081

shall, so long as such obligations are outstanding, cause to be 3082
charged and collected such revenues and receipts of, or from, any 3083
such using state agency constituting available receipts under the 3084
resolution sufficient in amount to provide for the payment of bond 3085
service charges on such obligations and for the establishment and 3086
maintenance of any reserves, as provided in the resolution for 3087
such obligations, which covenant shall be controlling 3088
notwithstanding any other provision of law ~~pertainng~~ pertaining to 3089
such revenues and receipts; provided that no covenant shall 3090
require the general assembly to appropriate money derived from the 3091
levying of excises or taxes for the payment of rent or bond 3092
service charges. 3093

Sec. 152.101. There is hereby created in the state treasury 3094
the administrative building fund which shall consist of proceeds 3095
of obligations authorized to pay the cost of capital facilities. 3096
Except as provided in section 123.10 of the Revised Code, all 3097
investment earnings of the fund shall be credited to the fund. The 3098
fund shall be used to pay the costs of capital facilities 3099
designated by or pursuant to an act of the general assembly. 3100

Sec. 166.01. As used in this chapter: 3101

(A) "Allowable costs" means all or part of the costs of 3102
project facilities or eligible innovation projects, including 3103
costs of acquiring, constructing, reconstructing, rehabilitating, 3104
renovating, enlarging, improving, equipping, or furnishing project 3105
facilities or eligible innovation projects, site clearance and 3106
preparation, supplementing and relocating public capital 3107
improvements or utility facilities, designs, plans, 3108
specifications, surveys, studies, and estimates of costs, expenses 3109
necessary or incident to determining the feasibility or 3110
practicability of assisting an eligible project or an eligible 3111
innovation project or providing project facilities or facilities 3112

related to an eligible innovation project, architectural, 3113
engineering, and legal services fees and expenses, the costs of 3114
conducting any other activities as part of a voluntary action, and 3115
such other expenses as may be necessary or incidental to the 3116
establishment or development of an eligible project or an eligible 3117
innovation project, and reimbursement of moneys advanced or 3118
applied by any governmental agency or other person for allowable 3119
costs. 3120

(B) "Allowable innovation costs" includes allowable costs of 3121
eligible innovation projects and, in addition, includes the costs 3122
of research and development of eligible innovation projects; 3123
obtaining or creating any requisite software or computer hardware 3124
related to an eligible innovation project or the products or 3125
services associated therewith; testing (including, without 3126
limitation, quality control activities necessary for initial 3127
production), perfecting, and marketing of such products and 3128
services; creating and protecting intellectual property related to 3129
an eligible innovation project or any products or services related 3130
thereto, including costs of securing appropriate patent, 3131
trademark, trade secret, trade dress, copyright, or other form of 3132
intellectual property protection for an eligible innovation 3133
project or related products and services; all to the extent that 3134
such expenditures could be capitalized under then-applicable 3135
generally accepted accounting principles; and the reimbursement of 3136
moneys advanced or applied by any governmental agency or other 3137
person for allowable innovation costs. 3138

(C) "Eligible innovation project" includes an eligible 3139
project, including any project facilities associated with an 3140
eligible innovation project and, in addition, includes all 3141
tangible and intangible property related to a new product or 3142
process based on new technology or the creative application of 3143
existing technology, including research and development, product 3144

or process testing, quality control, market research, and related activities, that is to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination thereof, the operation of which, alone or in conjunction with other eligible projects, eligible innovation projects, or innovation property, will create new jobs or preserve existing jobs and employment opportunities and improve the economic welfare of the people of the state.

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(D) "Eligible project" means project facilities to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination thereof, the operation of which, alone or in conjunction with other facilities, will create new jobs or preserve existing jobs and employment opportunities and improve the economic welfare of the people of the state. "Eligible project" includes, without limitation, a voluntary action. For purposes of this division, "new jobs" does not include existing jobs transferred from another facility within the state, and "existing jobs" includes only those existing jobs with work places within the municipal corporation or unincorporated area of the county in which the eligible project is located.

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"Eligible project" does not include project facilities to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination of industry, commerce, distribution, or research, if the project facilities consist solely of point-of-final-purchase retail facilities. If the project facilities consist of both point-of-final-purchase retail facilities and nonretail facilities, only the portion of the project facilities consisting of nonretail facilities is an eligible project. If a warehouse facility is part of a

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point-of-final-purchase retail facility and supplies only that 3177
facility, the warehouse facility is not an eligible project. 3178
Catalog distribution facilities are not considered 3179
point-of-final-purchase retail facilities for purposes of this 3180
paragraph, and are eligible projects. 3181

~~(C)~~(E) "Financial assistance" means inducements under 3182
division (B) of section 166.02 of the Revised Code, loan 3183
guarantees under section 166.06 of the Revised Code, and direct 3184
loans under section 166.07 of the Revised Code. 3185

~~(D)~~(F) "Governmental action" means any action by a 3186
governmental agency relating to the establishment, development, or 3187
operation of an eligible project or eligible innovation project 3188
and project facilities that the governmental agency acting has 3189
authority to take or provide for the purpose under law, including, 3190
but not limited to, actions relating to contracts and agreements, 3191
zoning, building, permits, acquisition and disposition of 3192
property, public capital improvements, utility and transportation 3193
service, taxation, employee recruitment and training, and liaison 3194
and coordination with and among governmental agencies. 3195

~~(E)~~(G) "Governmental agency" means the state and any state 3196
department, division, commission, institution or authority; a 3197
municipal corporation, county, or township, and any agency 3198
thereof, and any other political subdivision or public corporation 3199
or the United States or any agency thereof; any agency, 3200
commission, or authority established pursuant to an interstate 3201
compact or agreement; and any combination of the above. 3202

(H) "Innovation financial assistance" means inducements under 3203
division (B) of section 166.12 of the Revised Code, innovation 3204
Ohio loan guarantees under section 166.15 of the Revised Code, and 3205
innovation Ohio loans under section 166.16 of the Revised Code. 3206

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(I) "Innovation Ohio loan guarantee reserve requirement" means, at any time, with respect to innovation loan guarantees made under section 166.15 of the Revised Code, a balance in the innovation Ohio loan guarantee fund equal to the greater of twenty per cent of the then-outstanding principal amount of all outstanding innovation loan guarantees made pursuant to section 166.15 of the Revised Code or fifty per cent of the principal amount of the largest outstanding guarantee made pursuant to section 166.15 of the Revised Code.

(J) "Innovation property" includes property and also includes software, inventory, licenses, contract rights, goodwill, intellectual property, including without limitation, patents, patent applications, trademarks and service marks, and trade secrets, and other tangible and intangible property, and any rights and interests in or connected to the foregoing.

(K) "Loan guarantee reserve requirement" means, at any time, with respect to loan guarantees made under section 166.06 of the Revised Code, a balance in the loan guarantee fund equal to the greater of twenty per cent of the then-outstanding principal amount of all outstanding guarantees made pursuant to section 166.06 of the Revised Code or fifty per cent of the principal amount of the largest outstanding guarantee made pursuant to section 166.06 of the Revised Code.

(L) "Person" means any individual, firm, partnership, association, corporation, or governmental agency, and any combination thereof.

(M) "Project facilities" means buildings, structures, and other improvements, and equipment and other property, excluding small tools, supplies, and inventory, and any one, part of, or combination of the above, comprising all or part of, or serving or being incidental to, an eligible project or an eligible innovation project, including, but not limited to, public capital

improvements.	3240
(H) (N) "Property" means real and personal property and interests therein.	3241 3242
(I) (O) "Public capital improvements" means capital improvements or facilities that any governmental agency has authority to acquire, pay the costs of, own, maintain, or operate, or to contract with other persons to have the same done, including, but not limited to, highways, roads, streets, water and sewer facilities, railroad and other transportation facilities, and air and water pollution control and solid waste disposal facilities.	3243 3244 3245 3246 3247 3248 3249 3250
<u>(P) "Targeted innovation industry sectors" means industry sectors involving the production or use of advanced materials, instruments, controls and electronics, power and propulsion, biosciences, and information technology, or such other sectors as may be designated by the director of development.</u>	3251 3252 3253 3254 3255
(J) (Q) "Voluntary action" means a voluntary action, as defined in section 3746.01 of the Revised Code, that is conducted under the voluntary action program established in Chapter 3746. of the Revised Code.	3256 3257 3258 3259
(K) (R) "Project financing obligations" means obligations issued pursuant to section 166.08 of the Revised Code other than obligations for which the bond proceedings provide that bond service charges shall be paid from receipts of the state representing gross profit on the sale of spirituous liquor as referred to in division (B)(4) of section 4310.10 of the Revised Code.	3260 3261 3262 3263 3264 3265 3266
(L) (S) "Regional economic development entity" means an entity that is under contract with the director of development to administer a loan program under this chapter in a particular area of this state.	3267 3268 3269 3270

Sec. 166.02. (A) The general assembly finds that many local 3271
areas throughout the state are experiencing economic stagnation or 3272
decline, and that the economic development program provided for by 3273
~~Chapter 166.~~ in sections 166.01 to 166.11 of the Revised Code will 3274
constitute a deserved, necessary reinvestment by the state in 3275
those areas, materially contribute to their economic 3276
revitalization, and result in improving the economic welfare of 3277
all the people of the state. Accordingly, it is declared to be the 3278
public policy of the state, through the operations under ~~Chapter~~ 3279
~~166.~~ sections 166.01 to 166.11 of the Revised Code and other 3280
applicable laws adopted pursuant to Section 13 of Article VIII, 3281
Ohio Constitution, and other authority vested in the general 3282
assembly, to assist in and facilitate the establishment or 3283
development of eligible projects or assist and cooperate with any 3284
governmental agency in achieving such purpose. 3285

(B) In furtherance of such public policy and to implement 3286
such purpose, the director of development may: 3287

(1) After consultation with appropriate governmental 3288
agencies, enter into agreements with persons engaged in industry, 3289
commerce, distribution, or research and with governmental agencies 3290
to induce such persons to acquire, construct, reconstruct, 3291
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 3292
otherwise develop, eligible projects and make provision therein 3293
for project facilities and governmental actions, as authorized by 3294
this chapter and other applicable laws, subject to any required 3295
actions by the general assembly or the controlling board and 3296
subject to applicable local government laws and regulations; 3297

(2) Provide for the guarantees and loans as provided for in 3298
sections 166.06 and 166.07 of the Revised Code; 3299

(3) Subject to release of such moneys by the controlling 3300
board, contract for labor and materials needed for, or contract 3301

with others, including governmental agencies, to provide, project 3302
facilities the allowable costs of which are to be paid for or 3303
reimbursed from moneys in the facilities establishment fund, and 3304
contract for the operation of such project facilities; 3305

(4) Subject to release thereof by the controlling board, from 3306
moneys in the facilities establishment fund acquire or contract to 3307
acquire by gift, exchange, or purchase, including the obtaining 3308
and exercise of purchase options, property, and convey or 3309
otherwise dispose of, or provide for the conveyance or disposition 3310
of, property so acquired or contracted to be acquired by sale, 3311
exchange, lease, lease purchase, conditional or installment sale, 3312
transfer, or other disposition, including the grant of an option 3313
to purchase, to any governmental agency or to any other person 3314
without necessity for competitive bidding and upon such terms and 3315
conditions and manner of consideration pursuant to and as the 3316
director determines to be appropriate to satisfy the objectives of 3317
~~Chapter 166.~~ sections 166.01 to 166.11 of the Revised Code; 3318

(5) Retain the services of or employ financial consultants, 3320
appraisers, consulting engineers, superintendents, managers, 3321
construction and accounting experts, attorneys, and employees, 3322
agents, and independent contractors as are necessary in ~~his~~ the 3323
director's judgment and fix the compensation for their services; 3324

(6) Receive and accept from any person grants, gifts, and 3325
contributions of money, property, labor, and other things of 3326
value, to be held, used and applied only for the purpose for which 3327
such grants, gifts, and contributions are made; 3328

(7) Enter into appropriate arrangements and agreements with 3329
any governmental agency for the taking or provision by that 3330
governmental agency of any governmental action; 3331

(8) Do all other acts and enter into contracts and execute 3332

all instruments necessary or appropriate to carry out the 3333
provisions of Chapter 166. of the Revised Code; 3334

(9) Adopt rules to implement any of the provisions of Chapter 3335
166. of the Revised Code applicable to the director. 3336

(C) The determinations by the director that facilities 3337
constitute eligible projects, that facilities are project 3338
facilities, that costs of such facilities are allowable costs, and 3339
all other determinations relevant thereto or to an action taken or 3340
agreement entered into shall be conclusive for purposes of the 3341
validity and enforceability of rights of parties arising from 3342
actions taken and agreements entered into under this chapter. 3343

(D) Except as otherwise prescribed in Chapter 166. of the 3344
Revised Code, all expenses and obligations incurred by the 3345
director in carrying out ~~his or her~~ the director's powers and in 3346
exercising ~~his or her~~ the director's duties under Chapter 166. of 3347
the Revised Code, shall be payable solely from, as appropriate, 3348
moneys in the facilities establishment fund, the loan guarantee 3349
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 3350
loan fund, or moneys appropriated for such purpose by the general 3351
assembly. Chapter 166. of the Revised Code does not authorize the 3352
director or the issuing authority under section 166.08 of the 3353
Revised Code to incur bonded indebtedness of the state or any 3354
political subdivision thereof, or to obligate or pledge moneys 3355
raised by taxation for the payment of any bonds or notes issued or 3356
guarantees made pursuant to Chapter 166. of the Revised Code. 3357

(E) ~~No~~ Except for financial assistance provided under 3358
sections 166.12 to 166.16 of the Revised Code, no financial 3359
assistance for project facilities shall be provided under this 3360
chapter unless the provisions of the agreement providing for such 3361
assistance specify that all wages paid to laborers and mechanics 3362
employed on such project facilities for which the assistance is 3363
granted shall be paid at the prevailing rates of wages of laborers 3364

and mechanics for the class of work called for by such project 3365
facilities, which wages shall be determined in accordance with the 3366
requirements of Chapter 4115. of the Revised Code for 3367
determination of prevailing wage rates, provided that the 3368
requirements of this division do not apply where the federal 3369
government or any of its agencies provides financing assistance as 3370
to all or any part of the funds used in connection with such 3371
project facilities and prescribes predetermined minimum wages to 3372
be paid to such laborers and mechanics; and provided further that 3373
should a nonpublic user beneficiary of the eligible project 3374
undertake, as part of the eligible project, construction to be 3375
performed by its regular bargaining unit employees who are covered 3376
under a collective bargaining agreement which was in existence 3377
prior to the date of the document authorizing such assistance 3378
then, in that event, the rate of pay provided under the collective 3379
bargaining agreement may be paid to such employees. 3380

(F) Any governmental agency may enter into an agreement with 3381
the director, any other governmental agency, or a person to be 3382
assisted under this chapter, to take or provide for the purposes 3383
of this chapter any governmental action it is authorized to take 3384
or provide, and to undertake on behalf and at the request of the 3385
director any action which the director is authorized to undertake 3386
pursuant to divisions (B)(3), (4), and (5) of this section or 3387
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 3388
Code. Governmental agencies of the state shall cooperate with and 3389
provide assistance to the director of development and the 3390
controlling board in the exercise of their respective functions 3391
under this chapter. 3392

Sec. 166.03. (A) There is hereby created the facilities 3393
establishment fund within the state treasury, consisting of 3394
proceeds from the issuance of obligations as specified under 3395
section 166.08 of the Revised Code; the moneys received by the 3396

state from the sources specified in section 166.09 of the Revised 3397
Code; service charges imposed under sections 166.06 and 166.07 of 3398
the Revised Code; any grants, gifts, or contributions of moneys 3399
received by the director of development to be used for loans made 3400
under section 166.07 of the Revised Code or for the payment of the 3401
allowable costs of project facilities; and all other moneys 3402
appropriated or transferred to the fund. Moneys in the loan 3403
guarantee fund in excess of ~~four per cent of the unpaid principal~~ 3404
~~amount of loan repayments guaranteed under section 166.06 of the~~ 3405
~~Revised Code~~ the loan guarantee reserve requirement, but subject 3406
to the provisions and requirements of any guarantee contracts, may 3407
be transferred to the facilities establishment fund by the 3408
treasurer of state upon the order of the director of development. 3409
Moneys received by the state under Chapter 122. of the Revised 3410
Code, to the extent allocable to the utilization of moneys derived 3411
from proceeds of the sale of obligations pursuant to section 3412
166.08 of the Revised Code, shall be credited to the facilities 3413
establishment fund. 3414

(B) All moneys appropriated or transferred to the facilities 3415
establishment fund may be released at the request of the director 3416
of development for payment of allowable costs or the making of 3417
loans under ~~this chapter~~ section 166.07 of the Revised Code, for 3418
transfer to the loan guarantee fund established in section 166.06 3419
of the Revised Code, or for use for the purpose of or transfer to 3420
the funds established by sections 122.35, 122.42, 122.54, 122.55, 3421
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 3422
and, until July 1, 2003, the fund established by section 166.031 3423
of the Revised Code, and, until July 1, 2007, the fund established 3424
by section 122.26 of the Revised Code, but only for such of those 3425
purposes as are within the authorization of Section 13 of Article 3426
VIII, Ohio Constitution, in all cases subject to the approval of 3427
the controlling board. 3428

(C) The department of development, in the administration of 3429
the facilities establishment fund, is encouraged to utilize and 3430
promote the utilization of, to the maximum practicable extent, the 3431
other existing programs, business incentives, and tax incentives 3432
that department is required or authorized to administer or 3433
supervise. 3434

Sec. 166.04. (A) Prior to entering into each agreement to 3435
provide assistance under ~~this chapter~~ sections 166.02, 166.06, and 3436
166.07 of the Revised Code, the director of development shall 3437
determine whether the assistance will conform to the requirements 3438
of ~~Chapter 166.~~ sections 166.01 to 166.11 of the Revised Code. 3439
Such determination, and the facts upon which it is based, shall be 3440
set forth by the director in submissions made to the controlling 3441
board for purposes of section 166.03 and, unless provision of the 3442
assistance has been recommended to the director by a regional 3443
economic development entity, to the development financing advisory 3444
council under section 166.05 of the Revised Code. An agreement to 3445
provide assistance under ~~this chapter~~ sections 166.02, 166.06, and 3446
166.07 of the Revised Code shall set forth such determination, 3447
which shall be conclusive for purposes of the validity and 3448
enforceability of such agreement and any loan guarantees, loans, 3449
or other agreements entered into pursuant to such agreement to 3450
provide assistance. 3451

(B) Whenever a person applies for financial assistance under 3452
~~this chapter~~ sections 166.02, 166.06, and 166.07 of the Revised 3453
Code and the project for which assistance is requested is to 3454
relocate facilities that are currently being operated by the 3455
person and that are located in another county, municipal 3456
corporation, or township, the director shall provide written 3457
notification to the appropriate local governmental bodies and 3458
state officials. The notification shall contain the following 3459
information: 3460

(1) The name of the person applying for financial assistance 3461
~~under this chapter;~~ 3462

(2) The county, and the municipal corporation or township, in 3463
which the project for which assistance is requested is located; 3464
and 3465

(3) The county, and the municipal corporation or township, in 3466
which the facility to be replaced is located. 3467

The director shall provide the written notification to the 3468
appropriate local governmental bodies and state officials so that 3469
they receive the notification at least five days before the 3470
development financing advisory council meeting at which the 3471
council considers the request for financial assistance pursuant to 3472
section 166.05 of the Revised Code. 3473

(C) As used in division (B) of this section: 3474

(1) "Appropriate local governmental bodies" means: 3475

(a) The boards of county commissioners or legislative 3476
authorities of the county in which the project for which 3477
assistance is requested is located and of the county in which the 3478
facility to be replaced is located; 3479

(b) The legislative authority of the municipal corporation or 3480
the board of township trustees of the township in which the 3481
project for which assistance is requested is located; and 3482

(c) The legislative authority of the municipal corporation or 3483
the board of township trustees of the township in which the 3484
facility to be replaced is located. 3485

(2) "State officials" means: 3486

(a) The state representative and state senator in whose 3487
districts the project for which assistance is requested is 3488
located; 3489

(b) The state representative and state senator in whose districts the facility to be replaced is located. 3490
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Sec. 166.05. (A) In determining the projects to be assisted 3492
and the nature, amount, and terms of assistance to be provided for 3493
an eligible project under ~~this chapter~~ sections 166.02, 166.06, 3494
and 166.07 of the Revised Code: 3495

(1) Except as otherwise provided in division (A)(3) of this 3496
section, the director of development shall take into consideration 3497
all of the following: 3498

(a) The number of jobs to be created or preserved, directly 3499
or indirectly; 3500

(b) Payrolls, and the taxes generated, at both state and 3501
local levels, by the eligible project and by the employment 3502
created or preserved by the eligible project; 3503

(c) The size, nature, and cost of the eligible project, 3504
including the prospect of the project for providing long-term jobs 3505
in enterprises consistent with the changing economics of the state 3506
and the nation; 3507

(d) The needs, and degree of needs, of the area in which the 3508
eligible project is to be located; 3509

(e) The needs of any private sector enterprise to be 3510
assisted; 3511

(f) The competitive effect of the assistance on other 3512
enterprises providing jobs for people of the state; 3513

(g) The amount and kind of assistance, if any, to be provided 3514
to the private sector enterprise by other governmental agencies 3515
through tax exemption or abatement, financing assistance with 3516
industrial development bonds, and otherwise, with respect to the 3517
eligible project; 3518

(h) The impact of the eligible project and its operations on 3519
local government services, including school services, and on 3520
public facilities; 3521

(i) The effect of the assistance on the loss of or damage to 3522
or destruction of prime farmland, or the removal from agricultural 3523
production of prime farmland. As used in this section, "prime 3524
farmland" means agricultural land that meets the criteria for this 3525
classification as defined by the United States soil conservation 3526
service. 3527

(j) The length of time the operator of the project has been 3528
operating facilities within the state; 3529

~~(k) The reservation of financial assistance made by the 3530
general assembly for small business concerns. 3531~~

(2) The benefits to the local area, including taxes, jobs, 3532
and reduced unemployment and reduced welfare costs, among others, 3533
may be accorded value in the leasing or sales of project 3534
facilities and in loan and guarantee arrangements. 3535

(B) Prior to granting final approval of the assistance to be 3536
provided, the director shall determine that the benefits to be 3537
derived by the state and local area from the establishment or 3538
development, and operation, of the eligible project will exceed 3539
the cost of providing such assistance and, except as provided in 3540
division (C)(2) of this section, shall submit to the development 3541
financing advisory council and to the controlling board a copy of 3542
that determination including the basis for the determination. 3543

(C)(1) Except as provided in division (C)(2) of this section, 3544
prior to the submission provided for in division (B) of this 3545
section to the controlling board, the director shall submit to the 3546
development financing advisory council data pertinent to the 3547
considerations set forth in division (A) of this section, the 3548
terms of the proposed assistance, and such other relevant 3549

information as the development financing advisory council may request. 3550
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(2) The director is not required to submit any determination, data, terms, or other application materials or information to the development financing advisory council when provision of the assistance has been recommended to the director by a regional economic development entity. 3552
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(D) The development financing advisory council, on the basis of such data, shall make recommendations as to the appropriateness of the assistance to be provided. The recommendations may be revised to reflect any changes in the proposed assistance as the director may submit to the council. The recommendations, as amended, of the council as to the appropriateness of the proposed assistance shall be submitted to the controlling board. 3557
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(E) Financial statements and other data submitted to the director of development, the development financing advisory council, or the controlling board by any private sector person in connection with financial assistance under ~~this chapter~~ sections 166.02, 166.06, and 166.07 of the Revised Code, or any information taken from such statements or data for any purpose, shall not be open to public inspection. The development financing advisory council in considering confidential information in connection with financial assistance under ~~this chapter~~ sections 166.02, 166.06, and 166.07 of the Revised Code may, only for consideration of the confidential information referred to, and in the manner provided in division (E) of section 121.22 of the Revised Code, close the meeting during such consideration. 3564
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Sec. 166.06. (A) Subject to any limitations as to aggregate amounts thereof that may from time to time be prescribed by the general assembly and to other applicable provisions of this chapter, the director of development may, on behalf of the state, 3577
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enter into contracts to guarantee the repayment or payment of not 3581
more than ninety per cent of the unpaid principal amount of loans 3582
made, including bonds, notes, or other certificates issued or 3583
given to provide funds, to pay allowable costs of eligible 3584
projects. Such guarantees shall be secured solely by and payable 3585
solely from the loan guarantee fund created by this section and 3586
~~from the unencumbered and available moneys representing gross~~ 3587
~~profits payable to the state from the sale of spirituous liquor as~~ 3588
~~included in the definition of "pledged receipts" in division~~ 3589
~~(A)(6) of section 166.08 of the Revised Code, in the facilities~~ 3590
establishment fund in the manner and to the extent provided in 3591
such guarantee contracts consistent with this section. Such 3592
guarantees shall not constitute general obligations of the state 3593
or of any political subdivision, and moneys raised by taxation 3594
shall not be obligated or pledged for the payment of such 3595
guarantees. 3596

(B) Before guaranteeing any such repayments or payments the 3597
director shall determine that: 3598

(1) The project is an eligible project and is economically 3599
sound; 3600

(2) The principal amount to be guaranteed does not exceed 3601
ninety per cent of the allowable costs of the eligible project as 3602
determined by ~~an independent engineer, architect, or appraiser~~ 3603
~~engaged by the director by separate contract relating separately~~ 3604
~~and solely to the particular eligible project for which the~~ 3605
~~guarantee is to be made and.~~ To assist the director in making this 3606
determination, the director may, in the director's discretion, 3607
engage an independent engineer, architect, appraiser, or other 3608
professional pursuant to a contract to be paid solely from the 3609
facilities establishment fund. ~~Such contract shall be,~~ subject to 3610
controlling board approval ~~prior to making such an appraisal.~~ 3611

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(3) The principal amount to be guaranteed has a satisfactory maturity date or dates, which in no case shall be later than ~~twenty-five~~ twenty years from the effective date of the guarantee;

(4) The rate of interest on the loan to be guaranteed and on any other loan made by the same parties or related persons for the eligible project is not excessive;

(5) The principal obligor, or primary guarantor, is responsible and is reasonably expected to be able to meet the payments under the loan, bonds, notes, or other certificates;

(6) The loan or documents pertaining to the bonds, notes, or other certificates to be guaranteed contains ~~amortization provisions satisfactory to the director requiring periodic payments or sinking fund or similar deposits~~ for payment by the principal obligor, and is in such form and contains such terms and provisions for the protection of the lenders as are generally consistent with commercial practice, including, where applicable, provisions with respect to property insurance, repairs, alterations, payment of taxes and assessments, delinquency charges, default remedies, acceleration of maturity, prior, additional and secondary liens, and other matters as the director may approve.

~~The determinations of the director shall be conclusive for purposes of the validity of a guarantee evidenced by a contract signed by the director, and such guarantee shall be incontestable as to moneys advanced under loans to which such guarantees are by their terms applicable.~~

(C) The contract of guarantee may make provision for the conditions of, time for and manner of fulfillment of the guarantee commitment, subrogation of the state to the rights of the parties guaranteed and exercise of such parties' rights by the state, giving the state the options of making payment of the principal

amount guaranteed in one or more installments and, if deferred, to 3644
pay interest thereon from the loan guarantee fund ~~and pledged~~ 3645
~~receipts described in division (A)(6) of section 166.08 of the~~ 3646
~~Revised Code~~ and the facilities establishment fund, any other 3647
terms or conditions customary to such guarantees and as the 3648
director may approve, and may contain provisions for securing the 3649
guarantee in the manner consistent with this section, covenants on 3650
behalf of the state for the maintenance of the loan guarantee fund 3651
created by this section and of receipts to it permitted by this 3652
chapter, including covenants on behalf of the state to issue 3653
obligations under section 166.08 of the Revised Code to provide 3654
moneys to the loan guarantee fund to fulfill such guarantees and 3655
covenants authorized by division (R)(1) of section 166.08 of the 3656
Revised Code, and covenants restricting the aggregate amount of 3657
guarantees that may be contracted under this section and 3658
obligations that may be issued under section 166.08 of the Revised 3659
Code, and terms pertinent to either, to better secure the parties 3660
guaranteed. 3661

(D) The "loan guarantee fund" of the economic development 3662
program is hereby created as a special revenue fund and a trust 3663
fund which shall be in the custody of the treasurer of state but 3664
shall be separate and apart from and not a part of the state 3665
treasury to consist of all grants, gifts, and contributions of 3666
moneys or rights to moneys lawfully designated for or deposited in 3667
such fund, all moneys and rights to moneys lawfully appropriated 3668
and transferred to such fund, including moneys received from the 3669
issuance of obligations under section 166.08 of the Revised Code, 3670
and moneys deposited to such fund pursuant to division (F) of this 3671
section; provided that the loan guarantee fund shall not be 3672
comprised, in any part, of moneys raised by taxation. 3673

(E) The director may fix service charges for making a 3674
guarantee. Such charges shall be payable at such times and place 3675

and in such amounts and manner as may be prescribed by the
director.

(F) The treasurer of state shall serve as agent for the
director in the making of deposits and withdrawals and maintenance
of records pertaining to the loan guarantee fund. Prior to the
director's entry into a contract providing for the making of a
guarantee payable from the loan guarantee fund, the treasurer of
state shall cause to be transferred from the facilities
establishment fund to the loan guarantee fund an amount sufficient
to make the aggregate balance therein, taking into account the
proposed loan guarantee, equal to the loan guarantee reserve
requirement. Thereafter, the treasurer of state shall cause the
balance in the loan guarantee fund to be at least equal to the
loan guarantee reserve requirement. Funds from the loan guarantee
fund shall be disbursed under a guarantee made pursuant to this
section to satisfy a guaranteed repayment or payment which is in
default. The treasurer of state shall first withdraw and transfer
moneys then on deposit in the loan guarantee fund. Whenever these
moneys are inadequate to meet the requirements of a guarantee, the
treasurer of state shall, without need of appropriation or further
action by the director, provide for a withdrawal and transfer to
the loan guarantee fund and then to the guaranteed party of moneys
in such amount as is necessary to meet the guarantee, ~~from moneys
representing gross profits payable to the state from the sale of
spirituous liquor as are included in the definition of "pledged
receipts" in division (A)(6) of section 166.08 of the Revised Code~~
from unencumbered and available moneys in the facilities
establishment fund. Such disbursements shall be made in the manner
and at the times provided in such guarantees. Within ninety days
following a disbursement of moneys from the loan guarantee fund,
the treasurer of state, without need of appropriation or further
action by the director, shall provide for a withdrawal and

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transfer to the loan guarantee fund from unencumbered and 3708
available moneys in the facilities establishment fund, including 3709
moneys from the repayment of loans made from that fund, of an 3710
amount sufficient to cause the balance in the loan guarantee fund 3711
to be at least equal to the loan guarantee reserve requirement. 3712

(G) Any guaranteed parties under this section, except to the 3713
extent that their rights are restricted by the guarantee 3714
documents, may by any suitable form of legal proceedings, protect 3715
and enforce any rights under the laws of this state or granted by 3716
such guarantee or guarantee documents. Such rights include the 3717
right to compel the performance of all duties of the director and 3718
the treasurer of state required by this section or the guarantee 3719
or guarantee documents; and in the event of default with respect 3720
to the payment of any guarantees, to apply to a court having 3721
jurisdiction of the cause to appoint a receiver to receive and 3722
administer the moneys pledged to such guarantee with full power to 3723
pay, and to provide for payment of, such guarantee, and with such 3724
powers, subject to the direction of the court, as are accorded 3725
receivers in general equity cases, excluding any power to pledge 3726
or apply additional revenues or receipts or other income or moneys 3727
of the state or governmental agencies of the state to the payment 3728
of such guarantee. Each duty of the director and the treasurer of 3729
state and their officers and employees, and of each governmental 3730
agency and its officers, members, or employees, required or 3731
undertaken pursuant to this section or a guarantee made under 3732
authority of this section, is hereby established as a duty of the 3733
director and the treasurer of state, and of each such officer, 3734
member, or employee having authority to perform such duty, 3735
specifically enjoined by the law resulting from ~~and~~ an office, 3736
trust, or station within the meaning of section 2731.01 of the 3737
Revised Code. The persons who are at the time the director and 3738
treasurer of state, or their officers or employees, are not liable 3739
in their personal capacities on any guarantees or contracts to 3740

make guarantees by the director. 3741

(H) The determinations of the director under divisions (B) 3742
and (C) of this section shall be conclusive for purposes of the 3743
validity of a guarantee evidenced by a contract signed by the 3744
director, and such guarantee shall be incontestable as to moneys 3745
advanced under loans to which such guarantees are by their terms 3746
applicable. 3747

Sec. 166.07. (A) The director of development, with the 3748
approval of the controlling board and subject to the other 3749
applicable provisions of this chapter, may lend moneys in the 3750
facilities establishment fund to persons for the purpose of paying 3751
allowable costs of an eligible project if the director determines 3752
that: 3753

(1) The project is an eligible project and is economically 3754
sound; 3755

(2) The borrower is unable to finance the necessary allowable 3756
costs through ordinary financial channels upon comparable terms; 3757
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(3) The amount to be lent from the facilities establishment 3759
fund will not exceed seventy-five per cent of the total allowable 3760
costs of the eligible project, except that if any part of the 3761
~~entire~~ amount to be lent from the facilities establishment fund is 3762
derived from the issuance and sale of project financing 3763
obligations the amount to be lent will not exceed ninety per cent 3764
of the total allowable costs of the eligible project; 3765

(4) The eligible project could not be achieved in the local 3766
area in which it is to be located if the portion of the project to 3767
be financed by the loan instead were to be financed by a loan 3768
guaranteed under section 166.06 of the Revised Code; 3769

(5) The ~~amount~~ repayment of the loan from the facilities 3770

establishment fund ~~to be repaid~~ will be adequately secured by a 3771
mortgage, lien, assignment, or pledge, at such level of priority 3772
as the director may require; 3773

(6) The borrower will hold at least a ten per cent equity 3774
interest in the eligible project at the time the loan is made. 3775

(B) The determinations of the director under division (A) of 3776
this section shall be conclusive for purposes of the validity of a 3777
loan commitment evidenced by a loan agreement signed by the 3778
director. 3779

(C) Fees, charges, rates of interest, times of payment of 3780
interest and principal, and other terms, conditions, and 3781
provisions of and security for loans made from the facilities 3782
establishment fund pursuant to this section shall be such as the 3783
director determines to be appropriate and in furtherance of the 3784
purpose for which the loans are made. The moneys used in making 3785
such loans shall be disbursed from the facilities establishment 3786
fund upon order of the director. The director shall give special 3787
consideration in setting the required job creation ratios and 3788
interest rates for loans that are for voluntary actions. 3789

(D) The director may take actions necessary or appropriate to 3790
collect or otherwise deal with any loan made under this section. 3791
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(E) The director may fix service charges for the making of a 3793
loan. Such charges shall be payable at such times and place and in 3794
such amounts and manner as may be prescribed by the director. 3795

Sec. 166.08. (A) As used in this chapter: 3796

(1) "Bond proceedings" means the resolution, order, trust 3797
agreement, indenture, lease, and other agreements, amendments and 3798
supplements to the foregoing, or any one or more or combination 3799
thereof, authorizing or providing for the terms and conditions 3800

applicable to, or providing for the security or liquidity of, 3801
obligations issued pursuant to this section, and the provisions 3802
contained in such obligations. 3803

(2) "Bond service charges" means principal, including 3804
mandatory sinking fund requirements for retirement of obligations, 3805
and interest, and redemption premium, if any, required to be paid 3806
by the state on obligations. 3807

(3) "Bond service fund" means the applicable fund and 3808
accounts therein created for and pledged to the payment of bond 3809
service charges, which may be, or may be part of, the economic 3810
development bond service fund created by division (S) of this 3811
section including all moneys and investments, and earnings from 3812
investments, credited and to be credited thereto. 3813

(4) "Issuing authority" means the treasurer of state, or the 3814
officer who by law performs the functions of such officer. 3815

(5) "Obligations" means bonds, notes, or other evidence of 3816
obligation including interest coupons pertaining thereto, issued 3817
pursuant to this section. 3818

(6) "Pledged receipts" means all receipts of the state 3819
representing the gross profit on the sale of spirituous liquor, as 3820
referred to in division (B)(4) of section 4301.10 of the Revised 3821
Code, after paying all costs and expenses of the division of 3822
liquor control and providing an adequate working capital reserve 3823
for the division of liquor control as provided in that division, 3824
but excluding the sum required by the second paragraph of section 3825
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 3826
paid into the state treasury; moneys accruing to the state from 3827
the lease, sale, or other disposition, or use, of project 3828
facilities, and from the repayment, including interest, of loans 3829
made from proceeds received from the sale of obligations; accrued 3830
interest received from the sale of obligations; income from the 3831

investment of the special funds; and any gifts, grants, donations,
and pledges, and receipts therefrom, available for the payment of
bond service charges.

(7) "Special funds" or "funds" means, except where the
context does not permit, the bond service fund, and any other
funds, including reserve funds, created under the bond
proceedings, and the economic development bond service fund
created by division (S) of this section to the extent provided in
the bond proceedings, including all moneys and investments, and
earnings from investment, credited and to be credited thereto.

(B) Subject to the limitations provided in section 166.11 of
the Revised Code, the issuing authority, upon the certification by
the director of development to the issuing authority of the amount
of moneys or additional moneys needed in the facilities
establishment fund ~~or~~, the loan guarantee fund, the innovation
Ohio loan fund, or the innovation Ohio loan guarantee fund for the
purpose of paying, or making loans for, allowable costs from the
facilities establishment fund or allowable innovation costs from
the innovation Ohio loan fund, or needed for capitalized interest,
for funding reserves, and for paying costs and expenses incurred
in connection with the issuance, carrying, securing, paying,
redeeming, or retirement of the obligations or any obligations
refunded thereby, including payment of costs and expenses relating
to letters of credit, lines of credit, insurance, put agreements,
standby purchase agreements, indexing, marketing, remarketing and
administrative arrangements, interest swap or hedging agreements,
and any other credit enhancement, liquidity, remarketing, renewal,
or refunding arrangements, all of which are authorized by this
section, or providing moneys for the loan guarantee fund or the
innovation Ohio loan guarantee fund, as provided in this chapter
or needed for the purposes of funds established in accordance with
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56,

122.561, 122.57, and 122.80 of the Revised Code which are within 3864
the authorization of Section 13 of Article VIII, Ohio 3865
Constitution, shall issue obligations of the state under this 3866
section in the required amount; provided that such obligations may 3867
be issued ~~to the extent necessary~~ to satisfy the covenants in 3868
contracts of guarantee made under section 166.06 or 166.15 of the 3869
Revised Code ~~to issue obligations to meet such guarantees,~~ 3870
notwithstanding limitations otherwise applicable to the issuance 3871
of obligations under this section. The proceeds of such 3872
obligations, except for the portion to be deposited in special 3873
funds, including reserve funds, as may be provided in the bond 3874
proceedings, shall as provided in the bond proceedings be 3875
deposited by the director of development to the facilities 3876
establishment fund ~~or, the loan guarantee fund established by~~ 3877
~~section 166.06 of the Revised Code,~~ the innovation Ohio loan 3878
guarantee fund, or the innovation Ohio loan fund. Bond proceedings 3879
for project financing obligations may provide that the proceeds 3880
derived from the issuance of such obligations shall be deposited 3881
into such fund or funds provided for in the bond proceedings and, 3882
to the extent provided for in the bond proceedings, such proceeds 3883
shall be deemed to have been deposited into the facilities 3884
establishment fund and transferred to such fund or funds. The 3885
issuing authority may appoint trustees, paying agents, and 3886
transfer agents and may retain the services of financial advisors, 3887
accounting experts, and attorneys, and retain or contract for the 3888
services of marketing, remarketing, indexing, and administrative 3889
agents, other consultants, and independent contractors, including 3890
printing services, as are necessary in the issuing authority's 3891
judgment to carry out this section. The costs of such services are 3892
allowable costs payable from the facilities establishment fund or 3893
allowable innovation costs payable from the innovation Ohio loan 3894
fund. 3895

(C) The holders or owners of such obligations shall have no 3896

right to have moneys raised by taxation obligated or pledged, and 3897
moneys raised by taxation shall not be obligated or pledged, for 3898
the payment of bond service charges. Such holders or owners shall 3899
have no rights to payment of bond service charges from any moneys 3900
accruing to the state from the lease, sale, or other disposition, 3901
or use, of project facilities, or from payment of the principal of 3902
or interest on loans made, or fees charged for guarantees made, or 3903
from any money or property received by the director, treasurer of 3904
state, or the state under Chapter 122. of the Revised Code, or 3905
from any other use of the proceeds of the sale of the obligations, 3906
and no such moneys may be used for the payment of bond service 3907
charges, except for accrued interest, capitalized interest, and 3908
reserves funded from proceeds received upon the sale of the 3909
obligations and except as otherwise expressly provided in the 3910
applicable bond proceedings pursuant to written directions by the 3911
director. The right of such holders and owners to payment of bond 3912
service charges is limited to all or that portion of the pledged 3913
receipts and those special funds pledged thereto pursuant to the 3914
bond proceedings in accordance with this section, and each such 3915
obligation shall bear on its face a statement to that effect. 3916

(D) Obligations shall be authorized by resolution or order of 3917
the issuing authority and the bond proceedings shall provide for 3918
the purpose thereof and the principal amount or amounts, and shall 3919
provide for or authorize the manner or agency for determining the 3920
principal maturity or maturities, not exceeding twenty-five years 3921
from the date of issuance, the interest rate or rates or the 3922
maximum interest rate, the date of the obligations and the dates 3923
of payment of interest thereon, their denomination, and the 3924
establishment within or without the state of a place or places of 3925
payment of bond service charges. Sections 9.98 to 9.983 of the 3926
Revised Code are applicable to obligations issued under this 3927
section, subject to any applicable limitation under section 166.11 3928

of the Revised Code. The purpose of such obligations may be stated
in the bond proceedings in terms describing the general purpose or
purposes to be served. The bond proceedings also shall provide,
subject to the provisions of any other applicable bond
proceedings, for the pledge of all, or such part as the issuing
authority may determine, of the pledged receipts and the
applicable special fund or funds to the payment of bond service
charges, which pledges may be made either prior or subordinate to
other expenses, claims, or payments, and may be made to secure the
obligations on a parity with obligations theretofore or thereafter
issued, if and to the extent provided in the bond proceedings. The
pledged receipts and special funds so pledged and thereafter
received by the state are immediately subject to the lien of such
pledge without any physical delivery thereof or further act, and
the lien of any such pledges is valid and binding against all
parties having claims of any kind against the state or any
governmental agency of the state, irrespective of whether such
parties have notice thereof, and shall create a perfected security
interest for all purposes of Chapter 1309. of the Revised Code,
without the necessity for separation or delivery of funds or for
the filing or recording of the bond proceedings by which such
pledge is created or any certificate, statement or other document
with respect thereto; and the pledge of such pledged receipts and
special funds is effective and the money therefrom and thereof may
be applied to the purposes for which pledged without necessity for
any act of appropriation. Every pledge, and every covenant and
agreement made with respect thereto, made in the bond proceedings
may therein be extended to the benefit of the owners and holders
of obligations authorized by this section, and to any trustee
therefor, for the further security of the payment of the bond
service charges.

(E) The bond proceedings may contain additional provisions as

to:	3961
(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;	3962 3963 3964
(2) Other terms of the obligations;	3965
(3) Limitations on the issuance of additional obligations;	3966
(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;	3967 3968
(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;	3969 3970 3971 3972 3973 3974 3975 3976
(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;	3977 3978 3979 3980 3981
(7) Any provision that may be made in a trust agreement or indenture;	3982 3983
(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under section 122.43 or , <u>166.07</u> , <u>or 166.16</u> of the Revised Code.	3984 3985 3986 3987 3988
(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The	3989 3990

obligations and any coupons pertaining to obligations shall be 3991
signed or bear the facsimile signature of the issuing authority. 3992
Any obligations or coupons may be executed by the person who, on 3993
the date of execution, is the proper issuing authority although on 3994
the date of such bonds or coupons such person was not the issuing 3995
authority. If the issuing authority whose signature or a facsimile 3996
of whose signature appears on any such obligation or coupon ceases 3997
to be the issuing authority before delivery thereof, such 3998
signature or facsimile is nevertheless valid and sufficient for 3999
all purposes as if the former issuing authority had remained the 4000
issuing authority until such delivery; and if the seal to be 4001
affixed to obligations has been changed after a facsimile of the 4002
seal has been imprinted on such obligations, such facsimile seal 4003
shall continue to be sufficient as to such obligations and 4004
obligations issued in substitution or exchange therefor. 4005

(G) All obligations are negotiable instruments and securities 4006
under Chapter 1308. of the Revised Code, subject to the provisions 4007
of the bond proceedings as to registration. The obligations may be 4008
issued in coupon or in registered form, or both, as the issuing 4009
authority determines. Provision may be made for the registration 4010
of any obligations with coupons attached thereto as to principal 4011
alone or as to both principal and interest, their exchange for 4012
obligations so registered, and for the conversion or reconversion 4013
into obligations with coupons attached thereto of any obligations 4014
registered as to both principal and interest, and for reasonable 4015
charges for such registration, exchange, conversion, and 4016
reconversion. 4017

(H) Obligations may be sold at public sale or at private 4018
sale, as determined in the bond proceedings. 4019

Obligations issued to provide moneys for the loan guarantee 4020
fund or the innovation Ohio loan guarantee fund may, as determined 4021
by the issuing authority, be sold at private sale, and without 4022

publication of a notice of sale.	4023
(I) Pending preparation of definitive obligations, the	4024
issuing authority may issue interim receipts or certificates which	4025
shall be exchanged for such definitive obligations.	4026
(J) In the discretion of the issuing authority, obligations	4027
may be secured additionally by a trust agreement or indenture	4028
between the issuing authority and a corporate trustee which may be	4029
any trust company or bank having its principal place of business	4030
within the state. Any such agreement or indenture may contain the	4031
resolution or order authorizing the issuance of the obligations,	4032
any provisions that may be contained in any bond proceedings, and	4033
other provisions which are customary or appropriate in an	4034
agreement or indenture of such type, including, but not limited	4035
to:	4036
(1) Maintenance of each pledge, trust agreement, indenture,	4037
or other instrument comprising part of the bond proceedings until	4038
the state has fully paid the bond service charges on the	4039
obligations secured thereby, or provision therefor has been made;	4040
(2) In the event of default in any payments required to be	4041
made by the bond proceedings, or any other agreement of the	4042
issuing authority made as a part of the contract under which the	4043
obligations were issued, enforcement of such payments or agreement	4044
by mandamus, the appointment of a receiver, suit in equity, action	4045
at law, or any combination of the foregoing;	4046
(3) The rights and remedies of the holders of obligations and	4047
of the trustee, and provisions for protecting and enforcing them,	4048
including limitations on rights of individual holders of	4049
obligations;	4050
(4) The replacement of any obligations that become mutilated	4051
or are destroyed, lost, or stolen;	4052
(5) Such other provisions as the trustee and the issuing	4053

authority agree upon, including limitations, conditions, or 4054
qualifications relating to any of the foregoing. 4055

(K) Any holders of obligations or trustees under the bond 4056
proceedings, except to the extent that their rights are restricted 4057
by the bond proceedings, may by any suitable form of legal 4058
proceedings, protect and enforce any rights under the laws of this 4059
state or granted by such bond proceedings. Such rights include the 4060
right to compel the performance of all duties of the issuing 4061
authority, the director of development, or the division of liquor 4062
control required by this chapter or the bond proceedings; to 4063
enjoin unlawful activities; and in the event of default with 4064
respect to the payment of any bond service charges on any 4065
obligations or in the performance of any covenant or agreement on 4066
the part of the issuing authority, the director of development, or 4067
the division of liquor control in the bond proceedings, to apply 4068
to a court having jurisdiction of the cause to appoint a receiver 4069
to receive and administer the pledged receipts and special funds, 4070
other than those in the custody of the treasurer of state, which 4071
are pledged to the payment of the bond service charges on such 4072
obligations or which are the subject of the covenant or agreement, 4073
with full power to pay, and to provide for payment of bond service 4074
charges on, such obligations, and with such powers, subject to the 4075
direction of the court, as are accorded receivers in general 4076
equity cases, excluding any power to pledge additional revenues or 4077
receipts or other income or moneys of the issuing authority or the 4078
state or governmental agencies of the state to the payment of such 4079
principal and interest and excluding the power to take possession 4080
of, mortgage, or cause the sale or otherwise dispose of any 4081
project facilities. 4082

Each duty of the issuing authority and the issuing 4083
authority's officers and employees, and of each governmental 4084
agency and its officers, members, or employees, undertaken 4085

pursuant to the bond proceedings or any agreement or lease, 4086
lease-purchase agreement, or loan made under authority of this 4087
chapter, and in every agreement by or with the issuing authority, 4088
is hereby established as a duty of the issuing authority, and of 4089
each such officer, member, or employee having authority to perform 4090
such duty, specifically enjoined by the law resulting from an 4091
office, trust, or station within the meaning of section 2731.01 of 4092
the Revised Code. 4093

The person who is at the time the issuing authority, or the 4094
issuing authority's officers or employees, are not liable in their 4095
personal capacities on any obligations issued by the issuing 4096
authority or any agreements of or with the issuing authority. 4097

(L) The issuing authority may authorize and issue obligations 4098
for the refunding, including funding and retirement, and advance 4099
refunding with or without payment or redemption prior to maturity, 4100
of any obligations previously issued by the issuing authority. 4101
Such obligations may be issued in amounts sufficient for payment 4102
of the principal amount of the prior obligations, any redemption 4103
premiums thereon, principal maturities of any such obligations 4104
maturing prior to the redemption of the remaining obligations on a 4105
parity therewith, interest accrued or to accrue to the maturity 4106
dates or dates of redemption of such obligations, and any 4107
allowable costs including expenses incurred or to be incurred in 4108
connection with such issuance and such refunding, funding, and 4109
retirement. Subject to the bond proceedings therefor, the portion 4110
of proceeds of the sale of obligations issued under this division 4111
to be applied to bond service charges on the prior obligations 4112
shall be credited to an appropriate account held by the trustee 4113
for such prior or new obligations or to the appropriate account in 4114
the bond service fund for such obligations. Obligations authorized 4115
under this division shall be deemed to be issued for those 4116
purposes for which such prior obligations were issued and are 4117

subject to the provisions of this section pertaining to other 4118
obligations, except as otherwise provided in this section; 4119
provided that, unless otherwise authorized by the general 4120
assembly, any limitations imposed by the general assembly pursuant 4121
to this section with respect to bond service charges applicable to 4122
the prior obligations shall be applicable to the obligations 4123
issued under this division to refund, fund, advance refund or 4124
retire such prior obligations. 4125

(M) The authority to issue obligations under this section 4126
includes authority to issue obligations in the form of bond 4127
anticipation notes and to renew the same from time to time by the 4128
issuance of new notes. The holders of such notes or interest 4129
coupons pertaining thereto shall have a right to be paid solely 4130
from the pledged receipts and special funds that may be pledged to 4131
the payment of the bonds anticipated, or from the proceeds of such 4132
bonds or renewal notes, or both, as the issuing authority provides 4133
in the resolution or order authorizing such notes. Such notes may 4134
be additionally secured by covenants of the issuing authority to 4135
the effect that the issuing authority and the state will do such 4136
or all things necessary for the issuance of such bonds or renewal 4137
notes in appropriate amount, and apply the proceeds thereof to the 4138
extent necessary, to make full payment of the principal of and 4139
interest on such notes at the time or times contemplated, as 4140
provided in such resolution or order. For such purpose, the 4141
issuing authority may issue bonds or renewal notes in such 4142
principal amount and upon such terms as may be necessary to 4143
provide funds to pay when required the principal of and interest 4144
on such notes, notwithstanding any limitations prescribed by or 4145
for purposes of this section. Subject to this division, all 4146
provisions for and references to obligations in this section are 4147
applicable to notes authorized under this division. 4148

The issuing authority in the bond proceedings authorizing the 4149

issuance of bond anticipation notes shall set forth for such bonds 4150
an estimated interest rate and a schedule of principal payments 4151
for such bonds and the annual maturity dates thereof, and for 4152
purposes of any limitation on bond service charges prescribed 4153
under division (A) of section 166.11 of the Revised Code, the 4154
amount of bond service charges on such bond anticipation notes is 4155
deemed to be the bond service charges for the bonds anticipated 4156
thereby as set forth in the bond proceedings applicable to such 4157
notes, but this provision does not modify any authority in this 4158
section to pledge receipts and special funds to, and covenant to 4159
issue bonds to fund, the payment of principal of and interest and 4160
any premium on such notes. 4161

(N) Obligations issued under this section are lawful 4162
investments for banks, societies for savings, savings and loan 4163
associations, deposit guarantee associations, trust companies, 4164
trustees, fiduciaries, insurance companies, including domestic for 4165
life and domestic not for life, trustees or other officers having 4166
charge of sinking and bond retirement or other special funds of 4167
political subdivisions and taxing districts of this state, the 4168
commissioners of the sinking fund of the state, the administrator 4169
of workers' compensation, the state teachers retirement system, 4170
the public employees retirement system, the school employees 4171
retirement system, and the Ohio police and fire pension fund, 4172
notwithstanding any other provisions of the Revised Code or rules 4173
adopted pursuant thereto by any governmental agency of the state 4174
with respect to investments by them, and are also acceptable as 4175
security for the deposit of public moneys. 4176

(O) Unless otherwise provided in any applicable bond 4177
proceedings, moneys to the credit of or in the special funds 4178
established by or pursuant to this section may be invested by or 4179
on behalf of the issuing authority only in notes, bonds, or other 4180
obligations of the United States, or of any agency or 4181

instrumentality of the United States, obligations guaranteed as to 4182
principal and interest by the United States, obligations of this 4183
state or any political subdivision of this state, and certificates 4184
of deposit of any national bank located in this state and any 4185
bank, as defined in section 1101.01 of the Revised Code, subject 4186
to inspection by the superintendent of banks. If the law or the 4187
instrument creating a trust pursuant to division (J) of this 4188
section expressly permits investment in direct obligations of the 4189
United States or an agency of the United States, unless expressly 4190
prohibited by the instrument, such moneys also may be invested in 4191
no-front-end-load money market mutual funds consisting exclusively 4192
of obligations of the United States or an agency of the United 4193
States and in repurchase agreements, including those issued by the 4194
fiduciary itself, secured by obligations of the United States or 4195
an agency of the United States; and in common trust funds 4196
established in accordance with section 1111.20 of the Revised Code 4197
and consisting exclusively of any such securities, notwithstanding 4198
division (A)(4) of that section. The income from such investments 4199
shall be credited to such funds as the issuing authority 4200
determines, and such investments may be sold at such times as the 4201
issuing authority determines or authorizes. 4202

(P) Provision may be made in the applicable bond proceedings 4203
for the establishment of separate accounts in the bond service 4204
fund and for the application of such accounts only to the 4205
specified bond service charges on obligations pertinent to such 4206
accounts and bond service fund and for other accounts therein 4207
within the general purposes of such fund. Unless otherwise 4208
provided in any applicable bond proceedings, moneys to the credit 4209
of or in the several special funds established pursuant to this 4210
section shall be disbursed on the order of the treasurer of state, 4211
provided that no such order is required for the payment from the 4212
bond service fund when due of bond service charges on obligations. 4213

(Q) The issuing authority may pledge all, or such portion as 4214
the issuing authority determines, of the pledged receipts to the 4215
payment of bond service charges on obligations issued under this 4216
section, and for the establishment and maintenance of any 4217
reserves, as provided in the bond proceedings, and make other 4218
provisions therein with respect to pledged receipts as authorized 4219
by this chapter, which provisions are controlling notwithstanding 4220
any other provisions of law pertaining thereto. 4221

(R) The issuing authority may covenant in the bond 4222
proceedings, and any such covenants are controlling 4223
notwithstanding any other provision of law, that the state and 4224
applicable officers and governmental agencies of the state, 4225
including the general assembly, so long as any obligations are 4226
outstanding, shall: 4227

(1) Maintain statutory authority for and cause to be charged 4228
and collected wholesale and retail prices for spirituous liquor 4229
sold by the state or its agents so that the pledged receipts are 4230
sufficient in amount to meet bond service charges, and the 4231
establishment and maintenance of any reserves and other 4232
requirements provided for in the bond proceedings, and, as 4233
necessary, to meet covenants contained in contracts of guarantee 4234
made under section 166.06 of the Revised Code; 4235

(2) Take or permit no action, by statute or otherwise, that 4236
would impair the exemption from federal income taxation of the 4237
interest on the obligations. 4238

(S) There is hereby created the economic development bond 4239
service fund, which shall be in the custody of the treasurer of 4240
state but shall be separate and apart from and not a part of the 4241
state treasury. All moneys received by or on account of the 4242
issuing authority or state agencies and required by the applicable 4243
bond proceedings, consistent with this section, to be deposited, 4244
transferred, or credited to a bond service fund or the economic 4245

development bond service fund, and all other moneys transferred or 4246
allocated to or received for the purposes of the fund, shall be 4247
deposited and credited to such fund and to any separate accounts 4248
therein, subject to applicable provisions of the bond proceedings, 4249
but without necessity for any act of appropriation. During the 4250
period beginning with the date of the first issuance of 4251
obligations and continuing during such time as any such 4252
obligations are outstanding, and so long as moneys in the 4253
pertinent bond service funds are insufficient to pay all bond 4254
services charges on such obligations becoming due in each year, a 4255
sufficient amount of the gross profit on the sale of spirituous 4256
liquor included in pledged receipts are committed and shall be 4257
paid to the bond service fund or economic development bond service 4258
fund in each year for the purpose of paying the bond service 4259
charges becoming due in that year without necessity for further 4260
act of appropriation for such purpose and notwithstanding anything 4261
to the contrary in Chapter 4301. of the Revised Code. The economic 4262
development bond service fund is a trust fund and is hereby 4263
pledged to the payment of bond service charges to the extent 4264
provided in the applicable bond proceedings, and payment thereof 4265
from such fund shall be made or provided for by the treasurer of 4266
state in accordance with such bond proceedings without necessity 4267
for any act of appropriation. 4268

(T) The obligations, the transfer thereof, and the income 4269
therefrom, including any profit made on the sale thereof, shall at 4270
all times be free from taxation within the state. 4271

Sec. 166.11. (A) The aggregate principal amount of project 4272
financing obligations that may be issued under section 166.08 of 4273
the Revised Code is three hundred million dollars, plus the 4274
principal amount of such project financing obligations retired by 4275
payments. The aggregate principal amount of obligations, exclusive 4276
of project financing obligations, that may be issued under section 4277

166.08 of the Revised Code is three hundred million dollars, plus 4278
the principal amount of any such obligations retired by payment, 4279
the amounts held or obligations pledged for the payment of the 4280
principal amount of any such obligations outstanding, amounts in 4281
special funds held as reserves to meet bond service charges, and 4282
amounts of obligations issued to provide moneys required to meet 4283
payments from the loan guarantee fund created in section 166.06 of 4284
the Revised Code and the innovation Ohio loan guarantee fund 4285
created in section 166.15 of the Revised Code, and minus the 4286
amount if any by which four per cent of the unpaid principal 4287
amount of loan repayments guaranteed under section 166.06 of the 4288
Revised Code exceeds the amount in the loan guarantee fund. The 4289
terms of the obligations issued under section 166.08 of the 4290
Revised Code, other than obligations issued to meet guarantees 4291
that cannot be satisfied from amounts then held in the loan 4292
guarantee fund, shall be such that the aggregate amount of moneys 4293
used from profit from the sale of spirituous liquor, and not from 4294
other sources, in any fiscal year shall not exceed twenty-five 4295
million dollars. For purposes of the preceding sentence, "other 4296
sources" include the annual investment income on special funds to 4297
the extent it will be available for payment of any bond service 4298
charges in lieu of use of profit from the sale of spirituous 4299
liquor, and shall be estimated on the basis of the expected 4300
funding of those special funds and assumed investment earnings 4301
thereon at a rate equal to the weighted average yield on 4302
investments of those special funds determined as of any date 4303
within sixty days immediately preceding the date of issuance of 4304
the bonds in respect of which the determination is being made. The 4305
determinations required by this division shall be made by the 4306
treasurer of state at the time of issuance of an issue of 4307
obligations and shall be conclusive for purposes of such issue of 4308
obligations from and after their issuance and delivery. 4309

(B) The aggregate amount of the guaranteed portion of the 4310

unpaid principal of loans guaranteed under ~~section~~ sections 166.06 4311
and 166.15 of the Revised Code and the unpaid principal of loans 4312
made under ~~section~~ sections 166.07 and 166.16 of the Revised Code 4313
may not at any time exceed ~~five~~ seven hundred million dollars. Of 4314
that seven hundred million dollars, the aggregate amount of the 4315
guaranteed portion of the unpaid principal of loans guaranteed 4316
under sections 166.06 and 166.15 of the Revised Code shall not at 4317
any time exceed two hundred million dollars. However, ~~this~~ 4318
~~limitation does~~ the limitations established under this division do 4319
not apply to loans made with proceeds from the issuance and sale 4320
of project financing obligations. 4321

~~(C) At least fifty per cent of the original amounts~~ 4322
~~authorized by division (B) of this section shall be reserved for~~ 4323
~~and applied to assist small business concerns that have not more~~ 4324
~~than four hundred employees, not including new employment to be~~ 4325
~~generated by the eligible project to be assisted under this~~ 4326
~~chapter, but this requirement does not limit the portion of such~~ 4327
~~amounts which may be applied to assist such small business~~ 4328
~~concerns.~~ 4329

Sec. 166.12. (A) The general assembly finds that in order to 4330
maintain and enhance the competitiveness of the Ohio economy and 4331
to improve the economic welfare of all of the people of the state, 4332
it is necessary to ensure that high-value jobs based on research, 4333
technology, and innovation will be available to the people of this 4334
state. Further, the general assembly finds that the attraction of 4335
such jobs and their presence in this state will materially 4336
contribute to the economic welfare of all of the people of the 4337
state. Accordingly, it is declared to be the public policy of this 4338
state, through the operations under sections 166.01 and 166.12 to 4339
166.16 of the Revised Code, and the loan and loan guarantee 4340
provisions contained in those sections, applicable laws adopted 4341
pursuant to Section 13 of Article VIII, Ohio Constitution, and 4342

other authority vested in the general assembly, to assist in and 4343
facilitate the establishment or development of eligible innovation 4344
projects or assist and cooperate with any governmental agency in 4345
achieving that purpose. 4346

(B) In furtherance of that public policy and to implement 4347
that purpose, the director of development may: 4348

(1) After consultation with appropriate governmental 4349
agencies, enter into agreements with persons engaged in industry, 4350
commerce, distribution, or research and with governmental agencies 4351
to induce such persons to acquire, construct, reconstruct, 4352
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 4353
otherwise develop, eligible innovation projects and make provision 4354
therein for project facilities and governmental actions, as 4355
authorized by sections 166.01 and 166.12 to 166.16 of the Revised 4356
Code and other applicable laws; 4357

(2) Provide for innovation Ohio loan guarantees and loans 4358
under sections 166.15 and 166.16 of the Revised Code; 4359

(3) Subject to the release of such moneys by the controlling 4360
board, contract for labor and materials needed for, or contract 4361
with others, including governmental agencies, to provide, eligible 4362
innovation projects the allowable innovation costs of which are to 4363
be paid for or reimbursed from moneys in the innovation Ohio loan 4364
fund, and contract for the operation of such eligible innovation 4365
projects; 4366

(4) Subject to release thereof by the controlling board, from 4367
moneys in the innovation Ohio loan fund, acquire or contract to 4368
acquire by gift, exchange, or purchase, including the obtaining 4369
and exercise of purchase options, innovation property, and convey 4370
or otherwise dispose of, or provide for the conveyance or 4371
disposition of, innovation property so acquired or contracted to 4372
be acquired by sale, exchange, lease, lease purchase, conditional 4373

or installment sale, transfer, or other disposition, including the 4374
grant of an option to purchase, to any governmental agency or to 4375
any other person without necessity for competitive bidding and 4376
upon such terms and conditions and manner of consideration 4377
pursuant to, and as the director determines to be appropriate to 4378
satisfy the objectives of, Chapter 166. of the Revised Code; 4379

(5) Retain the services of or employ financial consultants, 4380
appraisers, consulting engineers, superintendents, managers, 4381
construction and accounting experts, attorneys, and employees, 4382
agents, and independent contractors as are necessary in the 4383
director's judgment and fix the compensation for their services; 4384

(6) Receive and accept from any person grants, gifts, and 4385
contributions of money, property, labor, and other things of 4386
value, to be held, used, and applied only for the purpose for 4387
which such grants, gifts, and contributions are made; 4388

(7) Enter into appropriate arrangements and agreements with 4389
any governmental agency for the taking or provision by that 4390
governmental agency of any governmental action with respect to 4391
innovation projects; 4392

(8) Do all other acts and enter into contracts and execute 4393
all instruments necessary or appropriate to carry out the 4394
provisions of sections 166.01 and 166.12 to 166.16 of the Revised 4395
Code; 4396

(9) With respect to property, including but not limited to 4397
innovation property, take such interests, including but not 4398
limited to mortgages, security interests, assignments, and 4399
exclusive or non-exclusive licenses, as may be necessary or 4400
appropriate under the circumstances, to ensure that innovation 4401
property is used within this state and that products or services 4402
associated with that innovation property are produced or, in the 4403
case of services, delivered, by persons employed within this 4404

state;

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(10) Adopt rules necessary to implement any of the provisions of sections 166.01 and 166.12 to 166.16 of the Revised Code applicable to the director.

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(C) The determinations by the director that facilities or property constitute eligible innovation projects and that costs of such facilities or property are allowable innovation costs, and all other determinations relevant thereto or to an action taken or agreement entered into, shall be conclusive for purposes of the validity and enforceability of rights of parties arising from actions taken and agreements entered into under sections 166.01 and 166.12 to 166.16 of the Revised Code.

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Sec. 166.13. (A) Prior to entering into each agreement to provide innovation financial assistance under sections 166.12, 166.15, and 166.16 of the Revised Code, the director of development shall determine whether the assistance will conform to the requirements of sections 166.12 to 166.16 of the Revised Code. Such determination, and the facts upon which it is based, shall be set forth by the director in submissions made to the controlling board for purposes of section 166.16 of the Revised Code and to the development finance advisory council under section 166.14 of the Revised Code. An agreement to provide assistance under sections 166.12, 166.15, and 166.16 of the Revised Code shall set forth the determination, which shall be conclusive for purposes of the validity and enforceability of the agreement and any innovation loan guarantees, innovation loans, or other agreements entered into pursuant to the agreement to provide innovation financial assistance.

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(B) Whenever a person applies for innovation financial assistance under sections 166.12, 166.15, and 166.16 of the Revised Code and the eligible innovation project for which

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innovation financial assistance is requested is to relocate an 4436
eligible innovation project that is currently being operated by 4437
the person and that is located in another county, municipal 4438
corporation, or township, the director shall provide written 4439
notification to the appropriate local governmental bodies and 4440
state officials. The notification shall contain the following 4441
information: 4442

(1) The name of the person applying for innovation financial 4443
assistance; 4444

(2) The county, and the municipal corporation or township, in 4445
which the eligible innovation project for which innovation 4446
financial assistance is requested is located; and 4447

(3) The county, and the municipal corporation or township, in 4448
which the eligible innovation project to be replaced is located. 4449
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The director shall provide the written notification to the 4451
appropriate local governmental bodies and state officials so that 4452
they receive the notification at least five days before the 4453
development finance advisory council meeting at which the council 4454
considers the request for innovation financial assistance pursuant 4455
to sections 166.12, 166.15, and 166.16 of the Revised Code. 4456

(C) As used in division (B) of this section: 4457

(1) "Appropriate local governmental bodies" means: 4458

(a) The boards of county commissioners or legislative 4459
authorities of the county in which the project for which 4460
innovation financial assistance is requested is located and of the 4461
county in which the eligible innovation project to be replaced is 4462
located; 4463

(b) The legislative authority of the municipal corporation or 4464
the board of township trustees of the township in which the 4465

eligible innovation project for which innovation financial 4466
assistance is requested is located; and 4467

(c) The legislative authority of the municipal corporation or 4468
the board of township trustees of the township in which the 4469
eligible innovation project to be replaced is located. 4470

(2) "State officials" means: 4471

(a) The state representative and state senator in whose 4472
districts the project for which innovation financial assistance is 4473
requested is located; 4474

(b) The state representative and state senator in whose 4475
districts the innovation project to be replaced is located. 4476

Sec. 166.14. (A) In determining the eligible innovation 4477
projects to be assisted and the nature, amount, and terms of 4478
innovation financial assistance to be provided for an eligible 4479
innovation project under sections 166.12 to 166.16 of the Revised 4480
Code: 4481

(1) The director of development shall take into consideration 4482
all of the following: 4483

(a) The number of jobs to be created or preserved by the 4484
eligible innovation project, directly or indirectly; 4485

(b) Payrolls, and the taxes generated, at both state and 4486
local levels, by or in connection with the eligible innovation 4487
project and by the employment created or preserved by or in 4488
connection with the eligible innovation project; 4489

(c) The size, nature, and cost of the eligible innovation 4490
project, including the prospect of the eligible innovation project 4491
for providing long-term jobs in enterprises consistent with the 4492
changing economics of the state and the nation; 4493

(d) The needs of any private sector enterprise to be 4494

assisted; 4495

(e) The amount and kind of assistance, if any, to be provided to the private sector enterprise by other governmental agencies through tax exemption or abatement, financing assistance with industrial development bonds, and otherwise, with respect to the eligible innovation project or with respect to any providers of innovation property to be included as part of the eligible innovation project; 4496
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(f) The likelihood of the successful implementation of the proposed eligible innovation project; 4503
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(g) Whether the eligible innovation project involves the use of technology in a targeted innovation industry sector. 4505
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(2) The benefits to the local area, including taxes, jobs, and reduced unemployment and reduced welfare costs, among others, may be accorded value in the leasing or sales of innovation project facilities and in loan and guarantee arrangements. 4507
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(3) In making determinations under division (A)(1) of this section, the director may consider the effect of an eligible innovation project upon any entity engaged to provide innovation property to be acquired, leased, or licensed in connection with such assistance. 4511
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(B) The director shall submit to the development finance advisory council data pertinent to the considerations set forth in division (A) of this section, the terms of the proposed innovation financial assistance, and such other relevant information as the council may request. 4516
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(C) The development finance advisory council, on the basis of such data, shall make recommendations as to the appropriateness of the innovation financial assistance to be provided. The recommendations may be revised to reflect any changes in the proposed innovation financial assistance as the director may 4521
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submit to the council. The recommendations, as amended, of the 4526
council as to the appropriateness of the proposed innovation 4527
financial assistance shall be submitted to the controlling board. 4528

(D) Financial statements and other data submitted to the 4529
director of development, the development finance advisory council, 4530
or the controlling board by any private sector person in 4531
connection with innovation financial assistance under sections 4532
166.12, 166.15, and 166.16 of the Revised Code, or any information 4533
taken from such statements or data for any purpose, shall not be 4534
open to public inspection. The development finance advisory 4535
council in considering confidential information in connection with 4536
innovation financial assistance under this chapter may, only for 4537
consideration of the confidential information referred to, and in 4538
the manner provided in division (E) of section 121.22 of the 4539
Revised Code, close the meeting during such consideration. 4540

Sec. 166.15. (A) Subject to any limitations as to aggregate 4541
amounts thereof that may from time to time be prescribed by the 4542
general assembly and to other applicable provisions of this 4543
chapter, the director of development may, on behalf of the state, 4544
enter into contracts to guarantee the repayment or payment of the 4545
unpaid principal amount of loans made, including bonds, notes, or 4546
other certificates issued or given to provide funds, to pay 4547
allowable innovation costs of eligible innovation projects. The 4548
guarantees shall be secured solely by and payable solely from the 4549
innovation Ohio loan guarantee fund and unencumbered and available 4550
moneys in the innovation Ohio loan fund, in the manner and to the 4551
extent provided in guarantee contracts consistent with this 4552
section. The guarantees shall not constitute general obligations 4553
of the state or of any political subdivision, and moneys raised by 4554
taxation shall not be obligated or pledged for the payment of the 4555
guarantees. 4556

(B) Before guaranteeing any such repayments or payments, the 4557
director shall determine that: 4558

(1) The project is an eligible innovation project and is 4559
economically sound. 4560

(2) The principal amount to be guaranteed does not exceed 4561
ninety per cent of the allowable innovation costs of the eligible 4562
innovation project as determined by the director. In making this 4563
determination, the director may, in the director's discretion, 4564
engage an independent engineer, architect, appraiser, or other 4565
professional to make it, pursuant to a contract to be paid solely 4566
from the innovation Ohio loan fund, subject to approval of the 4567
controlling board. 4568

(3) The principal amount to be guaranteed has a satisfactory 4569
maturity date or dates, which in no case shall be later than 4570
twenty years from the effective date of the guarantee. 4571

(4) The principal obligor, or primary guarantor, is 4572
responsible and is reasonably expected to be able to meet the 4573
payments under the loan, bonds, notes, or other certificates. 4574

(5) The loan or documents pertaining to the bonds, notes, or 4575
other certificates to be guaranteed contains provisions for 4576
payment by the principal obligor satisfactory to the director and 4577
is in such form and contains such terms and provisions for the 4578
protection of the lenders as are generally consistent with 4579
commercial practice for the type of eligible innovation project 4580
that is the subject of the assistance, including, where 4581
applicable, provisions with respect to property insurance, 4582
repairs, alterations, payment of taxes and assessments, 4583
delinquency charges, default remedies, acceleration of maturity, 4584
prior, additional, and secondary liens, and other matters as the 4585
director may approve. 4586

(C) The contract of guarantee may make provision for the 4587

conditions of, time for, and manner of fulfillment of the 4588
guarantee commitment, subrogation of this state to the rights of 4589
the parties guaranteed and exercise of such parties' rights by 4590
this state, giving this state the options of making payment of the 4591
principal amount guaranteed in one or more installments and, if 4592
deferred, to pay interest thereon from the innovation Ohio loan 4593
guarantee fund, and any other terms or conditions customary to 4594
such guarantees and as the director may approve, and may contain 4595
provisions for securing the guarantee in the manner consistent 4596
with this section, covenants on behalf of this state for the 4597
maintenance of the loan guarantee fund created by this section and 4598
of receipts to it permitted by this chapter, including covenants 4599
on behalf of this state to issue obligations under section 166.08 4600
of the Revised Code to provide moneys to the innovation Ohio loan 4601
guarantee fund to fulfill such guarantees, and covenants 4602
restricting the aggregate amount of guarantees that may be 4603
contracted under this section and obligations that may be issued 4604
under section 166.08 of the Revised Code, and terms pertinent to 4605
either, to better secure the parties guaranteed. 4606

(D) The innovation Ohio loan guarantee fund is hereby created 4607
as a special revenue fund and a trust fund which shall be in the 4608
custody of the treasurer of state but shall be separate and apart 4609
from and not a part of the state treasury and shall consist of all 4610
grants, gifts, and contributions of moneys or rights to moneys 4611
lawfully designated for or deposited in such fund, all moneys and 4612
rights to moneys lawfully appropriated and transferred to such 4613
fund, including moneys received from the issuance of obligations 4614
under section 166.08 of the Revised Code, and moneys deposited to 4615
such fund pursuant to division (F) of this section. The innovation 4616
Ohio loan guarantee fund shall not be comprised, in any part, of 4617
moneys raised by taxation. 4618

(E) The director may fix service charges for making a 4619

guarantee. The charges shall be payable at such times and place 4620
and in such amounts and manner as may be prescribed by the 4621
director. 4622

(F) The treasurer of state shall serve as agent for the 4623
director in the making of deposits and withdrawals and maintenance 4624
of records pertaining to the innovation Ohio loan guarantee fund. 4625
Prior to the director's entry into a contract providing for the 4626
making of a guarantee payable from the innovation Ohio loan 4627
guarantee fund, the treasurer of state shall cause to be 4628
transferred from the innovation Ohio loan fund to the innovation 4629
Ohio loan guarantee fund an amount sufficient to make the 4630
aggregate balance therein, taking into account the proposed loan 4631
guarantee equal to the innovation Ohio loan guarantee reserve 4632
requirement. Thereafter, the treasurer of state shall cause the 4633
balance in the innovation Ohio loan guarantee fund to be at least 4634
equal to the innovation Ohio loan guarantee reserve requirement. 4635
Funds from the innovation Ohio loan guarantee fund shall be 4636
disbursed under a guarantee made pursuant to this section to 4637
satisfy a guaranteed repayment or payment which is in default. 4638
After withdrawing moneys from the innovation Ohio loan guarantee 4639
fund, the treasurer of state shall transfer moneys in the 4640
innovation Ohio loan fund to the innovation Ohio loan guarantee 4641
fund to satisfy any repayment obligations. Whenever these moneys 4642
are inadequate to meet the requirements of a guarantee, the 4643
treasurer of state shall, without need of appropriation or further 4644
action by the director, provide for a withdrawal and transfer to 4645
the innovation Ohio loan guarantee fund and then to the guaranteed 4646
party of moneys in such amount as is necessary to meet the 4647
guarantee, from unencumbered and available moneys in the 4648
innovation Ohio loan fund. The disbursements shall be made in the 4649
manner and at the times provided in the guarantees. Within ninety 4650
days following a disbursement of money from the innovation Ohio 4651

loan guarantee fund, the treasurer of state, without need of 4652
appropriation or further action by the director, shall provide for 4653
a withdrawal and transfer to the innovation Ohio loan guarantee 4654
fund from unencumbered and available moneys in the innovation Ohio 4655
loan fund, including moneys from the repayment of loans made from 4656
that fund, of an amount sufficient to cause the balance in the 4657
innovation Ohio loan guarantee fund to be at least equal to the 4658
innovation Ohio loan guarantee reserve requirement. 4659

(G) Any guaranteed parties under this section, except to the 4660
extent that their rights are restricted by the guarantee 4661
documents, may by any suitable form of legal proceedings, protect 4662
and enforce any rights under the laws of this state or granted by 4663
such guarantee or guarantee documents. Such rights include the 4664
right to compel the performance of all duties of the director and 4665
the treasurer of state required by this section or the guarantee 4666
or guarantee documents; and in the event of default with respect 4667
to the payment of any guarantees, to apply to a court having 4668
jurisdiction of the cause to appoint a receiver to receive and 4669
administer the moneys pledged to such guarantee with full power to 4670
pay, and to provide for payment of, such guarantee, and with such 4671
powers, subject to the direction of the court, as are accorded 4672
receivers in general equity cases, excluding any power to pledge 4673
or apply additional revenues or receipts or other income or moneys 4674
of this state or governmental agencies of the state to the payment 4675
of such guarantee. Each duty of the director and the treasurer of 4676
state and their officers and employees, and of each governmental 4677
agency and its officers, members, or employees, required or 4678
undertaken pursuant to this section or a guarantee made under 4679
authority of this section, is hereby established as a duty of the 4680
director and the treasurer of state, and of each such officer, 4681
member, or employee having authority to perform such duty, 4682
specifically enjoined by the law resulting from an office, trust, 4683

or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the director and treasurer of state, or their officers or employees, are not liable in their personal capacities on any guarantees or contracts to make guarantees by the director.

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(H) The determinations of the director under divisions (B) and (C) of this section shall be conclusive for purposes of the validity of a guarantee evidenced by a contract signed by the director, and such guarantee shall be incontestable as to money advanced under loans to which such guarantees are by their terms applicable.

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Sec. 166.16. (A) The director of development, with the approval of the controlling board and subject to the other applicable provisions of this chapter, may lend moneys in the innovation Ohio loan fund to persons for the purpose of paying allowable innovation costs of an eligible innovation project if the director determines that:

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(1) The project is an eligible innovation project and is economically sound.

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(2) The borrower is unable to finance the necessary allowable costs through ordinary financial channels upon comparable terms.

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(3) The amount to be lent from the innovation Ohio loan fund will not exceed ninety per cent of the total costs of the eligible innovation project.

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(4) The repayment of the loan from the innovation Ohio loan fund will be secured by a mortgage, lien, assignment, or pledge, or other interest in property or innovation property at such level of priority and value as the director may determine necessary, provided that, in making such a determination, the director may

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take into account the value of any rights granted by the borrower
to the director to control the use of any property or innovation
property of the borrower under the circumstances described in the
loan documents.

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(B) The determinations of the director under division (A) of
this section shall be conclusive for purposes of the validity of a
loan commitment evidenced by a loan agreement signed by the
director.

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(C) Fees, charges, rates of interest, times of payment of
interest and principal, and other terms, conditions, and
provisions of and security for loans made from the innovation Ohio
loan fund shall be such as the director determines to be
appropriate and in furtherance of the purpose for which the loans
are made. The moneys used in making the loans shall be disbursed
from the innovation Ohio loan fund upon order of the director.
Unless otherwise specified in any indenture or other instrument
securing obligations under division (D) of section 166.08 of the
Revised Code, any payments of principal and interest from loans
made from the innovation Ohio loan fund shall be paid to the
innovation Ohio loan fund and used for the purpose of making
loans.

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(D) The innovation Ohio loan fund is hereby created as a
special revenue fund and a trust fund which shall be in the
custody of the treasurer of state but shall be separate and apart
from and not a part of the state treasury. The fund shall consist
of all grants, gifts, and contributions of moneys or rights to
moneys lawfully designated for or deposited in such fund, all
moneys and rights to moneys lawfully appropriated and transferred
to such fund, including moneys received from the issuance of
obligations under section 166.08 of the Revised Code, and moneys
deposited to such fund pursuant to divisions (C) and (G) of this
section. The innovation Ohio loan fund shall not be comprised, in

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any part, of moneys raised by taxation.

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(E) The director may take actions necessary or appropriate to collect or otherwise deal with any loan made under this section.

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(F) The director may fix service charges for the making of a loan. The charges shall be payable at such times and place and in such amounts and manner as may be prescribed by the director.

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(G) The treasurer of state shall serve as an agent for the director in the making of deposits and withdrawals and maintenance of records pertaining to the innovation Ohio loan fund.

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(H)(1) There shall be credited to the innovation Ohio loan fund the moneys received by this state from the repayment of innovation Ohio loans and recovery on loan guarantees, including interest thereon, made from the innovation Ohio loan fund or from the innovation Ohio loan guarantee fund and from the sale, lease, or other disposition of property acquired or constructed from moneys in the innovation Ohio loan fund with moneys derived from the proceeds of the sale of obligations under section 166.08 of the Revised Code. Such moneys shall be applied as provided in this chapter pursuant to appropriations made by the general assembly.

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(2) Notwithstanding division (H)(1) of this section, any amounts recovered on innovation Ohio loan guarantees shall be deposited to the credit of the innovation Ohio loan guarantee fund to the extent necessary to restore that fund to the innovation Ohio loan guarantee reserve requirement or any level in excess thereof required by any guarantee contract. Money in the innovation Ohio loan guarantee fund in excess of the innovation Ohio loan guarantee reserve requirement, but subject to the provisions and requirements of any guarantee contracts, may be transferred to the innovation Ohio loan fund by the treasurer of

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state upon the order of the director of development. 4777

(3) In addition to the requirements of division (H)(1) of 4778
this section, moneys referred to in that division may be deposited 4779
to the credit of separate accounts within the innovation Ohio loan 4780
fund or in the bond service fund and pledged to the security of 4781
obligations, applied to the payment of bond service charges 4782
without need for appropriation, released from any such pledge and 4783
transferred to the innovation Ohio loan fund, all as and to the 4784
extent provided in the bond proceedings pursuant to written 4785
directions by the director of development. Accounts may be 4786
established by the director in the innovation Ohio loan fund for 4787
particular projects or otherwise. Income from the investment of 4788
moneys in the innovation Ohio loan fund shall be credited to that 4789
fund and, as may be provided in bond proceedings, to particular 4790
accounts in that fund. The treasurer of state may withdraw from 4791
the innovation Ohio loan fund or, subject to provisions of the 4792
applicable bond proceedings, from any special funds established 4793
pursuant to the bond proceedings, or from any accounts in such 4794
funds, any amounts of investment income required to be rebated and 4795
paid to the federal government in order to maintain the exemption 4796
from federal income taxation of interest on obligations issued 4797
under this chapter, which withdrawal and payment may be made 4798
without necessity for appropriation. 4799

Sec. 183.021. (A) No money from the tobacco master settlement 4800
agreement fund shall be expended to do any of the following: 4801

(1) Hire an executive agency lobbyist, as defined under 4803
section 121.60 of the Revised Code, or a legislative agent, as 4804
defined under section 101.70 of the Revised Code; 4805

(2) Support or oppose candidates, ballot questions, 4806
referendums, or ballot initiatives. 4807

(B) Nothing in this section prohibits any of the following 4808
from advocating on behalf of the specific objectives of a program 4809
funded under this chapter: 4810

(1) The members of the board of trustees, executive director, 4811
or employees of the tobacco use prevention and control foundation; 4812
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(2) The members of the board of trustees, executive director, 4814
or employees of the southern Ohio agricultural and community 4815
development foundation; 4816

(3) The members, ~~executive director,~~ or employees of the 4817
~~biomedical research and technology transfer commission~~ third 4818
frontier commission or the members of the third frontier advisory 4819
board. 4820

Sec. 183.19. The biomedical research and technology transfer 4821
trust fund is hereby created in the state treasury. Money credited 4822
to the fund shall be used as provided in sections ~~183.20 to 183.25~~ 4823
184.01 to 184.03 of the Revised Code. The third frontier 4824
commission shall administer the fund in accordance with those 4825
sections. All investment earnings of the fund shall be credited to 4826
the fund. 4827

Sec. 183.30. (A) Except as provided in division (D) of this 4828
section, no more than five per cent of the total expenditures of 4829
the tobacco use prevention and control foundation in a fiscal year 4830
shall be for administrative expenses of the foundation. 4831

(B) Except as provided in division (D) of this section, no 4832
more than five per cent of the total expenditures of the southern 4833
Ohio agricultural and community development foundation in a fiscal 4834
year shall be for administrative expenses of the foundation. 4835

(C) Except as provided in division (D) of this section, no 4836

more than five per cent of the total expenditures ~~of made from~~ the 4837
~~biomedical research and technology transfer commission~~ biomedical 4838
research and technology transfer trust fund by the third frontier 4839
commission in a fiscal year shall be for administrative expenses 4840
of the commission. 4841

(D) This section's five per cent limitation on administrative 4842
expenses does not apply to any fiscal year for which the 4843
controlling board approves a spending plan that the foundation or 4844
commission submits to the board. 4845

Sec. 184.01. (A) There is hereby created the third frontier 4846
commission in the department of development. The purpose of the 4847
commission is to coordinate and administer science and technology 4848
programs to promote the welfare of the people of the state and to 4849
maximize the economic growth of the state through expansion of 4850
both of the following: 4851

(1) The state's high technology research and development 4852
capabilities; 4853

(2) The state's product and process innovation and 4854
commercialization. 4855

(B) The commission shall consist of the director of 4856
development, the chancellor of the Ohio board of regents, and the 4857
governor's science and technology advisor. The governor shall 4858
select a chairperson from among the members, who shall serve in 4859
that role at the pleasure of the governor. Sections 101.82 to 4860
101.87 of the Revised Code do not apply to the commission. 4861

(C) The commission shall meet at least once during each 4862
quarter of the calendar year or at the call of the chairperson. A 4863
majority of all members of the commission constitutes a quorum, 4864
and no action shall be taken without the concurrence of a majority 4865
of the members. 4866

(D) The commission shall administer any money that may be 4867
appropriated to it by the general assembly. The commission may use 4868
such money for research and commercialization and for any other 4869
purposes that may be designated by the commission. 4870

(E) The department of development shall provide office space 4871
and facilities for the commission. Administrative costs associated 4872
with the operation of the commission or with any program or 4873
activity administered by the commission shall be paid from amounts 4874
appropriated to the commission or to the department of development 4875
for such purposes. 4876

(F) The attorney general shall serve as the legal 4877
representative for the commission and may appoint other counsel as 4878
necessary for that purpose in accordance with section 109.07 of 4879
the Revised Code. 4880

(G) Members of the commission shall serve without 4881
compensation, but shall receive their reasonable and necessary 4882
expenses incurred in the conduct of commission business. 4883

Sec. 184.02. (A) The third frontier commission may perform 4884
any act to ensure the performance of any function necessary or 4885
appropriate to carry out the purposes of, and exercise the powers 4886
granted under, sections 184.01 and 184.02 of the Revised Code. In 4887
addition, the commission may do any of the following: 4888

(1) Adopt, amend, and rescind rules under section 111.15 of 4890
the Revised Code for the administration of any aspect of its 4891
operations; 4892

(2) Adopt bylaws governing its operations, including bylaws 4893
that establish procedures and set policies as may be necessary to 4894
assist with the furtherance of its purposes; 4895

(3) Appoint and set the compensation of employees needed to 4896

carry out its duties; 4897

(4) Contract with, retain the services of, or designate, and 4898
fix the compensation of, such financial consultants, accountants, 4899
other consultants and advisors, and other independent contractors 4900
as may be necessary or desirable to carry out its duties; 4901

(5) Solicit input and comments from the third frontier 4902
advisory board, and specialized industry, professional, and other 4903
relevant interest groups concerning its purposes; 4904

(6) Facilitate alignment of the state's science and 4905
technology programs and activities; 4906

(7) Make grants and loans to individuals, public agencies, 4907
private companies or organizations, or joint ventures for any of 4908
the broad range of activities related to its purposes. 4909

(B) The commission shall do all of the following: 4910

(1) Establish a competitive process for the award of grants 4911
and loans that is designed to fund the most meritorious proposals 4912
and, when appropriate, provide for peer review of proposals; 4913

(2) Within ninety days after the end of each fiscal year, 4914
submit to the governor and the general assembly a report of the 4915
activities of the commission during the preceding fiscal year; 4916

(3) With specific application to the biomedical research and 4917
technology transfer trust fund, periodically make strategic 4918
assessments of the types of state investments in biomedical 4919
research and biotechnology in the state that would likely create 4920
jobs and business opportunities in the state and produce the most 4921
beneficial long-term improvements to the public health of 4922
Ohioians, including, but not limited to, biomedical research and 4923
biotechnology initiatives that address tobacco-related illnesses 4924
as may be outlined in any master agreement. The commission shall 4925
award grants and loans from the fund pursuant to a process 4926

established under division (B)(1) of this section. 4927

Sec. 184.03. (A) There is hereby created the third frontier 4928
advisory board that, upon request of the third frontier 4929
commission, shall provide general advice to the commission on 4930
various items including, but not limited to, the following: 4931

(1) Strategic planning for programs administered by the 4932
commission; 4933

(2) Budget and funding priorities, funding processes, 4934
request-for-proposal criteria, and other aspects of the management 4935
and coordination of programs administered by the commission; 4936

(3) Metrics and methods of measuring the progress and impact 4937
of programs administered by the commission; 4938

(4) Studies to be conducted to collect and analyze data 4939
relevant to advancing the goals of programs administered by the 4940
commission. 4941

(B) The board shall consist of sixteen members selected for 4942
their knowledge of and experience in science and technology 4943
matters that may affect the state in the near future. Of the 4944
sixteen members, fourteen shall be appointed by the governor, one 4945
shall be appointed by the speaker of the house of representatives, 4946
and one shall be appointed by the president of the senate. 4947

(1) Of the fourteen members appointed by the governor, nine 4948
shall be representative of or have experience with business 4949
matters that affect the state and five shall be representative of 4950
or have experience with matters affecting universities or 4951
nonprofit research institutions in the state. 4952

(2) Of the governor's initial appointees that are 4953
representative of or have experience with business matters that 4954
affect the state, three shall serve an initial term of one year, 4955
three shall serve an initial term of two years, and three shall 4956

serve an initial term of three years. All of the initial 4957
appointees that are representative of or have experience with 4958
matters affecting university or nonprofit research institutions 4959
shall serve an initial term of three years. Thereafter, each 4960
member appointed by the governor shall serve a three-year term. 4961

(3) All appointees to the board shall serve at the pleasure 4962
of their appointing authorities. 4963

(4) Not more than nine members of the board shall be of the 4964
same political party. 4965

(C) The governor shall appoint the chairperson of the board 4966
from among its members, and the chairperson shall serve in that 4967
role at the pleasure of the governor. 4968

(D) A majority of the members of the board constitutes a 4969
quorum, and no action shall be taken without the affirmative vote 4970
of a majority of the members. 4971

(E) Each member of the board shall hold office from the date 4972
of appointment until the end of the term for which the member was 4973
appointed. A member may be reappointed for an unlimited number of 4974
terms. A member appointed to fill a vacancy occurring prior to the 4975
expiration of the term for which the member's predecessor was 4976
appointed shall hold office for the remainder of such term. A 4977
vacancy in an unexpired term shall be filled in the same manner as 4978
the original appointment. A member of the board shall continue in 4979
office subsequent to the expiration date of the member's term 4980
until the member's successor takes office, or until a period of 4981
sixty days has elapsed, whichever occurs first. The governor may 4982
remove any member of the board for malfeasance, misfeasance, or 4983
nonfeasance after a hearing in accordance with Chapter 119. of the 4984
Revised Code. 4985

(F) Members of the board shall not act as representatives of 4986
any specific disciplinary, regional, or organizational interest. 4987

Members shall represent a wide variety of experience valuable in 4988
technology research and development, product process innovation 4989
and commercialization, and creating and managing high-growth 4990
technology-based companies. 4991

(G) Members of the board shall file financial disclosure 4992
statements described in division (B) of section 102.02 of the 4993
Revised Code. 4994

(H) Members of the board shall serve without compensation but 4995
shall receive their reasonable and necessary expenses incurred in 4996
the conduct of board business. 4997

(I) Before entering upon duties as a member of the board, 4998
each member shall take an oath as provided by Section 7 of Article 4999
XV, Ohio Constitution. 5000

(J) The department of development shall provide office space 5001
and facilities for the board. 5002

(K) Sections 101.82 to 101.87 of the Revised Code do not 5003
apply to the board. 5004

Sec. 307.23. The board of county commissioners of any county 5005
~~having a population of less than twenty-five thousand, according~~ 5006
~~to the most recently completed United States decennial census, may~~ 5007
~~appropriate, out of the revenue fund not otherwise appropriated, a~~ 5008
~~sum not exceeding twenty thousand dollars annually; in counties~~ 5009
~~having a population of more than twenty-five thousand and not more~~ 5010
~~than one hundred thousand, according to such census, the board may~~ 5011
~~appropriate a sum not exceeding thirty-two thousand dollars~~ 5012
~~annually; in counties having a population of more than one hundred~~ 5013
~~thousand and not more than three hundred thousand, according to~~ 5014
~~such census, the board may appropriate a sum not exceeding sixty~~ 5015
~~thousand dollars annually; in counties having a population of more~~ 5016
~~than three hundred thousand, according to such census, the board~~ 5017

~~may appropriate a sum not exceeding one hundred thousand dollars~~ 5018
~~annually, money to be paid to the historical society of such~~ 5019
~~counties respectively, to the county or to local societies for the~~ 5020
~~preservation and restoration of historic and archaeological sites~~ 5021
~~located in the county. The money may be used for the promotion of~~ 5022
~~historical work within the borders of the county, and for the~~ 5023
~~restoration or reconstruction of historic buildings, for the~~ 5024
~~collection, preservation, and publication of historical material,~~ 5025
~~and to disseminate historical information of the county, and in~~ 5026
~~general to defray the expense of carrying on historical work in~~ 5027
~~such the county.~~ 5028

~~Such Other than for the restoration or reconstruction of~~ 5029
~~historic buildings, funds appropriated under this section may not~~ 5030
~~be used for the construction of buildings. No board may~~ 5031
~~appropriate any funds for the benefit of any county historical~~ 5032
~~society or preservation and restoration society unless such~~ 5033
~~society is incorporated not for profit under the laws of this~~ 5034
~~state. Application for the funds shall be made in the form of a~~ 5035
~~certified copy of a resolution adopted by the applicant society.~~ 5036

Sec. 307.675. (A) As used in this section, "long life 5037
expectancy material" means any material, including a composite, 5038
that, when used for a bridge deck in lieu of steel, concrete, or 5039
reinforced concrete, will result in an expected useful life of the 5040
bridge deck before replacement of at least thirty years. 5041

(B) A county engineer may make a recommendation to the board 5042
of county commissioners for the issuance of indebtedness of the 5043
county as provided under division (C) of this section if the 5044
county engineer determines that the projected savings from the use 5045
of long life expectancy material in the construction or repair of 5046
the bridge deck of a bridge for which the county has construction 5047
or maintenance responsibility are sufficient to pay any additional 5048
debt service costs of that indebtedness. In making this 5049

determination, the county engineer shall do all of the following: 5050

(1) Determine the expected useful life of the bridge deck if 5051
constructed or repaired using long life expectancy material. In 5052
making the determination, the county engineer shall use credible 5053
data and shall thoroughly review any data used that is not 5054
generated by the engineer. 5055

(2) Determine the additional debt service costs the county 5056
would incur issuing indebtedness under division (C) of this 5057
section compared to issuing indebtedness to construct or repair 5058
the bridge deck using steel, concrete, or reinforced steel; 5059

(3) Compare the additional debt service costs to the 5060
projected savings in operating, repair, and future capital 5061
improvement costs of the bridge deck over the lesser of fifty 5062
years or its expected useful life. 5063

The county engineer also may include in a recommendation 5064
under division (B) of this section a recommendation to purchase 5065
and install performance monitoring equipment to monitor the 5066
physical condition of the bridge so constructed or repaired. 5067

(C) Upon a recommendation of the county engineer pursuant to 5068
division (B) of this section, and pursuant to division (C)(7) of 5069
section 133.07 of the Revised Code, a board of county 5070
commissioners may issue indebtedness of the county subject to, and 5071
having a maximum maturity specified in, division (B)(1)(c) of 5072
section 133.20 of the Revised Code, for the purpose of 5073
constructing or repairing with long life expectancy material the 5074
bridge deck of a bridge for which the county has construction or 5075
maintenance responsibility and, if also so recommended, for the 5076
purpose of purchasing, installing, and maintaining in conjunction 5077
with the bridge improvement performance monitoring equipment to 5078
monitor the physical condition of the bridge. The authority 5079
conferred by this division is in addition to any other statutory 5080

authority of a board to issue indebtedness for a bridge 5081
improvement, including an improvement using long life expectancy 5082
material. 5083

Sec. 715.02. (A) Two or more municipal corporations, one or 5084
more municipal corporations and one or more other political 5085
subdivisions, or two or more political subdivisions other than 5086
municipal corporations may enter into an agreement for the joint 5087
construction or management, or construction and management, of any 5088
public work, utility, or improvement, benefiting each ~~such~~ 5089
municipal corporation or other political subdivision or for the 5090
joint exercise of any power conferred on municipal corporations or 5091
other political subdivisions by the constitution or laws of this 5092
state, in which each of ~~such~~ the municipal corporations or other 5093
political subdivisions is interested. Any such agreement shall be 5094
approved by ordinance or resolution, as applicable, passed by the 5095
legislative body of each municipal corporation or other political 5096
subdivision that is a party thereto, which to the agreement. The 5097
ordinance or resolution shall set forth the agreement in full, 5098
and, when approved, shall be a binding contract ~~between such~~ 5099
~~municipal corporations.~~ 5100

~~(A)(B)~~ Any agreement, entered into as provided in this 5101
section, shall provide for the following: 5102

(1) The method by which the work, utility, or improvement 5103
specified ~~therein~~ in it shall be jointly constructed or managed; 5104

(2) The method by which any specified power shall be jointly 5105
exercised; 5106

(3) Apportioning among the contracting municipal corporations 5107
or other political subdivisions any expense of jointly 5108
constructing, maintaining, or managing any work, utility, or 5109
improvement or jointly exercising any power. 5110

~~(B)~~(C) Any agreement~~,~~ entered into as provided in this 5111
section~~,~~ may provide for either of the following: 5112

(1) Assessing the cost, or any specified part of the cost, of 5113
the joint construction, maintenance, or management of any public 5114
work, utility, or improvement upon abutting property specially 5115
benefited thereby; 5116

(2) Assessing the cost, or any specified part of the cost, of 5117
constructing, maintaining, or managing any such public work, 5118
utility, or improvement upon the property within any district 5119
clearly specified in ~~such~~ the agreement, in proportion to benefits 5120
derived by ~~such~~ that property from ~~such~~ the work, utility, or 5121
improvement. 5122

(D) Each municipal corporation or other political subdivision 5123
may issue bonds for its portion of the cost of any such public 5124
work, utility, or improvement, if Chapter 133. of the Revised Code 5125
would authorize the issuance of ~~such those~~ bonds ~~in the event~~ ~~such~~ 5126
if the municipal corporation or other political subdivision alone 5127
were undertaking the construction of ~~such public~~ the work, 5128
utility, or improvement, and subject to the same conditions and 5129
restrictions which would then apply. 5130

Sec. 718.151. A municipal corporation, by ordinance, may 5131
grant a nonrefundable credit against its tax on income to a 5132
taxpayer that also receives a tax credit under section 122.171 of 5133
the Revised Code. If a credit is granted under this section, it 5134
shall be measured as a percentage of the income tax revenue the 5135
municipal corporation derives from the retained employees of the 5136
taxpayer, and shall be for a term not exceeding ten years. Before 5137
a municipal corporation passes an ordinance allowing such a 5138
credit, the municipal corporation and the taxpayer shall enter 5139
into an agreement specifying all the conditions of the credit. 5140

Sec. 1561.351. A deputy mine inspector who makes a finding 5141
concerning a violation of this chapter or Chapter 1563., 1565., or 5142
1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 5143
1509.17, or 1509.18 of the Revised Code that involves mining 5144
safety shall notify the ~~chief of the division of mineral resources~~ 5145
~~management~~ owner, operator, lessee, agent, and representative of 5146
the miners of the mine involved of the finding. The owner, 5147
operator, lessee, or agent of the mine involved may request a 5148
review of the inspector's finding by the chief of the division of 5149
mineral resources management. Upon receipt of such a request, the 5150
chief shall review the inspector's finding, make a written 5151
determination regarding it, and provide a copy of the written 5152
determination to the owner, operator, lessee, or agent of the mine 5153
involved. The chief shall provide a copy of the written 5154
determination to any other interested party upon request. 5155

A person, such as an owner, operator, lessee, or agent of the 5156
mine or the authorized representative of the ~~workers~~ miners of the 5157
mine, who has an interest that is or may be adversely affected by 5158
the chief's determination may appeal the determination, not later 5159
than ten days after receiving notice of the determination, to the 5160
reclamation commission by filing a copy of the chief's written 5161
determination with the commission, notwithstanding division (A)(1) 5162
of section 1513.13 of the Revised Code, which provides for appeals 5163
within thirty days. The commission shall hear the appeal in 5164
accordance with section 1513.13 of the Revised Code. 5165

Sec. 1565.04. The operator of each mine who is an employer as 5166
defined in section 4123.01 of the Revised Code, or any mine with 5167
three or more workers, shall employ a certified mine foreperson. 5168
In gaseous underground mines, only a holder of a mine foreperson 5169
of gaseous mines certificate that contains a notation by the chief 5170
of the division of mineral resources management showing the holder 5171

to be at least twenty-three years of age and have at least five 5172
years' actual practical experience in gaseous mines shall be 5173
employed as the mine foreperson. In other underground mines, the 5174
mine foreperson shall be a holder of a mine foreperson of 5175
nongaseous mines certificate that contains a notation by the chief 5176
showing the holder to be at least twenty-one years of age and have 5177
at least three years' actual practical experience in mines. All 5178
such underground mines shall have at least one certified 5179
foreperson on duty at all times when workers are employed in the 5180
loading or mining of coal underground. Each active working area of 5181
a surface coal mine and each active surface installation of an 5182
underground coal mine shall be examined for hazardous conditions, 5183
at least once during each working shift or more often if necessary 5184
for safety, by a certified mine foreperson who is designated by 5185
the operator to conduct such examinations. Any hazardous 5186
conditions noted during the examinations shall be reported to the 5187
operator and shall be corrected by the operator. A certified mine 5188
foreperson may conduct the examination that is required during 5189
each shift at multiple mine sites, provided that the sites are 5190
within a ten-mile radius. 5191

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No operator of a mine shall refuse or neglect to comply with 5193
this section. 5194

Sec. 1565.15. (A) As used in this section: 5195

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency medical 5196
service organization" have the same meanings as in section 4765.01 5197
of the Revised Code. 5198

(2) "First aid provider" includes an EMT-basic, an EMT-I, a 5199
paramedic, or ~~a supervisory~~ an employee at a surface coal mine who 5200
has satisfied the training requirements established in division 5201
(D)(1) of this section. 5202

(B) The operator of an underground coal mine where twenty or more persons are employed on a shift, including all persons working at different locations at the mine within a ten-mile radius, shall provide at least one EMT-basic or EMT-I on duty at the underground coal mine whenever employees at the mine are actively engaged in the extraction, production, or preparation of coal. The operator shall provide EMTs-basic or EMTs-I on duty at the underground coal mine at times and in numbers sufficient to ensure that no miner works in a mine location that cannot be reached within a reasonable time by an EMT-basic or an EMT-I. EMTs-basic and EMTs-I shall be employed on their regular coal mining duties at locations convenient for quick response to emergencies in order to provide emergency medical services inside the underground coal mine and transportation of injured or sick employees to the entrance of the mine. The operator shall provide for the services of at least one emergency medical service organization to be available on call to reach the entrance of the underground coal mine within thirty minutes at any time that employees are engaged in the extraction, production, or preparation of coal in order to provide emergency medical services and transportation to a hospital.

The operator shall make available to EMTs-basic and EMTs-I all of the equipment for first aid and emergency medical services that is necessary for those personnel to function and to comply with the regulations pertaining to first aid and emergency medical services that are adopted under the "Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. The operator of the underground coal mine shall install telephone service or equivalent facilities that enable two-way voice communication between the EMTs-basic or EMTs-I in the mine and the emergency medical service organization outside the mine that provides emergency medical services on a regular

basis.

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(C) The operator of a surface coal mine shall provide at least one first aid provider on duty at the mine whenever employees at the mine are actively engaged in the extraction, production, or preparation of coal. The operator shall provide first aid providers on duty at the surface coal mine at times and in numbers sufficient to ensure that no miner works in a mine location that cannot be reached within a reasonable time by a first aid provider. First aid providers shall be employed on their regular coal mining duties at locations convenient for quick response to emergencies in order to provide emergency medical services and transportation of injured or sick employees to the entrance of the surface coal mine. The operator shall provide for the services of at least one emergency medical service organization to be available on call to reach the entrance of the surface coal mine within thirty minutes at any time that employees are engaged in the extraction, production, or preparation of coal in order to provide emergency medical services and transportation to a hospital.

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The operator shall ~~make available to first aid providers provide at the mine site~~ all of the equipment for first aid and emergency medical services that is necessary for those personnel to function and to comply with the regulations pertaining to first aid and emergency medical services that are adopted under the "Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it, ~~including, without limitation, a portable oxygen cylinder with a medical regulator and oxygen delivery system.~~

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(D)(1) ~~A supervisory~~ An employee at a surface coal mine shall be considered to be a first aid provider for the purposes of this section if the employee has received from an instructor approved by the chief of the division of mineral resources management ten

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hours of initial first aid training as a selected supervisory 5267
employee under 30 C.F.R. 77.1703 and receives five hours of 5268
refresher first aid training as a selected supervisory employee 5269
under 30 C.F.R. 77.1705 in each subsequent calendar year. 5270

(2) Each miner employed at a surface coal mine who is not a 5271
first aid provider shall receive from an instructor approved by 5272
the chief three hours of initial first aid training and two hours 5273
of refresher first aid training in each subsequent calendar year. 5274

(3) The training received in accordance with division (D) of 5275
this section shall consist of a course of instruction established 5276
in the manual issued by the mine safety and health administration 5277
in the United States department of labor entitled "first aid, a 5278
bureau of mines instruction manual" or its successor or any other 5279
curriculum approved by the chief. The training shall be included 5280
in the hours of instruction provided to miners in accordance with 5281
training requirements established under 30 C.F.R. part 48, subpart 5282
(B), as amended, and 30 C.F.R. part 77, as amended. 5283

(E) Each operator of a surface coal mine shall establish, 5284
keep current, and make available for inspection an emergency 5285
medical plan that includes the telephone numbers of the division 5286
of mineral resources management and of an emergency medical 5287
services organization the services of which are required to be 5288
retained under division (C) of this section. The chief shall adopt 5289
rules in accordance with Chapter 119. of the Revised Code that 5290
establish any additional information required to be included in an 5291
emergency medical plan. 5292

(F) Each operator of an underground coal mine or surface coal 5293
mine shall provide or contract to obtain emergency medical 5294
services training or first aid training, as applicable, at the 5295
operator's expense, that is sufficient to train and maintain the 5296
certification of the number of employees necessary to comply with 5297
division (B) of this section and that is sufficient to train 5298

employees as required under division (D) of this section and to 5299
comply with division (C) of this section. 5300

(G) The division may provide emergency medical services 5301
training for coal mine employees by operating an emergency medical 5302
services training program accredited under section 4765.17 of the 5303
Revised Code or by contracting with the operator of an emergency 5304
medical services training program accredited under that section to 5305
provide that training. The division may charge coal mine operators 5306
a uniform part of the unit cost per trainee. 5307

(H) No coal mine operator shall violate or fail to comply 5308
with this section. 5309

Sec. 1711.11. (A) No person shall operate any concession at 5310
any fair or exposition conducted by a county or independent 5311
agricultural society or by the Ohio expositions commission without 5312
first obtaining from the director of agriculture a license to do 5313
so under division (B) of this section, nor shall any officer, 5314
agent, or employee of a county or independent agricultural society 5315
or of the Ohio expositions commission grant a privilege or 5316
concession to any person to do so, unless the person holds a 5317
license. 5318

For the purposes of this section, "concession" means any 5319
show, amusement other than an amusement ride as defined in 5320
~~division (A) of~~ section 1711.50 of the Revised Code, game, or 5321
novelty stand operation at a fair or exposition, but does not 5322
include food or drink operations. 5323

(B) A license shall be issued by the director only upon a 5324
written application containing a detailed description of the 5325
concession. Blank applications for licenses shall be prepared and 5326
furnished by the director. 5327

(C) No license shall be issued until the applicant has paid a 5328

fee of ~~fifty~~ seventy dollars to the director, except that no fee
shall be collected from nonprofit organizations which are recorded
as such by the secretary of state or with the internal revenue
service. The director shall pay the fee into the state treasury to
the credit of the amusement ride inspection fund established by
section 1711.53 of the Revised Code.

(D) A license issued under this section shall contain a
detailed description of the concession licensed, shall expire on
the thirty-first day of December following the date of issue, and
shall be kept by the licensee in a conspicuous place where the
licensee's concession is in operation.

(E)(1) The director shall employ and provide training for a
chief inspector and additional inspectors and employees as
necessary to administer and enforce this section. The director may
appoint or contract with other persons to perform inspections of
concessions, provided that the persons meet the qualifications for
inspectors established by rules adopted under division (G) of this
section and are not owners or employees of owners of any
concession subject to inspection under this section. No person
shall inspect a concession who, within six months prior to the
date of inspection, was an employee of the owner of the
concession.

(2) Before the director contracts with other persons to
inspect concessions, the director shall seek the advice of the
advisory council on amusement ride safety on whether to contract
with ~~such~~ those persons. ~~Such~~ The advice shall not be binding upon
the director. After having received the advice of the council the
director may proceed to contract for amusement ride inspectors and
award the contract to the lowest responsive and responsible bidder
in accordance with section 9.312 of the Revised Code. In order to
determine the lowest responsive and responsible bid, the director,
with the advice of the council, shall adopt rules governing the

terms of the contract between the department of agriculture and 5361
the inspector. The rules shall prescribe the training and work 5362
experience required of an inspector, any insurance or bonds 5363
required of an inspector, and all the services the inspector will 5364
be required to perform on behalf of the department in an efficient 5365
professional manner. 5366

(F) This section does not require the officers of any ~~such~~ 5367
county or independent agricultural society or of the Ohio 5368
expositions commission to grant any privilege or concession to any 5369
licensee. 5370

(G) The director shall enforce this section and, in 5371
accordance with Chapter 119. of the Revised Code, adopt all rules 5372
that are necessary for its enforcement. If the director finds that 5373
this section has been violated or that the licensee has been 5374
dishonest or has been fraudulent in dealings with the public, the 5375
director, in accordance with Chapter 119. of the Revised Code, 5376
shall revoke the licensee's license or fine the licensee not more 5377
than one thousand dollars, or both. The director, for a period not 5378
exceeding two years from the date of revocation, may refuse to 5379
issue another license to a person for a concession for which the 5380
person's license has been revoked. Notwithstanding section 119.12 5381
of the Revised Code, all appeals from any fine by, or order of, 5382
the director shall be to the court of common pleas of the county 5383
where the place of business of the person is located or to the 5384
common pleas court of the county in which the person is a resident 5385
or in which the concession is located. 5386

(H) Any person holding a license issued under this section 5387
who permits or tolerates at any place on the fairground where the 5388
person's concession is in operation, any immoral show, lottery 5389
device, game of chance, or gambling of any kind, including pool 5390
selling and paddle wheels, or who violates the terms of the 5391
license issued to the person, shall forfeit the license, and the 5392

director shall not issue any other license to the person until
after a period of two years from the forfeiture. For the purposes
of this division, "lottery device," "game of chance," and
"gambling of any kind" do not include the sale of lottery tickets
by the state lottery commission pursuant to Chapter 3770. of the
Revised Code at the state fairground during the state fair. For
the purposes of this section and section 1711.09 of the Revised
Code, contests, games, tournaments, and other activities, the
outcome of which is predominantly determined by the skill of the
contestants, participants, or players, whether or not the
contestants, participants, or players pay a price for the
opportunity to win a prize, do not constitute a game of chance or
gambling within the meaning, purpose, and intent of this section
and section 1711.09 of the Revised Code or sections 2915.01 to
2915.04 of the Revised Code. The foregoing definition does not
apply where the contest, game, tournament, or other activity,
contains or includes any mechanical or physical device which
directly or indirectly impedes, impairs, or thwarts the skill of
the contestant, participant, or player.

Sec. 1711.53. (A)(1) No person shall operate an amusement
ride within the state without a permit issued by the director of
agriculture under division (A)(2) of this section. The owner of an
amusement ride, whether the ride is a temporary amusement ride or
a permanent amusement ride, who desires to operate the amusement
ride within the state shall, prior to the operation of the
amusement ride and annually thereafter, submit to the department
of agriculture an application for a permit, together with the
appropriate permit and inspection fee, on a form to be furnished
by the department. Prior to issuing any permit the department
shall, within thirty days after the date on which it receives the
application, inspect each amusement ride described in the
application. The owner of an amusement ride shall have the

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amusement ride ready for inspection not later than two hours after 5425
the time that is requested by the person for the inspection. 5426

(2) For each amusement ride found to comply with the rules of 5427
adopted by the director issued under division (B) of this section 5428
and division (B) of section 1711.551 of the Revised Code, the 5429
director shall issue an annual permit, provided that evidence of 5430
liability insurance coverage for the amusement ride as required by 5431
section 1711.54 of the Revised Code is on file with the 5432
department. 5433

(3) The director shall issue with each permit a decal 5434
indicating that the amusement ride has been issued the permit. The 5435
owner of the amusement ride shall affix the decal on the ride at a 5436
location where the decal is easily visible to the patrons of the 5437
ride. A copy of the permit shall be kept on file at the same 5438
address as the location of the amusement ride identified on the 5439
permit, and shall be made available for inspection, upon 5440
reasonable demand, by any person. An owner may operate an 5441
amusement ride prior to obtaining a permit, provided that ~~such the~~ 5442
operation is for the purpose of testing the amusement ride or 5443
training amusement ride operators and other employees of the owner 5444
and the amusement ride is not open to the public. 5445

(B) The director, in accordance with Chapter 119. of the 5446
Revised Code, shall adopt rules providing for a schedule of fines, 5447
with no fine exceeding five thousand dollars, for violations of 5448
sections 1711.50 to 1711.57 of the Revised Code or any rules 5449
~~promulgated pursuant to~~ adopted under this division and for the 5450
classification of amusement rides and rules for the safe operation 5451
and inspection of all amusement rides as are necessary for 5452
amusement ride safety and for the protection of the general 5453
public. Rules adopted by the director for the safe operation and 5454
inspection of amusement rides shall be reasonable and based upon 5455
generally accepted engineering standards and practices. In 5456

adopting rules under this section, the director may adopt by 5457
reference, in whole or in part, the national fire code or the 5458
national electrical code prepared by the national fire protection 5459
association, the standards of ASTM or the American national 5460
standards institute, or any other principles, tests, or standards 5461
of nationally recognized technical or scientific authorities. 5462
Insofar as is practicable and consistent with sections 1711.50 to 5463
1711.57 of the Revised Code, rules adopted under this division 5464
shall be consistent with the rules of other states. The department 5465
shall cause sections 1711.50 to 1711.57 of the Revised Code and 5466
the rules adopted in accordance with this division and division 5467
(B) of section 1711.551 of the Revised Code to be published in 5468
pamphlet form and a copy to be furnished without charge to each 5469
owner of an amusement ride who holds a current permit or is an 5470
applicant therefor. 5471

(C) With respect to an application for a permit for an 5472
amusement ride, an owner may apply to the director ~~of agriculture~~ 5473
for a waiver or modification of any rule adopted under division 5474
(B) of this section if there are practical difficulties or 5475
unnecessary hardships for the amusement ride to comply with ~~such~~ 5476
the rules. Any application ~~must~~ shall set forth the reasons for 5477
~~such~~ the request. The director, with the approval of the advisory 5478
council on amusement ride safety, may waive or modify the 5479
application of a rule to any amusement ride if the public safety 5480
is secure. Any authorization by the director under this division 5481
shall be in writing and shall set forth the conditions under which 5482
the waiver or modification is authorized, and the department shall 5483
retain separate records of all proceedings under this division. 5484

(D)(1) The director shall employ and provide for training of 5485
a chief inspector and additional inspectors and employees as may 5486
be necessary to administer and enforce sections 1711.50 to 1711.57 5487
of the Revised Code. The director may appoint or contract with 5488

other persons to perform inspections of amusement rides, provided
that the persons meet the qualifications for inspectors
established by rules adopted under division (B) of this section
and are not owners, or employees of owners, of any amusement ride
subject to inspection under sections 1711.50 to 1711.57 of the
Revised Code. No person shall inspect an amusement ride who,
within six months prior to the date of inspection, was an employee
of the owner of the ride.

(2) Before the director contracts with other persons to
inspect amusement rides, the director shall seek the advice of the
advisory council on amusement ride safety on whether to contract
with ~~such~~ those persons. ~~Such~~ The advice shall not be binding upon
the director. After having received the advice of the council, the
director may proceed to contract with inspectors in accordance
with the procedures specified in division (E)(2) of section
1711.11 of the Revised Code.

(3) With the advice and consent of the advisory council on
amusement ride safety, the director may employ a special
consultant to conduct an independent investigation of an amusement
ride accident. This consultant need not be in the civil service of
the state, but shall have qualifications to conduct the
investigation acceptable to the council.

(E) ~~The (1) Except as otherwise provided in division (E)(1)~~
~~of this section, the department shall charge fees for each the~~
~~following amusement ride annual permit, annual inspection,~~
~~midseason operational inspection, and any reinspection, as follows~~
fees:

Permit	\$ 50	
Annual inspection and reinspection <u>per ride:</u>		
Kiddie rides	\$ 50 <u>100</u>	
Roller coaster	\$500 <u>950</u>	
Aerial lifts or bungee		

jumping facilities	\$ 300 <u>450</u>	5521
<u>Go karts</u>	\$5	5522
Other rides	\$ 100 <u>160</u>	5523
Midseason operational inspection <u>per ride</u>	\$ 10 <u>25</u>	5524
<u>Expedited inspection per ride</u>	\$100	5525
<u>Failure to cancel scheduled inspection per ride</u>	\$100	5526
<u>Failure to have amusement ride ready for</u>		5527
<u>inspection per ride</u>	\$100	5528

The go kart inspection fee is in addition to the inspection 5529
fee for the go kart track. 5530

The fees for an expedited inspection, failure to cancel a 5531
scheduled inspection, and failure to have an amusement ride ready 5532
for inspection do not apply to go karts. 5533

As used in division (E)(1) of this section, "expedited 5534
inspection" means an inspection of an amusement ride by the 5535
department not later than ten days after the owner of the 5536
amusement ride files an application for a permit under this 5537
section. 5538

(2) All permit fees, inspection fees, reinspection fees, and 5539
fines collected by the department under sections 1711.50 to 5540
1711.57 of the Revised Code shall be deposited in the state 5541
treasury to the credit of the amusement ride inspection fund, 5542
which is hereby created, and shall be used only for the purpose of 5543
administering and enforcing sections 1711.11 and 1711.50 to 5544
1711.57 of the Revised Code. 5545

(3) The owner of an amusement ride shall be required to pay a 5546
reinspection fee only if the reinspection was conducted at the 5547
owner's request under division (F) of this section, ~~or~~ if the 5548
reinspection is required by division (F) of this section because 5549
of an accident, or if the reinspection is required by division (F) 5550
of section 1711.55 of the Revised Code. If a reinspection is 5551
conducted at the request of the chief officer of a fair, festival, 5552

or event where the ride is operating, the reinspection fee shall 5553
be charged to the fair, festival, or event. 5554

(4) The rules adopted under division (B) of this section 5555
shall ~~contain definitions of~~ define "kiddie rides," "roller 5556
coaster," "aerial lifts," "go karts," and "other rides" for 5557
purposes of determining the ~~fee~~ fees under ~~this~~ division (E) of 5558
this section. The rules shall define "other rides" to include go 5559
kart tracks. 5560

(F) A reinspection of an amusement ride shall take place if 5561
an accident occurs, if the owner of the ride or the chief officer 5562
of the fair, festival, or event where the ride is operating 5563
requests a reinspection, or if the reinspection is required by 5564
division (F) of section 1711.55 of the Revised Code. 5565

(G) As a supplement to its annual inspection of a temporary 5566
amusement ride, the department may inspect the ride during each 5567
scheduled event, as listed in the schedule of events provided to 5568
the department by the owner pursuant to division (C) of section 5569
1711.55 of the Revised Code, at which the ride is operated in this 5570
state. These supplemental inspections are in addition to any other 5571
inspection or reinspection of the ride as may be required under 5572
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 5573
the temporary amusement ride is not required to pay an inspection 5574
or reinspection fee for this supplemental inspection. Nothing in 5575
this division shall be construed to prohibit the owner of a 5576
temporary amusement ride having a valid permit to operate in this 5577
state from operating the ride at a scheduled event before the 5578
department conducts a supplemental inspection. 5579

(H) The department ~~shall~~ may annually conduct a midseason 5580
operational inspection of every amusement ride upon which it 5581
conducts an annual inspection pursuant to division (A) of this 5582
section. The midseason operational inspection is in addition to 5583
any other inspection or reinspection of the amusement ride as may 5584

be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department ~~shall~~ will conduct midseason operational inspections.

Sec. 2113.031. (A) As used in this section:

(1) "Financial institution" has the same meaning as in section 5725.01 of the Revised Code. "Financial institution" also includes a credit union and a fiduciary that is not a trust company but that does trust business.

(2) "Funeral and burial expenses" means whichever of the following applies:

(a) The funeral and burial expenses of the decedent that are included in the bill of a funeral director;

(b) The funeral expenses of the decedent that are not included in the bill of a funeral director and that have been approved by the probate court;

(c) The funeral and burial expenses of the decedent that are described in divisions (A)(2)(a) and (b) of this section.

(3) "Surviving spouse" means either of the following:

(a) The surviving spouse of a decedent who died leaving the surviving spouse and no minor children;

(b) The surviving spouse of a decedent who died leaving the surviving spouse and minor children, all of whom are children of the decedent and the surviving spouse.

(B)(1) If the value of the assets of the decedent's estate

does not exceed the lesser of two thousand dollars or the amount
of the decedent's funeral and burial expenses, any person who is
not a surviving spouse and who has paid or is obligated in writing
to pay the decedent's funeral and burial expenses may apply to the
probate court for an order granting a summary release from
administration in accordance with this section.

(2) If either of the following applies, the decedent's
surviving spouse may apply to the probate court for an order
granting a summary release from administration in accordance with
this section:

(a) The decedent's funeral and burial expenses have been
prepaid, and the value of the assets of the decedent's estate does
not exceed the total of the following items:

(i) The allowance for support that is made under division (A)
of section 2106.13 of the Revised Code to the surviving spouse
and, if applicable, to the decedent's minor children and that is
distributable in accordance with division (B)(1) or (2) of that
section;

(ii) An amount, not exceeding two thousand dollars, for the
decedent's funeral and burial expenses referred to in division
(A)(2)(c) of this section.

(b) The decedent's funeral and burial expenses have not been
prepaid, the decedent's surviving spouse has paid or is obligated
in writing to pay the decedent's funeral and burial expenses, and
the value of the assets of the decedent's estate does not exceed
the total of the items referred to in divisions (B)(2)(a)(i) and
(ii) of this section.

(C) A probate court shall order a summary release from
administration in connection with a decedent's estate only if the
court finds that all of the following are satisfied:

(1) A person described in division (B)(1) of this section is

the applicant for a summary release from administration, and the 5645
value of the assets of the decedent's estate does not exceed the 5646
lesser of two thousand dollars or the amount of the decedent's 5647
funeral and burial expenses, or the applicant for a summary 5648
release from administration is the decedent's surviving spouse, 5649
and the circumstances described in division (B)(2)(a) or (b) of 5650
this section apply. 5651

(2) The application for a summary release from administration 5652
does all of the following: 5653

(a) Describes all assets of the decedent's estate that are 5654
known to the applicant; 5655

(b) Is in the form that the supreme court prescribes pursuant 5656
to its powers of superintendence under Section 5 of Article IV, 5657
Ohio Constitution, and is consistent with the requirements of this 5658
division; 5659

(c) Has been signed and acknowledged by the applicant in the 5660
presence of a notary public or a deputy clerk of the probate 5661
court; 5662

(d) Sets forth the following information if the decedent's 5663
estate includes a described type of asset: 5664

(i) If the decedent's estate includes a motor vehicle, the 5665
motor vehicle's year, make, model, body type, manufacturer's 5666
vehicle identification number, certificate of title number, and 5667
date of death value; 5668

(ii) If the decedent's estate includes an account maintained 5669
by a financial institution, that institution's name and the 5670
account's complete identifying number and date of death balance; 5671

(iii) If the decedent's estate includes one or more shares of 5672
stock or bonds, the total number of the shares and bonds and their 5673
total date of death value and, for each share or bond, its serial 5674

number, the name of its issuer, its date of death value, and, if
any, the name and address of its transfer agent. 5675
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(3) The application for a summary release from administration 5677
is accompanied by all of the following that apply: 5678

(a) A receipt, contract, or other document that confirms the 5679
applicant's payment or obligation to pay the decedent's funeral 5680
and burial expenses or, if applicable in the case of the 5681
decedent's surviving spouse, the prepayment of the decedent's 5682
funeral and burial expenses; 5683

(b) An application for a certificate of transfer as described 5684
in section 2113.61 of the Revised Code, if an interest in real 5685
property is included in the assets of the decedent's estate; 5686
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(c) The fee required by division (A)(59) of section 2101.16 5688
of the Revised Code. 5689

(4) At the time of its determination on the application, 5690
there are no pending proceedings for the administration of the 5691
decedent's estate and no pending proceedings for relief of the 5692
decedent's estate from administration under section 2113.03 of the 5693
Revised Code. 5694

(5) At the time of its determination on the application, 5695
there are no known assets of the decedent's estate other than the 5696
assets described in the application. 5697

(D) If the probate court determines that the requirements of 5698
division (C) of this section are satisfied, the probate court 5699
shall issue an order that grants a summary release from 5700
administration in connection with the decedent's estate. The order 5701
has, and shall specify that it has, all of the following effects: 5702
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(1) It relieves the decedent's estate from administration. 5704

(2) It directs the delivery to the applicant of the 5705
decedent's personal property together with the title to that 5706
property. 5707

(3) It directs the transfer to the applicant of the title to 5708
any interests in real property included in the decedent's estate. 5709

~~(4) It eliminates the duty of all persons to file an estate 5710
tax return and certificate under division (A) of section 5731.21 5711
of the Revised Code in connection with the decedent's estate. 5712~~

~~(5) It eliminates the need for a financial institution, 5713
corporation, or other entity or person referred to in any 5714
provision of divisions (A) to (F) of section 5731.39 of the 5715
Revised Code to obtain, as otherwise would be required by any of 5716
those divisions, the written consent of the tax commissioner prior 5717
to the delivery, transfer, or payment to the applicant of an asset 5718
of the decedent's estate. 5719~~

(E) A certified copy of an order that grants a summary 5720
release from administration together with a certified copy of the 5721
application for that order constitutes sufficient authority for a 5722
financial institution, corporation, or other entity or person 5723
referred to in divisions (A) to (F) of section 5731.39 of the 5724
Revised Code or for a clerk of a court of common pleas to transfer 5725
title to an asset of the decedent's estate to the applicant for 5726
the summary release from administration. 5727

(F) This section does not affect the ability of qualified 5728
persons to file an application to relieve an estate from 5729
administration under section 2113.03 of the Revised Code or to 5730
file an application for the grant of letters testamentary or 5731
letters of administration in connection with the decedent's 5732
estate. 5733

Sec. 2901.01. (A) As used in the Revised Code: 5734

- (1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing. 5735
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- (2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person. 5737
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- (3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration. 5740
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- (4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use. 5743
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- (5) "Serious physical harm to persons" means any of the following: 5748
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- (a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment; 5750
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- (b) Any physical harm that carries a substantial risk of death; 5753
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- (c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity; 5755
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- (d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement; 5758
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- (e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain. 5761
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- (6) "Serious physical harm to property" means any physical 5764

harm to property that does either of the following: 5765

(a) Results in substantial loss to the value of the property 5766
or requires a substantial amount of time, effort, or money to 5767
repair or replace; 5768

(b) Temporarily prevents the use or enjoyment of the property 5769
or substantially interferes with its use or enjoyment for an 5770
extended period of time. 5771

(7) "Risk" means a significant possibility, as contrasted 5772
with a remote possibility, that a certain result may occur or that 5773
certain circumstances may exist. 5774

(8) "Substantial risk" means a strong possibility, as 5775
contrasted with a remote or significant possibility, that a 5776
certain result may occur or that certain circumstances may exist. 5777

(9) "Offense of violence" means any of the following: 5778

(a) A violation of section 2903.01, 2903.02, 2903.03, 5779
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 5780
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 5781
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 5782
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 5783
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 5784
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 5785
Revised Code or felonious sexual penetration in violation of 5786
former section 2907.12 of the Revised Code; 5787

(b) A violation of an existing or former municipal ordinance 5788
or law of this or any other state or the United States, 5789
substantially equivalent to any section, division, or offense 5790
listed in division (A)(9)(a) of this section; 5791

(c) An offense, other than a traffic offense, under an 5792
existing or former municipal ordinance or law of this or any other 5793
state or the United States, committed purposely or knowingly, and 5794

involving physical harm to persons or a risk of serious physical 5795
harm to persons; 5796

(d) A conspiracy or attempt to commit, or complicity in 5797
committing, any offense under division (A)(9)(a), (b), or (c) of 5798
this section. 5799

(10)(a) "Property" means any property, real or personal, 5800
tangible or intangible, and any interest or license in that 5801
property. "Property" includes, but is not limited to, cable 5802
television service, other telecommunications service, 5803
telecommunications devices, information service, computers, data, 5804
computer software, financial instruments associated with 5805
computers, other documents associated with computers, or copies of 5806
the documents, whether in machine or human readable form, trade 5807
secrets, trademarks, copyrights, patents, and property protected 5808
by a trademark, copyright, or patent. "Financial instruments 5809
associated with computers" include, but are not limited to, 5810
checks, drafts, warrants, money orders, notes of indebtedness, 5811
certificates of deposit, letters of credit, bills of credit or 5812
debit cards, financial transaction authorization mechanisms, 5813
marketable securities, or any computer system representations of 5814
any of them. 5815

(b) As used in division (A)(10) of this section, "trade 5816
secret" has the same meaning as in section 1333.61 of the Revised 5817
Code, and "telecommunications service" and "information service" 5818
have the same meanings as in section 2913.01 of the Revised Code. 5819

(c) As used in divisions (A)(10) and (13) of this section, 5820
"cable television service," "computer," "computer software," 5821
"computer system," "computer network," "data," and 5822
"telecommunications device" have the same meanings as in section 5823
2913.01 of the Revised Code. 5824

(11) "Law enforcement officer" means any of the following: 5825

- (a) A sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or state highway patrol trooper; 5826
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- (b) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority; 5832
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- (c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation; 5838
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- (d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission; 5840
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- (e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called; 5843
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- (f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed; 5846
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- (g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence; 5850
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- (h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor; 5854
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(i) An Ohio A veterans' home police officer appointed under section 5907.02 of the Revised Code;	5856 5857
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	5858 5859 5860
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	5861 5862
(l) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms.	5863 5864 5865 5866
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	5867 5868 5869 5870
(13) "Contraband" means any property described in the following categories:	5871 5872
(a) Property that in and of itself is unlawful for a person to acquire or possess;	5873 5874
(b) Property that is not in and of itself unlawful for a person to acquire or possess, but that has been determined by a court of this state, in accordance with law, to be contraband because of its use in an unlawful activity or manner, of its nature, or of the circumstances of the person who acquires or possesses it, including, but not limited to, goods and personal property described in division (D) of section 2913.34 of the Revised Code;	5875 5876 5877 5878 5879 5880 5881 5882
(c) Property that is specifically stated to be contraband by a section of the Revised Code or by an ordinance, regulation, or resolution;	5883 5884 5885

(d) Property that is forfeitable pursuant to a section of the Revised Code, or an ordinance, regulation, or resolution, including, but not limited to, forfeitable firearms, dangerous ordnance, obscene materials, and goods and personal property described in division (D) of section 2913.34 of the Revised Code;

(e) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device, paraphernalia, money as defined in section 1301.01 of the Revised Code, or other means of exchange that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in a violation of, Chapter 2925. or 3719. of the Revised Code;

(f) Any gambling device, paraphernalia, money as defined in section 1301.01 of the Revised Code, or other means of exchange that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, Chapter 2915. of the Revised Code;

(g) Any equipment, machine, device, apparatus, vehicle, vessel, container, liquid, or substance that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, any law of this state relating to alcohol or tobacco;

(h) Any personal property that has been, is being, or is intended to be used in an attempt or conspiracy to commit, or in the commission of, any offense or in the transportation of the fruits of any offense;

(i) Any property that is acquired through the sale or other transfer of contraband or through the proceeds of contraband, other than by a court or a law enforcement agency acting within the scope of its duties;

(j) Any computer, computer system, computer network, computer software, or other telecommunications device that is used in a

conspiracy to commit, an attempt to commit, or the commission of
any offense, if the owner of the computer, computer system,
computer network, computer software, or other telecommunications
device is convicted of or pleads guilty to the offense in which it
is used;

(k) Any property that is material support or resources and
that has been, is being, or is intended to be used in an attempt
or conspiracy to violate, or in the violation of, section 2909.22,
2909.23, or 2909.24 of the Revised Code or of section 2921.32 of
the Revised Code when the offense or act committed by the person
aided or to be aided as described in that section is an act of
terrorism. As used in division (A)(13)(k) of this section,
"material support or resources" and "act of terrorism" have the
same meanings as in section 2909.21 of the Revised Code.

(14) A person is "not guilty by reason of insanity" relative
to a charge of an offense only if the person proves, in the manner
specified in section 2901.05 of the Revised Code, that at the time
of the commission of the offense, the person did not know, as a
result of a severe mental disease or defect, the wrongfulness of
the person's acts.

(B)(1)(a) Subject to division (B)(2) of this section, as used
in any section contained in Title XXIX of the Revised Code that
sets forth a criminal offense, "person" includes all of the
following:

(i) An individual, corporation, business trust, estate,
trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the
Revised Code that does not set forth a criminal offense, "person"
includes an individual, corporation, business trust, estate,
trust, partnership, and association.

(c) As used in division (B)(1)(a) of this section: 5948

(i) "Unborn human" means an individual organism of the 5949
species *Homo sapiens* from fertilization until live birth. 5950

(ii) "Viable" means the stage of development of a human fetus 5951
at which there is a realistic possibility of maintaining and 5952
nourishing of a life outside the womb with or without temporary 5953
artificial life-sustaining support. 5954

(2) Notwithstanding division (B)(1)(a) of this section, in no 5955
case shall the portion of the definition of the term "person" that 5956
is set forth in division (B)(1)(a)(ii) of this section be applied 5957
or construed in any section contained in Title XXIX of the Revised 5958
Code that sets forth a criminal offense in any of the following 5959
manners: 5960

(a) Except as otherwise provided in division (B)(2)(a) of 5961
this section, in a manner so that the offense prohibits or is 5962
construed as prohibiting any pregnant woman or her physician from 5963
performing an abortion with the consent of the pregnant woman, 5964
with the consent of the pregnant woman implied by law in a medical 5965
emergency, or with the approval of one otherwise authorized by law 5966
to consent to medical treatment on behalf of the pregnant woman. 5967
An abortion that violates the conditions described in the 5968
immediately preceding sentence may be punished as a violation of 5969
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 5970
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 5971
of the Revised Code, as applicable. An abortion that does not 5972
violate the conditions described in the second immediately 5973
preceding sentence, but that does violate section 2919.12, 5974
division (B) of section 2919.13, or section 2919.151, 2919.17, or 5975
2919.18 of the Revised Code, may be punished as a violation of 5976
section 2919.12, division (B) of section 2919.13, or section 5977
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 5978
Consent is sufficient under this division if it is of the type 5979

otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with section 2919.12 of the Revised Code. 5980
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(b) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following: 5983
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(i) Her delivery of a stillborn baby; 5987

(ii) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying; 5988
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(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human; 5990
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(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human; 5993
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(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying. 5995
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(C) As used in Title XXIX of the Revised Code: 6000

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus. 6001
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(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code. 6003
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(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district, a governing board of an educational service center, or the governing body of a school for which the state board of 6005
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education prescribes minimum standards under section 3301.07 of
the Revised Code. 6010
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(4) "School bus" has the same meaning as in section 4511.01
of the Revised Code. 6012
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Sec. 2921.51. (A) As used in this section: 6014

(1) "Peace officer" means a sheriff, deputy sheriff, marshal,
deputy marshal, member of the organized police department of a
municipal corporation, or township constable, who is employed by a
political subdivision of this state, a member of a police force
employed by a metropolitan housing authority under division (D) of
section 3735.31 of the Revised Code, a member of a police force
employed by a regional transit authority under division (Y) of
section 306.35 of the Revised Code, a state university law
enforcement officer appointed under section 3345.04 of the Revised
Code, ~~an Ohio~~ a veterans' home police officer appointed under
section 5907.02 of the Revised Code, a special police officer
employed by a port authority under section 4582.04 or 4582.28 of
the Revised Code, or a state highway patrol trooper and whose
primary duties are to preserve the peace, to protect life and
property, and to enforce the laws, ordinances, or rules of the
state or any of its political subdivisions. 6015
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(2) "Private police officer" means any security guard,
special police officer, private detective, or other person who is
privately employed in a police capacity. 6031
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(3) "Impersonate" means to act the part of, assume the
identity of, wear the uniform or any part of the uniform of, or
display the identification of a particular person or of a member
of a class of persons with purpose to make another person believe
that the actor is that particular person or is a member of that
class of persons. 6034
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(B) No person shall impersonate a peace officer or a private police officer. 6040
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(C) No person, by impersonating a peace officer or a private police officer, shall arrest or detain any person, search any person, or search the property of any person. 6042
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(D) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private police officer, or an officer, agent, or employee of the state. 6045
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(E) No person shall commit a felony while impersonating a peace officer, a private police officer, or an officer, agent, or employee of the state. 6049
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(F) It is an affirmative defense to a charge under division (B) of this section that the impersonation of the peace officer was for a lawful purpose. 6052
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(G) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (C) or (D) of this section is guilty of a misdemeanor of the first degree. If the purpose of a violation of division (D) of this section is to commit or facilitate the commission of a felony, a violation of division (D) is a felony of the fourth degree. Whoever violates division (E) of this section is guilty of a felony of the third degree. 6055
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Sec. 2935.01. As used in this chapter: 6063

(A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code. 6064
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(B) "Peace officer" includes, except as provided in section 2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police 6066
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department of a municipal corporation in an adjoining state 6070
serving in Ohio under a contract pursuant to section 737.04 of the 6071
Revised Code; member of a police force employed by a metropolitan 6072
housing authority under division (D) of section 3735.31 of the 6073
Revised Code; member of a police force employed by a regional 6074
transit authority under division (Y) of section 306.05 of the 6075
Revised Code; state university law enforcement officer appointed 6076
under section 3345.04 of the Revised Code; enforcement agent of 6077
the department of public safety designated under section 5502.14 6078
of the Revised Code; employee of the department of taxation to 6079
whom investigation powers have been delegated under section 6080
5743.45 of the Revised Code; employee of the department of natural 6081
resources who is a natural resources law enforcement staff officer 6082
designated pursuant to section 1501.013 of the Revised Code, a 6083
forest officer designated pursuant to section 1503.29 of the 6084
Revised Code, a preserve officer designated pursuant to section 6085
1517.10 of the Revised Code, a wildlife officer designated 6086
pursuant to section 1531.13 of the Revised Code, a park officer 6087
designated pursuant to section 1541.10 of the Revised Code, or a 6088
state watercraft officer designated pursuant to section 1547.521 6089
of the Revised Code; individual designated to perform law 6090
enforcement duties under section 511.232, 1545.13, or 6101.75 of 6091
the Revised Code; Ohio veterans' home police officer appointed 6092
under section 5907.02 of the Revised Code; special police officer 6093
employed by a port authority under section 4582.04 or 4582.28 of 6094
the Revised Code; police constable of any township; police officer 6095
of a township or joint township police district; the house 6096
sergeant at arms if the house sergeant at arms has arrest 6097
authority pursuant to division (E)(1) of section 101.311 of the 6098
Revised Code; and an assistant house sergeant at arms; officer or 6099
employee of the bureau of criminal identification and 6100
investigation established pursuant to section 109.51 of the 6101
Revised Code who has been awarded a certificate by the executive 6102

director of the Ohio peace officer training commission attesting 6103
to the officer's or employee's satisfactory completion of an 6104
approved state, county, municipal, or department of natural 6105
resources peace officer basic training program and who is 6106
providing assistance upon request to a law enforcement officer or 6107
emergency assistance to a peace officer pursuant to section 109.54 6108
or 109.541 of the Revised Code; and, for the purpose of arrests 6109
within those areas, and for the purposes of Chapter 5503. of the 6110
Revised Code, and the filing of and service of process relating to 6111
those offenses witnessed or investigated by them, includes the 6112
superintendent and troopers of the state highway patrol. 6113

(C) "Prosecutor" includes the county prosecuting attorney and 6114
any assistant prosecutor designated to assist the county 6115
prosecuting attorney, and, in the case of courts inferior to 6116
courts of common pleas, includes the village solicitor, city 6117
director of law, or similar chief legal officer of a municipal 6118
corporation, any such officer's assistants, or any attorney 6119
designated by the prosecuting attorney of the county to appear for 6120
the prosecution of a given case. 6121

(D) "Offense," except where the context specifically 6122
indicates otherwise, includes felonies, misdemeanors, and 6123
violations of ordinances of municipal corporations and other 6124
public bodies authorized by law to adopt penal regulations. 6125

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 6126
deputy marshal, municipal police officer, township constable, 6127
police officer of a township or joint township police district, 6128
member of a police force employed by a metropolitan housing 6129
authority under division (D) of section 3735.31 of the Revised 6130
Code, member of a police force employed by a regional transit 6131
authority under division (Y) of section 306.35 of the Revised 6132
Code, state university law enforcement officer appointed under 6133
section 3345.04 of the Revised Code, Ohio veterans' home police 6134

officer appointed under section 5907.02 of the Revised Code, or 6135
special police officer employed by a port authority under section 6136
4582.04 or 4582.28 of the Revised Code shall arrest and detain, 6137
until a warrant can be obtained, a person found violating, within 6138
the limits of the political subdivision, metropolitan housing 6139
authority housing project, regional transit authority facilities 6140
or areas of a municipal corporation that have been agreed to by a 6141
regional transit authority and a municipal corporation located 6142
within its territorial jurisdiction, college, university, Ohio 6143
veterans' home operated under Chapter 5907. of the Revised Code, 6144
or port authority in which the peace officer is appointed, 6145
employed, or elected, a law of this state, an ordinance of a 6146
municipal corporation, or a resolution of a township. 6147

(2) A peace officer of the department of natural resources or 6148
an individual designated to perform law enforcement duties under 6149
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 6150
arrest and detain, until a warrant can be obtained, a person found 6151
violating, within the limits of the peace officer's or 6152
individual's territorial jurisdiction, a law of this state. 6153

(3) The house sergeant at arms if the house sergeant at arms 6154
has arrest authority pursuant to division (E)(1) of section 6155
101.311 of the Revised Code and an assistant house sergeant at 6156
arms shall arrest and detain, until a warrant can be obtained, a 6157
person found violating, within the limits of the sergeant at ~~arm's~~ 6158
arms's or assistant sergeant at ~~arm's~~ arms's territorial 6159
jurisdiction specified in division (D)(1)(a) of section 101.311 of 6160
the Revised Code or while providing security pursuant to division 6161
(D)(1)(f) of section 101.311 of the Revised Code, a law of this 6162
state, an ordinance of a municipal corporation, or a resolution of 6163
a township. 6164

(B)(1) When there is reasonable ground to believe that an 6165
offense of violence, the offense of criminal child enticement as 6166

defined in section 2905.05 of the Revised Code, the offense of 6167
public indecency as defined in section 2907.09 of the Revised 6168
Code, the offense of domestic violence as defined in section 6169
2919.25 of the Revised Code, the offense of violating a protection 6170
order as defined in section 2919.27 of the Revised Code, the 6171
offense of menacing by stalking as defined in section 2903.211 of 6172
the Revised Code, the offense of aggravated trespass as defined in 6173
section 2911.211 of the Revised Code, a theft offense as defined 6174
in section 2913.01 of the Revised Code, or a felony drug abuse 6175
offense as defined in section 2925.01 of the Revised Code, has 6176
been committed within the limits of the political subdivision, 6177
metropolitan housing authority housing project, regional transit 6178
authority facilities or those areas of a municipal corporation 6179
that have been agreed to by a regional transit authority and a 6180
municipal corporation located within its territorial jurisdiction, 6181
college, university, ~~Ohio~~ veterans' home operated under Chapter 6182
5907. of the Revised Code, or port authority in which the peace 6183
officer is appointed, employed, or elected or within the limits of 6184
the territorial jurisdiction of the peace officer, a peace officer 6185
described in division (A) of this section may arrest and detain 6186
until a warrant can be obtained any person who the peace officer 6187
has reasonable cause to believe is guilty of the violation. 6188

(2) For purposes of division (B)(1) of this section, the 6189
execution of any of the following constitutes reasonable ground to 6190
believe that the offense alleged in the statement was committed 6191
and reasonable cause to believe that the person alleged in the 6192
statement to have committed the offense is guilty of the 6193
violation: 6194

(a) A written statement by a person alleging that an alleged 6195
offender has committed the offense of menacing by stalking or 6196
aggravated trespass; 6197

(b) A written statement by the administrator of the 6198

interstate compact on mental health appointed under section 6199
5119.51 of the Revised Code alleging that a person who had been 6200
hospitalized, institutionalized, or confined in any facility under 6201
an order made pursuant to or under authority of section 2945.37, 6202
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 6203
Revised Code has escaped from the facility, from confinement in a 6204
vehicle for transportation to or from the facility, or from 6205
supervision by an employee of the facility that is incidental to 6206
hospitalization, institutionalization, or confinement in the 6207
facility and that occurs outside of the facility, in violation of 6208
section 2921.34 of the Revised Code; 6209

(c) A written statement by the administrator of any facility 6210
in which a person has been hospitalized, institutionalized, or 6211
confined under an order made pursuant to or under authority of 6212
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 6213
2945.402 of the Revised Code alleging that the person has escaped 6214
from the facility, from confinement in a vehicle for 6215
transportation to or from the facility, or from supervision by an 6216
employee of the facility that is incidental to hospitalization, 6217
institutionalization, or confinement in the facility and that 6218
occurs outside of the facility, in violation of section 2921.34 of 6219
the Revised Code. 6220

(3)(a) For purposes of division (B)(1) of this section, a 6221
peace officer described in division (A) of this section has 6222
reasonable grounds to believe that the offense of domestic 6223
violence or the offense of violating a protection order has been 6224
committed and reasonable cause to believe that a particular person 6225
is guilty of committing the offense if any of the following 6226
occurs: 6227

(i) A person executes a written statement alleging that the 6228
person in question has committed the offense of domestic violence 6229
or the offense of violating a protection order against the person 6230

who executes the statement or against a child of the person who
executes the statement.

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(ii) No written statement of the type described in division
(B)(3)(a)(i) of this section is executed, but the peace officer,
based upon the peace officer's own knowledge and observation of
the facts and circumstances of the alleged incident of the offense
of domestic violence or the alleged incident of the offense of
violating a protection order or based upon any other information,
including, but not limited to, any reasonably trustworthy
information given to the peace officer by the alleged victim of
the alleged incident of the offense or any witness of the alleged
incident of the offense, concludes that there are reasonable
grounds to believe that the offense of domestic violence or the
offense of violating a protection order has been committed and
reasonable cause to believe that the person in question is guilty
of committing the offense.

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(iii) No written statement of the type described in division
(B)(3)(a)(i) of this section is executed, but the peace officer
witnessed the person in question commit the offense of domestic
violence or the offense of violating a protection order.

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(b) If pursuant to division (B)(3)(a) of this section a peace
officer has reasonable grounds to believe that the offense of
domestic violence or the offense of violating a protection order
has been committed and reasonable cause to believe that a
particular person is guilty of committing the offense, it is the
preferred course of action in this state that the officer arrest
and detain that person pursuant to division (B)(1) of this section
until a warrant can be obtained.

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If pursuant to division (B)(3)(a) of this section a peace
officer has reasonable grounds to believe that the offense of
domestic violence or the offense of violating a protection order
has been committed and reasonable cause to believe that family or

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household members have committed the offense against each other, 6263
it is the preferred course of action in this state that the 6264
officer, pursuant to division (B)(1) of this section, arrest and 6265
detain until a warrant can be obtained the family or household 6266
member who committed the offense and whom the officer has 6267
reasonable cause to believe is the primary physical aggressor. 6268
There is no preferred course of action in this state regarding any 6269
other family or household member who committed the offense and 6270
whom the officer does not have reasonable cause to believe is the 6271
primary physical aggressor, but, pursuant to division (B)(1) of 6272
this section, the peace officer may arrest and detain until a 6273
warrant can be obtained any other family or household member who 6274
committed the offense and whom the officer does not have 6275
reasonable cause to believe is the primary physical aggressor. 6276

(c) If a peace officer described in division (A) of this 6277
section does not arrest and detain a person whom the officer has 6278
reasonable cause to believe committed the offense of domestic 6279
violence or the offense of violating a protection order when it is 6280
the preferred course of action in this state pursuant to division 6281
(B)(3)(b) of this section that the officer arrest that person, the 6282
officer shall articulate in the written report of the incident 6283
required by section 2935.032 of the Revised Code a clear statement 6284
of the officer's reasons for not arresting and detaining that 6285
person until a warrant can be obtained. 6286

(d) In determining for purposes of division (B)(3)(b) of this 6287
section which family or household member is the primary physical 6288
aggressor in a situation in which family or household members have 6289
committed the offense of domestic violence or the offense of 6290
violating a protection order against each other, a peace officer 6291
described in division (A) of this section, in addition to any 6292
other relevant circumstances, should consider all of the 6293
following: 6294

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's

wishes, shall consider all facts and circumstances that are
relevant to the offense, including, but not limited to, the
statements and observations of the peace officers who responded to
the incident that resulted in the arrest or filing of the charges
and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of
this section whether to arrest a person pursuant to division
(B)(1) of this section, a peace officer described in division (A)
of this section shall not consider as a factor any possible
shortage of cell space at the detention facility to which the
person will be taken subsequent to the person's arrest or any
possibility that the person's arrest might cause, contribute to,
or exacerbate overcrowding at that detention facility or at any
other detention facility.

(g) If a peace officer described in division (A) of this
section intends pursuant to divisions (B)(3)(a) to (g) of this
section to arrest a person pursuant to division (B)(1) of this
section and if the officer is unable to do so because the person
is not present, the officer promptly shall seek a warrant for the
arrest of the person.

(h) If a peace officer described in division (A) of this
section responds to a report of an alleged incident of the offense
of domestic violence or an alleged incident of the offense of
violating a protection order and if the circumstances of the
incident involved the use or threatened use of a deadly weapon or
any person involved in the incident brandished a deadly weapon
during or in relation to the incident, the deadly weapon that was
used, threatened to be used, or brandished constitutes contraband,
and, to the extent possible, the officer shall seize the deadly
weapon as contraband pursuant to section 2933.43 of the Revised
Code. Upon the seizure of a deadly weapon pursuant to division
(B)(3)(h) of this section, section 2933.43 of the Revised Code

shall apply regarding the treatment and disposition of the deadly
weapon. For purposes of that section, the "underlying criminal
offense" that was the basis of the seizure of a deadly weapon
under division (B)(3)(h) of this section and to which the deadly
weapon had a relationship is any of the following that is
applicable:

(i) The alleged incident of the offense of domestic violence
or the alleged incident of the offense of violating a protection
order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and
circumstances as the report of the alleged incident of the offense
of domestic violence or the alleged incident of the offense of
violating a protection order to which the officer who seized the
deadly weapon responded.

(4) If, in the circumstances described in divisions (B)(3)(a)
to (g) of this section, a peace officer described in division (A)
of this section arrests and detains a person pursuant to division
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of
this section, a peace officer described in division (A) of this
section seizes a deadly weapon, the officer, to the extent
described in and in accordance with section 9.86 or 2744.03 of the
Revised Code, is immune in any civil action for damages for
injury, death, or loss to person or property that arises from or
is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a
violation of division (A), (B), or (C) of section 4506.15 or a
violation of section 4511.19 of the Revised Code has been
committed by a person operating a motor vehicle subject to
regulation by the public utilities commission of Ohio under Title
XLIX of the Revised Code, a peace officer with authority to
enforce that provision of law may stop or detain the person whom
the officer has reasonable cause to believe was operating the

motor vehicle in violation of the division or section and, after
investigating the circumstances surrounding the operation of the
vehicle, may arrest and detain the person.

(D) If a sheriff, deputy sheriff, marshal, deputy marshal,
municipal police officer, member of a police force employed by a
metropolitan housing authority under division (D) of section
3735.31 of the Revised Code, member of a police force employed by
a regional transit authority under division (Y) of section 306.35
of the Revised Code, special police officer employed by a port
authority under section 4582.04 or 4582.28 of the Revised Code,
township constable, police officer of a township or joint township
police district, state university law enforcement officer
appointed under section 3345.04 of the Revised Code, peace officer
of the department of natural resources, individual designated to
perform law enforcement duties under section 511.232, 1545.13, or
6101.75 of the Revised Code, the house sergeant at arms if the
house sergeant at arms has arrest authority pursuant to division
(E)(1) of section 101.311 of the Revised Code, or an assistant
house sergeant at arms is authorized by division (A) or (B) of
this section to arrest and detain, within the limits of the
political subdivision, metropolitan housing authority housing
project, regional transit authority facilities or those areas of a
municipal corporation that have been agreed to by a regional
transit authority and a municipal corporation located within its
territorial jurisdiction, port authority, college, or university
in which the officer is appointed, employed, or elected or within
the limits of the territorial jurisdiction of the peace officer, a
person until a warrant can be obtained, the peace officer, outside
the limits of that territory, may pursue, arrest, and detain that
person until a warrant can be obtained if all of the following
apply:

(1) The pursuit takes place without unreasonable delay after

the offense is committed; 6422

(2) The pursuit is initiated within the limits of the 6423
political subdivision, metropolitan housing authority housing 6424
project, regional transit authority facilities or those areas of a 6425
municipal corporation that have been agreed to by a regional 6426
transit authority and a municipal corporation located within its 6427
territorial jurisdiction, port authority, college, or university 6428
in which the peace officer is appointed, employed, or elected or 6429
within the limits of the territorial jurisdiction of the peace 6430
officer; 6431

(3) The offense involved is a felony, a misdemeanor of the 6432
first degree or a substantially equivalent municipal ordinance, a 6433
misdemeanor of the second degree or a substantially equivalent 6434
municipal ordinance, or any offense for which points are 6435
chargeable pursuant to division (G) of section 4507.021 of the 6436
Revised Code. 6437

(E) In addition to the authority granted under division (A) 6438
or (B) of this section: 6439

(1) A sheriff or deputy sheriff may arrest and detain, until 6440
a warrant can be obtained, any person found violating section 6441
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 6442
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 6443
portion of any street or highway that is located immediately 6444
adjacent to the boundaries of the county in which the sheriff or 6445
deputy sheriff is elected or appointed. 6446

(2) A member of the police force of a township police 6447
district created under section 505.48 of the Revised Code, a 6448
member of the police force of a joint township police district 6449
created under section 505.481 of the Revised Code, or a township 6450
constable appointed in accordance with section 509.01 of the 6451
Revised Code, who has received a certificate from the Ohio peace 6452

officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed

in division (E)(1) of this section, other than sections 4513.33 6485
and 4513.34 of the Revised Code, on the portion of any street or 6486
highway that is located immediately adjacent to the boundaries of 6487
the lands and waters that constitute the territorial jurisdiction 6488
of the peace officer. 6489

(F)(1) A department of mental health special police officer 6490
or a department of mental retardation and developmental 6491
disabilities special police officer may arrest without a warrant 6492
and detain until a warrant can be obtained any person found 6493
committing on the premises of any institution under the 6494
jurisdiction of the particular department a misdemeanor under a 6495
law of the state. 6496

A department of mental health special police officer or a 6497
department of mental retardation and developmental disabilities 6498
special police officer may arrest without a warrant and detain 6499
until a warrant can be obtained any person who has been 6500
hospitalized, institutionalized, or confined in an institution 6501
under the jurisdiction of the particular department pursuant to or 6502
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 6503
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 6504
found committing on the premises of any institution under the 6505
jurisdiction of the particular department a violation of section 6506
2921.34 of the Revised Code that involves an escape from the 6507
premises of the institution. 6508

(2)(a) If a department of mental health special police 6509
officer or a department of mental retardation and developmental 6510
disabilities special police officer finds any person who has been 6511
hospitalized, institutionalized, or confined in an institution 6512
under the jurisdiction of the particular department pursuant to or 6513
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 6514
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 6515
violation of section 2921.34 of the Revised Code that involves an 6516

escape from the premises of the institution, or if there is 6517
reasonable ground to believe that a violation of section 2921.34 6518
of the Revised Code has been committed that involves an escape 6519
from the premises of an institution under the jurisdiction of the 6520
department of mental health or the department of mental 6521
retardation and developmental disabilities and if a department of 6522
mental health special police officer or a department of mental 6523
retardation and developmental disabilities special police officer 6524
has reasonable cause to believe that a particular person who has 6525
been hospitalized, institutionalized, or confined in the 6526
institution pursuant to or under authority of section 2945.37, 6527
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 6528
Revised Code is guilty of the violation, the special police 6529
officer, outside of the premises of the institution, may pursue, 6530
arrest, and detain that person for that violation of section 6531
2921.34 of the Revised Code, until a warrant can be obtained, if 6532
both of the following apply: 6533

(i) The pursuit takes place without unreasonable delay after 6534
the offense is committed; 6535

(ii) The pursuit is initiated within the premises of the 6536
institution from which the violation of section 2921.34 of the 6537
Revised Code occurred. 6538

(b) For purposes of division (F)(2)(a) of this section, the 6539
execution of a written statement by the administrator of the 6540
institution in which a person had been hospitalized, 6541
institutionalized, or confined pursuant to or under authority of 6542
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 6543
2945.402 of the Revised Code alleging that the person has escaped 6544
from the premises of the institution in violation of section 6545
2921.34 of the Revised Code constitutes reasonable ground to 6546
believe that the violation was committed and reasonable cause to 6547
believe that the person alleged in the statement to have committed 6548

the offense is guilty of the violation. 6549

(G) As used in this section: 6550

(1) A "department of mental health special police officer" 6551
means a special police officer of the department of mental health 6552
designated under section 5119.14 of the Revised Code who is 6553
certified by the Ohio peace officer training commission under 6554
section 109.77 of the Revised Code as having successfully 6555
completed an approved peace officer basic training program. 6556

(2) A "department of mental retardation and developmental 6557
disabilities special police officer" means a special police 6558
officer of the department of mental retardation and developmental 6559
disabilities designated under section 5123.13 of the Revised Code 6560
who is certified by the Ohio peace officer training council under 6561
section 109.77 of the Revised Code as having successfully 6562
completed an approved peace officer basic training program. 6563

(3) "Deadly weapon" has the same meaning as in section 6564
2923.11 of the Revised Code. 6565

(4) "Family or household member" has the same meaning as in 6566
section 2919.25 of the Revised Code. 6567

(5) "Street" or "highway" has the same meaning as in section 6568
4511.01 of the Revised Code. 6569

(6) "Interstate system" has the same meaning as in section 6570
5516.01 of the Revised Code. 6571

(7) "Peace officer of the department of natural resources" 6572
means an employee of the department of natural resources who is a 6573
natural resources law enforcement staff officer designated 6574
pursuant to section 1501.013, a forest officer designated pursuant 6575
to section 1503.29, a preserve officer designated pursuant to 6576
section 1517.10, a wildlife officer designated pursuant to section 6577
1531.13, a park officer designated pursuant to section 1541.10, or 6578

a state watercraft officer designated pursuant to section 1547.521 6579
of the Revised Code. 6580

Sec. 2935.031. Any agency, instrumentality, or political 6581
subdivision of the state that employs a sheriff, deputy sheriff, 6582
constable, marshal, deputy marshal, police officer, member of a 6583
metropolitan housing authority police force, state university law 6584
enforcement officer, or ~~Ohio~~ veterans' home ~~policeman~~ police 6585
officer with arrest authority under section 2935.03 of the Revised 6586
Code or that employs other persons with arrest authority under the 6587
Revised Code, shall adopt a policy for the pursuit in a motor 6588
vehicle of any person who violates a law of this state or an 6589
ordinance of a municipal corporation. The chief law enforcement 6590
officer or other chief official of the agency, instrumentality, or 6591
political subdivision shall formally advise each peace officer or 6592
other person with arrest authority it employs of the pursuit 6593
policy adopted by that agency, instrumentality, or political 6594
subdivision pursuant to this section. 6595

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 6596
Revised Code: 6597

(A) "Ohio school facilities commission" means the commission 6598
created pursuant to section 3318.30 of the Revised Code. 6599

(B) "Classroom facilities" means rooms in which pupils 6600
regularly assemble in public school buildings to receive 6601
instruction and education and such facilities and building 6602
improvements for the operation and use of such rooms as may be 6603
needed in order to provide a complete educational program, and may 6604
include space within which a child day-care facility or a 6605
community resource center is housed. "Classroom facilities" 6606
includes any space necessary for the operation of a vocational 6607
education program for secondary students in any school district 6608

that operates such a program. 6609

(C) "Project" means a project to construct or acquire 6610
classroom facilities, or to reconstruct or make additions to 6611
existing classroom facilities, to be used for housing the 6612
applicable school district and its functions. 6613

(D) "School district" means a local, exempted village, or 6614
city school district as such districts are defined in Chapter 6615
3311. of the Revised Code, acting as an agency of state 6616
government, performing essential governmental functions of state 6617
government pursuant to sections 3318.01 and 3318.20 of the Revised 6618
Code. 6619

For purposes of assistance provided under sections 3318.40 to 6620
3318.45 of the Revised Code, the term "school district" as used in 6621
this section and in divisions (A), (C), and (D) of section 3318.03 6622
and in sections 3318.031, 3318.033, 3318.042, 3318.07, 3318.08, 6623
3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 6624
3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the 6625
Revised Code means a joint vocational school district established 6626
pursuant to section 3311.18 of the Revised Code. 6627

(E) "School district board" means the board of education of a 6628
school district. 6629

(F) "Net bonded indebtedness" means the difference between 6630
the sum of the par value of all outstanding and unpaid bonds and 6631
notes which a school district board is obligated to pay, any 6632
amounts the school district is obligated to pay under 6633
lease-purchase agreements entered into under section 3313.375 of 6634
the Revised Code, and the par value of bonds authorized by the 6635
electors but not yet issued, the proceeds of which can lawfully be 6636
used for the project, and the amount held in the sinking fund and 6637
other indebtedness retirement funds for their redemption. Notes 6638
issued for school buses in accordance with section 3327.08 of the 6639
Revised Code, notes issued in anticipation of the collection of 6640

current revenues, and bonds issued to pay final judgments shall 6641
not be considered in calculating the net bonded indebtedness. 6642

"Net bonded indebtedness" does not include indebtedness 6643
arising from the acquisition of land to provide a site for 6644
classroom facilities constructed, acquired, or added to pursuant 6645
to sections 3318.01 to 3318.20 of the Revised Code. 6646

(G) "Board of elections" means the board of elections of the 6647
county containing the most populous portion of the school 6648
district. 6649

(H) "County auditor" means the auditor of the county in which 6650
the greatest value of taxable property of such school district is 6651
located. 6652

(I) "Tax duplicates" means the general tax lists and 6653
duplicates prescribed by sections 319.28 and 319.29 of the Revised 6654
Code. 6655

(J) "Required level of indebtedness" means: 6656

(1) In the case of districts in the first percentile, five 6657
per cent of the district's valuation for the year preceding the 6658
year in which the controlling board approved the project under 6659
section 3318.04 of the Revised Code. 6660

(2) In the case of districts ranked in a subsequent 6661
percentile, five per cent of the district's valuation for the year 6662
preceding the year in which the controlling board approved the 6663
project under section 3318.04 of the Revised Code, plus [two 6664
one-hundredths of one per cent multiplied by (the percentile in 6665
which the district ranks for the fiscal year preceding the fiscal 6666
year in which the controlling board approved the district's 6667
project minus one). 6668

(K) "Required percentage of the basic project costs" means 6669
one per cent of the basic project costs times the percentile in 6670

which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project.

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(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing classroom facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a district may have to pay to undertake a classroom facilities project.

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For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, the basic project cost calculation for a project under those sections shall also take into account the types of laboratory spaces and program square footages needed for the vocational education programs for high school students offered by the school district.

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"Basic project cost" also includes the value of classroom facilities authorized in a pre-existing bond issue as described in section 3318.033 of the Revised Code.

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(M) A(1) Except for a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the

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Revised Code.	6703
<u>(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code.</u>	6704 6705 6706 6707 6708
(N) "Child day-care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.	6709 6710 6711 6712 6713 6714
(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.	6715 6716 6717 6718
(P) "Valuation" means the total value of all property in the district as listed and assessed for taxation on the tax duplicates.	6719 6720 6721
(Q) "Percentile" means the percentile in which the district is ranked pursuant to division (D) of section 3318.011 of the Revised Code.	6722 6723 6724
(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.	6725 6726 6727 6728
(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.	6729 6730 6731 6732

Sec. 3318.011. For purposes of providing assistance under 6733
sections 3318.01 to 3318.20 of the Revised Code, the department of 6734
education shall annually do all of the following: 6735

(A) Calculate the adjusted valuation per pupil of each city, 6736
local, and exempted village school district according to the 6737
following formula: 6738

The district's valuation per pupil - 6739
[\$30,000 X (1 - the district's income factor)]. 6740

For purposes of this calculation: 6741

(1) "Valuation per pupil" for a district means its average 6742
taxable value, divided by its formula ADM reported under section 6743
3317.03 of the Revised Code for the previous fiscal year. 6744

(2) "Average taxable value" means the average of the amounts 6745
certified for a district in the second, third, and fourth 6746
preceding fiscal years under divisions (A)(1) and (2) of section 6747
3317.021 of the Revised Code. 6748

(3) "Income factor" has the same meaning as in section 6749
3317.02 of the Revised Code. 6750

(B) Calculate for each district the three-year average of the 6751
adjusted valuations per pupil calculated for the district for the 6752
current and two preceding fiscal years; 6753

(C) Rank all such districts in order of adjusted valuation 6754
per pupil from the district with the lowest three-year average 6755
adjusted valuation per pupil to the district with the highest 6756
three-year average adjusted valuation per pupil; 6757

(D) Divide such ranking into percentiles with the first 6758
percentile containing the one per cent of school districts having 6759
the lowest three-year average adjusted valuations per pupil and 6760
the one-hundredth percentile containing the one per cent of school 6761
districts having the highest three-year average adjusted 6762

valuations per pupil;

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(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

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~~(F) Certify~~ On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio school facilities commission.

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Sec. 3318.03. (A) 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.

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(B) 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:

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~~(A)~~(1) The needs of the school district for additional classroom facilities;

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~~(B)~~(2) 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;

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~~(C)~~(3) 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

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section 3318.05 of the Revised Code; 6793

~~(D)~~(4) The remaining amount of such cost that shall be 6794
supplied by the state; 6795

~~(E)~~(5) The amount of the state's portion to be encumbered in 6796
accordance with section 3318.11 of the Revised Code in the current 6797
and subsequent fiscal bienniums from funds appropriated for 6798
purposes of sections 3318.01 to 3318.20 of the Revised Code. 6799

(C) The commission shall make a determination in favor of 6800
constructing, acquiring, reconstructing, or making additions to a 6801
classroom facility only upon evidence that the proposed project 6802
conforms to sound educational practice, that it is in keeping with 6803
the orderly process of school district reorganization and 6804
consolidation, and that the actual or projected enrollment in each 6805
classroom facility proposed to be included in the project is at 6806
least three hundred fifty pupils. Exceptions shall be authorized 6807
only in those districts where topography, sparsity of population, 6808
and other factors make larger schools impracticable. 6809

(D) Sections 125.81 and 153.04 of the Revised Code shall not 6810
apply to classroom facilities constructed under either sections 6811
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 6812
Code. 6813

Sec. 3318.031. The Ohio school facilities commission shall 6814
consider student and staff safety when reviewing design plans for 6815
classroom facility construction projects proposed under this 6816
chapter. After consulting with appropriate education and law 6817
enforcement personnel, the commission may require as a condition 6818
of project approval under either section 3318.03 or division 6819
(B)(1) of section 3318.41 of the Revised Code such changes in the 6820
design plans as the commission believes will advance or improve 6821
student and staff safety in the proposed classroom facility. 6822

To carry out its duties under this section, the commission 6823

shall review and, if necessary, amend any construction and design standards used in its project approval process, including standards for location and number of exits and location of restrooms, with a focus on advancing student and staff safety.

Sec. 3318.032. (A) The portion of the basic project cost supplied by the school district shall be the greater of:

(1) The required percentage of the basic project costs ~~determined based on the district's percentile ranking at the time the controlling board approved the project under section 3318.04 of the Revised Code;~~

(2) An amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the required level of indebtedness.

(B) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the one-year period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that year, and the school district later receives the controlling board's approval for the project, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

(C) Notwithstanding anything to the contrary in division (A) or (B) of this section, at no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost.

Sec. 3318.033. If the electors of a school district have 6854
approved the issuance of bonds for the acquisition of classroom 6855
facilities within eighteen months prior to the school district 6856
board's receipt of a notification by the Ohio school facilities 6857
commission that the school district is eligible for state 6858
assistance under either sections 3318.01 to 3318.20 or sections 6859
3318.40 to 3318.45 of the Revised Code, and if the classroom 6860
facilities supported by that bond measure comply with the 6861
commission's design specifications for such a project under 6862
~~sections 3318.01 to 3318.20 of the Revised Code~~, the commission 6863
shall include the value of those classroom facilities in the basic 6864
project cost of the school district's project determined under 6865
section 3318.03 or division (A)(1)(a) of section 3318.41 of the 6866
Revised Code and shall deduct the amount of the bonds authorized 6867
in that bond measure from the amount of the school district's 6868
portion of the basic project cost as determined under section 6869
3318.032 or 3318.42 of the Revised Code. 6870

A school district board may combine the credit for previously 6871
issued bonds authorized under this section along with any local 6872
donated contribution, as described under section 3318.084 of the 6873
Revised Code, in meeting the school district's obligation to raise 6874
its portion of the basic project cost of its classroom facilities 6875
project under sections 3318.01 to 3318.20 or sections 3318.40 to 6876
3318.45 of the Revised Code. 6877

Sec. 3318.042. (A) The board of education of any school 6878
district that is receiving assistance under sections 3318.01 to 6879
3318.20 of the Revised Code after May 20, 1997, or under sections 6880
3318.40 to 3318.45 of the Revised Code, and whose project is still 6881
under construction, may request that the Ohio school facilities 6882
commission examine whether the circumstances prescribed in either 6883
division (B)(1) or (2) of this section exist in the school 6884

district. If the commission so finds, the commission shall review 6885
the school district's original assessment and approved project 6886
~~under sections 3318.01 to 3318.20 of the Revised Code,~~ and 6887
consider providing additional assistance to the school district to 6888
correct the prescribed conditions found to exist in the district. 6889
Additional assistance under this section shall be limited to 6890
additions to one or more buildings, remodeling of one or more 6891
buildings, or changes to the infrastructure of one or more 6892
buildings. 6893

(B) Consideration of additional assistance to a school 6894
district under this section is warranted in either of the 6895
following circumstances: 6896

(1) Additional work is needed to correct an oversight or 6897
deficiency not identified or included in the district's initial 6898
assessment. 6899

(2) Other conditions exist that, in the opinion of the 6900
~~commission~~ commission, warrant additions or remodeling of the 6901
project facilities or changes to infrastructure associated with 6902
the district's project that were not identified in the initial 6903
assessment and plan. 6904

(C) If the commission decides in favor of providing 6905
additional assistance to any school district under this section, 6906
the school district shall be responsible for paying for its 6907
portion of the cost of the additions, remodeling, or ~~infrastructure~~ 6908
infrastructure changes pursuant to section 3318.083 of the Revised 6909
Code. If, after making a financial evaluation of the school 6910
district, the commission determines that the school district is 6911
unable without undue hardship, according to the guidelines adopted 6912
by the commission, to fund the school district portion of the 6913
increase, then the state and the school district shall enter into 6914
an agreement whereby the state shall pay the portion of the cost 6915
increase attributable to the school district which is determined 6916

to be in excess of any local resources available to the district 6917
and the district shall thereafter reimburse the state. The 6918
commission shall establish the district's schedule for reimbursing 6919
the state, which shall not extend beyond five years. Debt incurred 6920
under this section shall not be included in the calculation of the 6921
net indebtedness of the school district under section 133.06 of 6922
the Revised Code. 6923

Sec. 3318.08. ~~If~~ Except in the case of a joint vocational 6924
school district that receives assistance under sections 3318.40 to 6925
3318.45 of the Revised Code, if the requisite favorable vote on 6926
the election is obtained, or if the school district board has 6927
resolved to apply the proceeds of a property tax levy or the 6928
proceeds of an income tax, or a combination of proceeds from such 6929
taxes, as authorized in section 3318.052 of the Revised Code, the 6930
Ohio school facilities commission, upon certification to it of 6931
either the results of the election or the resolution under section 6932
3318.052 of the Revised Code, shall enter into a written agreement 6933
with the school district board for the construction and sale of 6934
the project, ~~which~~. In the case of a joint vocational school 6935
district that receives assistance under sections 3318.40 to 6936
3318.45 of the Revised Code, if the school district board of 6937
education and the school district electors have satisfied the 6938
conditions prescribed in division (D)(1) of section 3318.41 of the 6939
Revised Code, the commission shall enter into an agreement with 6940
the school district board for the construction and sale of the 6941
project. In either case, the agreement shall include, but need not 6942
be limited to, the following provisions: 6943

(A) The sale and issuance of bonds or notes in anticipation 6944
thereof, as soon as practicable after the execution of the 6945
agreement, in an amount equal to the school district's portion of 6946
the basic project cost, including any bonds previously authorized 6947
by the district's electors as described in section 3318.033 of the 6948

Revised Code and any securities authorized under division (J) of 6949
section 133.06 of the Revised Code and dedicated by the school 6950
district board to payment of the district's portion of the basic 6951
project cost of the project; provided, that if at that time the 6952
county treasurer of each county in which the school district is 6953
located has not commenced the collection of taxes on the general 6954
duplicate of real and public utility property for the year in 6955
which the controlling board approved the project, the school 6956
district board shall authorize the issuance of a first installment 6957
of bond anticipation notes in an amount specified by the 6958
agreement, which amount shall not exceed an amount necessary to 6959
raise the net bonded indebtedness of the school district as of the 6960
date of the controlling board's approval to within five thousand 6961
dollars of the required level of indebtedness for the preceding 6962
year. In the event that a first installment of bond anticipation 6963
notes is issued, the school district board shall, as soon as 6964
practicable after the county treasurer of each county in which the 6965
school district is located has commenced the collection of taxes 6966
on the general duplicate of real and public utility property for 6967
the year in which the controlling board approved the project, 6968
authorize the issuance of a second and final installment of bond 6969
anticipation notes or a first and final issue of bonds. 6970

The combined value of the first and second installment of 6971
bond anticipation notes or the value of the first and final issue 6972
of bonds shall be equal to the school district's portion of the 6973
basic project cost. The proceeds of any such bonds shall be used 6974
first to retire any bond anticipation notes. Otherwise, the 6975
proceeds of such bonds and of any bond anticipation notes, except 6976
the premium and accrued interest thereon, shall be deposited in 6977
the school district's project construction fund. In determining 6978
the amount of net bonded indebtedness for the purpose of fixing 6979
the amount of an issue of either bonds or bond anticipation notes, 6980

gross indebtedness shall be reduced by moneys in the bond 6981
retirement fund only to the extent of the moneys therein on the 6982
first day of the year preceding the year in which the controlling 6983
board approved the project. Should there be a decrease in the tax 6984
valuation of the school district so that the amount of 6985
indebtedness that can be incurred on the tax duplicates for the 6986
year in which the controlling board approved the project is less 6987
than the amount of the first installment of bond anticipation 6988
notes, there shall be paid from the school district's project 6989
construction fund to the school district's bond retirement fund to 6990
be applied against such notes an amount sufficient to cause the 6991
net bonded indebtedness of the school district, as of the first 6992
day of the year following the year in which the controlling board 6993
approved the project, to be within five thousand dollars of the 6994
required level of indebtedness for the year in which the 6995
controlling board approved the project. The maximum amount of 6996
indebtedness to be incurred by any school district board as its 6997
share of the cost of the project is either an amount that will 6998
cause its net bonded indebtedness, as of the first day of the year 6999
following the year in which the controlling board approved the 7000
project, to be within five thousand dollars of the required level 7001
of indebtedness, or an amount equal to the required percentage of 7002
the basic project costs, whichever is greater. All bonds and bond 7003
anticipation notes shall be issued in accordance with Chapter 133. 7004
of the Revised Code, and notes may be renewed as provided in 7005
section 133.22 of the Revised Code. 7006

(B) The transfer of such funds of the school district board 7007
available for the project, together with the proceeds of the sale 7008
of the bonds or notes, except premium, accrued interest, and 7009
interest included in the amount of the issue, to the school 7010
district's project construction fund; 7011

(C) For all school districts except joint vocational school 7012

districts that receive assistance under sections 3318.40 to 7013
3318.45 of the Revised Code, the following provisions as 7014
applicable: 7015

(1) If section 3318.052 of the Revised Code applies, the 7016
earmarking of the proceeds of a tax levied under section 5705.21 7017
of the Revised Code for general ongoing permanent or under section 7018
5705.218 of the Revised Code for the purpose of permanent 7019
improvements, or the proceeds of a school district income tax 7020
levied under Chapter 5748. of the Revised Code, or the proceeds 7021
from a combination of those two taxes, in an amount to pay all or 7022
part of the service charges on bonds issued to pay the school 7023
district portion of the project and an amount equivalent to all or 7024
part of the tax required under division (B) of section 3318.05 of 7025
the Revised Code; 7026

~~(D)~~(2) If section 3318.052 of the Revised Code does not 7027
apply, either of the following: 7028

~~(1)~~(a) The levy of the tax authorized at the election for the 7029
payment of maintenance costs, as specified in division (B) of 7030
section 3318.05 of the Revised Code; 7031

~~(2)~~(b) If the school district electors have approved a 7032
continuing tax of at least two mills for each dollar of valuation 7033
for general ongoing permanent improvements under section 5705.21 7034
of the Revised Code and that tax can be used for maintenance, the 7035
earmarking of an amount of the proceeds from such tax for 7036
maintenance of classroom facilities as specified in division (B) 7037
of section 3318.05 of the Revised Code. 7038

(D) For joint vocational school districts that receive 7039
assistance under sections 3318.40 to 3318.45 of the Revised Code, 7040
provision for deposit of school district moneys dedicated to 7041
maintenance of the classroom facilities acquired under those 7042
sections as prescribed in section 3318.43 of the Revised Code; 7043

(E) Dedication of any local donated contribution as provided 7044
for under section 3318.084 of the Revised Code, including a 7045
schedule for depositing such moneys applied as an offset of the 7046
district's obligation to levy the tax described in division (B) of 7047
section 3318.05 of the Revised Code as required under division 7048
(D)(2) of section 3318.084 of the Revised Code; i 7049

(F) Ownership of or interest in the project during the period 7050
of construction, which shall be divided between the commission and 7051
the school district board in proportion to their respective 7052
contributions to the school district's project construction fund; 7053
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(G) Maintenance of the state's interest in the project until 7055
any obligations issued for the project under section 3318.26 of 7056
the Revised Code are no longer outstanding; 7057

(H) The insurance of the project by the school district from 7058
the time there is an insurable interest therein and so long as the 7059
state retains any ownership or interest in the project pursuant to 7060
division (F) of this section, in such amounts and against such 7061
risks as the commission shall require; provided, that the cost of 7062
any required insurance until the project is completed shall be a 7063
part of the basic project cost; 7064

(I) The certification by the director of budget and 7065
management that funds are available and have been set aside to 7066
meet the state's share of the basic project cost as approved by 7067
the controlling board pursuant to either section 3318.04 or 7068
division (B)(1) of section 3318.41 of the Revised Code; 7069

(J) Authorization of the school district board to advertise 7070
for and receive construction bids for the project, for and on 7071
behalf of the commission, and to award contracts in the name of 7072
the state subject to approval by the commission; 7073

(K) Provisions for the disbursement of moneys from the school 7074

district's project account upon issuance by the commission or the 7075
commission's designated representative of vouchers for work done 7076
to be certified to the commission by the treasurer of the school 7077
district board; 7078

(L) Disposal of any balance left in the school district's 7079
project construction fund upon completion of the project; 7080

(M) Limitations upon use of the project or any part of it so 7081
long as any obligations issued to finance the project under 7082
section 3318.26 of the Revised Code are outstanding; 7083

(N) Provision for vesting the state's interest in the project 7084
to the school district board when the obligations issued to 7085
finance the project under section 3318.26 of the Revised Code are 7086
outstanding; 7087

(O) Provision for deposit of an executed copy of the 7088
agreement in the office of the commission; 7089

(P) Provision for termination of the contract and release of 7090
the funds encumbered at the time of the conditional approval, if 7091
the proceeds of the sale of the bonds of the school district board 7092
are not paid into the school district's project construction fund 7093
and if bids for the construction of the project have not been 7094
taken within such period after the execution of the agreement as 7095
may be fixed by the commission; 7096

(Q) Provision for the school district to maintain the project 7097
in accordance with a plan approved by the commission; 7098

(R)(1) For all school districts except ~~those~~ a district 7099
undertaking a project under section 3318.38 of the Revised Code or 7100
a joint vocational school district undertaking a project under 7101
sections 3318.40 to 3318.45 of the Revised Code, provision that 7102
all state funds reserved and encumbered to pay the state share of 7103
the cost of the project pursuant to section 3318.03 of the Revised 7104
Code be spent on the construction or acquisition of the project 7105

prior to the expenditure of any funds provided by the school 7106
district to pay for its share of the project cost, unless the 7107
school district certifies to the commission that expenditure by 7108
the school district is necessary to maintain the tax-exempt status 7109
of notes or bonds issued by the school district to pay for its 7110
share of the project cost or to comply with applicable temporary 7111
investment periods or spending exceptions to rebate as provided 7112
for under federal law in regard to those notes or bonds, in which 7113
cases, the school district may commit to spend, or spend, a 7114
portion of the funds it provides; 7115

(2) For a school districts district undertaking a project 7116
under section 3318.38 of the Revised Code or a joint vocational 7117
school district undertaking a project under sections 3318.40 to 7118
3318.45 of the Revised Code, provision that the state funds 7119
reserved and encumbered and the funds provided by the school 7120
district to pay the basic project cost of any segment of the 7121
project, or of the entire project if it is not divided into 7122
segments, be spent on the construction and acquisition of the 7123
project simultaneously in proportion to the state's and the school 7124
district's respective shares of that basic project cost as 7125
determined under section 3318.032 of the Revised Code or, if the 7126
district is a joint vocational school district, under section 7127
3318.42 of the Revised Code. 7128

(S) A provision stipulating that the commission may prohibit 7129
the district from proceeding with any project if the commission 7130
determines that the site is not suitable for construction 7131
purposes. The commission may perform soil tests in its 7132
determination of whether a site is appropriate for construction 7133
purposes. 7134

(T) A provision stipulating that, unless otherwise authorized 7135
by the commission, any contingency reserve portion of the 7136
construction budget prescribed by the commission shall be used 7137

only to pay costs resulting from unforeseen job conditions, to 7138
comply with rulings regarding building and other codes, to pay 7139
costs related to design clarifications or corrections to contract 7140
documents, and to pay the costs of settlements or judgments 7141
related to the project as provided under section 3318.086 of the 7142
Revised Code. 7143

Sec. 3318.084. (A) Notwithstanding anything to the contrary 7144
in Chapter 3318. of the Revised Code, a school district board may 7145
apply any local donated contribution toward ~~either or both~~ any of 7146
the following: 7147

(1) The district's portion of the basic project cost of a 7148
project under either sections 3318.01 to 3318.20 or sections 7149
3318.40 to 3318.45 of the Revised Code to reduce the amount of 7150
bonds the district otherwise must issue in order to receive state 7151
assistance under those sections; 7152

(2) ~~An~~ If the school district is not a joint vocational 7153
school district proceeding under sections 3318.40 to 3318.45 of 7154
the Revised Code, an offset of all or part of a district's 7155
obligation to levy the tax described in division (B) of section 7156
3318.05 of the Revised Code, which shall be applied only in the 7157
manner prescribed in division (B) of this section; 7158

(3) If the school district is a joint vocational school 7159
district proceeding under sections 3318.40 to 3318.45 of the 7160
Revised Code, all or part of the amount the school district is 7161
obligated to set aside for maintenance of the classroom facilities 7162
acquired under that project pursuant to section 3318.43 of the 7163
Revised Code. 7164

(B) No school district board shall apply any local donated 7165
contribution under division (A)(2) of this section unless the Ohio 7166
school facilities commission first approves that application. 7167

Upon the request of the school district board to apply local 7168
donated contribution under division (A)(2) of this section, the 7169
commission in consultation with the department of taxation shall 7170
determine the amount of total revenue that likely would be 7171
generated by one-half mill of the tax described in division (B) of 7172
section 3318.05 of the Revised Code over the entire 7173
twenty-three-year period required under that section and shall 7174
deduct from that amount any amount of local donated contribution 7175
that the board has committed to apply under division (A)(2) of 7176
this section. The commission then shall determine in consultation 7177
with the department of taxation the rate of tax over twenty-three 7178
years necessary to generate the amount of a one-half mill tax not 7179
offset by the local donated contribution. Notwithstanding anything 7180
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 7181
Revised Code, the rate determined by the commission shall be the 7182
rate for which the district board shall seek elector approval 7183
under those sections to meet its obligation under division (B) of 7184
section 3318.05 of the Revised Code. In the case of a complete 7185
offset of the district's obligation under division (B) of section 7186
3318.05 of the Revised Code, the district shall not be required to 7187
levy the tax otherwise required under that section. At the end of 7188
the twenty-three-year period of the tax required under division 7189
(B) of section 3318.05 of the Revised Code, whether or not the tax 7190
is actually levied, the commission in consultation of the 7191
department of taxation shall recalculate the amount that would 7192
have been generated by the tax if it had been levied at one-half 7193
mill. If the total amount actually generated over that period from 7194
both the tax that was actually levied and any local donated 7195
contribution applied under division (A)(2) of this section is less 7196
than the amount that would have been raised by a one-half mill 7197
tax, the district shall pay any difference. If the total amount 7198
actually raised in such manner is greater than the amount that 7199
would have been raised by a one-half mill tax the difference shall 7200

be zero and no payments shall be made by either the district or
the commission.

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

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(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;

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(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;

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(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~~ identifying 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,

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at the request of the district board, toward the district's 7233
portion of the basic project cost, any project cost overruns, or 7234
the basic project cost of future segments if the project has been 7235
divided into segments under section 3318.38 of the Revised Code. 7236
The actual amount of the credit shall not exceed the lesser of the 7237
amount specified in the agreement or the actual cost of the 7238
construction or renovation. 7239

(D) No state moneys shall be released for a project to which 7240
this section applies until: 7241

(1) Any local donated contribution authorized under division 7242
(A)(1) of this section is first deposited into the school 7243
district's project construction fund. 7244

(2) The school district board and the commission have 7245
included a stipulation in their agreement entered into under 7246
section 3318.08 of the Revised Code under which the board will 7247
deposit into a fund approved by the commission according to a 7248
schedule that does not extend beyond the anticipated completion 7249
date of the project the total amount of any local donated 7250
contribution authorized under division (A)(2) or (3) of this 7251
section and dedicated by the board for that purpose. 7252

However, if any local donated contribution as described in 7253
division (C)(3) of this section has been approved under this 7254
section, the state moneys may be released even if the entity 7255
providing that local donated contribution has not spent the moneys 7256
so dedicated as long as the agreement required under that section 7257
has been executed. 7258

Sec. 3318.086. The construction budget for any project under 7259
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 7260
Revised Code shall contain a contingency reserve in an amount 7261
prescribed by the Ohio school facilities commission, which unless 7262
otherwise authorized by the commission, shall be used only to pay 7263

costs resulting from unforeseen job conditions, to comply with 7264
rulings regarding building and other codes, to pay costs related 7265
to design clarifications or corrections to contract documents, and 7266
to pay the costs of settlements or judgments related to the 7267
project. 7268

Sec. 3318.10. When such working drawings, specifications, and 7269
estimates of cost have been approved by the school district board 7270
and the Ohio school facilities commission, the treasurer of the 7271
school district board shall advertise for construction bids in 7272
accordance with section 3313.46 of the Revised Code. Such notices 7273
shall state that plans and specifications for the project are on 7274
file in the office of the commission and such other place as may 7275
be designated in such notice, and the time and place when and 7276
where bids therefor will be received. 7277

The form of proposal to be submitted by bidders shall be 7278
supplied by the commission. Bidders may be permitted to bid upon 7279
all the branches of work and materials to be furnished and 7280
supplied, upon any branch thereof, or upon all or any thereof. 7281

When the construction bids for all branches of work and 7282
materials have been tabulated, the commission shall cause to be 7283
prepared a revised estimate of the basic project cost based upon 7284
the lowest responsible bids received. If such revised estimate 7285
exceeds the estimated basic project cost as approved by the 7286
controlling board pursuant to section 3318.04 or division (B)(1) 7287
of section 3318.41 of the Revised Code, no contracts may be 7288
entered into pursuant to this section unless such revised estimate 7289
is approved by the commission and by the controlling board 7290
~~referred to in section 3318.04 of the Revised Code.~~ When such 7291
revised estimate has been prepared, and after such approvals are 7292
given, if necessary, and if the school district board has caused 7293
to be transferred to the project construction fund the proceeds 7294

from the sale of the first or first and final installment of its 7295
bonds or bond anticipation notes pursuant to the provision of 7296
written agreement required by division (B) of section 3318.08 of 7297
the Revised Code, and when the director of budget and management 7298
has certified that there is a balance in the appropriation, not 7299
otherwise obligated to pay precedent obligations, pursuant to 7300
which the state's share of such revised estimate is required to be 7301
paid, the contract for all branches of work and materials to be 7302
furnished and supplied, or for any branch thereof as determined by 7303
the school district board, shall be awarded by the school district 7304
board to the lowest responsible bidder subject to the approval of 7305
the commission. Such award shall be made within sixty days after 7306
the date on which the bids are opened, and the successful bidder 7307
shall enter into a contract within ten days after the successful 7308
bidder is notified of the award of the contract. 7309

Subject to the approval of the commission, the school 7310
district board may reject all bids and readvertise. Any contract 7311
made under this section shall be made in the name of the state and 7312
executed on its behalf by the president and treasurer of the 7313
school district board. 7314

The provisions of sections 9.312 and 3313.46 of the Revised 7315
Code, which are applicable to construction contracts of boards of 7316
education, shall apply to construction contracts for the project. 7317

The remedies afforded to any subcontractor, materials 7318
supplier, laborer, mechanic, or persons furnishing material or 7319
machinery for the project under sections 1311.26 to 1311.32 of the 7320
Revised Code, shall apply to contracts entered into under this 7321
section and the itemized statement required by section 1311.26 of 7322
the Revised Code shall be filed with the school district board. 7323

Sec. 3318.12. (A) The Ohio school facilities commission shall 7324
cause to be transferred to the school district's project 7325

construction fund the necessary amounts from amounts appropriated 7326
by the general assembly and set aside for such purpose, from time 7327
to time as may be necessary to pay obligations chargeable to such 7328
fund when due. All investment earnings of a school district's 7329
project construction fund shall be credited to the fund. 7330

(B) The treasurer of the school district board shall disburse 7331
funds from the school district's project construction fund, 7332
including investment earnings credited to the fund, only upon the 7333
approval of the commission or the commission's designated 7334
representative. The commission or the commission's designated 7335
representative shall issue vouchers against such fund, in such 7336
amounts, and at such times as required by the contracts for 7337
construction of the project. 7338

(C) After the project has been completed: 7339

~~(A)~~(1) Any investment earnings remaining in the project 7340
construction fund that are attributable to the school district's 7341
contribution to the fund shall be transferred to the district's 7342
maintenance fund required by division (B) of section 3318.05 or 7343
section 3318.43 of the Revised Code, and the money shall be used 7344
solely for maintaining the classroom facilities included in the 7345
project. 7346

~~(B)~~(2) Any investment earnings remaining in the project 7347
construction fund that are attributable to the state's 7348
contribution to the fund shall be transferred to the commission 7349
for expenditure pursuant to sections 3318.01 to 3318.20 or 7350
sections 3318.40 to 3318.45 of the Revised Code. 7351

~~(C)~~(3) Any other surplus remaining in the school district's 7352
project construction fund after the project has been completed 7353
shall be transferred to the commission and the school district 7354
board in proportion to their respective contributions to the fund. 7355
The commission shall use the money transferred to it under this 7356
division for expenditure pursuant to sections 3318.01 to 3318.20 7357

or sections 3318.40 to 3318.45 of the Revised Code. 7358

(D) Pursuant to appropriations of the general assembly, any 7359
moneys transferred to the commission under division (C)(2) or (3) 7360
of this section from a project construction fund for a project 7361
under sections 3318.40 to 3318.45 of the Revised Code may be used 7362
for future expenditures for projects under sections 3318.40 to 7363
3318.45 of the Revised Code, notwithstanding the two per cent 7364
annual limit specified in division (B) of section 3318.40 of the 7365
Revised Code. 7366

Sec. 3318.15. There is hereby created the public school 7367
building fund within the state treasury consisting of any moneys 7368
transferred or appropriated to the fund by the general assembly 7369
and any grants, gifts, or contributions received by the Ohio 7370
school facilities commission to be used for the purposes of the 7371
fund. All investment earnings of the fund shall be credited to the 7372
fund. 7373

Moneys transferred or appropriated to the fund by the general 7374
assembly and moneys in the fund from grants, gifts, and 7375
contributions shall be used for the purposes of ~~sections 3318.01~~ 7376
~~to 3318.20 Chapter 3318.~~ of the Revised Code. ~~The moneys in the~~ 7377
~~fund received from payments to the state pursuant to division (C)~~ 7378
~~of section 3318.08 of the Revised Code shall be held in a separate~~ 7379
~~account in the fund. Such moneys may be used partially for the~~ 7380
~~purposes of sections 3318.01 to 3318.20 of the Revised Code and~~ 7381
~~partially to pay bond service charges as defined in division (C)~~ 7382
~~of section 3318.21 of the Revised Code on obligations as~~ 7383
prescribed by the general assembly. 7384

Sec. 3318.19. A complete detailed report of the expenditure 7385
of funds pursuant to ~~the provisions of~~ sections 3318.01 to 3318.20 7386
and sections 3318.40 to 3318.45 of the Revised Code shall be made 7387
by the Ohio school facilities commission biennially to the general 7388

assembly. The report shall contain a detailed statement of 7389
classroom facilities acquired in whole or in part by the state and 7390
sold to school districts, ~~the moneys received from school~~ 7391
~~districts for credit against their indebtedness to the state,~~ and 7392
such other information as will advise the general assembly of the 7393
nature and progress of this program. 7394

Sec. 3318.25. There is hereby created in the state treasury 7395
the school building program assistance fund. The fund shall 7396
consist of the proceeds of obligations issued for the purposes of 7397
such fund pursuant to section 3318.26 of the Revised Code that are 7398
payable from moneys in the lottery profits education fund created 7399
in section 3770.06 of the Revised Code or pursuant to section 7400
151.03 of the Revised Code. All investment earnings of the fund 7401
shall be credited to the fund. Moneys in the fund shall be used as 7402
directed by the Ohio school facilities commission for the cost to 7403
the state of constructing classroom facilities under ~~sections~~ 7404
~~3318.01 to 3318.20~~ Chapter 3318. of the Revised Code as prescribed 7405
by the general assembly. 7406

Sec. 3318.26. (A) The provisions of this section apply only 7407
to obligations issued by the issuing authority prior to December 7408
1, 1999. 7409

(B) Subject to the limitations provided in section 3318.29 of 7410
the Revised Code, the issuing authority, upon the certification by 7411
the Ohio school facilities commission to the issuing authority of 7412
the amount of moneys or additional moneys needed in the school 7413
building program assistance fund for the purposes of sections 7414
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 7415
Code, or needed for capitalized interest, for funding reserves, 7416
and for paying costs and expenses incurred in connection with the 7417
issuance, carrying, securing, paying, redeeming, or retirement of 7418
the obligations or any obligations refunded thereby, including 7419

payment of costs and expenses relating to letters of credit, lines 7420
of credit, insurance, put agreements, standby purchase agreements, 7421
indexing, marketing, remarketing and administrative arrangements, 7422
interest swap or hedging agreements, and any other credit 7423
enhancement, liquidity, remarketing, renewal, or refunding 7424
arrangements, all of which are authorized by this section, shall 7425
issue obligations of the state under this section in the required 7426
amount. The proceeds of such obligations, except for obligations 7427
issued to provide moneys for the school building program 7428
assistance fund shall be deposited by the treasurer of state in 7429
special funds, including reserve funds, as provided in the bond 7430
proceedings. The issuing authority may appoint trustees, paying 7431
agents, and transfer agents and may retain the services of 7432
financial advisors and accounting experts and retain or contract 7433
for the services of marketing, remarketing, indexing, and 7434
administrative agents, other consultants, and independent 7435
contractors, including printing services, as are necessary in the 7436
issuing authority's judgment to carry out this section. The costs 7437
of such services are payable from the school building program 7438
assistance fund or any special fund determined by the issuing 7439
authority. 7440

(C) The holders or owners of such obligations shall have no 7441
right to have moneys raised by taxation obligated or pledged, and 7442
moneys raised by taxation shall not be obligated or pledged, for 7443
the payment of bond service charges. Such holders or owners shall 7444
have no rights to payment of bond service charges from any money 7445
or property received by the commission, treasurer of state, or the 7446
state, or from any other use of the proceeds of the sale of the 7447
obligations, and no such moneys may be used for the payment of 7448
bond service charges, except for accrued interest, capitalized 7449
interest, and reserves funded from proceeds received upon the sale 7450
of the obligations and except as otherwise expressly provided in 7451
the applicable bond proceedings pursuant to written directions by 7452

the treasurer of state. The right of such holders and owners to 7453
payment of bond service charges shall be limited to all or that 7454
portion of the pledged receipts and those special funds pledged 7455
thereto pursuant to the bond proceedings in accordance with this 7456
section, and each such obligation shall bear on its face a 7457
statement to that effect. 7458

(D) Obligations shall be authorized by resolution or order of 7459
the issuing authority and the bond proceedings shall provide for 7460
the purpose thereof and the principal amount or amounts, and shall 7461
provide for or authorize the manner or agency for determining the 7462
principal maturity or maturities, not exceeding the limits 7463
specified in section 3318.29 of the Revised Code, the interest 7464
rate or rates or the maximum interest rate, the date of the 7465
obligations and the dates of payment of interest thereon, their 7466
denomination, and the establishment within or without the state of 7467
a place or places of payment of bond service charges. Sections 7468
9.98 to 9.983 of the Revised Code are applicable to obligations 7469
issued under this section, subject to any applicable limitation 7470
under section 3318.29 of the Revised Code. The purpose of such 7471
obligations may be stated in the bond proceedings in terms 7472
describing the general purpose or purposes to be served. The bond 7473
proceedings shall also provide, subject to the provisions of any 7474
other applicable bond proceedings, for the pledge of all, or such 7475
part as the issuing authority may determine, of the pledged 7476
receipts and the applicable special fund or funds to the payment 7477
of bond service charges, which pledges may be made either prior or 7478
subordinate to other expenses, claims, or payments, and may be 7479
made to secure the obligations on a parity with obligations 7480
theretofore or thereafter issued, if and to the extent provided in 7481
the bond proceedings. The pledged receipts and special funds so 7482
pledged and thereafter received by the state are immediately 7483
subject to the lien of such pledge without any physical delivery 7484

thereof or further act, and the lien of any such pledges is valid 7485
and binding against all parties having claims of any kind against 7486
the state or any governmental agency of the state, irrespective of 7487
whether such parties have notice thereof, and shall create a 7488
perfected security interest for all purposes of Chapter 1309. of 7489
the Revised Code, without the necessity for separation or delivery 7490
of funds or for the filing or recording of the bond proceedings by 7491
which such pledge is created or any certificate, statement or 7492
other document with respect thereto; and the pledge of such 7493
pledged receipts and special funds is effective and the money 7494
therefrom and thereof may be applied to the purposes for which 7495
pledged without necessity for any act of appropriation, except as 7496
required by section 3770.06 of the Revised Code. Every pledge, and 7497
every covenant and agreement made with respect thereto, made in 7498
the bond proceedings may therein be extended to the benefit of the 7499
owners and holders of obligations authorized by this section, and 7500
to any trustee therefor, for the further security of the payment 7501
of the bond service charges. 7502

(E) The bond proceedings may contain additional provisions as 7503
to: 7504

(1) The redemption of obligations prior to maturity at the 7505
option of the issuing authority at such price or prices and under 7506
such terms and conditions as are provided in the bond proceedings; 7507

(2) Other terms of the obligations; 7508

(3) Limitations on the issuance of additional obligations; 7509

(4) The terms of any trust agreement or indenture securing 7510
the obligations or under which the same may be issued; 7511

(5) The deposit, investment and application of special funds, 7512
and the safeguarding of moneys on hand or on deposit, without 7513
regard to Chapter 131., 133., or 135. of the Revised Code, but 7514
subject to any special provisions of sections 3318.21 to 3318.29 7515

of the Revised Code, with respect to particular funds or moneys, 7516
provided that any bank or trust company that acts as depository of 7517
any moneys in the special funds may furnish such indemnifying 7518
bonds or may pledge such securities as required by the issuing 7519
authority; 7520

(6) Any or every provision of the bond proceedings being 7521
binding upon such officer, board, commission, authority, agency, 7522
department, or other person or body as may from time to time have 7523
the authority under law to take such actions as may be necessary 7524
to perform all or any part of the duty required by such provision; 7525

(7) Any provision that may be made in a trust agreement or 7526
indenture; 7527

(8) The lease or sublease of any interest of the school 7528
district or the state in one or more projects as defined in 7529
division (C) of section 3318.01 of the Revised Code, or in one or 7530
more permanent improvements, to or from the issuing authority, as 7531
provided in one or more lease or sublease agreements between the 7532
school or the state and the issuing authority; 7533

(9) Any other or additional agreements with the holders of 7534
the obligations, or the trustee therefor, relating to the 7535
obligations or the security therefor. 7536

(F) The obligations may have the great seal of the state or a 7537
facsimile thereof affixed thereto or printed thereon. The 7538
obligations and any coupons pertaining to obligations shall be 7539
signed or bear the facsimile signature of the issuing authority. 7540
Any obligations or coupons may be executed by the person who, on 7541
the date of execution, is the proper issuing authority although on 7542
the date of such bonds or coupons such person was not the issuing 7543
authority. In case the issuing authority whose signature or a 7544
facsimile of whose signature appears on any such obligation or 7545
coupon ceases to be the issuing authority before delivery thereof, 7546

such signature or facsimile is nevertheless valid and sufficient 7547
for all purposes as if the issuing authority had remained the 7548
issuing authority until such delivery; and in case the seal to be 7549
affixed to obligations has been changed after a facsimile of the 7550
seal has been imprinted on such obligations, such facsimile seal 7551
shall continue to be sufficient as to such obligations and 7552
obligations issued in substitution or exchange therefor. 7553

(G) All obligations are negotiable instruments and securities 7554
under Chapter 1308. of the Revised Code, subject to the provisions 7555
of the bond proceedings as to registration. The obligations may be 7556
issued in coupon or in registered form, or both, as the issuing 7557
authority determines. Provision may be made for the registration 7558
of any obligations with coupons attached thereto as to principal 7559
alone or as to both principal and interest, their exchange for 7560
obligations so registered, and for the conversion or reconversion 7561
into obligations with coupons attached thereto of any obligations 7562
registered as to both principal and interest, and for reasonable 7563
charges for such registration, exchange, conversion, and 7564
reconversion. 7565

(H) Obligations may be sold at public sale or at private 7566
sale, as determined in the bond proceedings. 7567

(I) Pending preparation of definitive obligations, the 7568
issuing authority may issue interim receipts or certificates which 7569
shall be exchanged for such definitive obligations. 7570

(J) In the discretion of the issuing authority, obligations 7571
may be secured additionally by a trust agreement or indenture 7572
between the issuing authority and a corporate trustee which may be 7573
any trust company or bank having its principal place of business 7574
within the state. Any such agreement or indenture may contain the 7575
resolution or order authorizing the issuance of the obligations, 7576
any provisions that may be contained in any bond proceedings, and 7577
other provisions that are customary or appropriate in an agreement 7578

or indenture of such type, including, but not limited to: 7579

(1) Maintenance of each pledge, trust agreement, indenture, 7580
or other instrument comprising part of the bond proceedings until 7581
the state has fully paid the bond service charges on the 7582
obligations secured thereby, or provision therefor has been made; 7583

(2) In the event of default in any payments required to be 7584
made by the bond proceedings, or any other agreement of the 7585
issuing authority made as a part of the contract under which the 7586
obligations were issued, enforcement of such payments or agreement 7587
by mandamus, the appointment of a receiver, suit in equity, action 7588
at law, or any combination of the foregoing; 7589

(3) The rights and remedies of the holders of obligations and 7590
of the trustee, and provisions for protecting and enforcing them, 7591
including limitations on rights of individual holders of 7592
obligations; 7593

(4) The replacement of any obligations that become mutilated 7594
or are destroyed, lost, or stolen; 7595

(5) Such other provisions as the trustee and the issuing 7596
authority agree upon, including limitations, conditions, or 7597
qualifications relating to any of the foregoing. 7598

(K) Any holder of obligations or a trustee under the bond 7599
proceedings, except to the extent that the holder's or trustee's 7600
rights are restricted by the bond proceedings, may by any suitable 7601
form of legal proceedings, protect and enforce any rights under 7602
the laws of this state or granted by such bond proceedings. Such 7603
rights include the right to compel the performance of all duties 7604
of the issuing authority, the commission, or the director of 7605
budget and management required by sections 3318.21 to 3318.29 of 7606
the Revised Code or the bond proceedings; to enjoin unlawful 7607
activities; and in the event of default with respect to the 7608
payment of any bond service charges on any obligations or in the 7609

performance of any covenant or agreement on the part of the 7610
issuing authority, the commission, or the director of budget and 7611
management in the bond proceedings, to apply to a court having 7612
jurisdiction of the cause to appoint a receiver to receive and 7613
administer the pledged receipts and special funds, other than 7614
those in the custody of the treasurer of state or the commission, 7615
which are pledged to the payment of the bond service charges on 7616
such obligations or which are the subject of the covenant or 7617
agreement, with full power to pay, and to provide for payment of 7618
bond service charges on, such obligations, and with such powers, 7619
subject to the direction of the court, as are accorded receivers 7620
in general equity cases, excluding any power to pledge additional 7621
revenues or receipts or other income or moneys of the issuing 7622
authority or the state or governmental agencies of the state to 7623
the payment of such principal and interest and excluding the power 7624
to take possession of, mortgage, or cause the sale or otherwise 7625
dispose of any permanent improvement. 7626

Each duty of the issuing authority and the issuing 7627
authority's officers and employees, and of each governmental 7628
agency and its officers, members, or employees, undertaken 7629
pursuant to the bond proceedings or any agreement or loan made 7630
under authority of sections 3318.21 to 3318.29 of the Revised 7631
Code, and in every agreement by or with the issuing authority, is 7632
hereby established as a duty of the issuing authority, and of each 7633
such officer, member, or employee having authority to perform such 7634
duty, specifically enjoined by the law resulting from an office, 7635
trust, or station within the meaning of section 2731.01 of the 7636
Revised Code. 7637

The person who is at the time the issuing authority, or the 7638
issuing authority's officers or employees, are not liable in their 7639
personal capacities on any obligations issued by the issuing 7640
authority or any agreements of or with the issuing authority. 7641

(L) Obligations issued under this section are lawful 7642
investments for banks, societies for savings, savings and loan 7643
associations, deposit guarantee associations, trust companies, 7644
trustees, fiduciaries, insurance companies, including domestic for 7645
life and domestic not for life, trustees or other officers having 7646
charge of sinking and bond retirement or other special funds of 7647
political subdivisions and taxing districts of this state, the 7648
commissioners of the sinking fund of the state, the administrator 7649
of workers' compensation, the state teachers retirement system, 7650
the public employees retirement system, the school employees 7651
retirement system, and the Ohio police and fire pension fund, 7652
notwithstanding any other provisions of the Revised Code or rules 7653
adopted pursuant thereto by any governmental agency of the state 7654
with respect to investments by them, and also are acceptable as 7655
security for the deposit of public moneys. 7656

(M) Unless otherwise provided in any applicable bond 7657
proceedings, moneys to the credit of or in the special funds 7658
established by or pursuant to this section may be invested by or 7659
on behalf of the issuing authority only in notes, bonds, or other 7660
obligations of the United States, or of any agency or 7661
instrumentality of the United States, obligations guaranteed as to 7662
principal and interest by the United States, obligations of this 7663
state or any political subdivision of this state, and certificates 7664
of deposit of any national bank located in this state and any 7665
bank, as defined in section 1101.01 of the Revised Code, subject 7666
to inspection by the superintendent of financial institutions. If 7667
the law or the instrument creating a trust pursuant to division 7668
(J) of this section expressly permits investment in direct 7669
obligations of the United States or an agency of the United 7670
States, unless expressly prohibited by the instrument, such moneys 7671
also may be invested in no front end load money market mutual 7672
funds consisting exclusively of obligations of the United States 7673

or an agency of the United States and in repurchase agreements, 7674
including those issued by the fiduciary itself, secured by 7675
obligations of the United States or an agency of the United 7676
States; and in collective investment funds established in 7677
accordance with section 1111.14 of the Revised Code and consisting 7678
exclusively of any such securities, notwithstanding division 7679
(B)(1)(c) of that section. The income from such investments shall 7680
be credited to such funds as the issuing authority determines, and 7681
such investments may be sold at such times as the issuing 7682
authority determines or authorizes. 7683

(N) Provision may be made in the applicable bond proceedings 7684
for the establishment of separate accounts in the bond service 7685
fund and for the application of such accounts only to the 7686
specified bond service charges on obligations pertinent to such 7687
accounts and bond service fund and for other accounts therein 7688
within the general purposes of such fund. Unless otherwise 7689
provided in any applicable bond proceedings, moneys to the credit 7690
of or in the several special funds established pursuant to this 7691
section shall be disbursed on the order of the treasurer of state, 7692
provided that no such order is required for the payment from the 7693
bond service fund when due of bond service charges on obligations. 7694

(O) The issuing authority may pledge all, or such portion as 7695
the issuing authority determines, of the pledged receipts to the 7696
payment of bond service charges on obligations issued under this 7697
section, and for the establishment and maintenance of any 7698
reserves, as provided in the bond proceedings, and make other 7699
provisions therein with respect to pledged receipts as authorized 7700
by this chapter, which provisions shall be controlling 7701
notwithstanding any other provisions of law pertaining thereto. 7702

(P) The issuing authority may covenant in the bond 7703
proceedings, and any such covenants shall be controlling 7704
notwithstanding any other provision of law, that the state and 7705

applicable officers and governmental agencies of the state, 7706
including the general assembly, so long as any obligations are 7707
outstanding, shall: 7708

(1) Maintain statutory authority for and cause to be operated 7709
the state lottery, including the transfers to and from the lottery 7710
profits education fund created in section 3770.06 of the Revised 7711
Code so that the pledged receipts shall be sufficient in amount to 7712
meet bond service charges, and the establishment and maintenance 7713
of any reserves and other requirements provided for in the bond 7714
proceedings; 7715

(2) Take or permit no action, by statute or otherwise, that 7716
would impair the exclusion from gross income for federal income 7717
tax purposes of the interest on any obligations designated by the 7718
bond proceeding as tax-exempt obligations. 7719

(Q) There is hereby created the school building program bond 7720
service fund, which shall be in the custody of the treasurer of 7721
state but shall be separate and apart from and not a part of the 7722
state treasury. All moneys received by or on account of the 7723
issuing authority or state agencies and required by the applicable 7724
bond proceedings, consistent with this section, to be deposited, 7725
transferred, or credited to the school building program bond 7726
service fund, and all other moneys transferred or allocated to or 7727
received for the purposes of the fund, shall be deposited and 7728
credited to such fund and to any separate accounts therein, 7729
subject to applicable provisions of the bond proceedings, but 7730
without necessity for any act of appropriation, except as required 7731
by section 3770.06 of the Revised Code. During the period 7732
beginning with the date of the first issuance of obligations and 7733
continuing during such time as any such obligations are 7734
outstanding, and so long as moneys in the school building program 7735
bond service fund are insufficient to pay all bond service charges 7736
on such obligations becoming due in each year, a sufficient amount 7737

of the moneys from the lottery profits education fund included in 7738
pledged receipts, subject to appropriation for such purpose as 7739
provided in section 3770.06 of the Revised Code, are committed and 7740
shall be paid to the school building program bond service fund in 7741
each year for the purpose of paying the bond service charges 7742
becoming due in that year. The school building program bond 7743
service fund is a trust fund and is hereby pledged to the payment 7744
of bond service charges solely on obligations issued to provide 7745
moneys for the school building program assistance fund to the 7746
extent provided in the applicable bond proceedings, and payment 7747
thereof from such fund shall be made or provided for by the 7748
treasurer of state in accordance with such bond proceedings 7749
without necessity for any act of appropriation except as required 7750
by section 3770.06 of the Revised Code. 7751

(R) The obligations, the transfer thereof, and the income 7752
therefrom, including any profit made on the sale thereof, at all 7753
times shall be free from taxation within the state. 7754

~~Sec. 3318.311. Not less than six months after the effective 7755
date of this section, the Ohio school facilities commission shall 7756
present to the speaker of the house of representatives, the 7757
president of the senate, and the governor a proposal for 7758
legislation to provide classroom facilities assistance to joint 7759
vocational school districts. 7760~~

Not later than six months after ~~the effective date of this~~ 7761
~~section~~ September 14, 2000, the Ohio school facilities commission 7762
shall establish design specifications for classroom facilities 7763
that are appropriate for joint vocational education programs. The 7764
specifications shall provide standards for appropriate pupil 7765
instruction space but shall not include standards for any 7766
vocational education furnishings or equipment that is not 7767
comparable to, or the vocational education equivalent of, the 7768

furnishings or equipment for which assistance is available to 7769
other school districts under sections 3318.01 to 3318.20 of the 7770
Revised Code. 7771

Beginning September 1, 2003, from time to time the commission 7772
may amend the specifications as determined necessary by the 7773
commission; however, any project under sections 3318.40 to 3318.45 7774
of the Revised Code approved by the commission prior to the most 7775
recent amendment to the specifications shall not be subject to the 7776
provisions of such amendment. 7777

Sec. 3318.36. (A)(1) As used in this section: 7778

~~(1)~~(a) "Ohio school facilities commission," "classroom 7779
facilities," "school district," "school district board," "net 7780
bonded indebtedness," "required percentage of the basic project 7781
costs," "basic project cost," "valuation," and "percentile" have 7782
the same meanings as in section 3318.01 of the Revised Code. 7783

~~(2)~~(b) "Required level of indebtedness" means five per cent 7784
of the school district's valuation for the year preceding the year 7785
in which the commission and school district enter into an 7786
agreement under division (B) of this section, plus [two 7787
one-hundredths of one per cent multiplied by (the percentile in 7788
which the district ranks ~~in the fiscal year the commission and the~~ 7789
~~school district enter into such agreement~~ minus one)]. 7790

~~(3)~~(c) "Local resources" means any moneys generated in any 7791
manner permitted for a school district board to raise the school 7792
district portion of a project undertaken with assistance under 7793
sections 3318.01 to 3318.20 of the Revised Code. 7794

(2) For purposes of determining either the required level of 7795
indebtedness, as defined in division (A)(1)(b) of this section, or 7796
the required percentage of the basic project costs, under division 7797
(C)(1) of this section, the percentile ranking of a school 7798
district with which the commission has entered into an agreement 7799

under this section between the first day of July and the 7800
thirty-first day of August in each fiscal year is the percentile 7801
ranking calculated for that district for the immediately preceding 7802
fiscal year, and the percentile ranking of a school district with 7803
which the commission has entered into such agreement between the 7804
first day of September and the thirtieth day of June in each 7805
fiscal year is the percentile ranking calculated for that district 7806
for the current fiscal year. 7807

(B)(1) There is hereby established the school building 7808
assistance expedited local partnership program. Under the program, 7809
the Ohio school facilities commission may enter into an agreement 7810
with the school district board of any school district under which 7811
the school district board may proceed with the new construction or 7812
major repairs of a part of the school district's classroom 7813
facilities needs, as determined under sections 3318.01 to 3318.20 7814
of the Revised Code, through the expenditure of local resources 7815
prior to the school district's eligibility for state assistance 7816
under sections 3318.01 to 3318.20 of the Revised Code and may 7817
apply that expenditure toward meeting the school district's 7818
portion of the basic project cost of the total of the school 7819
district's classroom facilities needs, as determined under 7820
sections 3318.01 to 3318.20 of the Revised Code and as 7821
recalculated under division (E) of this section, that are eligible 7822
for state assistance under sections 3318.01 to 3318.20 of the 7823
Revised Code when the school district becomes eligible for such 7824
state assistance. Any school district that is reasonably expected 7825
to receive assistance under sections 3318.01 to 3318.20 of the 7826
Revised Code within two fiscal years from the date the school 7827
district adopts its resolution under division (B) of this section 7828
shall not be eligible to participate in the program. 7829

(2) To participate in the program, a school district board 7830
shall first adopt a resolution certifying to the commission the 7831

board's intent to participate in the program.

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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.

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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.

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(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.

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(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.

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(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

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application of local resources under this section. 7863

(C) Based on the results of the on-site visits and assessment 7864
conducted under division (B)(2) of this section, the commission 7865
shall determine the basic project cost of the school district's 7866
classroom facilities needs. The commission shall determine the 7867
school district's portion of such basic project cost, which shall 7868
be the greater of: 7869

(1) The required percentage of the basic project costs, 7870
determined based on the school district's percentile ranking in 7871
~~the fiscal year the commission and the school district enter into~~ 7872
~~the agreement under division (B) of this section;~~ 7873

(2) An amount necessary to raise the school district's net 7874
bonded indebtedness, as of the fiscal year the commission and the 7875
school district enter into the agreement under division (B) of 7876
this section, to within five thousand dollars of the required 7877
level of indebtedness. 7878

(D)(1) When the commission determines the basic project cost 7879
of the classroom facilities needs of a school district and the 7880
school district's portion of that basic project cost under 7881
division (C) of this section, the project shall be conditionally 7882
approved. Such conditional approval shall be submitted to the 7883
controlling board for approval thereof. The controlling board 7884
shall forthwith approve or reject the commission's determination, 7885
conditional approval, and the amount of the state's portion of the 7886
basic project cost; however, no state funds shall be encumbered 7887
under this section. Upon approval by the controlling board, the 7888
school district board may identify a discrete part of its 7889
classroom facilities needs, which shall include only new 7890
construction of or additions or major repairs to a particular 7891
building, to address with local resources. Upon identifying a part 7892
of the school district's basic project cost to address with local 7893
resources, the school district board may allocate any available 7894

school district moneys to pay the cost of that identified part, 7895
including the proceeds of an issuance of bonds if approved by the 7896
electors of the school district. 7897

All local resources utilized under this division shall first 7898
be deposited in the project construction account required under 7899
section 3318.08 of the Revised Code. 7900

(2) Unless the school district board exercises its option 7901
under division (D)(3) of this section, for a school district to 7902
qualify for participation in the program authorized under this 7903
section, one of the following conditions shall be satisfied: 7904

(a) The electors of the school district by a majority vote 7905
shall approve the levy of taxes outside the ten-mill limitation 7906
for a period of twenty-three years at the rate of not less than 7907
one-half mill for each dollar of valuation to be used to pay the 7908
cost of maintaining the classroom facilities included in the basic 7909
project cost as determined by the commission. The form of the 7910
ballot to be used to submit the question whether to approve the 7911
tax required under this division to the electors of the school 7912
district shall be the form for an additional levy of taxes 7913
prescribed in section 3318.361 of the Revised Code, which may be 7914
combined in a single ballot question with the questions prescribed 7915
under section 5705.218 of the Revised Code. 7916

(b) As authorized under division (C) of section 3318.05 of 7917
the Revised Code, the school district board shall earmark from the 7918
proceeds of a permanent improvement tax levied under section 7919
5705.21 of the Revised Code, an amount equivalent to the 7920
additional tax otherwise required under division (D)(2)(a) of this 7921
section for the maintenance of the classroom facilities included 7922
in the basic project cost as determined by the commission. 7923

(c) The school district board shall apply the proceeds of a 7924
tax to leverage bonds as authorized under section 3318.052 of the 7925

Revised Code or dedicate a local donated contribution in the 7926
manner described in division (B) of section 3318.084 of the 7927
Revised Code in an amount equivalent to the additional tax 7928
otherwise required under division (D)(2)(a) of this section for 7929
the maintenance of the classroom facilities included in the basic 7930
project cost as determined by the commission. 7931

(3) A school district board may opt to delay levying the 7932
additional tax required under division (D)(2)(a) of this section 7933
or earmarking of the proceeds of a permanent improvement tax 7934
alternatively required under division (D)(2)(b) of this section 7935
until such time as the school district becomes eligible for state 7936
assistance under sections 3318.01 to 3318.20 of the Revised Code. 7937
In order to exercise its option under this division, the board 7938
shall certify to the commission a resolution indicating the 7939
board's intent to do so prior to entering into an agreement under 7940
division (B) of this section. 7941

(4) If pursuant to division (D)(3) of this section a district 7942
board opts to delay levying an additional tax until the district 7943
becomes eligible for state assistance, it shall submit the 7944
question of levying that tax to the district electors as follows: 7945

(a) In accordance with section 3318.06 of the Revised Code if 7947
it will also be necessary pursuant to division (E) of this section 7948
to submit a proposal for approval of a bond issue; 7949

(b) In accordance with section 3318.361 of the Revised Code 7950
if it is not necessary to also submit a proposal for approval of a 7951
bond issue pursuant to division (E) of this section. 7952

(5) No state assistance under sections 3318.01 to 3318.20 of 7953
the Revised Code shall be released until a school district board 7954
that adopts and certifies a resolution under this division either 7955
has levied the additional tax or has earmarked the proceeds of a 7956

tax as specified in division (D) of this section. 7957

Any amount required for maintenance under division (D)(2) of 7958
this section shall be deposited into a separate fund as specified 7959
in division (B) of section 3318.05 of the Revised Code. 7960

(E)(1) If the school district becomes eligible for state 7961
assistance under sections 3318.01 to 3318.20 of the Revised Code 7962
based on its percentile ranking as determined under division (B) 7963
of this section, the commission shall conduct a new assessment of 7964
the school district's classroom facilities needs and shall 7965
recalculate the basic project cost based on this new assessment. 7966
The basic project cost recalculated under this division shall 7967
include the amount of expenditures made by the school district 7968
board under division (D)(1) of this section. The commission shall 7969
then recalculate the school district's portion of the new basic 7970
project cost, which shall be the percentage of the original basic 7971
project cost assigned to the school district as its portion under 7972
division (C) of this section. The commission shall deduct the 7973
expenditure of school district moneys made under division (D)(1) 7974
of this section from the school district's portion of the basic 7975
project cost as recalculated under this division. If the amount of 7976
school district resources applied by the school district board to 7977
the school district's portion of the basic project cost under this 7978
section is less than the total amount of such portion as 7979
recalculated under this division, the school district board by a 7980
majority vote of all of its members shall, if it desires to seek 7981
state assistance under sections 3318.01 to 3318.20 of the Revised 7982
Code, adopt a resolution as specified in section 3318.06 of the 7983
Revised Code to submit to the electors of the school district the 7984
question of approval of a bond issue in order to pay any 7985
additional amount of school district portion required for state 7986
assistance. Any tax levy approved under division (D) of this 7987
section satisfies the requirements to levy the additional tax 7988

under section 3318.06 of the Revised Code. 7989

(2) If the amount of school district resources applied by the 7990
school district board to the school district's portion of the 7991
basic project cost under this section is more than the total 7992
amount of such portion as recalculated under this division, within 7993
one year after the school district's portion is recalculated under 7994
division (E)(1) of this section the commission may grant to the 7995
school district the difference between the two calculated 7996
portions, but at no time shall the commission expend any state 7997
funds on a project in an amount greater than the state's portion 7998
of the basic project cost as recalculated under this division. 7999

Any reimbursement under this division shall be only for local 8000
resources the school district has applied toward construction cost 8001
expenditures for the classroom facilities approved by the 8002
commission, which shall not include any financing costs associated 8003
with that construction. 8004

The school district board shall use any moneys reimbursed to 8005
the district under this division to pay off any debt service the 8006
district owes for classroom facilities constructed under its 8007
project under this section before such moneys are applied to any 8008
other purpose. 8009

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the 8010
Revised Code apply only to joint vocational school districts. 8011

(2) As used in sections 3318.40 to 3318.45 of the Revised 8012
Code: 8013

(a) "Ohio school facilities commission," "classroom 8014
facilities," "project," and "basic project cost" have the same 8015
meanings as in section 3318.01 of the Revised Code. 8016

(b) "Acquisition of classroom facilities" means constructing, 8017
reconstructing, repairing, or making additions to classroom 8018

facilities.

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(B) There is hereby established the vocational school facilities assistance program. Under the program, the Ohio school facilities commission shall provide assistance to joint vocational school districts for the acquisition of classroom facilities suitable to the vocational education programs of the districts in accordance with sections 3318.40 to 3318.45 of the Revised Code. For purposes of the program, beginning July 1, 2003, the commission annually may set aside up to two per cent of the aggregate amount appropriated to it for classroom facilities assistance projects in the education facilities trust fund, established under section 183.26 of the Revised Code; the public school building fund, established under section 3318.15 of the Revised Code; and the school building program assistance fund, established under section 3318.25 of the Revised Code.

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(C) The commission shall not provide assistance for any distinct part of a project under sections 3318.40 to 3318.45 of the Revised Code that when completed will be used exclusively for an adult education program or exclusively for operation of a driver training school for instruction leading to the issuance of a commercial driver's license under Chapter 4506. of the Revised Code, except for life safety items and basic building components necessary for complete and continuous construction or renovation of a classroom facility as determined by the commission.

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(D) The commission shall not provide assistance under sections 3318.40 to 3318.45 of the Revised Code to acquire classroom facilities for vocational educational instruction at a location under the control of a school district that is a member of a joint vocational school district. Any assistance to acquire classroom facilities for vocational educational instruction at such location shall be provided to the school district that is a member of the joint vocational school district through other

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provisions of this chapter when that member school district is 8051
eligible for assistance under those provisions. 8052

(E) By September 1, 2003, the commission shall assess the 8053
classroom facilities needs of at least five joint vocational 8054
school districts, according to the order of priority prescribed in 8055
division (B) of section 3318.42 of the Revised Code, and based on 8056
the results of those assessments shall determine the extent to 8057
which amendments to the specifications adopted under section 8058
3318.311 of the Revised Code are warranted. The commission, 8059
thereafter, may amend the specifications as provided in that 8060
section. 8061

(F) After the commission has conducted the assessments 8062
prescribed in division (E) of this section, the commission shall 8063
establish, by rule adopted in accordance with section 111.15 of 8064
the Revised Code, guidelines for the commission to use in deciding 8065
whether to waive compliance with the design specifications adopted 8066
under section 3318.311 of the Revised Code when determining the 8067
number of facilities and the basic project cost of projects as 8068
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 8069
Code. The guidelines shall address the following situations: 8070

(1) Under what circumstances, if any, particular classroom 8071
facilities are adequate to meet the needs of the school district 8072
even though the facilities do not comply with the specifications 8073
adopted under section 3318.311 of the Revised Code; 8074

(2) Under what circumstances, if any, particular classroom 8075
facilities will be renovated or repaired rather than replaced by 8076
construction of new facilities. 8077

Sec. 3318.41. (A)(1) The Ohio school facilities commission 8078
annually shall assess the classroom facilities needs of the number 8079
of joint vocational school districts that the commission 8080
reasonably expects to be able to provide assistance to in a fiscal 8081

year, based on the amount set aside for that fiscal year under
division (B) of section 3318.40 of the Revised Code and the order
of priority prescribed in division (B) of section 3318.42 of the
Revised Code, except that in fiscal year 2004 the commission shall
conduct at least the five assessments prescribed in division (E)
of section 3318.40 of the Revised Code.

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Upon conducting an assessment of the classroom facilities
needs of a school district, the commission shall make a
determination of all of the following:

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(a) 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 acquiring the classroom facilities included in the
project. The number of facilities and basic project cost shall be
determined in accordance with the specifications adopted under
section 3318.311 of the Revised Code except to the extent that
compliance with such specifications is waived by the commission
pursuant to the rule of the commission adopted under division (F)
of section 3318.40 of the Revised Code.

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(b) The school district's portion of the basic project cost
as determined under division (C) of section 3318.42 of the Revised
Code;

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(c) The remaining portion of the basic project cost that
shall be supplied by the state;

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(d) The amount of the state's portion of the basic project
cost to be encumbered in accordance with section 3318.11 of the
Revised Code in the current and subsequent fiscal bienniums from
funds set aside under division (B) of section 3318.40 of the
Revised Code.

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(2) Divisions (A), (C), and (D) of section 3318.03 of the
Revised Code apply to any project under sections 3318.40 to

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3318.45 of the Revised Code.

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(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal biennium. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.

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(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

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(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code, in order for a school district to receive assistance under sections 3318.40 to

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3318.45 of the Revised Code, the school district board shall set
aside school district moneys for the maintenance of the classroom
facilities included in the school district's project in the amount
and manner prescribed in section 3318.43 of the Revised Code.

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(D)(1) The conditional approval for a project certified under
division (B)(1) of this section shall lapse and the amount
reserved and encumbered for such project shall be released unless
both of the following conditions are satisfied:

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(a) Within one hundred twenty days following the date of
certification of the conditional approval to the joint vocational
school district board, the school district board accepts the
conditional approval and certifies to the commission the school
district board's plan to generate the school district's portion of
the basic project cost, as determined under division (C) of
section 3318.42 of the Revised Code, and to set aside moneys for
maintenance of the classroom facilities acquired under the
project, as prescribed in section 3318.43 of the Revised Code.

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(b) Within one year following the date of certification of
the conditional approval to the school district board, the
electors of the school district vote favorably on any ballot
measures proposed by the school district board to generate the
school district's portion of the basic project cost.

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(2) If the school district board or electors fail to satisfy
the conditions prescribed in division (D)(1) of this section and
the amount reserved and encumbered for the school district's
project is released, the school district shall be given first
priority over other joint vocational school districts for project
funding under sections 3318.40 to 3318.45 of the Revised Code as
such funds become available.

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(E) If the conditions prescribed in division (D)(1) of this
section are satisfied, the commission and the school district

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board shall enter into an agreement as prescribed in section 8176
3318.08 of the Revised Code and shall proceed with the development 8177
of plans, cost estimates, designs, drawings, and specifications as 8178
prescribed in section 3318.091 of the Revised Code. 8179

(F) Costs in excess of those approved by the commission under 8180
section 3318.091 of the Revised Code shall be payable only as 8181
provided in sections 3318.042 and 3318.083 of the Revised Code. 8182

(G) Advertisement for bids and the award of contracts for 8183
construction of any project under sections 3318.40 to 3318.45 of 8184
the Revised Code shall be conducted in accordance with section 8185
3318.10 of the Revised Code. 8186

(H) The state funds reserved and encumbered and the funds 8187
provided by the school district to pay the basic project cost of a 8188
project under sections 3318.40 to 3318.45 of the Revised Code 8189
shall be spent simultaneously in proportion to the state's and the 8190
school district's respective portions of that basic project cost. 8191

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 8192
Code apply to projects under sections 3318.40 to 3318.45 of the 8193
Revised Code. 8194

Sec. 3318.42. (A) Not later than the sixty-first day after 8195
the effective date of this section, and subsequently not later 8196
than the sixty-first day after the first day of each ensuing 8197
fiscal year, the department of education shall do all of the 8198
following: 8199

(1) Calculate the valuation per pupil of each joint 8200
vocational school district according to the following formula: 8201
The school district's average taxable value divided by the 8202
school district's formula ADM reported under section 8203
3317.03 of the Revised Code for the previous fiscal year. 8204

For purposes of this calculation: 8205

(a) "Average taxable value" means the average of the amounts certified for a school district in the second, third, and fourth preceding tax years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 8206
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(b) "Formula ADM" has the same meaning as defined in section 3317.02 of the Revised Code. 8210
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(2) Calculate for each school district the three-year average of the valuations per pupil calculated for the school district for the current and two preceding fiscal years; 8212
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(3) Rank all joint vocational school districts in order from the school district with the lowest three-year average valuation per pupil to the school district with the highest three-year average valuation per pupil; 8215
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(4) Divide the ranking under division (A)(3) of this section into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average valuations per pupil; 8219
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(5) Certify the information described in divisions (A)(1) to (4) of this section to the Ohio school facilities commission. 8225
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(B) The commission annually shall select school districts for assistance under sections 3318.40 to 3318.45 of the Revised Code in the order of the school districts' three-year average valuations per pupil such that the school district with the lowest three-year average valuation per pupil shall be given the highest priority for assistance. 8227
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(C) Each joint vocational school district's portion of the basic project cost of the school district's project under sections 3318.40 to 3318.45 of the Revised Code shall be one per cent times the percentile in which the district ranks, except that no school 8233
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district's portion shall be less than twenty-five per cent or 8237
greater than ninety-five per cent of the basic project cost. 8238
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Sec. 3318.43. Each year for twenty-three successive years 8240
after the commencement of a joint vocational school district's 8241
project under sections 3318.40 to 3318.45 of the Revised Code, the 8242
board of education of that school district shall deposit into a 8243
separate maintenance account or into the school district's capital 8244
and maintenance fund established under section 3315.18 of the 8245
Revised Code, school district moneys dedicated to maintenance of 8246
the classroom facilities acquired under sections 3318.40 to 8247
3318.45 of the Revised Code in an amount equal to one and one-half 8248
of one per cent of the current insurance value of the classroom 8249
facilities acquired under the project, which value shall be 8250
subject to the approval of the Ohio school facilities commission. 8251

Sec. 3318.44. (A) A joint vocational school district board of 8252
education may generate the school district's portion of the basic 8253
project cost of its project under sections 3318.40 to 3318.45 of 8254
the Revised Code using any combination of the following means if 8255
lawfully employed for the acquisition of classroom facilities: 8256

(1) The issuance of securities in accordance with Chapter 8257
133. and section 3311.20 of the Revised Code; 8258
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(2) Local donated contributions as authorized under section 8260
3318.084 of the Revised Code; 8261

(3) A levy for permanent improvements under section 3311.21 8262
or 5705.21 of the Revised Code; 8263

(4) Bonds issued pursuant to division (B) of this section. 8264

(B) By resolution adopted by a majority of all its members, a 8265
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school district board in order to pay all or part of the school 8267
district's portion of its basic project cost may apply the 8268
proceeds of a tax levied under section 5705.21 of the Revised Code 8269
to general ongoing permanent improvements if the proceeds of that 8270
levy lawfully may be used for general construction, renovation, 8271
repair, or maintenance of classroom facilities to leverage bonds 8272
adequate to pay all or part of the school district portion of the 8273
basic project cost of the school district's project under sections 8274
3318.40 to 3318.45 of the Revised Code or to generate an amount 8275
equivalent to all or part of the amount required under section 8276
3318.43 of the Revised Code to be used for maintenance of 8277
classroom facilities acquired under the project. Bonds issued 8278
under this division shall be Chapter 133. securities, but the 8279
issuance of the bonds shall not be subject to a vote of the 8280
electors of the school district as long as the tax proceeds 8281
earmarked for payment of the service charges on the bonds may 8282
lawfully be used for that purpose. 8283

No state moneys shall be released for a project to which this 8284
division applies until the proceeds of any bonds issued under this 8285
division that are dedicated for payment of the school district's 8286
portion of the basic project cost are first deposited into the 8287
school district's project construction fund. 8288

(C) A school district board of education may adopt a 8289
resolution proposing that any of the following questions be 8290
combined with a question specified in section 3318.45 of the 8291
Revised Code: 8292

(1) A bond issue question under section 133.18 of the Revised 8293
Code; 8294

(2) A tax levy question under section 3311.21 of the Revised 8295
Code; 8296

(3) A tax levy question under section 5705.21 of the Revised 8297

Code. 8298

Any question described in divisions (C)(1) to (3) of this section that is combined with a question proposed under section 3318.45 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. 8299
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(D) The board of education of a joint vocational school district that receives assistance under this section may enter into an agreement for joint issuance of bonds as provided for in section 3318.085 of the Revised Code. 8308
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Sec. 3318.45. (A) Unless division (B) of section 3318.44 of the Revised Code applies, if a joint vocational school district board of education proposes to issue securities to generate all or part of the school district's portion of the basic project cost of the school district's project under sections 3318.40 to 3318.45 of the Revised Code, the school district board shall adopt a resolution in accordance with Chapter 133. and section 3311.20 of the Revised Code. Unless the school district board seeks authority to issue securities in more than one series, the school district board shall adopt the form of the ballot prescribed in section 133.18 of the Revised Code. 8312
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(B) If authority is sought to issue bonds in more than one series, the form of the ballot shall be: 8323
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"Shall bonds be issued by the (here insert name of joint vocational school district) joint vocational school district to pay the local share of school construction under the State of Ohio Joint Vocational School Facilities Assistance Program in the 8325
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total principal amount of (total principal amount of 8329
the bond issue), to be issued in (number of series) series, 8330
each series to be repaid annually over not more than 8331
(maximum number of years over which the principal of each series 8332
may be paid) years, and an annual levy of property taxes be made 8333
outside the ten-mill limitation to pay the annual debt charges on 8334
the bonds and on any notes issued in anticipation of the bonds, at 8335
a rate estimated by the county auditor to average over the 8336
repayment period of each series as follows: [insert the 8337
following for each series: "the series, in a principal 8338
amount of dollars, requiring mills per dollar of 8339
tax valuation, which amount to (rate expressed in cents or 8340
dollars and cents, such as "36 cents" or "\$1.41") for each one 8341
hundred dollars in tax valuation, commencing in and 8342
first payable in"]? 8343

For the bond issue 8344

Against the bond issue " 8345

(C) If it is necessary for the school district to acquire a 8346
site for the classroom facilities to be acquired pursuant to 8347
sections 3318.40 to 3318.45 of the Revised Code, the district 8348
board may propose either to issue bonds of the board or to levy a 8349
tax to pay for the acquisition of such site and may combine the 8350
question of doing so with the question specified by reference in 8351
division (A) of this section or the question specified in division 8352
(B) of this section. Bonds issued under this division for the 8353
purpose of acquiring a site are a general obligation of the school 8354
district and are Chapter 133. securities. 8355

The form of that portion of the ballot to include the 8356
question of either issuing bonds or levying a tax for site 8357
acquisition purposes shall be one of the following: 8358
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(1) "Shall bonds be issued by the (here insert name of the joint vocational school district) joint vocational school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Joint Vocational School 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?" 8361
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(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the (here insert name of the joint vocational school district) joint vocational 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, 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, for a period of (here insert number of years the millage is to be imposed) years?" 8378
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Where it is necessary to combine the question of issuing bonds of the joint vocational school district as described in division (A) of this section with the question of issuing bonds of 8390
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8392

the school district for acquisition of a site, the question 8393
specified in that division to be voted on shall be "For the bond 8394
issues" and "Against the bond issues." 8395

Where it is necessary to combine the question of issuing 8396
bonds of the joint vocational school district as described in 8397
division (A) of this section with the question of levying a tax 8398
for the acquisition of a site, the question specified in that 8399
division to be voted on shall be "For the bond issue and the tax 8400
levy" and "Against the bond issue and the tax levy." 8401

(D) Where the school district board chooses to combine a 8402
question specified in this section with any of the additional 8403
questions described in division (C) of section 3318.44 of the 8404
Revised Code, the question to be voted on shall be "For the bond 8405
issues and the tax levies" and "Against the bond issues and the 8406
tax levies." 8407

(E) If a majority of those voting upon a proposition 8408
prescribed in this section which includes the question of issuing 8409
bonds vote in favor of that issuance and if the agreement 8410
prescribed in section 3318.08 of the Revised Code has been entered 8411
into, the school district board may proceed under Chapter 133. of 8412
the Revised Code with the issuance of bonds or bond anticipation 8413
notes in accordance with the terms of the agreement. 8414

Sec. 3318.46. By rule adopted in accordance with section 8415
111.15 of the Revised Code, the Ohio school facilities commission 8416
shall establish a program whereby the board of education of any 8417
joint vocational school district may enter into an agreement with 8418
the commission under which the board may proceed with the new 8419
construction or major repairs of a part of the school district's 8420
classroom facilities needs, as determined under sections 3318.40 8421
to 3318.45 of the Revised Code, through the expenditure of local 8422
resources prior to the school district's eligibility for state 8423

assistance under sections 3318.40 to 3318.45 of the Revised Code. 8424
The program shall be structured in a manner similar to the program 8425
established under section 3318.36 of the Revised Code. The program 8426
shall be operational on July 1, 2004. 8427

Sec. 3354.16. (A) When the board of trustees of a community 8428
college district has by resolution determined to let by contract 8429
the work of improvements pursuant to the official plan of such 8430
district, contracts in amounts exceeding a dollar amount set by 8431
the board, which dollar amount shall not exceed ~~fifteen~~ fifty 8432
thousand dollars, shall be advertised after notices calling for 8433
bids have been published once a week for three consecutive weeks, 8434
in at least one newspaper of general circulation within the 8435
community college district wherein the work is to be done. Subject 8436
to section 3354.10 of the Revised Code, the board of trustees of 8437
the district may let such contract to the lowest responsive and 8438
responsible bidder, in accordance with section 9.312 of the 8439
Revised Code, who meets the requirements of section 153.54 of the 8440
Revised Code. Such contract shall be in writing and shall be 8441
accompanied by or shall refer to plans and specifications for the 8442
work to be done. Such contract shall be approved by the board of 8443
trustees and signed by the president of the board and by the 8444
contractor. 8445

(B) On ~~January 1, 1996,~~ and the first day of January of every 8446
even-numbered year ~~thereafter,~~ the chancellor of the board of 8447
regents shall adjust the ~~fifteen~~ fifty thousand dollar contract 8448
limit set forth in division (A) of this section, as adjusted in 8449
any previous year pursuant to this division. The chancellor shall 8450
adjust the limit according to the average increase or decrease for 8451
each of the two years immediately preceding the adjustment as set 8452
forth in the United States department of commerce, bureau of the 8453
census implicit price deflator for construction, provided that no 8454
increase or decrease for any year shall exceed three per cent of 8455

the contract limit in existence at the time of the adjustment. 8456
Notwithstanding division (A) of this section, the limit adjusted 8457
under this division shall be used thereafter in lieu of the limit 8458
in division (A) of this section. 8459

(C) Before entering into an improvement pursuant to division 8460
(A) of this section, the board of trustees of a community college 8461
district shall require separate and distinct proposals to be made 8462
for furnishing materials or doing work on the improvement, or 8463
both, in the board's discretion, for each separate and distinct 8464
branch or class of work entering into the improvement. The board 8465
of trustees also may require a single, combined proposal for the 8466
entire project for materials or doing work, or both, in the 8467
board's discretion, that includes each separate and distinct 8468
branch or class of work entering into the improvement. The board 8469
of trustees need not solicit separate proposals for a branch or 8470
class of work for an improvement if the estimate cost for that 8471
branch or class of work is less than five thousand dollars. 8472

(D) When more than one branch or class of work is required, 8473
no contract for the entire job, or for a greater portion thereof 8474
than is embraced in one such branch or class of work shall be 8475
awarded, unless the separate bids do not cover all the work and 8476
materials required or the bids for the whole or for two or more 8477
kinds of work or materials are lower than the separate bids in the 8478
aggregate. The board of trustees need not award separate contracts 8479
for a branch or class of work entering into an improvement if the 8480
estimated cost for that branch or class of work is less than five 8481
thousand dollars. 8482

Sec. 3355.12. (A) When the managing authority of the 8483
university branch district has determined to let by contract the 8484
work of improvements, contracts in amounts exceeding a dollar 8485
amount set by the managing authority, which dollar amount shall 8486
not exceed ~~fifteen~~ fifty thousand dollars, shall be advertised 8487

after notices calling for bids have been published once a week for 8488
three consecutive weeks, in at least one newspaper of general 8489
circulation within the university branch district wherein the work 8490
is to be done. Such managing authority may let such contract to 8491
the lowest responsive and responsible bidder, in accordance with 8492
section 9.312 of the Revised Code, who meets the requirements of 8493
section 153.54 of the Revised Code. Such contract shall be in 8494
writing and shall be accompanied by or shall refer to plans and 8495
specifications for the work to be done. Such contract shall be 8496
approved by the managing authority of the university branch 8497
district and signed by the ~~chairman~~ chairperson or ~~vice-chairman~~ 8498
vice-chairperson of the managing authority and by the contractor. 8499

(B) On ~~January 1, 1996,~~ and the first day of January of every 8500
even-numbered year ~~thereafter~~, the chancellor of the board of 8501
regents shall adjust the ~~fifteen~~ fifty thousand dollar contract 8502
limit set forth in division (A) of this section, as adjusted in 8503
any previous year pursuant to this division. The chancellor shall 8504
adjust the limit according to the average increase or decrease for 8505
each of the two years immediately preceding the adjustment as set 8506
forth in the United States department of commerce, bureau of the 8507
census implicit price deflator for construction, provided that no 8508
increase or decrease for any year shall exceed three per cent of 8509
the contract limit in existence at the time of the adjustment. 8510
Notwithstanding division (A) of this section, the limit adjusted 8511
under this division shall be used thereafter in lieu of the limit 8512
in division (A) of this section. 8513

(C) Before entering into an improvement pursuant to division 8514
(A) of this section, the managing authority of the university 8515
branch district shall require separate and distinct proposals to 8516
be made for furnishing materials or doing work on the improvement, 8517
or both, in the board's discretion, for each separate and distinct 8518
branch or class of work entering into the improvement. The 8519

managing authority also may require a single, combined proposal 8520
for the entire project for materials or doing work, or both, in 8521
the board's discretion, that includes each separate and distinct 8522
branch or class of work entering into the improvement. The 8523
managing authority need not solicit separate proposals for a 8524
branch or class of work for an improvement if the estimate cost 8525
for that branch or class of work is less than five thousand 8526
dollars. 8527

(D) When more than one branch or class of work is required, 8528
no contract for the entire job, or for a greater portion thereof 8529
than is embraced in one such branch or class of work shall be 8530
awarded, unless the separate bids do not cover all the work and 8531
materials required or the bids for the whole or for two or more 8532
kinds of work or materials are lower than the separate bids in the 8533
aggregate. The managing authority need not award separate 8534
contracts for a branch or class of work entering into an 8535
improvement if the estimated cost for that branch or class of work 8536
is less than five thousand dollars. 8537

Sec. 3357.16. (A) When the board of trustees of a technical 8538
college district has by resolution determined to let by contract 8539
the work of improvements pursuant to the official plan of such 8540
district, contracts in amounts exceeding a dollar amount set by 8541
the board, which dollar amount shall not exceed ~~fifteen~~ fifty 8542
thousand dollars, shall be advertised after notice calling for 8543
bids has been published once a week for three consecutive weeks, 8544
in at least one newspaper of general circulation within the 8545
technical college district where the work is to be done. The board 8546
of trustees of the technical college district may let such 8547
contract to the lowest responsive and responsible bidder, in 8548
accordance with section 9.312 of the Revised Code, who meets the 8549
requirements of section 153.54 of the Revised Code. Such contract 8550
shall be in writing and shall be accompanied by or shall refer to 8551

plans and specifications for the work to be done. Such contract 8552
shall be approved by the board of trustees and signed by the 8553
president of the board and by the contractor. 8554

(B) On ~~January 1, 1996,~~ and the first day of January of every 8555
even-numbered year ~~thereafter,~~ the chancellor of the board of 8556
regents shall adjust the ~~fifteen~~ fifty thousand dollar contract 8557
limit set forth in division (A) of this section, as adjusted in 8558
any previous year pursuant to this division. The chancellor shall 8559
adjust the limit according to the average increase or decrease for 8560
each of the two years immediately preceding the adjustment as set 8561
forth in the United States department of commerce, bureau of the 8562
census implicit price deflator for construction, provided that no 8563
increase or decrease for any year shall exceed three per cent of 8564
the contract limit in existence at the time of the adjustment. 8565
Notwithstanding division (A) of this section, the limit adjusted 8566
under this division shall be used thereafter in lieu of the limit 8567
in division (A) of this section. 8568

(C) Before entering into an improvement pursuant to division 8569
(A) of this section, the board of trustees of a technical college 8570
district shall require separate and distinct proposals to be made 8571
for furnishing materials or doing work on the improvement, or 8572
both, in the board's discretion, for each separate and distinct 8573
branch or class of work entering into the improvement. The board 8574
of trustees also may require a single, combined proposal for the 8575
entire project for materials or doing work, or both, in the 8576
board's discretion, that includes each separate and distinct 8577
branch or class of work entering into the improvement. The board 8578
of trustees need not solicit separate proposals for a branch or 8579
class of work for an improvement if the estimate cost for that 8580
branch or class of work is less than five thousand dollars. 8581

(D) When more than one branch or class of work is required, 8582
no contract for the entire job, or for a greater portion thereof 8583

than is embraced in one such branch or class of work shall be 8584
awarded, unless the separate bids do not cover all the work and 8585
materials required or the bids for the whole or for two or more 8586
kinds of work or materials are lower than the separate bids in the 8587
aggregate. The board of trustees need not award separate contracts 8588
for a branch or class of work entering into an improvement if the 8589
estimated cost for that branch or class of work is less than five 8590
thousand dollars. 8591

Sec. 3383.01. As used in this chapter: 8592

(A) "Arts" means any of the following: 8593

(1) Visual, musical, dramatic, graphic, design, and other 8594
arts, including, but not limited to, architecture, dance, 8595
literature, motion pictures, music, painting, photography, 8596
sculpture, and theater, and the provision of training or education 8597
in these arts; 8598

(2) The presentation or making available, in museums or other 8599
indoor or outdoor facilities, of principles of science and their 8600
development, use, or application in business, industry, or 8601
commerce or of the history, heritage, development, presentation, 8602
and uses of the arts described in division (A)(1) of this section 8603
and of transportation; 8604

(3) The preservation, presentation, or making available of 8605
features of archaeological, architectural, environmental, or 8606
historical interest or significance in a state historical facility 8607
or a local historical facility. 8608

(B) "Arts organization" means either of the following: 8609

(1) A governmental agency or Ohio nonprofit corporation that 8610
provides programs or activities in areas directly concerned with 8611
the arts; 8612

(2) A regional arts and cultural district as defined in 8613

section 3381.01 of the Revised Code. 8614

(C) "Arts project" means all or any portion of an Ohio arts 8615
facility for which the general assembly has specifically 8616
authorized the spending of money, or made an appropriation, 8617
pursuant to division (D)(3) or (E) of section 3383.07 of the 8618
Revised Code. 8619

(D) "Cooperative contract" means a contract between the Ohio 8620
arts and sports facilities commission and an arts organization 8621
providing the terms and conditions of the cooperative use of an 8622
Ohio arts facility. 8623

(E) "Costs of operation" means amounts required to manage an 8624
Ohio arts facility that are incurred following the completion of 8625
construction of its arts project, provided that both of the 8626
following apply: 8627

(1) Those amounts either: 8628

(a) Have been committed to a fund dedicated to that purpose; 8629

(b) Equal the principal of any endowment fund, the income 8630
from which is dedicated to that purpose. 8631

(2) The commission and the arts organization have executed an 8632
agreement with respect to either of those funds. 8633

(F) "General building services" means general building 8634
services for an Ohio arts facility or an Ohio sports facility, 8635
including, but not limited to, general custodial care, security, 8636
maintenance, repair, painting, decoration, cleaning, utilities, 8637
fire safety, grounds and site maintenance and upkeep, and 8638
plumbing. 8639

(G) "Governmental agency" means a state agency, a 8640
state-supported or state-assisted institution of higher education, 8641
a municipal corporation, county, township, or school district, a 8642
port authority created under Chapter 4582. of the Revised Code, 8643

any other political subdivision or special district in this state 8644
established by or pursuant to law, or any combination of these 8645
entities; except where otherwise indicated, the United States or 8646
any department, division, or agency of the United States, or any 8647
agency, commission, or authority established pursuant to an 8648
interstate compact or agreement. 8649

(H) "Local contributions" means the value of an asset 8650
provided by or on behalf of an arts organization from sources 8651
other than the state, the value and nature of which shall be 8652
approved by the Ohio arts and sports facilities commission, in its 8653
sole discretion. "Local contributions" may include the value of 8654
the site where an arts project is to be constructed. All "local 8655
contributions," except a contribution attributable to such a site, 8656
shall be for the costs of construction of an arts project or the 8657
costs of operation of an arts facility. 8658

(I) "Local historical facility" means a site or facility, 8659
other than a state historical facility, of archaeological, 8660
architectural, environmental, or historical interest or 8661
significance, or a facility, including a storage facility, 8662
appurtenant to the operations of such a site or facility, that is 8663
owned by an arts organization, provided the facility meets the 8664
requirements of division (K)(2)(b) of this section, is managed by 8665
or pursuant to a contract with the Ohio arts and sports facilities 8666
commission, and is used for or in connection with the activities 8667
of the commission, including the presentation or making available 8668
of arts to the public. 8669

(J) "Manage," "operate," or "management" means the provision 8670
of, or the exercise of control over the provision of, activities: 8671

(1) Relating to the arts for an Ohio arts facility, including 8672
as applicable, but not limited to, providing for displays, 8673
exhibitions, specimens, and models; booking of artists, 8674
performances, or presentations; scheduling; and hiring or 8675

contracting for directors, curators, technical and scientific 8676
staff, ushers, stage managers, and others directly related to the 8677
arts activities in the facility; but not including general 8678
building services; 8679

(2) Relating to sports and athletic events for an Ohio sports 8680
facility, including as applicable, but not limited to, providing 8681
for booking of athletes, teams, and events; scheduling; and hiring 8682
or contracting for staff, ushers, managers, and others directly 8683
related to the sports and athletic events in the facility; but not 8684
including general building services. 8685

(K) "Ohio arts facility" means any of the following: 8686

(1) The three theaters located in the state office tower at 8687
77 South High street in Columbus; 8688

(2) Any capital facility in this state to which both of the 8689
following apply: 8690

(a) The construction of an arts project related to the 8691
facility was authorized or funded by the general assembly pursuant 8692
to division (D)(3) of section 3383.07 of the Revised Code and 8693
proceeds of state bonds are used for costs of the arts project. 8694

(b) The facility is managed directly by, or is subject to a 8695
cooperative or management contract with, the Ohio arts and sports 8696
facilities commission, and is used for or in connection with the 8697
activities of the commission, including the presentation or making 8698
available of arts to the public and the provision of training or 8699
education in the arts. A cooperative or management contract shall 8700
be for a term not less than the time remaining to the date of 8701
payment or provision for payment of any state bonds issued to pay 8702
the costs of the arts project, as determined by the director of 8703
budget and management and certified by the director to the Ohio 8704
arts and sports facilities commission and to the Ohio building 8705
authority. 8706

(3) A state historical facility or a local historical facility. 8707
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(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies. 8709
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(M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing. 8712
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(N) "State historical facility" means a site or facility of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by or is located on real property owned by the state or by an arts organization, so long as the real property of the arts organization is contiguous to state-owned real property that is in the care, custody, and control of an arts organization, and that is managed directly by or is subject to a cooperative or management contract with the Ohio arts and sports facilities commission and is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public. 8716
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(O) "Ohio sports facility" means all or a portion of a stadium, arena, or other capital facility in this state, a primary purpose of which is to provide a site or venue for the presentation to the public of events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state, which facility is owned by or is located on real property owned by the state or a governmental agency, and including all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real and personal property and interests and 8729
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rights therein, that may be appropriate for or used for or in 8739
connection with the facility or its operation, for capital costs 8740
of which state funds are spent pursuant to this chapter. A 8741
facility constructed as an Ohio sports facility may be both an 8742
Ohio arts facility and an Ohio sports facility. 8743

Sec. 3383.02. (A) There is hereby created the Ohio arts and 8744
sports facilities commission. Notwithstanding any provision to the 8745
contrary contained in Chapter 152. of the Revised Code, the 8746
commission shall engage in and provide for the development, 8747
performance, and presentation or making available of the arts and 8748
professional sports and athletics to the public in this state, and 8749
the provision of training or education in the arts, by the 8750
exercise of its powers under this chapter, including the 8751
provision, operation, management, and cooperative use of Ohio arts 8752
facilities and Ohio sports facilities. The commission is a body 8753
corporate and politic, an agency of state government and an 8754
instrumentality of the state, performing essential governmental 8755
functions of this state. The carrying out of the purposes and the 8756
exercise by the commission of its powers conferred by this chapter 8757
are essential public functions and public purposes of the state 8758
and of state government. The commission may, in its own name, sue 8759
and be sued, enter into contracts, and perform all the powers and 8760
duties given to it by this chapter but; however, it does not have 8761
and shall not exercise the power of eminent domain. 8762

(B) The commission shall consist of ten members, seven of 8763
whom shall be voting members and three of whom shall be nonvoting 8764
members. The seven voting members shall be appointed by the 8765
governor, with the advice and consent of the senate, from 8766
different geographical regions of the state. In addition, one of 8767
the voting members shall represent the state architect. Not more 8768
than four of the members appointed by the governor shall be 8769
affiliated with the same political party. The nonvoting members 8770

shall be the staff director of the Ohio arts council, a member of 8771
the senate appointed by the president of the senate, and a member 8772
of the house of representatives appointed by the speaker of the 8773
house. 8774

(C) Of the five initial appointments made by the governor, 8775
one shall be for a term expiring December 31, 1989, two shall be 8776
for terms expiring December 31, 1990, and two shall be for terms 8777
expiring December 31, 1991. Of the initial appointments of the 8778
sixth and seventh voting members appointed by the governor as a 8779
result of this amendment, one shall be for a term expiring 8780
December 31, 2003, and one shall be for a term expiring December 8781
31, 2004. Thereafter, each such term shall be for three years, 8782
commencing on the first day of January and ending on the 8783
thirty-first day of December. Each appointment by the president of 8784
the senate and by the speaker of the house of representatives 8785
shall be for the balance of the then legislative biennium. Each 8786
member shall hold office from the date of the member's appointment 8787
until the end of the term for which the member was appointed. Any 8788
member appointed to fill a vacancy occurring prior to the 8789
expiration of the term for which the member's predecessor was 8790
appointed shall hold office for the remainder of such term. Any 8791
member shall continue in office subsequent to the expiration date 8792
of the member's term until the member's successor takes office, or 8793
until a period of sixty days has elapsed, whichever occurs first. 8794

(D) Members of the commission shall serve without 8795
compensation. 8796

(E) Organizational meetings of the commission shall be held 8797
at the first meeting of each calendar year. At each organizational 8798
meeting, the commission shall elect from among its voting members 8799
a chairperson, a vice-chairperson, and a secretary-treasurer, who 8800
shall serve until the next annual meeting. The commission shall 8801
adopt rules pursuant to section 111.15 of the Revised Code for the 8802

conduct of its internal business and shall keep a journal of its 8803
proceedings. 8804

(F) Four voting members of the commission constitute a 8805
quorum, and the affirmative vote of four members is necessary for 8806
approval of any action taken by the commission. A vacancy in the 8807
membership of the commission does not impair a quorum from 8808
exercising all the rights and performing all the duties of the 8809
commission. Meetings of the commission may be held anywhere in the 8810
state, and shall be held in compliance with section 121.22 of the 8811
Revised Code. 8812

(G) All expenses incurred in carrying out this chapter are 8813
payable solely from money accrued under this chapter or 8814
appropriated for these purposes by the general assembly, and the 8815
commission shall incur no liability or obligation beyond such 8816
money. 8817

(H) The commission shall file an annual report of its 8818
activities and finances with the governor, director of budget and 8819
management, speaker of the house of representatives, president of 8820
the senate, and chairpersons of the house and senate finance 8821
committees. 8822

(I) There is hereby established in the state treasury the 8823
Ohio arts and sports facilities commission administration fund. 8824
All revenues of the commission shall be credited to that fund and 8825
to any accounts created in the fund with the commission's 8826
approval. All expenses of the commission, including reimbursement 8827
of, or payment to, any other fund or any governmental agency for 8828
advances made or services rendered to or on behalf of the 8829
commission, shall be paid from the Ohio arts and sports facilities 8830
commission administration fund as determined by or pursuant to 8831
directions of the commission. All investment earnings of the 8832
administration fund shall be credited to the fund and shall be 8833
allocated among any accounts created in the fund in the manner 8834

determined by the commission. 8835

(J) Title to all real property and lesser interests in real 8836
property acquired by the commission, including leasehold and other 8837
interests, pursuant to this chapter shall be taken in the name of 8838
the state and shall be held for the use and benefit of the 8839
commission. The commission shall not mortgage such real property 8840
and interests in real property. Title to other property and 8841
interests in it acquired by the commission pursuant to this 8842
chapter shall be taken in its name. 8843

Sec. 3383.03. The Ohio arts and sports facilities commission 8844
shall do the following: 8845

(A) From time to time, determine the need for arts projects, 8846
Ohio arts facilities, and Ohio sports facilities, report to the 8847
governor and the general assembly on the need for any additional 8848
arts projects, Ohio arts facilities, and Ohio sports facilities. 8849
This division does not apply to state historical facilities. 8850

(B) Have jurisdiction, control, and possession of, and 8851
supervision over the use and disposition of, all property, rights, 8852
licenses, money, contracts, accounts, liens, books, records, and 8853
other property rights and interests conveyed, delivered, 8854
transferred, or assigned to it; 8855

(C) Use, and provide for the use of, Ohio arts facilities and 8856
Ohio sports facilities for the commission's purposes and 8857
functions, and conduct reviews necessary to ensure that uses of 8858
those facilities are consistent with statewide interests and the 8859
commission's purposes, including the presentation or making 8860
available of the arts and professional athletics and sports to the 8861
public in this state and the provision of training or education in 8862
the arts; 8863

(D) Hold a meeting, including the organizational meeting 8864

required by division (E) of section 3383.02 of the Revised Code, 8865
at least quarterly to conduct its business; 8866

(E) Cooperate with any governmental agency or arts 8867
organization that provides services in, to, or for an Ohio arts 8868
facility, and cooperate with any governmental agency or nonprofit 8869
corporation for the provision or operation of any Ohio sports 8870
facilities. 8871

Sec. 3385.01. As used in this chapter: 8872

(A) "Loan" and "on loan" mean a deposit of property not 8873
accompanied by a transfer of title to the property. 8874

(B) "Museum" means any institution located in this state that 8875
is operated by a governmental agency or nonprofit corporation 8876
primarily for educational, scientific, aesthetic, historic, or 8877
preservation purposes and that acquires, owns, cares for, 8878
exhibits, studies, archives, or catalogs property. "Museum" 8879
includes, but is not limited to, historical societies, historic 8880
sites or landmarks, parks, monuments, libraries, arboreta, and 8881
zoos. 8882

(C) "Property" means any tangible, nonliving object in a 8883
museum's possession that has intrinsic historic, artistic, 8884
scientific, educational, or cultural value. 8885

Sec. 3385.02. (A) Property on loan to a museum other than 8886
pursuant to a written agreement shall be considered to be 8887
abandoned, and title to the property shall vest in the museum, 8888
free from all claims of the owner and of all persons claiming 8889
under the owner, if all of the following apply: 8890

(1) The property has been held by the museum within the state 8891
for at least seven years and, during that time, it remained 8892
unclaimed. 8893

(2) The museum gave notice of the abandonment of the property 8894
in accordance with section 3385.03 of the Revised Code. 8895

(3) No written assertion of title to the property was made by 8896
the owner of the property within ninety days after the date the 8897
notice was mailed or, if applicable, within ninety days after the 8898
date of the last published notice. 8899

(B) With respect to property on loan to a museum pursuant to 8900
a written agreement, the loan shall be considered to be 8901
terminated, and title to the property shall vest in the museum, 8902
free from all claims of the owner and of all persons claiming 8903
under the owner, if all of the following apply: 8904

(1) If the loan was for an indefinite term, the museum has 8905
held the property for at least seven years. If the loan was for a 8906
specified term, that term has expired. 8907

(2) The museum gave notice of the termination of the loan in 8908
accordance with section 3385.03 of the Revised Code. 8909

(3) No written assertion of title to the property was made by 8910
the owner of the property within six months after the date the 8911
notice was mailed or, if applicable, within six months after the 8912
date of the last published notice. 8913

Sec. 3385.03. (A) A museum shall send notice of abandonment 8914
of property or termination of a loan by certified mail, return 8915
receipt requested, to the owner of the property at the owner's 8916
last known address as shown by the records of the museum. If the 8917
museum has no address on record, or the museum does not receive 8918
written proof of receipt of the notice within thirty days after 8919
the date the notice was mailed, the museum shall publish notice, 8920
at least twice over a sixty-day period, in a newspaper of general 8921
circulation in both the county in which the museum is located and 8922
the county in which the last known address of the owner, if 8923

available, is located. 8924

For purposes of this division, "records of the museum" means 8925
documents created or held by the museum in its regular course of 8926
business. 8927

(B) The mailed and published notices shall contain the 8928
following: 8929

(1) The date of the notice; 8930

(2) A general description of the property; 8931

(3) The name and, if available, the last known address of the 8932
owner of the property; 8933

(4) The approximate date the property was loaned to the 8934
museum; 8935

(5) The name and address of the appropriate museum official 8936
to be contacted regarding the notice; 8937

(6) For published notices, a request that anyone who may know 8938
the whereabouts of the owner of the property provide written 8939
notice to the museum; 8940

(7) For published notices, the publication date of the last 8941
notice. 8942

(C)(1) A notice of abandonment of property shall include a 8943
statement in substantially the following form: 8944

"The (name of museum) hereby asserts title to the following 8945
property: (general description of property). If you claim 8946
ownership or other legal interest in this property, you must 8947
contact (name of museum) in writing, establish ownership of the 8948
property, and make arrangements to collect the property. If you 8949
fail to do so within ninety days, the property will be considered 8950
abandoned and will become property of (name of museum)." 8951

(2) A notice of termination of a loan of property shall 8952
include a statement in substantially the following form: 8953

"The records of (name of museum) indicate that you have 8954
property on loan to it. The (name of museum) hereby terminates the 8955
loan. If you desire to claim the property, you must contact the 8956
(name of museum) in writing, establish ownership of the property, 8957
and make arrangements to collect the property. If you fail to do 8958
so within six months, you will be considered to have waived any 8959
claim you may have had to the property." 8960

(D) For purposes of this section, if a loan of property was 8961
made to a branch of the museum, the museum shall be considered to 8962
be located in the county in which the branch is located. 8963
Otherwise, the museum is considered to be located in the county in 8964
which it has its principal place of business. 8965

Sec. 3385.04. (A) Unless there is a written loan agreement to 8966
the contrary, a museum may apply conservation measures to property 8967
on loan to the museum without notice to the owner or the owner's 8968
permission, if such measures are necessary to protect the property 8969
on loan or other property in the custody of the museum or if the 8970
property on loan is a hazard to the health and safety of the 8971
museum staff or the public, and if either of the following 8972
applies: 8973

(1) The museum attempts but is unable to notify the owner at 8974
the owner's last known address not later than three days before 8975
the date the museum intends to apply the conservation measures. 8976

(2) The museum notifies the owner not later than three days 8977
before the date the museum intends to apply the conservation 8978
measures, the owner does not agree to those measures, and the 8979
owner does not terminate the loan and retrieve the property within 8980
three days after receipt of the notice. 8981

(B) If a museum applies conservation measures in accordance with division (A) of this section or with the agreement of the owner, both of the following apply: 8982
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(1) The museum shall acquire a lien on the property in the amount of the expenses incurred by the museum, unless the agreement provides otherwise. 8985
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(2) The museum is not liable for injury to or loss of the property, if the museum did both of the following: 8988
8989

(a) Reasonably believed at the time the conservation measures were taken that the measures were necessary to protect the property on loan or other property in the custody of the museum, or that the property on loan was a hazard to the health and safety of the museum staff or the public; 8990
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(b) Exercised reasonable care in the choice and application of the conservation measures. 8995
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Sec. 3385.05. Upon accepting property on loan, a museum shall provide a written summary of the provisions of this chapter to the owner of the property. 8997
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Sec. 3385.06. The owner of any property on loan to a museum shall promptly notify the museum in writing of any change of the owner's address or change in ownership of the property. 9000
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Sec. 3385.07. Any property that, on or after the effective date of this section, is delivered to a museum or left on museum property, is not solicited by the museum, is from an unknown source, and might reasonably be assumed to have been intended as a gift to the museum, shall conclusively be presumed to be a gift to the museum, if there is no claim of ownership to the property within ninety days after the museum receives or otherwise discovers the property. 9003
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Sec. 3385.08. The provisions of this chapter may be varied by 9011
written agreement of the parties. 9012

Sec. 3385.09. (A) Property on loan to a museum shall not 9013
escheat to the state under any applicable escheat law, but shall 9014
pass to the museum under the provisions of this chapter. 9015

(B) This chapter does not apply to property interests other 9016
than those specifically described in this chapter. 9017

Sec. 3385.10. A museum that acquires title to property in 9018
accordance with this chapter passes good title when transferring 9019
that property with the intent to pass title. 9020

Sec. 3519.04. Upon receipt of the verified copy of a proposed 9021
state law or constitutional amendment proposing the levy of any 9022
tax or involving a matter ~~which~~ that will necessitate the 9023
expenditure of any funds of the state or any political subdivision 9024
~~thereof of the state,~~ the secretary of state shall request of the 9025
~~tax commissioner~~ office of budget and management an estimate of 9026
any annual expenditure of public funds proposed and of the tax 9027
commissioner the annual yield of any proposed taxes. The office of 9028
budget and management, on receipt of a request for an estimate of 9029
the annual expenditure of public funds proposed, shall prepare the 9030
estimate and file it in the office of the secretary of state. The 9031
tax commissioner, on receipt of such a request for an estimate of 9032
the annual yield of any proposed taxes, shall prepare the estimate 9033
and file it in the office of the secretary of state. The secretary 9034
~~of state shall distribute copies of such estimate with the~~ 9035
~~pamphlets prescribed in section 3519.19 of the Revised Code~~ office 9036
of budget and management and the tax commissioner may issue a 9037
joint estimate if the proposed state law or constitutional 9038
amendment necessitates both the expenditure of public funds and a 9039

levy of any tax. 9040

Sec. 3702.5210. The Ohio veterans' home operated under Chapter 5907. of the Revised Code that is located in Sandusky is not required to obtain a certificate of need to increase bed capacity in its Secrest-Giffin nursing home by not more than twenty-five long-term care beds prior to June 30, 1997. 9041
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Sec. 3702.5211. Notwithstanding sections 3702.51 to 3702.68 of the Revised Code, the ~~Ohio veteran's~~ veterans' home operated under Chapter 5907. of the Revised Code that is located in Sandusky, including the Secrest nursing home and Giffin care facility, is not required to obtain a certificate of need for the addition of up to fifty-two additional nursing home beds to be licensed under Chapter 3721. of the Revised Code if the additional beds are placed in service prior to June 30, 1999. 9046
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Sec. 3702.5213. Notwithstanding sections 3702.51 to 3702.68 of the Revised Code, the ~~southern Ohio veterans~~ veterans' home operated under Chapter 5907. of the Revised Code that is located 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. 9054
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Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 3721.99 of the Revised Code: 9062
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(1)(a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home 9064
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for the aging, and ~~the Ohio~~ a veterans' home operated under 9069
Chapter 5907. of the Revised Code. 9070

(b) "Home" also means both of the following: 9071

(i) Any facility that a person, as defined in section 3702.51 9072
of the Revised Code, proposes for certification as a skilled 9073
nursing facility or nursing facility under Title XVIII or XIX of 9074
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 9075
as amended, and for which a certificate of need, other than a 9076
certificate to recategorize hospital beds as described in section 9077
3702.522 of the Revised Code or division (R)(7)(d) of the version 9078
of section 3702.51 of the Revised Code in effect immediately prior 9079
to April 20, 1995, has been granted to the person under sections 9080
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 9081

(ii) A county home or district home that is or has been 9082
licensed as a residential care facility. 9083

(c) "Home" does not mean any of the following: 9084

(i) Except as provided in division (A)(1)(b) of this section, 9085
a public hospital or hospital as defined in section 3701.01 or 9086
5122.01 of the Revised Code; 9087

(ii) A residential facility for mentally ill persons as 9088
defined under section 5119.22 of the Revised Code; 9089

(iii) A residential facility as defined in section 5123.19 of 9090
the Revised Code; 9091

(iv) A habilitation center as defined in section 5123.041 of 9092
the Revised Code; 9093

(v) A community alternative home as defined in section 9094
3724.01 of the Revised Code; 9095

(vi) An adult care facility as defined in section 3722.01 of 9096
the Revised Code; 9097

(vii) An alcohol or drug addiction program as defined in section 3793.01 of the Revised Code;	9098 9099
(viii) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	9100 9101
(ix) A facility providing services under contract with the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	9102 9103 9104
(x) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	9105 9106 9107
(xi) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII of the "Social Security Act" or the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;	9108 9109 9110 9111 9112 9113 9114 9115 9116 9117
(xii) A county home or district home that has never been licensed as a residential care facility.	9118 9119
(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt or uncle.	9120 9121 9122 9123 9124
(3) "Mental impairment" does not mean mental illness as defined in section 5122.01 of the Revised Code or mental retardation as defined in section 5123.01 of the Revised Code.	9125 9126 9127

(4) "Skilled nursing care" means procedures that require 9128
technical skills and knowledge beyond those the untrained person 9129
possesses and that are commonly employed in providing for the 9130
physical, mental, and emotional needs of the ill or otherwise 9131
incapacitated. "Skilled nursing care" includes, but is not limited 9132
to, the following: 9133

(a) Irrigations, catheterizations, application of dressings, 9134
and supervision of special diets; 9135

(b) Objective observation of changes in the patient's 9136
condition as a means of analyzing and determining the nursing care 9137
required and the need for further medical diagnosis and treatment; 9138

(c) Special procedures contributing to rehabilitation; 9139

(d) Administration of medication by any method ordered by a 9140
physician, such as hypodermically, rectally, or orally, including 9141
observation of the patient after receipt of the medication; 9142

(e) Carrying out other treatments prescribed by the physician 9143
that involve a similar level of complexity and skill in 9144
administration. 9145

(5)(a) "Personal care services" means services including, but 9146
not limited to, the following: 9147

(i) Assisting residents with activities of daily living; 9148

(ii) Assisting residents with self-administration of 9149
medication, in accordance with rules adopted under section 3721.04 9150
of the Revised Code; 9151

(iii) Preparing special diets, other than complex therapeutic 9152
diets, for residents pursuant to the instructions of a physician 9153
or a licensed dietitian, in accordance with rules adopted under 9154
section 3721.04 of the Revised Code. 9155

(b) "Personal care services" does not include "skilled 9156
nursing care" as defined in division (A)(4) of this section. A 9157

facility need not provide more than one of the services listed in 9158
division (A)(5)(a) of this section to be considered to be 9159
providing personal care services. 9160

(6) "Nursing home" means a home used for the reception and 9161
care of individuals who by reason of illness or physical or mental 9162
impairment require skilled nursing care and of individuals who 9163
require personal care services but not skilled nursing care. A 9164
nursing home is licensed to provide personal care services and 9165
skilled nursing care. 9166

(7) "Residential care facility" means a home that provides 9167
either of the following: 9168

(a) Accommodations for seventeen or more unrelated 9169
individuals and supervision and personal care services for three 9170
or more of those individuals who are dependent on the services of 9171
others by reason of age or physical or mental impairment; 9172

(b) Accommodations for three or more unrelated individuals, 9173
supervision and personal care services for at least three of those 9174
individuals who are dependent on the services of others by reason 9175
of age or physical or mental impairment, and, to at least one of 9176
those individuals, any of the skilled nursing care authorized by 9177
section 3721.011 of the Revised Code. 9178

(8) "Home for the aging" means a home that provides services 9179
as a residential care facility and a nursing home, except that the 9180
home provides its services only to individuals who are dependent 9181
on the services of others by reason of both age and physical or 9182
mental impairment. 9183

The part or unit of a home for the aging that provides 9184
services only as a residential care facility is licensed as a 9185
residential care facility. The part or unit that may provide 9186
skilled nursing care beyond the extent authorized by section 9187
3721.011 of the Revised Code is licensed as a nursing home. 9188

(9) "County home" and "district home" mean a county home or 9189
district home operated under Chapter 5155. of the Revised Code. 9190

(B) The public health council may further classify homes. For 9191
the purposes of this chapter, any residence, institution, hotel, 9192
congregate housing project, or similar facility that meets the 9193
definition of a home under this section is such a home regardless 9194
of how the facility holds itself out to the public. 9195

(C) For purposes of this chapter, personal care services or 9196
skilled nursing care shall be considered to be provided by a 9197
facility if they are provided by a person employed by or 9198
associated with the facility or by another person pursuant to an 9199
agreement to which neither the resident who receives the services 9200
nor the resident's sponsor is a party. 9201

(D) Nothing in division (A)(4) of this section shall be 9202
construed to permit skilled nursing care to be imposed on an 9203
individual who does not require skilled nursing care. 9204

Nothing in division (A)(5) of this section shall be construed 9205
to permit personal care services to be imposed on an individual 9206
who is capable of performing the activity in question without 9207
assistance. 9208

(E) Division (A)(1)(c)(xi) of this section does not prohibit 9209
a facility, infirmary, or other entity described in that division 9210
from seeking licensure under sections 3721.01 to 3721.09 of the 9211
Revised Code or certification under Title XVIII or XIX of the 9212
"Social Security Act." However, such a facility, infirmary, or 9213
entity that applies for licensure or certification must meet the 9214
requirements of those sections or titles and the rules adopted 9215
under them and obtain a certificate of need from the director of 9216
health under section 3702.52 of the Revised Code. 9217

(F) Nothing in this chapter, or rules adopted pursuant to it, 9218
shall be construed as authorizing the supervision, regulation, or 9219

control of the spiritual care or treatment of residents or 9220
patients in any home who rely upon treatment by prayer or 9221
spiritual means in accordance with the creed or tenets of any 9222
recognized church or religious denomination. 9223

Sec. 3737.71. Each insurance company doing business in this 9224
state shall pay to the state in installments, at the time of 9225
making the payments required by section 5729.05 of the Revised 9226
Code, in addition to the taxes required to be paid by it, 9227
three-fourths of one per cent on the gross premium receipts 9228
derived from fire insurance and that portion of the premium 9229
reasonably allocable to insurance against the hazard of fire 9230
included in other coverages except life and sickness and accident 9231
insurance, after deducting return premiums paid and considerations 9232
received for reinsurances as shown by the annual statement of such 9233
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 9234
the Revised Code. The money received shall be paid into the state 9235
treasury to the credit of the state fire marshal's fund, which is 9236
hereby created. The fund shall be used for the maintenance and 9237
administration of the office of the fire marshal and ~~to defray the~~ 9238
~~costs of operating~~ the Ohio fire academy established by section 9239
3737.33 of the Revised Code. If the director of commerce certifies 9240
to the director of budget and management that the cash balance in 9241
the state fire marshal's fund is in excess of the amount needed to 9242
pay ongoing operating expenses, the director may use the excess 9243
amount to acquire by purchase, lease, or otherwise, real property 9244
or interests in real property to be used for the benefit of the 9245
office of the state fire marshal, or to construct, acquire, 9246
enlarge, equip, furnish, or improve the fire marshal's office 9247
facilities or the facilities of the Ohio fire academy. The state 9248
fire marshal's fund shall be assessed a proportionate share of the 9249
administrative costs of the department of commerce in accordance 9250
with procedures prescribed by the director of commerce and 9251

approved by the director of budget and management. Such assessment 9252
shall be paid from the state fire marshal's fund to the division 9253
of administration fund. 9254

Sec. 4117.01. As used in this chapter: 9255

(A) "Person," in addition to those included in division (C) 9256
of section 1.59 of the Revised Code, includes employee 9257
organizations, public employees, and public employers. 9258

(B) "Public employer" means the state or any political 9259
subdivision of the state located entirely within the state, 9260
including, without limitation, any municipal corporation with a 9261
population of at least five thousand according to the most recent 9262
federal decennial census; county; township with a population of at 9263
least five thousand in the unincorporated area of the township 9264
according to the most recent federal decennial census; school 9265
district; governing authority of a community school established 9266
under Chapter 3314. of the Revised Code; state institution of 9267
higher learning; public or special district; state agency, 9268
authority, commission, or board; or other branch of public 9269
employment. 9270

(C) "Public employee" means any person holding a position by 9271
appointment or employment in the service of a public employer, 9272
including any person working pursuant to a contract between a 9273
public employer and a private employer and over whom the national 9274
labor relations board has declined jurisdiction on the basis that 9275
the involved employees are employees of a public employer, except: 9276

(1) Persons holding elective office; 9277

(2) Employees of the general assembly and employees of any 9278
other legislative body of the public employer whose principal 9279
duties are directly related to the legislative functions of the 9280
body; 9281

(3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive;	9282 9283 9284 9285
(4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;	9286 9287 9288
(5) Employees of the state employment relations board;	9289
(6) Confidential employees;	9290
(7) Management level employees;	9291
(8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	9292 9293 9294
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	9295 9296 9297
(10) Supervisors;	9298
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	9299 9300 9301 9302 9303
(12) Employees of county boards of election;	9304
(13) Seasonal and casual employees as determined by the state employment relations board;	9305 9306
(14) Part-time faculty members of an institution of higher education;	9307 9308
(15) Employees of the state personnel board of review;	9309
(16) Employees of the board of directors of the Ohio	9310

low-level radioactive waste facility development authority created 9311
in section 3747.05 of the Revised Code; 9312

(17) Participants in a work activity, developmental activity, 9313
or alternative work activity under sections 5107.40 to 5107.69 of 9314
the Revised Code who perform a service for a public employer that 9315
the public employer needs but is not performed by an employee of 9316
the public employer if the participant is not engaged in paid 9317
employment or subsidized employment pursuant to the activity; 9318
9319

(18) Employees included in the career professional service of 9320
the department of transportation under section 5501.20 of the 9321
Revised Code; 9322

(19) Employees who must be licensed to practice law in this 9323
state to perform their duties as employees. 9324

(D) "Employee organization" means any labor or bona fide 9325
organization in which public employees participate and that exists 9326
for the purpose, in whole or in part, of dealing with public 9327
employers concerning grievances, labor disputes, wages, hours, 9328
terms, and other conditions of employment. 9329

(E) "Exclusive representative" means the employee 9330
organization certified or recognized as an exclusive 9331
representative under section 4117.05 of the Revised Code. 9332

(F) "Supervisor" means any individual who has authority, in 9333
the interest of the public employer, to hire, transfer, suspend, 9334
lay off, recall, promote, discharge, assign, reward, or discipline 9335
other public employees; to responsibly direct them; to adjust 9336
their grievances; or to effectively recommend such action, if the 9337
exercise of that authority is not of a merely routine or clerical 9338
nature, but requires the use of independent judgment, provided 9339
that: 9340

(1) Employees of school districts who are department 9341

chairpersons or consulting teachers shall not be deemed 9342
supervisors; 9343

(2) With respect to members of a police or fire department, 9344
no person shall be deemed a supervisor except the chief of the 9345
department or those individuals who, in the absence of the chief, 9346
are authorized to exercise the authority and perform the duties of 9347
the chief of the department. Where prior to June 1, 1982, a public 9348
employer pursuant to a judicial decision, rendered in litigation 9349
to which the public employer was a party, has declined to engage 9350
in collective bargaining with members of a police or fire 9351
department on the basis that those members are supervisors, those 9352
members of a police or fire department do not have the rights 9353
specified in this chapter for the purposes of future collective 9354
bargaining. The state employment relations board shall decide all 9355
disputes concerning the application of division (F)(2) of this 9356
section. 9357

(3) With respect to faculty members of a state institution of 9358
higher education, heads of departments or divisions are 9359
supervisors; however, no other faculty member or group of faculty 9360
members is a supervisor solely because the faculty member or group 9361
of faculty members participate in decisions with respect to 9362
courses, curriculum, personnel, or other matters of academic 9363
policy; 9364

(4) No teacher as defined in section 3319.09 of the Revised 9365
Code shall be designated as a supervisor or a management level 9366
employee unless the teacher is employed under a contract governed 9367
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 9368
is assigned to a position for which a license deemed to be for 9369
administrators under state board rules is required pursuant to 9370
section 3319.22 of the Revised Code. 9371

(G) "To bargain collectively" means to perform the mutual 9372
obligation of the public employer, by its representatives, and the 9373

representatives of its employees to negotiate in good faith at 9374
reasonable times and places with respect to wages, hours, terms, 9375
and other conditions of employment and the continuation, 9376
modification, or deletion of an existing provision of a collective 9377
bargaining agreement, with the intention of reaching an agreement, 9378
or to resolve questions arising under the agreement. "To bargain 9379
collectively" includes executing a written contract incorporating 9380
the terms of any agreement reached. The obligation to bargain 9381
collectively does not mean that either party is compelled to agree 9382
to a proposal nor does it require the making of a concession. 9383

(H) "Strike" means continuous concerted action in failing to 9384
report to duty; willful absence from one's position; or stoppage 9385
of work in whole from the full, faithful, and proper performance 9386
of the duties of employment, for the purpose of inducing, 9387
influencing, or coercing a change in wages, hours, terms, and 9388
other conditions of employment. "Strike" does not include a 9389
stoppage of work by employees in good faith because of dangerous 9390
or unhealthful working conditions at the place of employment that 9391
are abnormal to the place of employment. 9392

(I) "Unauthorized strike" includes, but is not limited to, 9393
concerted action during the term or extended term of a collective 9394
bargaining agreement or during the pendency of the settlement 9395
procedures set forth in section 4117.14 of the Revised Code in 9396
failing to report to duty; willful absence from one's position; 9397
stoppage of work; slowdown, or abstinence in whole or in part from 9398
the full, faithful, and proper performance of the duties of 9399
employment for the purpose of inducing, influencing, or coercing a 9400
change in wages, hours, terms, and other conditions of employment. 9401
"Unauthorized strike" includes any such action, absence, stoppage, 9402
slowdown, or abstinence when done partially or intermittently, 9403
whether during or after the expiration of the term or extended 9404
term of a collective bargaining agreement or during or after the 9405

pendency of the settlement procedures set forth in section 4117.14 9406
of the Revised Code. 9407

(J) "Professional employee" means any employee engaged in 9408
work that is predominantly intellectual, involving the consistent 9409
exercise of discretion and judgment in its performance and 9410
requiring knowledge of an advanced type in a field of science or 9411
learning customarily acquired by a prolonged course in an 9412
institution of higher learning or a hospital, as distinguished 9413
from a general academic education or from an apprenticeship; or an 9414
employee who has completed the courses of specialized intellectual 9415
instruction and is performing related work under the supervision 9416
of a professional person to become qualified as a professional 9417
employee. 9418

(K) "Confidential employee" means any employee who works in 9419
the personnel offices of a public employer and deals with 9420
information to be used by the public employer in collective 9421
bargaining; or any employee who works in a close continuing 9422
relationship with public officers or representatives directly 9423
participating in collective bargaining on behalf of the employer. 9424

(L) "Management level employee" means an individual who 9425
formulates policy on behalf of the public employer, who 9426
responsibly directs the implementation of policy, or who may 9427
reasonably be required on behalf of the public employer to assist 9428
in the preparation for the conduct of collective negotiations, 9429
administer collectively negotiated agreements, or have a major 9430
role in personnel administration. Assistant superintendents, 9431
principals, and assistant principals whose employment is governed 9432
by section 3319.02 of the Revised Code are management level 9433
employees. With respect to members of a faculty of a state 9434
institution of higher education, no person is a management level 9435
employee because of the person's involvement in the formulation or 9436
implementation of academic or institution policy. 9437

(M) "Wages" means hourly rates of pay, salaries, or other forms of compensation for services rendered. 9438
9439

(N) "Member of a police department" means a person who is in the employ of a police department of a municipal corporation as a full-time regular police officer as the result of an appointment from a duly established civil service eligibility list or under section 737.15 or 737.16 of the Revised Code, a full-time deputy sheriff appointed under section 311.04 of the Revised Code, a township constable appointed under section 509.01 of the Revised Code, or a member of a township police district police department appointed under section 505.49 of the Revised Code. 9440
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(O) "Members of the state highway patrol" means highway patrol troopers and radio operators appointed under section 5503.01 of the Revised Code. 9449
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(P) "Member of a fire department" means a person who is in the employ of a fire department of a municipal corporation or a township as a fire cadet, full-time regular firefighter, or promoted rank as the result of an appointment from a duly established civil service eligibility list or under section 505.38, 709.012, or 737.22 of the Revised Code. 9452
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(Q) "Day" means calendar day. 9458

Sec. 4117.14. (A) The procedures contained in this section govern the settlement of disputes between an exclusive representative and a public employer concerning the termination or modification of an existing collective bargaining agreement or negotiation of a successor agreement, or the negotiation of an initial collective bargaining agreement. 9459
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(B)(1) In those cases where there exists a collective bargaining agreement, any public employer or exclusive representative desiring to terminate, modify, or negotiate a 9465
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successor collective bargaining agreement shall: 9468

(a) Serve written notice upon the other party of the proposed 9469
termination, modification, or successor agreement. The party must 9470
serve the notice not less than sixty days prior to the expiration 9471
date of the existing agreement or, in the event the existing 9472
collective bargaining agreement does not contain an expiration 9473
date, not less than sixty days prior to the time it is proposed to 9474
make the termination or modifications or to make effective a 9475
successor agreement. 9476

(b) Offer to bargain collectively with the other party for 9477
the purpose of modifying or terminating any existing agreement or 9478
negotiating a successor agreement; 9479

(c) Notify the state employment relations board of the offer 9480
by serving upon the board a copy of the written notice to the 9481
other party and a copy of the existing collective bargaining 9482
agreement. 9483

(2) In the case of initial negotiations between a public 9484
employer and an exclusive representative, where a collective 9485
bargaining agreement has not been in effect between the parties, 9486
any party may serve notice upon the board and the other party 9487
setting forth the names and addresses of the parties and offering 9488
to meet, for a period of ninety days, with the other party for the 9489
purpose of negotiating a collective bargaining agreement. 9490

If the settlement procedures specified in divisions (B), (C), 9491
and (D) of this section govern the parties, where those procedures 9492
refer to the expiration of a collective bargaining agreement, it 9493
means the expiration of the sixty-day period to negotiate a 9494
collective bargaining agreement referred to in this subdivision, 9495
or in the case of initial negotiations, it means the ninety day 9496
period referred to in this subdivision. 9497

(3) The parties shall continue in full force and effect all 9498

the terms and conditions of any existing collective bargaining 9499
agreement, without resort to strike or lock-out, for a period of 9500
sixty days after the party gives notice or until the expiration 9501
date of the collective bargaining agreement, whichever occurs 9502
later, or for a period of ninety days where applicable. 9503

(4) Upon receipt of the notice, the parties shall enter into 9504
collective bargaining. 9505

(C) In the event the parties are unable to reach an 9506
agreement, they may submit, at any time prior to forty-five days 9507
before the expiration date of the collective bargaining agreement, 9508
the issues in dispute to any mutually agreed upon dispute 9509
settlement procedure which supersedes the procedures contained in 9510
this section. 9511

(1) The procedures may include: 9512

(a) Conventional arbitration of all unsettled issues; 9513

(b) Arbitration confined to a choice between the last offer 9514
of each party to the agreement as a single package; 9515

(c) Arbitration confined to a choice of the last offer of 9516
each party to the agreement on each issue submitted; 9517

(d) The procedures described in division (C)(1)(a), (b), or 9518
(c) of this section and including among the choices for the 9519
arbitrator, the recommendations of the fact finder, if there are 9520
recommendations, either as a single package or on each issue 9521
submitted; 9522

(e) Settlement by a citizens' conciliation council composed 9523
of three residents within the jurisdiction of the public employer. 9524
The public employer shall select one member and the exclusive 9525
representative shall select one member. The two members selected 9526
shall select the third member who shall chair the council. If the 9527
two members cannot agree upon a third member within five days 9528

after their appointments, the board shall appoint the third 9529
member. Once appointed, the council shall make a final settlement 9530
of the issues submitted to it pursuant to division (G) of this 9531
section. 9532

(f) Any other dispute settlement procedure mutually agreed to 9533
by the parties. 9534

(2) If, fifty days before the expiration date of the 9535
collective bargaining agreement, the parties are unable to reach 9536
an agreement, any party may request the state employment relations 9537
board to intervene. The request shall set forth the names and 9538
addresses of the parties, the issues involved, and, if applicable, 9539
the expiration date of any agreement. 9540

The board shall intervene and investigate the dispute to 9541
determine whether the parties have engaged in collective 9542
bargaining. 9543

If an impasse exists or forty-five days before the expiration 9544
date of the collective bargaining agreement if one exists, the 9545
board shall appoint a mediator to assist the parties in the 9546
collective bargaining process. 9547

(3) If the mediator after assisting the parties advises the 9548
board that the parties have reached an impasse, or not later than 9549
thirty-one days prior to the expiration date of the agreement, the 9550
board shall appoint within one day a fact-finding panel of not 9551
more than three members who have been selected by the parties in 9552
accordance with rules established by the board, from a list of 9553
qualified persons maintained by the board. 9554

(a) The fact-finding panel shall, in accordance with rules 9555
and procedures established by the board that include the 9556
regulation of costs and expenses of fact-finding, gather facts and 9557
make recommendations for the resolution of the matter. The board 9558
shall by its rules require each party to specify in writing the 9559

unresolved issues and its position on each issue to the 9560
fact-finding panel. The fact-finding panel shall make final 9561
recommendations as to all the unresolved issues. 9562

(b) The board may continue mediation, order the parties to 9563
engage in collective bargaining until the expiration date of the 9564
agreement, or both. 9565

(4) The following guidelines apply to fact-finding: 9566

(a) The fact-finding panel may establish times and place of 9567
hearings which shall be, where feasible, in the jurisdiction of 9568
the state. 9569

(b) The fact-finding panel shall conduct the hearing pursuant 9570
to rules established by the board. 9571

(c) Upon request of the fact-finding panel, the board shall 9572
issue subpoenas for hearings conducted by the panel. 9573

(d) The fact-finding panel may administer oaths. 9574

(e) The board shall prescribe guidelines for the fact-finding 9575
panel to follow in making findings. In making its recommendations, 9576
the fact-finding panel shall take into consideration the factors 9577
listed in divisions (G)(7)(a) to (f) of this section. 9578
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(f) The fact-finding panel may attempt mediation at any time 9580
during the fact-finding process. From the time of appointment 9581
until the fact-finding panel makes a final recommendation, it 9582
shall not discuss the recommendations for settlement of the 9583
dispute with parties other than the direct parties to the dispute. 9584

(5) The fact-finding panel, acting by a majority of its 9585
members, shall transmit its findings of fact and recommendations 9586
on the unresolved issues to the public employer and employee 9587
organization involved and to the board no later than fourteen days 9588
after the appointment of the fact-finding panel, unless the 9589

parties mutually agree to an extension. The state shall pay 9590
one-half the cost of the fact-finding panel. The parties each 9591
shall pay one-half of the remaining costs. 9592

(6)(a) Not later than seven days after the findings and 9593
recommendations are sent, the legislative body, by a three-fifths 9594
vote of its total membership, and in the case of the public 9595
employee organization, the membership, by a three-fifths vote of 9596
the total membership, may reject the recommendations; if neither 9597
rejects the recommendations, the recommendations shall be deemed 9598
agreed upon as the final resolution of the issues submitted and a 9599
collective bargaining agreement shall be executed between the 9600
parties, including the fact-finding panel's recommendations, 9601
except as otherwise modified by the parties by mutual agreement. 9602
If either the legislative body or the public employee organization 9603
rejects the recommendations, the board shall publicize the 9604
findings of fact and recommendations of the fact-finding panel. 9605
The board shall adopt rules governing the procedures and methods 9606
for public employees to vote on the recommendations of the 9607
fact-finding panel. 9608

(b) As used in division (C)(6)(a) of this section, 9609
"legislative body" means the controlling board when the state or 9610
any of its agencies, authorities, commissions, boards, or other 9611
branch of public employment is party to the fact-finding process. 9612

(D) If the parties are unable to reach agreement within seven 9613
days after the publication of findings and recommendations from 9614
the fact-finding panel or the collective bargaining agreement, if 9615
one exists, has expired, then the: 9616

(1) Public employees, who are members of a police or fire 9617
department, members of the state highway patrol, deputy sheriffs, 9618
dispatchers employed by a police, fire or sheriff's department or 9619
the state highway patrol or civilian dispatchers employed by a 9620
public employer other than a police, fire, or sheriff's department 9621

to dispatch police, fire, sheriff's department, or emergency 9622
medical or rescue personnel and units, an exclusive nurse's unit, 9623
employees of the state school for the deaf or the state school for 9624
the blind, employees of any public employee retirement system, 9625
corrections officers, guards at penal or mental institutions, 9626
special police officers appointed in accordance with sections 9627
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 9628
employed at mental health forensic facilities, or youth leaders 9629
employed at juvenile correctional facilities, shall submit the 9630
matter to a final offer settlement procedure pursuant to a board 9631
order issued forthwith to the parties to settle by a conciliator 9632
selected by the parties. The parties shall request from the board 9633
a list of five qualified conciliators and the parties shall select 9634
a single conciliator from the list by alternate striking of names. 9635
If the parties cannot agree upon a conciliator within five days 9636
after the board order, the board shall on the sixth day after its 9637
order appoint a conciliator from a list of qualified persons 9638
maintained by the board or shall request a list of qualified 9639
conciliators from the American arbitration association and appoint 9640
therefrom. 9641

(2) Public employees other than those listed in division 9642
(D)(1) of this section have the right to strike under Chapter 9643
4117. of the Revised Code provided that the employee organization 9644
representing the employees has given a ten-day prior written 9645
notice of an intent to strike to the public employer and to the 9646
board, and further provided that the strike is for full, 9647
consecutive work days and the beginning date of the strike is at 9648
least ten work days after the ending date of the most recent prior 9649
strike involving the same bargaining unit; however, the board, at 9650
its discretion, may attempt mediation at any time. 9651

(E) Nothing in this section shall be construed to prohibit 9652
the parties, at any time, from voluntarily agreeing to submit any 9653

or all of the issues in dispute to any other alternative dispute
settlement procedure. An agreement or statutory requirement to
arbitrate or to settle a dispute pursuant to a final offer
settlement procedure and the award issued in accordance with the
agreement or statutory requirement is enforceable in the same
manner as specified in division (B) of section 4117.09 of the
Revised Code.

(F) Nothing in this section shall be construed to prohibit a
party from seeking enforcement of a collective bargaining
agreement or a conciliator's award as specified in division (B) of
section 4117.09 of the Revised Code.

(G) The following guidelines apply to final offer settlement
proceedings under division (D)(1) of this section:

(1) The parties shall submit to final offer settlement those
issues that are subject to collective bargaining as provided by
section 4117.08 of the Revised Code and upon which the parties
have not reached agreement and other matters mutually agreed to by
the public employer and the exclusive representative; except that
the conciliator may attempt mediation at any time.

(2) The conciliator shall hold a hearing within thirty days
of the board's order to submit to a final offer settlement
procedure, or as soon thereafter as is practicable.

(3) The conciliator shall conduct the hearing pursuant to
rules developed by the board. The conciliator shall establish the
hearing time and place, but it shall be, where feasible, within
the jurisdiction of the state. Not later than five calendar days
before the hearing, each of the parties shall submit to the
conciliator, to the opposing party, and to the board, a written
report summarizing the unresolved issues, the party's final offer
as to the issues, and the rationale for that position.

(4) Upon the request by the conciliator, the board shall

issue subpoenas for the hearing. 9685

(5) The conciliator may administer oaths. 9686

(6) The conciliator shall hear testimony from the parties and 9687
provide for a written record to be made of all statements at the 9688
hearing. The board shall submit for inclusion in the record and 9689
for consideration by the conciliator the written report and 9690
recommendation of the fact-finders. 9691

(7) After hearing, the conciliator shall resolve the dispute 9692
between the parties by selecting, on an issue-by-issue basis, from 9693
between each of the party's final settlement offers, taking into 9694
consideration the following: 9695

(a) Past collectively bargained agreements, if any, between 9696
the parties; 9697

(b) Comparison of the issues submitted to final offer 9698
settlement relative to the employees in the bargaining unit 9699
involved with those issues related to other public and private 9700
employees doing comparable work, giving consideration to factors 9701
peculiar to the area and classification involved; 9702

(c) The interests and welfare of the public, the ability of 9703
the public employer to finance and administer the issues proposed, 9704
and the effect of the adjustments on the normal standard of public 9705
service; 9706

(d) The lawful authority of the public employer; 9707

(e) The stipulations of the parties; 9708

(f) Such other factors, not confined to those listed in this 9709
section, which are normally or traditionally taken into 9710
consideration in the determination of the issues submitted to 9711
final offer settlement through voluntary collective bargaining, 9712
mediation, fact-finding, or other impasse resolution procedures in 9713
the public service or in private employment. 9714

(8) Final offer settlement awards made under Chapter 4117. of 9715
the Revised Code are subject to Chapter 2711. of the Revised Code. 9716
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(9) If more than one conciliator is used, the determination 9718
must be by majority vote. 9719

(10) The conciliator shall make written findings of fact and 9720
promulgate a written opinion and order upon the issues presented 9721
to the conciliator, and upon the record made before the 9722
conciliator and shall mail or otherwise deliver a true copy 9723
thereof to the parties and the board. 9724

(11) Increases in rates of compensation and other matters 9725
with cost implications awarded by the conciliator may be effective 9726
only at the start of the fiscal year next commencing after the 9727
date of the final offer settlement award; provided that if a new 9728
fiscal year has commenced since the issuance of the board order to 9729
submit to a final offer settlement procedure, the awarded 9730
increases may be retroactive to the commencement of the new fiscal 9731
year. The parties may, at any time, amend or modify a 9732
conciliator's award or order by mutual agreement. 9733

(12) The parties shall bear equally the cost of the final 9734
offer settlement procedure. 9735

(13) Conciliators appointed pursuant to this section shall be 9736
residents of the state. 9737

(H) All final offer settlement awards and orders of the 9738
conciliator made pursuant to Chapter 4117. of the Revised Code are 9739
subject to review by the court of common pleas having jurisdiction 9740
over the public employer as provided in Chapter 2711. of the 9741
Revised Code. If the public employer is located in more than one 9742
court of common pleas district, the court of common pleas in which 9743
the principal office of the chief executive is located has 9744
jurisdiction. 9745

(I) The issuance of a final offer settlement award 9746
constitutes a binding mandate to the public employer and the 9747
exclusive representative to take whatever actions are necessary to 9748
implement the award. 9749

Sec. 4123.01. As used in this chapter: 9750

(A)(1) "Employee" means: 9751

(a) Every person in the service of the state, or of any 9752
county, municipal corporation, township, or school district 9753
therein, including regular members of lawfully constituted police 9754
and fire departments of municipal corporations and townships, 9755
whether paid or volunteer, and wherever serving within the state 9756
or on temporary assignment outside thereof, and executive officers 9757
of boards of education, under any appointment or contract of hire, 9758
express or implied, oral or written, including any elected 9759
official of the state, or of any county, municipal corporation, or 9760
township, or members of boards of education. 9761

As used in division (A)(1)(a) of this section, the term 9762
"regular members of lawfully constituted police and fire 9763
departments" includes the following persons when the person 9764
responds to an inherently dangerous situation that calls for an 9765
immediate response on the part of the person, regardless of 9766
whether the person is within the limits of the jurisdiction of the 9767
person's regular employment or voluntary service when responding, 9768
on the condition that the person responds to the situation as the 9769
person otherwise would if the person were on duty in the person's 9770
jurisdiction: 9771

(i) Off-duty peace officers. As used in division (A)(1)(a)(i) 9772
of this section, "peace officer" means a member of the organized 9773
police department of any municipal corporation, including a member 9774
of the organized police department of a municipal corporation in 9775
an adjoining state serving in Ohio under a contract pursuant to 9776

section 737.04 of the Revised Code, member of a police force 9777
employed by a metropolitan housing authority under division (D) of 9778
section 3735.31 of the Revised Code, member of a police force 9779
employed by a regional transit authority under division (Y) of 9780
section 306.05 of the Revised Code, state university law 9781
enforcement officer appointed under section 3345.04 of the Revised 9782
Code, ~~Ohio~~ veterans' home police officer appointed under section 9783
5907.02 of the Revised Code, police constable of any township, 9784
police officer of a township or joint township police district, 9785
state highway patrol trooper, and member of a qualified nonprofit 9786
corporation police department established pursuant to section 9787
1702.80 of the Revised Code. 9788

As used in division (A)(1)(a) of this section with respect to 9789
off-duty peace officers, "jurisdiction" means the limits of the 9790
municipal corporation, township, metropolitan housing authority 9791
housing project, regional transit authority facilities or areas of 9792
a municipal corporation that have been agreed to by a regional 9793
transit authority and a municipal corporation located within its 9794
territorial jurisdiction, college, university, or ~~Ohio~~ veterans' 9795
home operated under Chapter 5907. of the Revised Code in which the 9796
peace officer is appointed, employed, or elected. 9797

(ii) Off-duty firefighters, whether paid or volunteer, of a 9798
lawfully constituted fire department. As used in division 9799
(A)(1)(a) of this section with respect to off-duty firefighters, 9800
"jurisdiction" means the limits of the political subdivision, 9801
joint ambulance district, fire district, or joint fire district in 9802
which the firefighter is appointed or employed. 9803

(iii) Off-duty first responders, emergency medical 9804
technicians-basic, emergency medical technicians-intermediate, or 9805
emergency medical technicians-paramedic, whether paid or 9806
volunteer, of an ambulance service organization or emergency 9807
medical service organization pursuant to Chapter 4765. of the 9808

Revised Code. As used in division (A)(1)(a) of this section with
respect to off-duty first responders and emergency medical
technicians, "jurisdiction" means the limits of the political
subdivision or joint ambulance district in which the first
responder or emergency medical technician is employed or
volunteers as a first responder or emergency medical technician.

(b) Every person in the service of any person, firm, or
private corporation, including any public service corporation,
that (i) employs one or more persons regularly in the same
business or in or about the same establishment under any contract
of hire, express or implied, oral or written, including aliens and
minors, household workers who earn one hundred sixty dollars or
more in cash in any calendar quarter from a single household and
casual workers who earn one hundred sixty dollars or more in cash
in any calendar quarter from a single employer, or (ii) is bound
by any such contract of hire or by any other written contract, to
pay into the state insurance fund the premiums provided by this
chapter.

(c) Every person who performs labor or provides services
pursuant to a construction contract, as defined in section 4123.79
of the Revised Code, if at least ten of the following criteria
apply:

(i) The person is required to comply with instructions from
the other contracting party regarding the manner or method of
performing services;

(ii) The person is required by the other contracting party to
have particular training;

(iii) The person's services are integrated into the regular
functioning of the other contracting party;

(iv) The person is required to perform the work personally;

(v) The person is hired, supervised, or paid by the other

contracting party;	9840
(vi) A continuing relationship exists between the person and the other contracting party that contemplates continuing or recurring work even if the work is not full time;	9841 9842 9843
(vii) The person's hours of work are established by the other contracting party;	9844 9845
(viii) The person is required to devote full time to the business of the other contracting party;	9846 9847
(ix) The person is required to perform the work on the premises of the other contracting party;	9848 9849
(x) The person is required to follow the order of work set by the other contracting party;	9850 9851
(xi) The person is required to make oral or written reports of progress to the other contracting party;	9852 9853
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	9854 9855
(xiii) The person's expenses are paid for by the other contracting party;	9856 9857
(xiv) The person's tools and materials are furnished by the other contracting party;	9858 9859
(xv) The person is provided with the facilities used to perform services;	9860 9861
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	9862 9863
(xvii) The person is not performing services for a number of employers at the same time;	9864 9865
(xviii) The person does not make the same services available to the general public;	9866 9867

(xix) The other contracting party has a right to discharge the person; 9868
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(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement. 9870
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Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund the amount of premium determined and fixed by the administrator of workers' compensation for the person's employment or occupation or if a self-insuring employer has failed to pay compensation and benefits directly to the employer's injured and to the dependents of the employer's killed employees as required by section 4123.35 of the Revised Code, shall be considered as the employee of the person who has entered into a contract, whether written or verbal, with such independent contractor unless such employees or their legal representatives or beneficiaries elect, after injury or death, to regard such independent contractor as the employer. 9873
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(2) "Employee" does not mean: 9885

(a) A duly ordained, commissioned, or licensed minister or assistant or associate minister of a church in the exercise of ministry; or 9886
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(b) Any officer of a family farm corporation. 9889

Any employer may elect to include as an "employee" within this chapter, any person excluded from the definition of "employee" pursuant to division (A)(2) of this section. If an employer is a partnership, sole proprietorship, or family farm corporation, such employer may elect to include as an "employee" within this chapter, any member of such partnership, the owner of the sole proprietorship, or the officers of the family farm corporation. In the event of an election, the employer shall serve upon the bureau of workers' compensation written notice naming the 9890
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persons to be covered, include such employee's remuneration for 9899
premium purposes in all future payroll reports, and no person 9900
excluded from the definition of "employee" pursuant to division 9901
(A)(2) of this section, proprietor, or partner shall be deemed an 9902
employee within this division until the employer has served such 9903
notice. 9904

For informational purposes only, the bureau shall prescribe 9905
such language as it considers appropriate, on such of its forms as 9906
it considers appropriate, to advise employers of their right to 9907
elect to include as an "employee" within this chapter a sole 9908
proprietor, any member of a partnership, the officers of a family 9909
farm corporation, or a person excluded from the definition of 9910
"employee" under division (A)(2)(a) of this section, that they 9911
should check any health and disability insurance policy, or other 9912
form of health and disability plan or contract, presently covering 9913
them, or the purchase of which they may be considering, to 9914
determine whether such policy, plan, or contract excludes benefits 9915
for illness or injury that they might have elected to have covered 9916
by workers' compensation. 9917

(B) "Employer" means: 9918

(1) The state, including state hospitals, each county, 9919
municipal corporation, township, school district, and hospital 9920
owned by a political subdivision or subdivisions other than the 9921
state; 9922

(2) Every person, firm, and private corporation, including 9923
any public service corporation, that (a) has in service one or 9924
more employees regularly in the same business or in or about the 9925
same establishment under any contract of hire, express or implied, 9926
oral or written, or (b) is bound by any such contract of hire or 9927
by any other written contract, to pay into the insurance fund the 9928
premiums provided by this chapter. 9929

All such employers are subject to this chapter. Any member of a firm or association, who regularly performs manual labor in or about a mine, factory, or other establishment, including a household establishment, shall be considered an employee in determining whether such person, firm, or private corporation, or public service corporation, has in its service, one or more employees and the employer shall report the income derived from such labor to the bureau as part of the payroll of such employer, and such member shall thereupon be entitled to all the benefits of an employee.

(C) "Injury" includes any injury, whether caused by external accidental means or accidental in character and result, received in the course of, and arising out of, the injured employee's employment. "Injury" does not include:

(1) Psychiatric conditions except where the conditions have arisen from an injury or occupational disease;

(2) Injury or disability caused primarily by the natural deterioration of tissue, an organ, or part of the body;

(3) Injury or disability incurred in voluntary participation in an employer-sponsored recreation or fitness activity if the employee signs a waiver of the employee's right to compensation or benefits under this chapter prior to engaging in the recreation or fitness activity.

(D) "Child" includes a posthumous child and a child legally adopted prior to the injury.

(E) "Family farm corporation" means a corporation founded for the purpose of farming agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons or the spouse of persons related to each other within the fourth degree of kinship, according to the rules of the civil law, and at least one of the related persons is residing on or

actively operating the farm, and none of whose stockholders are a corporation. A family farm corporation does not cease to qualify under this division where, by reason of any devise, bequest, or the operation of the laws of descent or distribution, the ownership of shares of voting stock is transferred to another person, as long as that person is within the degree of kinship stipulated in this division.

(F) "Occupational disease" means a disease contracted in the course of employment, which by its causes and the characteristics of its manifestation or the condition of the employment results in a hazard which distinguishes the employment in character from employment generally, and the employment creates a risk of contracting the disease in greater degree and in a different manner from the public in general.

(G) "Self-insuring employer" means an employer who is granted the privilege of paying compensation and benefits directly under section 4123.35 of the Revised Code, including a board of county commissioners for the sole purpose of constructing a sports facility as defined in section 307.696 of the Revised Code, provided that the electors of the county in which the sports facility is to be built have approved construction of a sports facility by ballot election no later than November 6, 1997.

(H) "Public employer" means an employer as defined in division (B)(1) of this section.

Sec. 4123.35. (A) Except as provided in this section, every employer mentioned in division (B)(2) of section 4123.01 of the Revised Code, and every publicly owned utility shall pay semiannually in the months of January and July into the state insurance fund the amount of annual premium the administrator of workers' compensation fixes for the employment or occupation of the employer, the amount of which premium to be paid by each

employer to be determined by the classifications, rules, and rates 9992
made and published by the administrator. The employer shall pay 9993
semiannually a further sum of money into the state insurance fund 9994
as may be ascertained to be due from the employer by applying the 9995
rules of the administrator, and a receipt or certificate 9996
certifying that payment has been made shall be mailed immediately 9997
to the employer by the bureau of workers' compensation. The 9998
receipt or certificate is prima-facie evidence of the payment of 9999
the premium. 10000

The bureau of workers' compensation shall verify with the 10001
secretary of state the existence of all corporations and 10002
organizations making application for workers' compensation 10003
coverage and shall require every such application to include the 10004
employer's federal identification number. 10005

An employer as defined in division (B)(2) of section 4123.01 10006
of the Revised Code who has contracted with a subcontractor is 10007
liable for the unpaid premium due from any subcontractor with 10008
respect to that part of the payroll of the subcontractor that is 10009
for work performed pursuant to the contract with the employer. 10010

Division (A) of this section providing for the payment of 10011
premiums semiannually does not apply to any employer who was a 10012
subscriber to the state insurance fund prior to January 1, 1914, 10013
or who may first become a subscriber to the fund in any month 10014
other than January or July. Instead, the semiannual premiums shall 10015
be paid by those employers from time to time upon the expiration 10016
of the respective periods for which payments into the fund have 10017
been made by them. 10018

The administrator shall adopt rules to permit employers to 10019
make periodic payments of the semiannual premium due under this 10020
division. The rules shall include provisions for the assessment of 10021
interest charges, where appropriate, and for the assessment of 10022
penalties when an employer fails to make timely premium payments. 10023

An employer who timely pays the amounts due under this division is 10024
entitled to all of the benefits and protections of this chapter. 10025
Upon receipt of payment, the bureau immediately shall mail a 10026
receipt or certificate to the employer certifying that payment has 10027
been made, which receipt is prima-facie evidence of payment. 10028
Workers' compensation coverage under this chapter continues 10029
uninterrupted upon timely receipt of payment under this division. 10030

Every public employer, except public employers that are 10031
self-insuring employers under this section, shall comply with 10032
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 10033
regard to the contribution of moneys to the public insurance fund. 10034

(B) Employers who will abide by the rules of the 10035
administrator and who may be of sufficient financial ability to 10036
render certain the payment of compensation to injured employees or 10037
the dependents of killed employees, and the furnishing of medical, 10038
surgical, nursing, and hospital attention and services and 10039
medicines, and funeral expenses, equal to or greater than is 10040
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 10041
to 4123.67 of the Revised Code, and who do not desire to insure 10042
the payment thereof or indemnify themselves against loss sustained 10043
by the direct payment thereof, upon a finding of such facts by the 10044
administrator, may be granted the privilege to pay individually 10045
compensation, and furnish medical, surgical, nursing, and hospital 10046
services and attention and funeral expenses directly to injured 10047
employees or the dependents of killed employees, thereby being 10048
granted status as a self-insuring employer. The administrator may 10049
charge employers who apply for the status as a self-insuring 10050
employer a reasonable application fee to cover the bureau's costs 10051
in connection with processing and making a determination with 10052
respect to an application. 10053

All employers granted ~~such~~ status as self-insuring employers 10054
shall demonstrate sufficient financial and administrative ability 10055

to assure that all obligations under this section are promptly met. The administrator shall deny the privilege where the employer is unable to demonstrate the employer's ability to promptly meet all the obligations imposed on the employer by this section.

(1) The administrator shall consider, but is not limited to, the following factors, where applicable, in determining the employer's ability to meet all of the obligations imposed on the employer by this section:

(a) The employer employs a minimum of five hundred employees in this state;

(b) The employer has operated in this state for a minimum of two years, provided that an employer who has purchased, acquired, or otherwise succeeded to the operation of a business, or any part thereof, situated in this state that has operated for at least two years in this state, also shall qualify;

(c) Where the employer previously contributed to the state insurance fund or is a successor employer as defined by bureau rules, the amount of the buyout, as defined by bureau rules;

(d) The sufficiency of the employer's assets located in this state to insure the employer's solvency in paying compensation directly;

(e) The financial records, documents, and data, certified by a certified public accountant, necessary to provide the employer's full financial disclosure. The records, documents, and data include, but are not limited to, balance sheets and profit and loss history for the current year and previous four years.

(f) The employer's organizational plan for the administration of the workers' compensation law;

(g) The employer's proposed plan to inform employees of the change from a state fund insurer to a self-insuring employer, the

procedures the employer will follow as a self-insuring employer, 10087
and the employees' rights to compensation and benefits; and 10088

(h) The employer has either an account in a financial 10089
institution in this state, or if the employer maintains an account 10090
with a financial institution outside this state, ensures that 10091
workers' compensation checks are drawn from the same account as 10092
payroll checks or the employer clearly indicates that payment will 10093
be honored by a financial institution in this state. 10094

The administrator may waive the requirements of divisions 10095
(B)(1)(a) and (b) of this section and the requirement of division 10096
(B)(1)(e) of this section that the financial records, documents, 10097
and data be certified by a certified public accountant. The 10098
administrator shall adopt rules establishing the criteria that an 10099
employer shall meet in order for the administrator to waive the 10100
requirement of division (B)(1)(e) of this section. Such rules may 10101
require additional security of that employer pursuant to division 10102
(E) of section 4123.351 of the Revised Code. 10103

The administrator shall not grant the status of self-insuring 10104
employer to the state, except that the administrator may grant the 10105
status of self-insuring employer to a state institution of higher 10106
education, excluding its hospitals, that meets the requirements of 10107
division (B)(2) of this section. 10108

(2) When considering the application of a public employer, 10109
except for a board of county commissioners described in division 10110
(G) of section 4123.01 of the Revised Code, a board of a county 10111
hospital, or a publicly owned utility, the administrator shall 10112
verify that the public employer satisfies all of the following 10113
requirements as the requirements apply to that public employer: 10114

(a) For the two-year period preceding application under this 10115
section, the public employer has maintained an unvoted debt 10116
capacity equal to at least two times the amount of the current 10117

annual premium established by the administrator under this chapter 10118
for that public employer for the year immediately preceding the 10119
year in which the public employer makes application under this 10120
section. 10121

(b) For each of the two fiscal years preceding application 10122
under this section, the unreserved and undesignated year-end fund 10123
balance in the public employer's general fund is equal to at least 10124
five per cent of the public employer's general fund revenues for 10125
the fiscal year computed in accordance with generally accepted 10126
accounting principles. 10127

(c) For the five-year period preceding application under this 10128
section, the public employer, to the extent applicable, has 10129
complied fully with the continuing disclosure requirements 10130
established in rules adopted by the United States securities and 10131
exchange commission under 17 C.F.R. 240.15c 2-12. 10132

(d) For the five-year period preceding application under this 10133
section, the public employer has not had its local government fund 10134
distribution withheld on account of the public employer being 10135
indebted or otherwise obligated to the state. 10136

(e) For the five-year period preceding application under this 10137
section, the public employer has not been under a fiscal watch or 10138
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 10139
of the Revised Code. 10140

(f) For the public employer's fiscal year preceding 10141
application under this section, the public employer has obtained 10142
an annual financial audit as required under section 117.10 of the 10143
Revised Code, which has been released by the auditor of state 10144
within seven months after the end of the public employer's fiscal 10145
year. 10146

(g) On the date of application, the public employer holds a 10147
debt rating of Aa3 or higher according to Moody's investors 10148

service, inc., or a comparable rating by an independent rating 10149
agency similar to Moody's investors service, inc. 10150

(h) The public employer agrees to generate an annual 10151
accumulating book reserve in its financial statements reflecting 10152
an actuarially generated reserve adequate to pay projected claims 10153
under this chapter for the applicable period of time, as 10154
determined by the administrator. 10155

(i) For a public employer that is a hospital, the public 10156
employer shall submit audited financial statements showing the 10157
hospital's overall liquidity characteristics, and the 10158
administrator shall determine, on an individual basis, whether the 10159
public employer satisfies liquidity standards equivalent to the 10160
liquidity standards of other public employers. 10161

(j) Any additional criteria that the administrator adopts by 10162
rule pursuant to division (E) of this section. 10163

The administrator shall not approve the application of a 10164
public employer, except for a board of county commissioners 10165
described in division (G) of section 4123.01 of the Revised Code, 10166
a board of a county hospital, or publicly owned utility, who does 10167
not satisfy all of the requirements listed in division (B)(2) of 10168
this section. 10169

(C) A board of county commissioners described in division (G) 10170
of section 4123.01 of the Revised Code, as an employer, that will 10171
abide by the rules of the administrator and that may be of 10172
sufficient financial ability to render certain the payment of 10173
compensation to injured employees or the dependents of killed 10174
employees, and the furnishing of medical, surgical, nursing, and 10175
hospital attention and services and medicines, and funeral 10176
expenses, equal to or greater than is provided for in sections 10177
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 10178
Code, and that does not desire to insure the payment thereof or 10179

indemnify itself against loss sustained by the direct payment 10180
thereof, upon a finding of such facts by the administrator, may be 10181
granted the privilege to pay individually compensation, and 10182
furnish medical, surgical, nursing, and hospital services and 10183
attention and funeral expenses directly to injured employees or 10184
the dependents of killed employees, thereby being granted status 10185
as a self-insuring employer. The administrator may charge a board 10186
of county commissioners described in division (G) of section 10187
4123.01 of the Revised Code that applies for the status as a 10188
self-insuring employer a reasonable application fee to cover the 10189
bureau's costs in connection with processing and making a 10190
determination with respect to an application. All employers 10191
granted such status shall demonstrate sufficient financial and 10192
administrative ability to assure that all obligations under this 10193
section are promptly met. The administrator shall deny the 10194
privilege where the employer is unable to demonstrate the 10195
employer's ability to promptly meet all the obligations imposed on 10196
the employer by this section. The administrator shall consider, 10197
but is not limited to, the following factors, where applicable, in 10198
determining the employer's ability to meet all of the obligations 10199
imposed on the board as an employer by this section: 10200

(1) The board as an employer employs a minimum of five 10201
hundred employees in this state; 10202

(2) The board has operated in this state for a minimum of two 10203
years; 10204

(3) Where the board previously contributed to the state 10205
insurance fund or is a successor employer as defined by bureau 10206
rules, the amount of the buyout, as defined by bureau rules; 10207

(4) The sufficiency of the board's assets located in this 10208
state to insure the board's solvency in paying compensation 10209
directly; 10210

(5) The financial records, documents, and data, certified by a certified public accountant, necessary to provide the board's full financial disclosure. The records, documents, and data include, but are not limited to, balance sheets and profit and loss history for the current year and previous four years.

(6) The board's organizational plan for the administration of the workers' compensation law;

(7) The board's proposed plan to inform employees of the proposed self-insurance, the procedures the board will follow as a self-insuring employer, and the employees' rights to compensation and benefits;

(8) The board has either an account in a financial institution in this state, or if the board maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the board clearly indicates that payment will be honored by a financial institution in this state;

(9) The board shall provide the administrator a surety bond in an amount equal to one hundred twenty-five per cent of the projected losses as determined by the administrator.

(D) The administrator shall require a surety bond from all self-insuring employers, issued pursuant to section 4123.351 of the Revised Code, that is sufficient to compel, or secure to injured employees, or to the dependents of employees killed, the payment of compensation and expenses, which shall in no event be less than that paid or furnished out of the state insurance fund in similar cases to injured employees or to dependents of killed employees whose employers contribute to the fund, except when an employee of the employer, who has suffered the loss of a hand, arm, foot, leg, or eye prior to the injury for which compensation is to be paid, and thereafter suffers the loss of any other of the

members as the result of any injury sustained in the course of and 10242
arising out of the employee's employment, the compensation to be 10243
paid by the self-insuring employer is limited to the disability 10244
suffered in the subsequent injury, additional compensation, if 10245
any, to be paid by the bureau out of the surplus created by 10246
section 4123.34 of the Revised Code. 10247

(E) In addition to the requirements of this section, the 10248
administrator shall make and publish rules governing the manner of 10249
making application and the nature and extent of the proof required 10250
to justify a finding of fact by the administrator as to granting 10251
the status of a self-insuring employer, which rules shall be 10252
general in their application, one of which rules shall provide 10253
that all self-insuring employers shall pay into the state 10254
insurance fund such amounts as are required to be credited to the 10255
surplus fund in division (B) of section 4123.34 of the Revised 10256
Code. The administrator may adopt rules establishing requirements 10257
in addition to the requirements described in division (B)(2) of 10258
this section that a public employer shall meet in order to qualify 10259
for self-insuring status. 10260

Employers shall secure directly from the bureau central 10261
offices application forms upon which the bureau shall stamp a 10262
designating number. Prior to submission of an application, an 10263
employer shall make available to the bureau, and the bureau shall 10264
review, the information described in division (B)(1) of this 10265
section, and public employers shall make available, and the bureau 10266
shall review, the information necessary to verify whether the 10267
public employer meets the requirements listed in division (B)(2) 10268
of this section. An employer shall file the completed application 10269
forms with an application fee, which shall cover the costs of 10270
processing the application, as established by the administrator, 10271
by rule, with the bureau at least ninety days prior to the 10272
effective date of the employer's new status as a self-insuring 10273

employer. The application form is not deemed complete until all 10274
the required information is attached thereto. The bureau shall 10275
only accept applications that contain the required information. 10276

(F) The bureau shall review completed applications within a 10277
reasonable time. If the bureau determines to grant an employer the 10278
status as a self-insuring employer, the bureau shall issue a 10279
statement, containing its findings of fact, that is prepared by 10280
the bureau and signed by the administrator. If the bureau 10281
determines not to grant the status as a self-insuring employer, 10282
the bureau shall notify the employer of the determination and 10283
require the employer to continue to pay its full premium into the 10284
state insurance fund. The administrator also shall adopt rules 10285
establishing a minimum level of performance as a criterion for 10286
granting and maintaining the status as a self-insuring employer 10287
and fixing time limits beyond which failure of the self-insuring 10288
employer to provide for the necessary medical examinations and 10289
evaluations may not delay a decision on a claim. 10290

(G) The administrator shall adopt rules setting forth 10291
procedures for auditing the program of self-insuring employers. 10292
The bureau shall conduct the audit upon a random basis or whenever 10293
the bureau has grounds for believing that a self-insuring employer 10294
is not in full compliance with bureau rules or this chapter. 10295

The administrator shall monitor the programs conducted by 10296
self-insuring employers, to ensure compliance with bureau 10297
requirements and for that purpose, shall develop and issue to 10298
self-insuring employers standardized forms for use by the 10299
self-insuring employer in all aspects of the self-insuring 10300
employers' direct compensation program and for reporting of 10301
information to the bureau. 10302

The bureau shall receive and transmit to the self-insuring 10303
employer all complaints concerning any self-insuring employer. In 10304
the case of a complaint against a self-insuring employer, the 10305

administrator shall handle the complaint through the 10306
self-insurance division of the bureau. The bureau shall maintain a 10307
file by employer of all complaints received that relate to the 10308
employer. The bureau shall evaluate each complaint and take 10309
appropriate action. 10310

The administrator shall adopt as a rule a prohibition against 10311
any self-insuring employer from harassing, dismissing, or 10312
otherwise disciplining any employee making a complaint, which rule 10313
shall provide for a financial penalty to be levied by the 10314
administrator payable by the offending self-insuring employer. 10315

(H) For the purpose of making determinations as to whether to 10316
grant status as a self-insuring employer, the administrator may 10317
subscribe to and pay for a credit reporting service that offers 10318
financial and other business information about individual 10319
employers. The costs in connection with the bureau's subscription 10320
or individual reports from the service about an applicant may be 10321
included in the application fee charged employers under this 10322
section. 10323

(I) The administrator, notwithstanding other provisions of 10324
this chapter, may permit a self-insuring employer to resume 10325
payment of premiums to the state insurance fund with appropriate 10326
credit modifications to the employer's basic premium rate as such 10327
rate is determined pursuant to section 4123.29 of the Revised 10328
Code. 10329

(J) On the first day of July of each year, the administrator 10330
shall calculate separately each self-insuring employer's 10331
assessments for the safety and hygiene fund, administrative costs 10332
pursuant to section 4123.342 of the Revised Code, and for the 10333
portion of the surplus fund under division (B) of section 4123.34 10334
of the Revised Code that is not used for handicapped 10335
reimbursement, on the basis of the paid compensation attributable 10336
to the individual self-insuring employer according to the 10337

following calculation:

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(1) The total assessment against all self-insuring employers
as a class for each fund and for the administrative costs for the
year that the assessment is being made, as determined by the
administrator, divided by the total amount of paid compensation
for the previous calendar year attributable to all amenable
self-insuring employers;

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(2) Multiply the quotient in division (J)(1) of this section
by the total amount of paid compensation for the previous calendar
year that is attributable to the individual self-insuring employer
for whom the assessment is being determined. Each self-insuring
employer shall pay the assessment that results from this
calculation, unless the assessment resulting from this calculation
falls below a minimum assessment, which minimum assessment the
administrator shall determine on the first day of July of each
year with the advice and consent of the workers' compensation
oversight commission, in which event, the self-insuring employer
shall pay the minimum assessment.

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In determining the total amount due for the total assessment
against all self-insuring employers as a class for each fund and
the administrative assessment, the administrator shall reduce
proportionately the total for each fund and assessment by the
amount of money in the self-insurance assessment fund as of the
date of the computation of the assessment.

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The administrator shall calculate the assessment for the
portion of the surplus fund under division (B) of section 4123.34
of the Revised Code that is used for handicapped reimbursement in
the same manner as set forth in divisions (J)(1) and (2) of this
section except that the administrator shall calculate the total
assessment for this portion of the surplus fund only on the basis
of those self-insuring employers that retain participation in the
handicapped reimbursement program and the individual self-insuring

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employer's proportion of paid compensation shall be calculated 10370
only for those self-insuring employers who retain participation in 10371
the handicapped reimbursement program. The administrator, as the 10372
administrator determines appropriate, may determine the total 10373
assessment for the handicapped portion of the surplus fund in 10374
accordance with sound actuarial principles. 10375

The administrator shall calculate the assessment for the 10376
portion of the surplus fund under division (B) of section 4123.34 10377
of the Revised Code that under division (D) of section 4121.66 of 10378
the Revised Code is used for rehabilitation costs in the same 10379
manner as set forth in divisions (J)(1) and (2) of this section, 10380
except that the administrator shall calculate the total assessment 10381
for this portion of the surplus fund only on the basis of those 10382
self-insuring employers who have not made the election to make 10383
payments directly under division (D) of section 4121.66 of the 10384
Revised Code and an individual self-insuring employer's proportion 10385
of paid compensation only for those self-insuring employers who 10386
have not made that election. 10387

An employer who no longer is a self-insuring employer in this 10388
state or who no longer is operating in this state, shall continue 10389
to pay assessments for administrative costs and for the portion of 10390
the surplus fund under division (B) of section 4123.34 of the 10391
Revised Code that is not used for handicapped reimbursement, based 10392
upon paid compensation attributable to claims that occurred while 10393
the employer was a self-insuring employer within this state. 10394

(K) There is hereby created in the state treasury the 10395
self-insurance assessment fund. All investment earnings of the 10396
fund shall be deposited in the fund. The administrator shall use 10397
the money in the self-insurance assessment fund only for 10398
administrative costs as specified in section 4123.341 of the 10399
Revised Code. 10400

(L) Every self-insuring employer shall certify, in affidavit 10401

form subject to the penalty for perjury, to the bureau the amount 10402
of the self-insuring employer's paid compensation for the previous 10403
calendar year. In reporting paid compensation paid for the 10404
previous year, a self-insuring employer shall exclude from the 10405
total amount of paid compensation any reimbursement the 10406
self-insuring employer receives in the previous calendar year from 10407
the surplus fund pursuant to section 4123.512 of the Revised Code 10408
for any paid compensation. The self-insuring employer also shall 10409
exclude from the paid compensation reported any amount recovered 10410
under section 4123.93 of the Revised Code and any amount that is 10411
determined not to have been payable to or on behalf of a claimant 10412
in any final administrative or judicial proceeding. The 10413
self-insuring employer shall exclude such amounts from the paid 10414
compensation reported in the reporting period subsequent to the 10415
date the determination is made. The administrator shall adopt 10416
rules, in accordance with Chapter 119. of the Revised Code, 10417
establishing the date by which self-insuring employers must submit 10418
such information and the amount of the assessments provided for in 10419
division (J) of this section for employers who have been granted 10420
self-insuring status within the last calendar year. 10421

The administrator shall include any assessment that remains 10422
unpaid for previous assessment periods in the calculation and 10423
collection of any assessments due under this division or division 10424
(J) of this section. 10425

(M) As used in this section, "paid compensation" means all 10426
amounts paid by a self-insuring employer for living maintenance 10427
benefits, all amounts for compensation paid pursuant to sections 10428
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 10429
4123.64 of the Revised Code, all amounts paid as wages in lieu of 10430
such compensation, all amounts paid in lieu of such compensation 10431
under a nonoccupational accident and sickness program fully funded 10432
by the self-insuring employer, and all amounts paid by a 10433

self-insuring employer for a violation of a specific safety 10434
standard pursuant to Section 35 of Article II, Ohio Constitution 10435
and section 4121.47 of the Revised Code. 10436

(N) Should any section of this chapter or Chapter 4121. of 10437
the Revised Code providing for self-insuring employers' 10438
assessments based upon compensation paid be declared 10439
unconstitutional by a final decision of any court, then that 10440
section of the Revised Code declared unconstitutional shall revert 10441
back to the section in existence prior to November 3, 1989, 10442
providing for assessments based upon payroll. 10443

(O) The administrator may grant a self-insuring employer the 10444
privilege to self-insure a construction project entered into by 10445
the self-insuring employer that is scheduled for completion within 10446
six years after the date the project begins, and the total cost of 10447
which is estimated to exceed one hundred million dollars or, for 10448
employers described in division (R) of this section, if the 10449
construction project is estimated to exceed twenty-five million 10450
dollars. The administrator may waive such cost and time criteria 10451
and grant a self-insuring employer the privilege to self-insure a 10452
construction project regardless of the time needed to complete the 10453
construction project and provided that the cost of the 10454
construction project is estimated to exceed fifty million dollars. 10455
A self-insuring employer who desires to self-insure a construction 10456
project shall submit to the administrator an application listing 10457
the dates the construction project is scheduled to begin and end, 10458
the estimated cost of the construction project, the contractors 10459
and subcontractors whose employees are to be self-insured by the 10460
self-insuring employer, the provisions of a safety program that is 10461
specifically designed for the construction project, and a 10462
statement as to whether a collective bargaining agreement 10463
governing the rights, duties, and obligations of each of the 10464
parties to the agreement with respect to the construction project 10465

exists between the self-insuring employer and a labor organization. 10466
10467

A self-insuring employer may apply to self-insure the employees of either of the following: 10468
10469

(1) All contractors and subcontractors who perform labor or work or provide materials for the construction project; 10470
10471

(2) All contractors and, at the administrator's discretion, a substantial number of all the subcontractors who perform labor or work or provide materials for the construction project. 10472
10473
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Upon approval of the application, the administrator shall mail a certificate granting the privilege to self-insure the construction project to the self-insuring employer. The certificate shall contain the name of the self-insuring employer and the name, address, and telephone number of the self-insuring employer's representatives who are responsible for administering workers' compensation claims for the construction project. The self-insuring employer shall post the certificate in a conspicuous place at the site of the construction project. 10475
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The administrator shall maintain a record of the contractors and subcontractors whose employees are covered under the certificate issued to the self-insured employer. A self-insuring employer immediately shall notify the administrator when any contractor or subcontractor is added or eliminated from inclusion under the certificate. 10484
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Upon approval of the application, the self-insuring employer is responsible for the administration and payment of all claims under this chapter and Chapter 4121. of the Revised Code for the employees of the contractor and subcontractors covered under the certificate who receive injuries or are killed in the course of and arising out of employment on the construction project, or who contract an occupational disease in the course of employment on 10490
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the construction project. For purposes of this chapter and Chapter 10497
4121. of the Revised Code, a claim that is administered and paid 10498
in accordance with this division is considered a claim against the 10499
self-insuring employer listed in the certificate. A contractor or 10500
subcontractor included under the certificate shall report to the 10501
self-insuring employer listed in the certificate, all claims that 10502
arise under this chapter and Chapter 4121. of the Revised Code in 10503
connection with the construction project for which the certificate 10504
is issued. 10505

A self-insuring employer who complies with this division is 10506
entitled to the protections provided under this chapter and 10507
Chapter 4121. of the Revised Code with respect to the employees of 10508
the contractors and subcontractors covered under a certificate 10509
issued under this division for death or injuries that arise out 10510
of, or death, injuries, or occupational diseases that arise in the 10511
course of, those employees' employment on that construction 10512
project, as if the employees were employees of the self-insuring 10513
employer, provided that the self-insuring employer also complies 10514
with this section. No employee of the contractors and 10515
subcontractors covered under a certificate issued under this 10516
division shall be considered the employee of the self-insuring 10517
employer listed in that certificate for any purposes other than 10518
this chapter and Chapter 4121. of the Revised Code. Nothing in 10519
this division gives a self-insuring employer authority to control 10520
the means, manner, or method of employment of the employees of the 10521
contractors and subcontractors covered under a certificate issued 10522
under this division. 10523

The contractors and subcontractors included under a 10524
certificate issued under this division are entitled to the 10525
protections provided under this chapter and Chapter 4121. of the 10526
Revised Code with respect to the contractor's or subcontractor's 10527
employees who are employed on the construction project which is 10528

the subject of the certificate, for death or injuries that arise 10529
out of, or death, injuries, or occupational diseases that arise in 10530
the course of, those employees' employment on that construction 10531
project. 10532

The contractors and subcontractors included under a 10533
certificate issued under this division shall identify in their 10534
payroll records the employees who are considered the employees of 10535
the self-insuring employer listed in that certificate for purposes 10536
of this chapter and Chapter 4121. of the Revised Code, and the 10537
amount that those employees earned for employment on the 10538
construction project that is the subject of that certificate. 10539
Notwithstanding any provision to the contrary under this chapter 10540
and Chapter 4121. of the Revised Code, the administrator shall 10541
exclude the payroll that is reported for employees who are 10542
considered the employees of the self-insuring employer listed in 10543
that certificate, and that the employees earned for employment on 10544
the construction project that is the subject of that certificate, 10545
when determining those contractors' or subcontractors' premiums or 10546
assessments required under this chapter and Chapter 4121. of the 10547
Revised Code. A self-insuring employer issued a certificate under 10548
this division shall include in the amount of paid compensation it 10549
reports pursuant to division (L) of this section, the amount of 10550
paid compensation the self-insuring employer paid pursuant to this 10551
division for the previous calendar year. 10552

Nothing in this division shall be construed as altering the 10553
rights of employees under this chapter and Chapter 4121. of the 10554
Revised Code as those rights existed prior to September 17, 1996. 10555
Nothing in this division shall be construed as altering the rights 10556
devolved under sections 2305.31 and 4123.82 of the Revised Code as 10557
those rights existed prior to September 17, 1996. 10558

As used in this division, "privilege to self-insure a 10559
construction project" means privilege to pay individually 10560

compensation, and to furnish medical, surgical, nursing, and 10561
hospital services and attention and funeral expenses directly to 10562
injured employees or the dependents of killed employees. 10563

(P) A self-insuring employer whose application is granted 10564
under division (O) of this section shall designate a safety 10565
professional to be responsible for the administration and 10566
enforcement of the safety program that is specifically designed 10567
for the construction project that is the subject of the 10568
application. 10569

A self-insuring employer whose application is granted under 10570
division (O) of this section shall employ an ombudsperson for the 10571
construction project that is the subject of the application. The 10572
ombudsperson shall have experience in workers' compensation or the 10573
construction industry, or both. The ombudsperson shall perform all 10574
of the following duties: 10575

(1) Communicate with and provide information to employees who 10576
are injured in the course of, or whose injury arises out of 10577
employment on the construction project, or who contract an 10578
occupational disease in the course of employment on the 10579
construction project; 10580

(2) Investigate the status of a claim upon the request of an 10581
employee to do so; 10582

(3) Provide information to claimants, third party 10583
administrators, employers, and other persons to assist those 10584
persons in protecting their rights under this chapter and Chapter 10585
4121. of the Revised Code. 10586

A self-insuring employer whose application is granted under 10587
division (O) of this section shall post the name of the safety 10588
professional and the ombudsperson and instructions for contacting 10589
the safety professional and the ombudsperson in a conspicuous 10590
place at the site of the construction project. 10591

(Q) The administrator may consider all of the following when 10592
deciding whether to grant a self-insuring employer the privilege 10593
to self-insure a construction project as provided under division 10594
(O) of this section: 10595

(1) Whether the self-insuring employer has an organizational 10596
plan for the administration of the workers' compensation law; 10597

(2) Whether the safety program that is specifically designed 10598
for the construction project provides for the safety of employees 10599
employed on the construction project, is applicable to all 10600
contractors and subcontractors who perform labor or work or 10601
provide materials for the construction project, and has as a 10602
component, a safety training program that complies with standards 10603
adopted pursuant to the "Occupational Safety and Health Act of 10604
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 10605
management and employee involvement; 10606

(3) Whether granting the privilege to self-insure the 10607
construction project will reduce the costs of the construction 10608
project; 10609

(4) Whether the self-insuring employer has employed an 10610
ombudsperson as required under division (P) of this section; 10611

(5) Whether the self-insuring employer has sufficient surety 10612
to secure the payment of claims for which the self-insuring 10613
employer would be responsible pursuant to the granting of the 10614
privilege to self-insure a construction project under division (O) 10615
of this section. 10616

(R) As used in divisions (O), (P), and (Q), "self-insuring 10617
employer" includes the following employers, whether or not they 10618
have been granted the status of being a self-insuring employer 10619
under division (B) of this section: 10620

(1) A state institution of higher education; 10621

<u>(2) A school district;</u>	10622
<u>(3) A county school financing district;</u>	10623
<u>(4) An educational service center;</u>	10624
<u>(5) A community school established under Chapter 3314. of the Revised Code.</u>	10625 10626
<u>(S) As used in this section:</u>	10627
(1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy;	10628 10629
(2) "State institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.	10630 10631 10632 10633 10634 10635 10636
Sec. 4582.03. (A) A port authority created in accordance with section 4582.02 of the Revised Code shall be governed by a board of directors. Members of a board of directors of a port authority created by the exclusive action of a municipal corporation shall consist of the number of members it considers necessary and shall be appointed by the mayor with the advice and consent of the council. Members of a board of directors of a port authority created by the exclusive action of a township shall consist of such members as it considers necessary and shall be appointed by the township trustees of the township. Members of a board of directors of a port authority created by the exclusive action of a county shall consist of such members as it considers necessary and shall be appointed by the county commissioners of the county. Members of a board of directors of a port authority created by a combination of political subdivisions shall be divided among the	10637 10638 10639 10640 10641 10642 10643 10644 10645 10646 10647 10648 10649 10650 10651

political subdivisions in such proportions as the political 10652
subdivisions may agree and shall be appointed by the participating 10653
political subdivisions in the same manner as this section provides 10654
for the appointment of members by a political subdivision creating 10655
its own port authority. When a port authority is created by a 10656
combination of political subdivisions, the number of directors 10657
comprising the board shall be determined by agreement between the 10658
political subdivisions, which number from time to time may be 10659
changed by amendment of the agreement. The appointing body may at 10660
any time remove a director appointed by it for misfeasance, 10661
nonfeasance, or malfeasance in office. 10662

A majority of the directors shall have been qualified 10663
electors of, or shall have had their businesses or places of 10664
employment in, one or more political subdivisions within the area 10665
of the jurisdiction of the port authority, for a period of at 10666
least three years next preceding their appointment. 10667

The directors of any port authority first appointed shall 10668
serve staggered terms. Thereafter each successor shall serve for a 10669
term of four years, except that any person appointed to fill a 10670
vacancy shall be appointed to only the unexpired term and any 10671
director is eligible for reappointment. 10672

The board of directors by rule may provide for the removal of 10673
a director who fails to attend three consecutive regular meetings 10674
of the board. If a director is so removed, a successor shall be 10675
appointed for the remaining term of the removed director in the 10676
same manner provided for the original appointment. 10677

The directors shall elect one of their membership as 10678
chairperson and another as vice-chairperson and shall designate 10679
their terms of office, and shall appoint a secretary who need not 10680
be a director. A majority of the board of directors shall 10681
constitute a quorum, ~~the~~ for purposes of holding a meeting of the 10682
board. The affirmative vote of ~~which~~ a majority of a quorum shall 10683

be necessary for any action taken by the port authority unless the 10684
board of directors determines by rule to require a greater number 10685
of affirmative votes for particular actions to be taken by the 10686
port authority. No vacancy in the membership of the board shall 10687
impair the rights of a quorum to exercise all the rights and 10688
perform all the duties of the port authority. 10689

Each member of the board of directors of a port authority 10690
shall be entitled to receive from the port authority such sum of 10691
money as the board of directors may determine as compensation for 10692
services as director and reimbursement for reasonable expenses in 10693
the performance of official duties. 10694

(B) Except for civil actions that arise out of the operation 10695
of a motor vehicle and civil actions in which the port authority 10696
is the plaintiff, no director, officer, or employee of a port 10697
authority shall be liable in any civil action that arises under 10698
the law of this state for damage or injury caused in the 10699
performance of official duties, unless the director's, officer's, 10700
or employee's actions were manifestly outside the scope of the 10701
director's, officer's, or employee's employment or official 10702
responsibilities, or unless the director, officer, or employee 10703
acted with malicious purpose, in bad faith, or in a wanton or 10704
reckless manner. 10705

This section does not eliminate, limit, or reduce any 10706
immunity from civil liability that is conferred upon a director, 10707
officer, or employee by any other provision of the Revised Code or 10708
by case law. 10709

(C)(1) A port authority, except as provided in division (B) 10710
of this section, shall indemnify a director, officer, or employee 10711
from liability incurred in the performance of official duties by 10712
paying any judgment in, or amount negotiated in settlement of, any 10713
civil action arising under federal law, the law of another state, 10714
or the law of a foreign jurisdiction. The reasonableness of the 10715

amount of any consent judgment or settlement is subject to the
review and approval of the board of directors of the port
authority. The maximum aggregate amount of indemnification paid
directly from funds to or on behalf of any director, officer, or
employee pursuant to this division shall be one million dollars
per occurrence, regardless of the number of persons who suffer
damage, injury, or death as a result of the occurrence.

(2) A port authority shall not indemnify a director, officer,
or employee under any of the following circumstances:

(a) To the extent the director, officer, or employee is
covered by a policy of insurance for civil liability purchased by
the port authority;

(b) When the director, officer, or employee acts manifestly
outside the scope of the director's, officer's, or employee's
employment or official responsibilities, with malicious purpose,
in bad faith, or in a wanton or reckless manner;

(c) For any portion of a judgment that represents punitive or
exemplary damages;

(d) For any portion of a consent judgment or settlement that
is unreasonable.

(3) The port authority may purchase a policy or policies of
insurance on behalf of directors, officers, and employees of the
port authority from an insurer or insurers licensed to do business
in this state providing coverage for damages in connection with
any civil action, demand, or claim against the director, officer,
or employee by reason of an act or omission by the director,
officer, or employee occurring in the performance of official
duties and not coming within the terms of division (C)(2)(b) of
this section.

(4) This section does not affect any of the following:

(a) Any defense that would otherwise be available in an 10746
action alleging personal liability of a director, officer, or 10747
employee; 10748

(b) The operation of section 9.83 of the Revised Code. 10749

Sec. 4582.20. A port authority shall be exempt from and shall 10750
not be required to pay any taxes on property, both real and 10751
personal, or any combination thereof, belonging to any port 10752
authority, that is used exclusively for any authorized purpose, 10753
~~provided, this.~~ This exemption shall not apply to any property 10754
occupied and used during a tax year by a person who is a lessee of 10755
the property as of the tax lien date for that tax year under a 10756
written lease with a remaining term longer than one year. The 10757
immediately preceding sentence shall not apply to real or personal 10758
property, or any combination thereof, leased to a lessee, which 10759
property would be exempt from taxes under Chapter 5709. of the 10760
Revised Code if such property belonged to that lessee. Nothing in 10761
this section eliminates the lessor's or the lessee's obligation to 10762
comply with other provisions of the Revised Code to obtain an 10763
exemption for such property. 10764

Sec. 4582.27. (A) A port authority created in accordance with 10765
section 4582.22 of the Revised Code shall be governed by a board 10766
of directors. Members of a board of directors of a port authority 10767
created by the exclusive action of a municipal corporation shall 10768
consist of the number of members it considers necessary and shall 10769
be appointed by the mayor with the advice and consent of the 10770
council. Members of a board of directors of a port authority 10771
created by the exclusive action of a township shall consist of 10772
such members as it considers necessary and shall be appointed by 10773
the township trustees of the township. Members of a board of 10774
directors of a port authority created by the exclusive action of a 10775
county shall consist of such members as it considers necessary and 10776

shall be appointed by the board of county commissioners of the 10777
county. Members of a board of directors of a port authority 10778
created by a combination of political subdivisions shall be 10779
divided among the political subdivisions in such proportions as 10780
the political subdivisions may agree and shall be appointed by the 10781
participating political subdivisions in the same manner as this 10782
section provides for the appointment of members by a political 10783
subdivision creating its own port authority. If a participating 10784
political subdivision is not authorized by section 4582.22 of the 10785
Revised Code to create its own port authority, the political 10786
subdivision's elected legislative body, if the political 10787
subdivision has an elected legislative body, or the political 10788
subdivision's elected official or officials who appoint the 10789
legislative body of the political subdivision shall appoint the 10790
members of a board of directors of a port authority that are to be 10791
appointed by that political subdivision. If the electors of a 10792
participating political subdivision do not elect either the 10793
legislative body of the political subdivision or the official or 10794
officials who appoint the legislative body of the political 10795
subdivision, the participating political subdivision may not 10796
appoint any member of a board of directors of a port authority. 10797
When a port authority is created by a combination of political 10798
subdivisions, the number of directors comprising the board shall 10799
be determined by agreement between the political subdivisions, 10800
which number may be changed from time to time by amendment of the 10801
agreement. The appointing body may at any time remove a director 10802
appointed by it for misfeasance, nonfeasance, or malfeasance in 10803
office. 10804

A majority of the directors shall have been qualified 10805
electors of, or shall have had their businesses or places of 10806
employment in, one or more political subdivisions within the area 10807
of the jurisdiction of the port authority, for a period of at 10808
least three years next preceding their appointment. 10809

The directors of any port authority first appointed shall 10810
serve staggered terms. Thereafter each successor shall serve for a 10811
term of four years, except that any person appointed to fill a 10812
vacancy shall be appointed to only the unexpired term and any 10813
director is eligible for reappointment. 10814

The board of directors by rule may provide for the removal of 10815
a director who fails to attend three consecutive regular meetings 10816
of the board. If a director is so removed, a successor shall be 10817
appointed for the remaining term of the removed director in the 10818
same manner provided for the original appointment. 10819

The directors shall elect one of their membership as 10820
chairperson and another as vice-chairperson, and shall designate 10821
their terms of office, and shall appoint a secretary who need not 10822
be a director. A majority of the board of directors shall 10823
constitute a quorum, the for purposes of holding a meeting of the 10824
board. The affirmative vote of which a majority of a quorum shall 10825
be necessary for any action taken by the port authority unless the 10826
board of directors determines by rule to require a greater number 10827
of affirmative votes for particular actions to be taken by the 10828
port authority. No vacancy in the membership of the board shall 10829
impair the rights of a quorum to exercise all the rights and 10830
perform all the duties of the port authority. 10831

Each member of the board of directors of a port authority 10832
shall be entitled to receive from the port authority such sum of 10833
money as the board of directors may determine as compensation for 10834
services as director and reimbursement for reasonable expenses in 10835
the performance of official duties. 10836

(B) Except for civil actions that arise out of the operation 10837
of a motor vehicle and civil actions in which the port authority 10838
is the plaintiff, no director, officer, or employee of a port 10839
authority shall be liable in any civil action that arises under 10840
the law of this state for damage or injury caused in the 10841

performance of his duties, unless the director's, officer's, or 10842
employee's actions were manifestly outside the scope of his 10843
employment or official responsibilities, or unless the director, 10844
officer, or employee acted with malicious purpose, in bad faith, 10845
or in a wanton or reckless manner. 10846

This division does not eliminate, limit, or reduce any 10847
immunity from civil liability that is conferred upon a director, 10848
officer, or employee by any other provision of the Revised Code or 10849
by case law. 10850

(C)(1) A port authority shall, except as provided in division 10851
(B) of this section, indemnify a director, officer, or employee 10852
from liability incurred in the performance of his duties by paying 10853
any judgment in, or amount negotiated in settlement of, any civil 10854
action arising under federal law, the law of another state, or the 10855
law of a foreign jurisdiction. The reasonableness of the amount of 10856
any consent judgment or settlement is subject to the review and 10857
approval of the board of the port authority. The maximum aggregate 10858
amount of indemnification paid directly from funds to or on behalf 10859
of any director, officer or employee pursuant to this division 10860
shall be one million dollars per occurrence, regardless of the 10861
number of persons who suffer damage, injury, or death as a result 10862
of the occurrence. 10863

(2) A port authority shall not indemnify a director, officer, 10864
or employee under any of the following circumstances: 10865

(a) To the extent the director, officer, or employee is 10866
covered by a policy of insurance for civil liability purchased by 10867
the port authority; 10868

(b) When the director, officer, or employee acts manifestly 10869
outside the scope of his employment or official responsibilities, 10870
with malicious purpose, in bad faith, or in a wanton or reckless 10871
manner; 10872

(c) For any portion of a judgment that represents punitive or exemplary damages;	10873 10874
(d) For any portion of a consent judgment or settlement that is unreasonable.	10875 10876
(3) The port authority may purchase a policy or policies of insurance on behalf of directors, officers, and employees of the port authority from an insurer or insurers licensed to do business in this state providing coverage for damages in connection with any civil action, demand, or claim against the director, officer, or employee by reason of an act or omission by the director, officer, or employee occurring in the performance of his duties and not coming within the terms of division (C)(2)(b) of this section.	10877 10878 10879 10880 10881 10882 10883 10884 10885
(4) This section does not affect either of the following:	10886
(a) Any defense that would otherwise be available in an action alleging personal liability of a director, officer, or employee;	10887 10888 10889
(b) The operation of section 9.83 of the Revised Code.	10890
Sec. 4582.30. (A)(1) Except as otherwise provided in division (A)(2) or (3) of this section, the area of jurisdiction of a port authority created in accordance with section 4582.22 of the Revised Code shall include all of the territory of the political subdivision or subdivisions creating it and, if the port authority owns or leases a railroad line <u>or airport</u> , the territory on which the railroad's line, terminals, and related facilities <u>or the airport's runways, terminals, and related facilities</u> are located, regardless of whether the territory is located in the political subdivision or subdivisions creating the port authority.	10891 10892 10893 10894 10895 10896 10897 10898 10899 10900
(2) A municipal corporation with a population of at least one hundred thousand according to the most recent federal decennial	10901 10902

census may create a port authority within a county that previously
created an existing port authority, if the municipal corporation
did not join with the county in creating the port authority or
thereafter join that port authority. The newly created port
authority and the previously created and existing port authority
shall possess concurrent jurisdiction over any territory within
the jurisdiction of both.

(3) A county may create a port authority the area of
jurisdiction of which excludes any territory that is located in
that county and is in the area of jurisdiction of any port
authority created in accordance with section 4582.02 or 4582.22 of
the Revised Code that is then existing in the county.

(B)(1) Except as provided in division (B)(2) or (3) of this
section, a political subdivision that has created a port authority
or joined an existing port authority shall not be included in any
other port authority.

(2) A municipal corporation with a population of less than
one hundred thousand according to the most recent federal
decennial census that has joined an existing port authority in a
county with a population of five hundred thousand or less may
create a port authority within the territorial jurisdiction of the
municipal corporation.

(3) A municipal corporation and a county jointly may create a
new port authority if both of the following apply:

(a) The municipal corporation created a port authority after
July 9, 1982, and that port authority operates an airport;

(b) The county joined a port authority after July 9, 1982,
and that port authority operated an airport.

~~Sec. 4582.46. The exercise of the powers granted by sections
4582.22 to 4582.59 of the Revised Code shall be for the benefit of~~

~~the people of the state, for the improvement of their health, 10933
safety, convenience, and welfare, and for the enhancement of their 10934
residential, agricultural, recreational, economic, commercial, 10935
distribution, research, and industrial opportunities and is a 10936
public purpose. As the operation and maintenance of port authority 10937
facilities will constitute the performance of essential 10938
governmental functions, a A port authority shall be exempt from 10939
and shall not be required to pay any taxes or assessments upon any 10940
port authority facility, upon any on property acquired or used by 10941
the port authority under sections 4582.22 to 4582.59 of the 10942
Revised Code, or upon the income therefrom, nor shall the transfer 10943
to or from a port authority of title or possession of any port 10944
authority facility, part thereof, or item included or to be 10945
included in any such facility, be subject to the taxes levied 10946
pursuant to Chapters 5739. and 5741. of the Revised Code, 10947
provided, this, both real and personal, or any combination 10948
thereof, belonging to any port authority that is used exclusively 10949
for any authorized purpose. This exemption does shall not apply to 10950
any property occupied and used during a tax year by a person who 10951
is a lessee of the property as of the tax lien date for that tax 10952
year under a written lease with a remaining term longer than one 10953
year. ~~The bonds issued under this chapter, their transfer, and the~~ 10954
~~income therefrom, shall at all times be free from taxation within~~ 10955
~~the state. The immediately preceding sentence shall not apply to~~ 10956
real or personal property, or any combination thereof, leased to a 10957
lessee, which property would be exempt from taxes under Chapter 10958
5709. of the Revised Code if such property belonged to that 10959
lessee. Nothing in this section eliminates the lessor's or the 10960
lessee's obligation to comply with other provisions of the Revised 10961
Code to obtain an exemption for such property. 10962~~

Sec. 5709.61. As used in sections 5709.61 to 5709.69 of the 10963
Revised Code: 10964

- (A) "Enterprise zone" or "zone" means any of the following: 10965
- (1) An area with a single continuous boundary designated in 10966
the manner set forth in section 5709.62 or 5709.63 of the Revised 10967
Code and certified by the director of development as having a 10968
population of at least four thousand according to the best and 10969
most recent data available to the director and having at least two 10970
of the following characteristics: 10971
- (a) It is located in a municipal corporation defined by the 10972
United States office of management and budget as a central city of 10973
a metropolitan statistical area; 10974
- (b) It is located in a county designated as being in the 10975
"Appalachian region" under the "Appalachian Regional Development 10976
Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended; 10977
- (c) Its average rate of unemployment, during the most recent 10978
twelve-month period for which data are available, is equal to at 10979
least one hundred twenty-five per cent of the average rate of 10980
unemployment for the state of Ohio for the same period; 10981
- (d) There is a prevalence of commercial or industrial 10982
structures in the area that are vacant or demolished, or are 10983
vacant and the taxes charged thereon are delinquent, and 10984
certification of the area as an enterprise zone would likely 10985
result in the reduction of the rate of vacant or demolished 10986
structures or the rate of tax delinquency in the area; 10987
- (e) The population of all census tracts in the area, 10988
according to the federal census of 1990, decreased by at least ten 10989
per cent between the years 1970 and 1990; 10990
- (f) At least fifty-one per cent of the residents of the area 10991
have incomes of less than eighty per cent of the median income of 10992
residents of the municipal corporation or municipal corporations 10993
in which the area is located, as determined in the same manner 10994
specified under section 119(b) of the "Housing and Community 10995

Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as
amended;

(g) The area contains structures previously used for
industrial purposes, but currently not so used due to age,
obsolescence, deterioration, relocation of the former occupant's
operations, or cessation of operations resulting from unfavorable
economic conditions either generally or in a specific economic
sector;

(h) It is located within one or more adjacent city, local, or
exempted village school districts, the income-weighted tax
capacity of each of which is less than seventy per cent of the
average of the income-weighted tax capacity of all city, local, or
exempted village school districts in the state according to the
most recent data available to the director from the department of
taxation.

The director of development shall adopt rules in accordance
with Chapter 119. of the Revised Code establishing conditions
constituting the characteristics described in divisions (A)(1)(d),
(g), and (h) of this section.

If an area could not be certified as an enterprise zone
unless it satisfied division (A)(1)(g) of this section, the
legislative authority may enter into agreements in that zone under
section 5709.62, 5709.63, or 5709.632 of the Revised Code only if
such agreements result in the development of the facilities
described in that division, the parcel of land on which such
facilities are situated, or adjacent parcels. The director of
development annually shall review all agreements in such zones to
determine whether the agreements have resulted in such
development; if the director determines that the agreements have
not resulted in such development, the director immediately shall
revoke certification of the zone and notify the legislative
authority of such revocation. Any agreements entered into prior to

revocation under this paragraph shall continue in effect for the 11028
period provided in the agreement. 11029

(2) An area with a single continuous boundary designated in 11030
the manner set forth in section 5709.63 of the Revised Code and 11031
certified by the director of development as: 11032

(a) Being located within a county that contains a population 11033
of three hundred thousand or less; 11034

(b) Having a population of at least one thousand according to 11035
the best and most recent data available to the director; 11036

(c) Having at least two of the characteristics described in 11037
divisions (A)(1)(b) to (h) of this section. 11038

(3) An area with a single continuous boundary designated in 11039
the manner set forth under division (A)(1) of section 5709.632 of 11040
the Revised Code and certified by the director of development as 11041
having a population of at least four thousand, or under division 11042
(A)(2) of that section and certified as having a population of at 11043
least one thousand, according to the best and most recent data 11044
available to the director. 11045

(B) "Enterprise" means any form of business organization 11046
including, but not limited to, any partnership, sole 11047
proprietorship, or corporation, including an S corporation as 11048
defined in section 1361 of the Internal Revenue Code and any 11049
corporation that is majority work-owned either directly through 11050
the ownership of stock or indirectly through participation in an 11051
employee stock ownership plan. 11052

(C) "Facility" means an enterprise's place of business in a 11053
zone, including land, buildings, machinery, equipment, and other 11054
materials, except inventory, used in business. "Facility" includes 11055
land, buildings, machinery, production and station equipment, 11056
other equipment, and other materials, except inventory, used in 11057
business to generate electricity, provided that, for purposes of 11058

sections 5709.61 to 5709.69 of the Revised Code, the value of the
property at such a facility shall be reduced by the value, if any,
that is not apportioned under section 5727.15 of the Revised Code
to the taxing district in which the facility is physically
located. In the case of such a facility that is physically located
in two adjacent taxing districts, the property located in each
taxing district constitutes a separate facility.

"Facility" does not include any portion of an enterprise's
place of business used primarily for making retail sales, unless
the place of business is located in an impacted city as defined in
section 1728.01 of the Revised Code.

(D) "Vacant facility" means a facility that has been vacant
for at least ninety days immediately preceding the date on which
an agreement is entered into under section 5709.62 or 5709.63 of
the Revised Code.

(E) "Expand" means to make expenditures to add land,
buildings, machinery, equipment, or other materials, except
inventory, to a facility that equal at least ten per cent of the
market value of the facility prior to such expenditures, as
determined for the purposes of local property taxation.

(F) "Renovate" means to make expenditures to alter or repair
a facility that equal at least fifty per cent of the market value
of the facility prior to such expenditures, as determined for the
purposes of local property taxation.

(G) "Occupy" means to make expenditures to alter or repair a
vacant facility equal to at least twenty per cent of the market
value of the facility prior to such expenditures, as determined
for the purposes of local property taxation.

(H) "Project site" means all or any part of a facility that
is newly constructed, expanded, renovated, or occupied by an
enterprise.

(I) "Project" means any undertaking by an enterprise to establish a facility or to improve a project site by expansion, renovation, or occupancy.

(J) "Position" means the position of one full-time employee performing a particular set of tasks and duties.

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

(L) "New employee" means a full-time employee first employed by an enterprise at a facility that is a project site after the enterprise enters an agreement under section 5709.62 or 5709.63 of the Revised Code. "New employee" does not include an employee if, immediately prior to being employed by the enterprise, the employee was employed by an enterprise that is a related member or predecessor enterprise of that enterprise.

(M) "Unemployed person" means any person who is totally unemployed in this state, as that term is defined in division (M) of section 4141.01 of the Revised Code, for at least ten consecutive weeks immediately preceding that person's employment at a facility that is a project site, or who is so unemployed for at least twenty-six of the fifty-two weeks immediately preceding that person's employment at such a facility.

(N) "JTPA eligible employee" means any individual who is eligible for employment or training under the "Job Training Partnership Act," 96 Stat. 1324 (1982), 29 U.S.C. 1501, as amended.

(O) "First used in business" means that the property referred to has not been used in business in this state by the enterprise that owns it, or by an enterprise that is a related member or

predecessor enterprise of such an enterprise, other than as 11121
inventory, prior to being used in business at a facility as the 11122
result of a project. 11123

(P) "Training program" means any noncredit training program 11124
or course of study that is offered by any state college or 11125
university; university branch district; community college; 11126
technical college; nonprofit college or university certified under 11127
section 1713.02 of the Revised Code; school district; joint 11128
vocational school district; school registered and authorized to 11129
offer programs under section 3332.05 of the Revised Code; an 11130
entity administering any federal, state, or local adult education 11131
and training program; or any enterprise; and that meets all of the 11132
following requirements: 11133

(1) It is approved by the director of development; 11134

(2) It is established or operated to satisfy the need of a 11135
particular industry or enterprise for skilled or semi-skilled 11136
employees; 11137

(3) An individual is required to complete the course or 11138
program before filling a position at a project site. 11139

(Q) "Development" means to engage in the process of clearing 11140
and grading land, making, installing, or constructing water 11141
distribution systems, sewers, sewage collection systems, steam, 11142
gas, and electric lines, roads, curbs, gutters, sidewalks, storm 11143
drainage facilities, and construction of other facilities or 11144
buildings equal to at least fifty per cent of the market value of 11145
the facility prior to the expenditures, as determined for the 11146
purposes of local property taxation. 11147

(R) "Large manufacturing facility" means a single Ohio 11148
facility that employed an average of at least one thousand 11149
individuals during the five calendar years preceding an agreement 11150
authorized under division (C)(3) of section 5709.62 or division 11151

(B)(2) of section 5709.63 of the Revised Code. For purposes of 11152
this division, both of the following apply: 11153

(1) A single Ohio manufacturing facility employed an average 11154
of at least one thousand individuals during the five calendar 11155
years preceding entering into such an agreement if one-fifth of 11156
the sum of the number of employees employed on the highest 11157
employment day during each of the five calendar years equals or 11158
exceeds one thousand. 11159

(2) The highest employment day is the day or days during a 11160
calendar year on which the number of employees employed at a 11161
single Ohio manufacturing facility was greater than on any other 11162
day during the calendar year. 11163

(S) "Business cycle" means the cycle of business activity 11164
usually regarded as passing through alternating stages of 11165
prosperity and depression. 11166

(T) "Making retail sales" means the effecting of 11167
point-of-final-purchase transactions at a facility open to the 11168
consuming public, wherein one party is obligated to pay the price 11169
and the other party is obligated to provide a service or to 11170
transfer title to or possession of the item sold. 11171

(U) "Environmentally contaminated" means that hazardous 11172
substances exist at a facility under conditions that have caused 11173
or would cause the facility to be identified as contaminated by 11174
the state or federal environmental protection agency. These may 11175
include facilities located at sites identified in the master sites 11176
list or similar database maintained by the state environmental 11177
protection agency if the sites have been investigated by the 11178
agency and found to be contaminated. 11179

(V) "Remediate" means to make expenditures to clean up an 11180
environmentally contaminated facility so that it is no longer 11181
environmentally contaminated that equal at least ten per cent of 11182

the real property market value of the facility prior to such 11183
expenditures as determined for the purposes of property taxation. 11184

(W) "Related member" has the same meaning as defined in 11185
section 5733.042 of the Revised Code without regard to division 11186
(B) of that section, except that it is used with respect to an 11187
enterprise rather than a taxpayer. 11188

(X) "Predecessor enterprise" means an enterprise from which 11189
the assets or equity of another enterprise has been transferred, 11190
which transfer resulted in the full or partial nonrecognition of 11191
gain or loss, or resulted in a carryover basis, both as determined 11192
by rule adopted by the tax commissioner. 11193

(Y) "Successor enterprise" means an enterprise to which the 11194
assets or equity of another enterprise has been transferred, which 11195
transfer resulted in the full or partial nonrecognition of gain or 11196
loss, or resulted in a carryover basis, both as determined by rule 11197
adopted by the tax commissioner. 11198

Sec. 5715.20. (A) Whenever a county board of revision renders 11199
a decision on a complaint filed under section 5715.19 of the 11200
Revised Code, it shall certify its action by certified mail to the 11201
person in whose name the property is listed or sought to be 11202
listed, and to the complainant if he the complainant is a person 11203
other than not the person in whose name the property is listed or 11204
sought to be listed, and to the tax commissioner. A person's time 11205
to file an appeal under section 5717.01 of the Revised Code 11206
commences with the mailing of notice of the decision to that 11207
person as provided in this section. The tax commissioner's time to 11208
file an appeal under section 5717.01 of the Revised Code commences 11209
with the last mailing to a person required to be mailed notice of 11210
the decision as provided in this division. 11211

(B) The tax commissioner may order the county auditor to send 11212
to the commissioner the decisions of the board of revision 11213

rendered on complaints filed under section 5715.19 of the Revised Code in the manner and for the time period that the commissioner prescribes. Nothing in this division extends the commissioner's time to file an appeal under section 5717.01 of the Revised Code.

Sec. 5717.01. An appeal from a decision of a county board of revision may be taken to the board of tax appeals within thirty days after notice of the decision of the county board of revision is mailed as provided in division (A) of section 5715.20 of the Revised Code. Such an appeal may be taken by the county auditor, the tax commissioner, or any board, legislative authority, public official, or taxpayer authorized by section 5715.19 of the Revised Code to file complaints against valuations or assessments with the auditor. Such appeal shall be taken by the filing of a notice of appeal, in person or by certified mail, express mail, or authorized delivery service, with the board of tax appeals and with the county board of revision. If notice of appeal is filed by certified mail, express mail, or authorized delivery service as provided in section 5703.056 of the Revised Code, the date of the United States postmark placed on the sender's receipt by the postal service or the date of receipt recorded by the authorized delivery service shall be treated as the date of filing. Upon receipt of such notice of appeal such county board of revision shall by certified mail notify all persons thereof who were parties to the proceeding before such county board of revision, and shall file proof of such notice with the board of tax appeals. The county board of revision shall thereupon certify to the board of tax appeals a transcript of the record of the proceedings of the county board of revision pertaining to the original complaint, and all evidence offered in connection therewith. Such appeal may be heard by the board of tax appeals at its offices in Columbus or in the county where the property is listed for taxation, or the board of tax appeals may cause its examiners to conduct such

hearing and to report to it their findings for affirmation or 11246
rejection. 11247

The board of tax appeals may order the appeal to be heard on 11248
the record and the evidence certified to it by the county board of 11249
revision, or it may order the hearing of additional evidence, and 11250
it may make such investigation concerning the appeal as it deems 11251
proper. 11252

Sec. 5731.21. (A)(1)(a) Except as provided under division 11253
(A)(3) of this section, the executor or administrator, or, if no 11254
executor or administrator has been appointed, another person in 11255
possession of property the transfer of which is subject to estate 11256
taxes under section 5731.02 or division (A) of section 5731.19 of 11257
the Revised Code, shall file an estate tax return, within nine 11258
months of the date of the decedent's death, in the form prescribed 11259
by the tax commissioner, in duplicate, with the probate court of 11260
the county. The return shall include all property the transfer of 11261
which is subject to estate taxes, whether that property is 11262
transferred under the last will and testament of the decedent or 11263
otherwise. The time for filing the return may be extended by the 11264
tax commissioner. 11265

(b) The estate tax return described in division (A)(1)(a) of 11266
this section shall be accompanied by a certificate, in the form 11267
prescribed by the tax commissioner, that is signed by the 11268
executor, administrator, or other person required to file the 11269
return, and that states all of the following: 11270

(i) The fact that the return was filed; 11271

(ii) The date of the filing of the return; 11272

(iii) The fact that the estate taxes under section 5731.02 or 11273
division (A) of section 5731.19 of the Revised Code, that are 11274
shown to be due in the return, have been paid in full; 11275

(iv) If applicable, the fact that real property listed in the inventory for the decedent's estate is included in the return;

(v) If applicable, the fact that real property not listed in the inventory for the decedent's estate, including, but not limited to, survivorship tenancy property as described in section 5302.17 of the Revised Code or transfer on death property as described in sections 5302.22 and 5302.23 of the Revised Code, also is included in the return. In this regard, the certificate additionally shall describe that real property by the same description used in the return.

(2) The probate court shall forward one copy of the estate tax return described in division (A)(1)(a) of this section to the tax commissioner.

(3) A person ~~may, but~~ shall not be required to ~~file a return~~ under division (A) of this section if the decedent was a resident of this state and the value of the decedent's gross estate is twenty-five thousand dollars or less in the case of a decedent dying on or after July 1, 1968, but before January 1, 2001; two hundred thousand dollars or less in the case of a decedent dying on or after January 1, 2001, but before January 1, 2002; or three hundred thirty-eight thousand three hundred thirty-three dollars or less in the case of a decedent dying on or after January 1, 2002. ~~If a probate court issues an order that grants a summary release from administration in connection with a decedent's estate under section 2113.031 of the Revised Code, that order eliminates the duty of all persons to file an estate tax return and certificate under divisions (A)(1)(a) and (b) of this section with respect to the estate for which the order was granted.~~

(4)(a) Upon receipt of the estate tax return described in division (A)(1)(a) of this section and the accompanying certificate described in division (A)(1)(b) of this section, the

probate court promptly shall give notice of the return, by a form 11308
prescribed by the tax commissioner, to the county auditor. The 11309
auditor then shall make a charge based upon the notice and shall 11310
certify a duplicate of the charge to the county treasurer. The 11311
treasurer then shall collect, subject to division (A) of section 11312
5731.25 of the Revised Code or any other statute extending the 11313
time for payment of an estate tax, the tax so charged. 11314

(b) Upon receipt of the return and the accompanying 11315
certificate, the probate court also shall forward the certificate 11316
to the auditor. When satisfied that the estate taxes under section 11317
5731.02 or division (A) of section 5731.19 of the Revised Code, 11318
that are shown to be due in the return, have been paid in full, 11319
the auditor shall stamp the certificate so forwarded to verify 11320
that payment. The auditor then shall return the stamped 11321
certificate to the probate court. 11322

(5)(a) The certificate described in division (A)(1)(b) of 11323
this section is a public record subject to inspection and copying 11324
in accordance with section 149.43 of the Revised Code. It shall be 11325
kept in the records of the probate court pertaining to the 11326
decedent's estate and is not subject to the confidentiality 11327
provisions of section 5731.90 of the Revised Code. 11328

(b) All persons are entitled to rely on the statements 11329
contained in a certificate as described in division (A)(1)(b) of 11330
this section if it has been filed in accordance with that 11331
division, forwarded to a county auditor and stamped in accordance 11332
with division (A)(4) of this section, and placed in the records of 11333
the probate court pertaining to the decedent's estate in 11334
accordance with division (A)(5)(a) of this section. The real 11335
property referred to in the certificate shall be free of, and may 11336
be regarded by all persons as being free of, any lien for estate 11337
taxes under section 5731.02 and division (A) of section 5731.19 of 11338
the Revised Code. 11339

(B) An estate tax return filed under this section, in the 11340
form prescribed by the tax commissioner, and showing that no 11341
estate tax is due shall result in a determination that no estate 11342
tax is due, if the tax commissioner within three months after the 11343
receipt of the return by the department of taxation, fails to file 11344
exceptions to the return in the probate court of the county in 11345
which the return was filed. A copy of exceptions to a return of 11346
that nature, when the tax commissioner files them within that 11347
period, shall be sent by ordinary mail to the person who filed the 11348
return. The tax commissioner is not bound under this division by a 11349
determination that no estate tax is due, with respect to property 11350
not disclosed in the return. 11351

(C) If the executor, administrator, or other person required 11352
to file an estate tax return fails to file it within nine months 11353
of the date of the decedent's death, the tax commissioner may 11354
determine the estate tax in that estate and issue a certificate of 11355
determination in the same manner as is provided in division (B) of 11356
section 5731.27 of the Revised Code. A certificate of 11357
determination of that nature has the same force and effect as 11358
though a return had been filed and a certificate of determination 11359
issued with respect to the return. 11360

Sec. 5733.021. (A) Each taxpayer that does not in January 11361
file the report and make the payment required by section 5733.02 11362
of the Revised Code shall make and file a declaration of estimated 11363
tax report for the tax year. 11364

The declaration of estimated tax report shall be filed with 11365
the tax commissioner on or before the last day of January in such 11366
form as prescribed by the tax commissioner, and shall reflect an 11367
estimate of the total amount due under this chapter for the tax 11368
year. 11369

(B) A taxpayer required to file a declaration of estimated 11370

tax report shall make remittance of such estimated tax to the tax commissioner as follows: 11371
11372

(1) The entire estimated tax at the time of filing the declaration of estimated tax report, if such estimated tax is not in excess of the minimum tax as provided in section 5733.06 of the Revised Code; 11373
11374
11375
11376

(2) If the estimated tax is in excess of the minimum tax: 11377

(a) One-third of the estimated tax at the time of filing the declaration of estimated tax report; 11378
11379

(b) Two-thirds of the estimated tax on or before the last day of March of the tax year, if the report required by section 5733.02 of the Revised Code is filed on or before the last day of March of the tax year. 11380
11381
11382
11383

(3) If the estimated tax is in excess of the minimum tax, and an extension of time for filing the report required by section 5733.02 of the Revised Code has been granted pursuant to section 5733.13 of the Revised Code: 11384
11385
11386
11387

(a) One-third of the estimated tax at the time of filing the declaration of estimated tax report; 11388
11389

(b) One-third of the estimated tax on or before the last day of March of the tax year; 11390
11391

(c) One-third of the estimated tax on or before the last day of May of the tax year. 11392
11393

Remittance of the estimated tax shall be made payable to the treasurer of state and shall be made in the form prescribed by the tax commissioner, including electronic funds transfer if required by section 5733.022 of the Revised Code. 11394
11395
11396
11397

The tax commissioner shall immediately forward to the treasurer of state all amounts received under this section, and the treasurer of state shall credit all payments of such estimated 11398
11399
11400

tax as provided in section 5733.12 of the Revised Code. 11401

(C)(1)(a) For any period of delinquency ending prior to the 11402
first day of June of the tax year+ 11403

~~(a) The , the~~ penalty under division (A)(2) of section 11404
5733.28 of the Revised Code may ~~only~~ be imposed only on the 11405
delinquent portion of the estimated tax required to be paid under 11406
divisions (B)(2)(a) and (b) and (B)(3)(a) and (b) of this section. 11407

~~(b) The interest under section 5733.26 of the Revised Code~~ 11408
~~shall only be imposed on the delinquent portion of estimated tax~~ 11409
~~required to be paid under divisions (B)(2)(a), (B)(2)(b),~~ 11410
~~(B)(3)(a), and (B)(3)(b) of this section.~~ 11411

~~(c)~~ If the taxpayer was not subject to tax for the 11412
immediately preceding tax year, "estimated tax" for purposes of 11413
division (C)(1) of this section is ninety per cent of the 11414
qualifying net tax for the ~~current~~ tax year. If the taxpayer was 11415
subject to the tax for the immediately preceding tax year, 11416
"estimated tax" for purposes of division (C)(1) of this section is 11417
the lesser of one hundred per cent of the qualifying net tax for 11418
the immediately preceding tax year or ninety per cent of the 11419
qualifying net tax for the ~~current~~ tax year. 11420

(2)(a) For any period of delinquency commencing the first day 11421
of June of the tax year and concluding on the extended due date 11422
pursuant to section 5733.13 of the Revised Code+ 11423

~~(a) The, the~~ penalty under division (A)(2) of section 5733.28 11424
of the Revised Code may ~~only~~ be imposed only on the delinquent 11425
portion of the estimated tax required to be paid under division 11426
(B)(3)(c) of this section. 11427

~~(b) The interest under section 5733.26 of the Revised Code~~ 11428
~~shall be imposed on the delinquent portion of the amount in~~ 11429
~~division (C)(3)(a) of this section for the current tax year.~~ 11430

(c) For purposes of division (C)(2) of this section, 11431
"estimated tax" is ninety per cent of the qualifying net tax for 11432
the ~~current~~ tax year. 11433

(3) If the taxpayer did not file a report under section 11434
5733.02 of the Revised Code for the tax year or failed to prepare 11435
and file the report in good faith for the tax year, "qualifying 11436
net tax" as used in division (C) of this section for that tax year 11437
means the amount described in division (C)(3)(a) of this ~~division~~ 11438
section. Otherwise, "qualifying net tax" as used in division (C) 11439
of this section for that tax year means the lesser of the amount 11440
described in division (C)(3)(a) or (b) of this section: 11441

(a) The tax imposed by sections 5733.06, 5733.065, and 11442
5733.066 of the Revised Code for that tax year reduced by the 11443
credits listed in section 5733.98 of the Revised Code. If the 11444
credits exceed the total tax, the qualifying net tax is ~~zero~~ the 11445
minimum tax. 11446

(b) The lesser of the tax shown on the report, prepared and 11447
filed in good faith, reduced by the credits shown on that report, 11448
or the tax shown on an amended report, prepared and filed in good 11449
faith, reduced by the credits shown on that amended report. If the 11450
credits shown exceed the total tax shown, the qualifying net tax 11451
is ~~zero~~ the minimum tax. 11452

Sec. 5733.26. (A) Except as provided in section 5733.261 of 11453
the Revised Code, if the tax imposed by ~~section sections~~ sections 5733.06, 11454
5733.065, and 5733.066 of the Revised Code, ~~or any portion of that~~ 11455
~~tax, whether determined by the tax commissioner or the taxpayer~~ 11456
for the tax year, reduced by the credits listed in section 5733.98 11457
of the Revised Code, is not paid on or before the date prescribed 11458
for its payment, interest shall be assessed, collected, and paid, 11459
in the same manner as the tax, upon such unpaid amount at the rate 11460
per annum prescribed by section 5703.47 of the Revised Code from 11461

the date prescribed for its payment until it is paid or until the 11462
day an assessment is issued under section 5733.11 of the Revised 11463
Code, whichever occurs first. For estimated tax payments due under 11464
division (B) of section 5733.021 of the Revised Code, the interest 11465
due on the delinquent portion of the estimated tax required to be 11466
paid under that section shall be based on the tax owed for the tax 11467
year without regard to division (C) of section 5733.021 of the 11468
Revised Code. 11469

(B) Interest shall be allowed and paid at the rate per annum 11470
prescribed by section 5703.47 of the Revised Code upon amounts 11471
refunded with respect to the tax imposed by ~~section~~ sections 11472
5733.06, 5733.065, and 5733.066 of the Revised Code. The interest 11473
shall run from whichever of the following dates is the latest 11474
until the date the refund is paid: the date of the illegal, 11475
erroneous, or excessive payment; the ninetieth day after the final 11476
date the annual report under section 5733.02 of the Revised Code 11477
was required to be filed; or the ninetieth day after the date that 11478
report was filed. 11479

If the overpayment results from the carryback of a net 11480
capital loss to a previous taxable year, the overpayment is deemed 11481
not to have been made prior to the filing date, including any 11482
extension thereof, for the taxable year in which the net capital 11483
loss arises. 11484

Sec. 5733.40. As used in sections 5733.40 and 5733.41 and 11485
Chapter 5747. of the Revised Code: 11486

(A)(1) "Adjusted qualifying amount" means either of the 11487
following: 11488

(a) The sum of a qualifying investor's distributive share of 11489
the income, gain, expense, or loss of a qualifying pass-through 11490
entity for the qualifying taxable year of the qualifying 11491
pass-through entity multiplied by the apportionment fraction 11492

defined in division (B) of this section, subject to section 11493
5733.401 of the Revised Code and divisions (A)(2) to (7) of this 11494
section; 11495

(b) The sum of a qualifying beneficiary's share of the 11496
qualifying net income and qualifying net gain distributed by a 11497
qualifying trust for the qualifying taxable year of the qualifying 11498
trust multiplied by the apportionment fraction defined in division 11499
(B) of this section, subject to section 5733.401 of the Revised 11500
Code and divisions (A)(2) to (6) of this section. 11501

(2) The sum shall exclude any amount which, pursuant to the 11502
Constitution of the United States, the Constitution of Ohio, or 11503
any federal law is not subject to a tax on or measured by net 11504
income. 11505

(3) The sum shall be increased by all amounts representing 11506
expenses other than amounts described in division (A)(7) of this 11507
section that the qualifying entity paid to or incurred with 11508
respect to direct or indirect transactions with one or more 11509
related members, excluding the cost of goods sold calculated in 11510
accordance with section 263A of the Internal Revenue Code and 11511
United States department of the treasury regulations issued 11512
thereunder. Nothing in division (A)(3) of this section shall be 11513
construed to limit solely to this chapter the application of 11514
section 263A of the Internal Revenue Code and United States 11515
department of the treasury regulations issued thereunder. 11516

(4) The sum shall be increased by all recognized losses, 11517
other than losses from sales of inventory the cost of which is 11518
calculated in accordance with section 263A of the Internal Revenue 11519
Code and United States department of the treasury regulations 11520
issued thereunder, with respect to all direct or indirect 11521
transactions with one or more related members. Losses from the 11522
sales of such inventory shall be calculated in accordance with 11523
section 482 of the Internal Revenue Code and United States 11524

department of the treasury regulations issued thereunder. Nothing 11525
in division (A)(4) of this section shall be construed to limit 11526
solely to this section the application of section 263A and section 11527
482 of the Internal Revenue Code and United States department of 11528
the treasury regulations issued thereunder. 11529

(5) The sum shall be increased or decreased by an amount 11530
equal to the qualifying investor's or qualifying beneficiary's 11531
distributive or proportionate share of the amount that the 11532
qualifying entity would be required to add or deduct under 11533
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 11534
if the qualifying entity were a taxpayer for the purposes of 11535
Chapter 5747. of the Revised Code, ~~multiplied by the apportionment~~ 11536
~~fraction for the qualifying entity's taxable year for which the~~ 11537
~~addition or deduction would be required to be made.~~ 11538

(6) The sum shall be computed without regard to section 11539
5733.051 or division (D) of section 5733.052 of the Revised Code. 11540

(7) For the purposes of Chapters 5733. and 5747. of the 11541
Revised Code, guaranteed payments or compensation paid to 11542
investors by a qualifying entity that is not subject to the tax 11543
imposed by section 5733.06 of the Revised Code shall be considered 11544
a distributive share of income of the qualifying entity. Division 11545
(A)(7) of this section applies only to such payments or such 11546
compensation paid to an investor who at any time during the 11547
qualifying entity's taxable year holds at least a twenty per cent 11548
direct or indirect interest in the profits or capital of the 11549
qualifying entity. 11550

(B) "Apportionment fraction" means: 11551

(1) With respect to a qualifying pass-through entity other 11552
than a financial institution, the fraction calculated pursuant to 11553
division (B)(2) of section 5733.05 of the Revised Code as if the 11554
qualifying pass-through entity were a corporation subject to the 11555

tax imposed by section 5733.06 of the Revised Code; 11556

(2) With respect to a qualifying pass-through entity that is 11557
a financial institution, the fraction calculated pursuant to 11558
division (C) of section 5733.056 of the Revised Code as if the 11559
qualifying pass-through entity were a financial institution 11560
subject to the tax imposed by section 5733.06 of the Revised Code. 11561

(3) With respect to a qualifying trust, the fraction 11562
calculated pursuant to division (B)(2) of section 5733.05 of the 11563
Revised Code as if the qualifying trust were a corporation subject 11564
to the tax imposed by section 5733.06 of the Revised Code, except 11565
that the property, payroll, and sales fractions shall be 11566
calculated by including in the numerator and denominator of the 11567
fractions only the property, payroll, and sales, respectively, 11568
directly related to the production of income or gain from 11569
acquisition, ownership, use, maintenance, management, or 11570
disposition of tangible personal property located in this state at 11571
any time during the qualifying trust's qualifying taxable year or 11572
of real property located in this state. 11573

(C) "Qualifying beneficiary" means any individual that, 11574
during the qualifying taxable year of a qualifying trust, is a 11575
beneficiary of that trust, but does not include an individual who 11576
is a resident taxpayer for the purposes of Chapter 5747. of the 11577
Revised Code for the entire qualifying taxable year of the 11578
qualifying trust. 11579

(D) "Fiscal year" means an accounting period ending on any 11580
day other than the thirty-first day of December. 11581

(E) "Individual" means a natural person. 11582

(F) "Month" means a calendar month. 11583

(G) "Partnership" has the same meaning as in section 5747.01 11584
of the Revised Code. 11585

(H) "Investor" means any person that, during any portion of a taxable year of a qualifying pass-through entity, is a partner, member, shareholder, or investor in that qualifying pass-through entity.

(I) Except as otherwise provided in section 5733.402 or 5747.401 of the Revised Code, "qualifying investor" means any investor except those described in divisions (I)(1) to (9) of this section.

(1) An investor satisfying one of the descriptions under section 501(a) or (c) of the Internal Revenue Code, ~~an electing small business trust~~, a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the "Securities Exchange Act of 1934," as amended, or an investor described in division (F) of section 3334.01, or division (A) or (C) of section 5733.09 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity.

(2) An investor who is either an individual or an estate and is a resident taxpayer for the purposes of section 5747.01 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity.

(3) An investor who is an individual for whom the qualifying pass-through entity makes a good faith and reasonable effort to comply fully and timely with the filing and payment requirements set forth in division (D) of section 5747.08 of the Revised Code and section 5747.09 of the Revised Code with respect to the individual's adjusted qualifying amount for the entire qualifying taxable year of the qualifying pass-through entity.

(4) An investor that is another qualifying pass-through entity having only investors described in division (I)(1), (2), (3), or (6) of this section during the three-year period beginning

twelve months prior to the first day of the qualifying taxable
year of the qualifying pass-through entity. 11617
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(5) An investor that is another pass-through entity having no
investors other than individuals and estates during the qualifying
taxable year of the qualifying pass-through entity in which it is
an investor, and that makes a good faith and reasonable effort to
comply fully and timely with the filing and payment requirements
set forth in division (D) of section 5747.08 of the Revised Code
and section 5747.09 of the Revised Code with respect to investors
that are not resident taxpayers of this state for the purposes of
Chapter 5747. of the Revised Code for the entire qualifying
taxable year of the qualifying pass-through entity in which it is
an investor. 11619
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(6) An investor that is a financial institution required to
calculate the tax in accordance with division (D) of section
5733.06 of the Revised Code on the first day of January of the
calendar year immediately following the last day of the financial
institution's calendar or fiscal year in which ends the taxpayer's
taxable year. 11630
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(7) An investor other than an individual that satisfies all
the following: 11636
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(a) The investor submits a written statement to the
qualifying pass-through entity stating that the investor
irrevocably agrees that the investor has nexus with this state
under the Constitution of the United States and is subject to and
liable for the tax calculated under division (B) of section
5733.06 of the Revised Code with respect to the investor's
adjusted qualifying amount for the entire qualifying taxable year
of the qualifying pass-through entity. The statement is subject to
the penalties of perjury, shall be retained by the qualifying
pass-through entity for no fewer than seven years, and shall be
delivered to the tax commissioner upon request. 11638
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(b) The investor makes a good faith and reasonable effort to 11649
comply timely and fully with all the reporting and payment 11650
requirements set forth in Chapter 5733. of the Revised Code with 11651
respect to the investor's adjusted qualifying amount for the 11652
entire qualifying taxable year of the qualifying pass-through 11653
entity. 11654

(c) Neither the investor nor the qualifying pass-through 11655
entity in which it is an investor, before, during, or after the 11656
qualifying pass-through entity's qualifying taxable year, carries 11657
out any transaction or transactions with one or more related 11658
members of the investor or the qualifying pass-through entity 11659
resulting in a reduction or deferral of tax imposed by Chapter 11660
5733. of the Revised Code with respect to all or any portion of 11661
the investor's adjusted qualifying amount for the qualifying 11662
pass-through entity's taxable year, or that constitute a sham, 11663
lack economic reality, or are part of a series of transactions the 11664
form of which constitutes a step transaction or transactions or 11665
does not reflect the substance of those transactions. 11666

(8) Any other investor that the tax commissioner may 11667
designate by rule. The tax commissioner may adopt rules including 11668
a rule defining "qualifying investor" or "qualifying beneficiary" 11669
and governing the imposition of the withholding tax imposed by 11670
section 5747.41 of the Revised Code with respect to an individual 11671
who is a resident taxpayer for the purposes of Chapter 5747. of 11672
the Revised Code for only a portion of the qualifying taxable year 11673
of the qualifying entity. 11674

(9) An investor that is a trust or fund the beneficiaries of 11675
which, during the qualifying taxable year of the qualifying 11676
pass-through entity, are limited to the following: 11677

(a) A person that is or may be the beneficiary of a trust 11678
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal 11679
Revenue Code. 11680

(b) A person that is or may be the beneficiary of or the recipient of payments from a trust or fund that is a nuclear decommissioning reserve fund, a designated settlement fund, or any other trust or fund established to resolve and satisfy claims that may otherwise be asserted by the beneficiary or a member of the beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) of the Internal Revenue Code apply to the determination of whether such a person satisfies division (I)(9) of this section.

(c) A person who is or may be the beneficiary of a trust that, under its governing instrument, is not required to distribute all of its income currently. Division (I)(9)(c) of this section applies only if the trust, prior to the due date for filing the qualifying pass-through entity's return for taxes imposed by section 5733.41 and sections 5747.41 to 5747.453 of the Revised Code, irrevocably agrees in writing that for the taxable year during or for which the trust distributes any of its income to any of its beneficiaries, the trust is a qualifying trust and will pay the estimated tax, and will withhold and pay the withheld tax, as required under sections 5747.40 to 5747.453 of the Revised Code.

For the purposes of division (I)(9) of this section, a trust or fund shall be considered to have a beneficiary other than persons described under divisions (I)(9)(a) to (c) of this section if a beneficiary would not qualify under those divisions under the doctrines of "economic reality," "sham transaction," "step doctrine," or "substance over form." A trust or fund described in division (I)(9) of this section bears the burden of establishing by a preponderance of the evidence that any transaction giving rise to the tax benefits provided under division (I)(9) of this section does not have as a principal purpose a claim of those tax benefits. Nothing in this section shall be construed to limit solely to this section the application of the doctrines referred

to in this paragraph.

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(J) "Qualifying net gain" means any recognized net gain with respect to the acquisition, ownership, use, maintenance, management, or disposition of tangible personal property located in this state at any time during a trust's qualifying taxable year or real property located in this state.

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(K) "Qualifying net income" means any recognized income, net of related deductible expenses, other than distributions deductions with respect to the acquisition, ownership, use, maintenance, management, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state.

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(L) "Qualifying entity" means a qualifying pass-through entity or a qualifying trust.

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(M) "Qualifying trust" means a trust subject to subchapter J of the Internal Revenue Code that, during any portion of the trust's qualifying taxable year, has income or gain from the acquisition, management, ownership, use, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state. "Qualifying trust" does not include a person described in section 501(c) of the Internal Revenue Code or a person described in division (C) of section 5733.09 of the Revised Code.

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(N) "Qualifying pass-through entity" means a pass-through entity as defined in section 5733.04 of the Revised Code, excluding a person described in section 501(c) of the Internal Revenue Code, a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934, as amended, or a person described in division (C) of section 5733.09 of the Revised Code.

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(O) "Quarter" means the first three months, the second three months, the third three months, or the last three months of a qualifying entity's qualifying taxable year.

(P) "Related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section. However, for the purposes of divisions (A)(3) and (4) of this section only, "related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section, but shall be applied by substituting "forty per cent" for "twenty per cent" wherever "twenty per cent" appears in division (A) of that section.

(Q) "Return" or "report" means the notifications and reports required to be filed pursuant to sections 5747.42 to 5747.45 of the Revised Code for the purpose of reporting the tax imposed under section 5733.41 or 5747.41 of the Revised Code, and included declarations of estimated tax when so required.

(R) "Qualifying taxable year" means the calendar year or the qualifying entity's fiscal year ending during the calendar year, or fractional part thereof, for which the adjusted qualifying amount is calculated pursuant to sections 5733.40 and 5733.41 or sections 5747.40 to 5747.453 of the Revised Code.

(S) "Distributive share" includes the sum of the income, gain, expense, or loss of a disregarded entity.

Sec. 5733.401. (A) As used in this section:

(1) "Investment pass-through entity" means a pass-through entity having for its qualifying taxable year at least ninety per cent of its gross income from transaction fees in connection with the acquisition, ownership, or disposition of intangible property, loan fees, financing fees, consent fees, waiver fees, application

fees, net management fees, dividend income, interest income, net 11774
capital gains from the sale or exchange of intangible property, or 11775
distributive shares of income from pass-through entities; and 11776
having for its qualifying taxable year at least ninety per cent of 11777
the net book value of its assets represented by intangible assets. 11778
Such percentages shall be the quarterly average of those 11779
percentages as calculated during the pass-through entity's taxable 11780
year. 11781

(2) "Net management fees" means management fees that a 11782
pass-through entity earns or receives from all sources, reduced by 11783
management fees that the pass-through entity incurs or pays to any 11784
person. 11785

(B) For the purposes of divisions (A) and (C) of this section 11786
only, an investment in a pass-through entity shall be deemed to be 11787
an investment in an intangible asset, and sections 5733.057 and 11788
5747.231 of the Revised Code do not apply for the purposes of 11789
making the determinations required by division (A) of this section 11790
or claiming the exclusion provided by division (C) of this 11791
section. 11792

(C)(1) Except as otherwise provided in division ~~(D)~~(C)(2) of 11793
this section, for the purposes of division (A) of section 5733.40 11794
of the Revised Code, an investment pass-through entity shall 11795
exclude from the calculation of the adjusted qualifying amount ~~all~~ 11796
the portion of the investment pass-through entity's net income 11797
attributable to transaction fees in connection with the 11798
acquisition, ownership, or disposition of intangible property; 11799
loan fees; financing fees; consent fees; waiver fees; application 11800
fees; net management fees, ~~but if such fees exceed five per cent~~ 11801
~~of the entity's net income calculated in accordance with generally~~ 11802
~~accepted accounting principles, all net management fees shall be~~ 11803
~~included in the calculation of the adjusted qualifying amount;~~ 11804
dividend income; interest income; net capital gains from the sale 11805

~~or, exchange, or other disposition~~ of intangible property; and all 11806
types and classifications of income attributable to distributive 11807
shares of income from other pass-through entities. Nothing in this 11808
division shall be construed to provide for an exclusion of any 11809
item from adjusted qualifying amount more than once. 11810

~~(D) Sections 5733.057 and 5747.231 of the Revised Code do not 11811
apply for the purposes of making the determinations required by 11812
division (A) of this section or claiming the exclusion provided by 11813
division (C) of this section. 11814~~

(2) Notwithstanding division (C)(1) of this section, the 11815
portion of the investment pass-through entity's net income 11816
attributable to net management fees shall not be excluded from the 11817
calculation of the adjusted qualifying amount if such net 11818
management fees exceed five per cent of the entity's net income 11819
calculated in accordance with generally accepted accounting 11820
principles. 11821

Sec. 5739.031. (A) Upon application, the tax commissioner may 11822
issue a direct payment permit that authorizes a consumer to pay 11823
the sales tax levied by or pursuant to section 5739.02, 5739.021, 11824
5739.023, or 5739.026 of the Revised Code or the use tax levied by 11825
or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of 11826
the Revised Code directly to the state and waives the collection 11827
of the tax by the vendor or seller if payment directly to the 11828
state would improve compliance and increase the efficiency of the 11829
administration of the tax. The commissioner may adopt rules 11830
establishing the criteria for the issuance of such permits. 11831

(B) Each permit holder, on or before the twenty-third day of 11832
each month, shall make and file with the treasurer of state a 11833
return for the preceding month in such form as is prescribed by 11834
the tax commissioner and shall pay the tax shown on the return to 11835
be due. The return shall show the sum of the prices of taxable 11836

merchandise used and taxable services received, the amount of tax 11837
due from the permit holder, and such other information as the 11838
commissioner deems necessary. The commissioner, upon written 11839
request by the permit holder, may extend the time for making and 11840
filing returns and paying the tax. If the commissioner determines 11841
that a permit holder's tax liability is not such as to merit 11842
monthly filing, the commissioner may authorize the permit holder 11843
to file returns and pay the tax at less frequent intervals. The 11844
treasurer of state shall show on the return the date it was filed 11845
and the amount of the payment remitted to the treasurer. 11846
Thereafter, the treasurer immediately shall transmit all returns 11847
filed under this section to the tax commissioner. 11848

Any permit holder required to file a return and pay the tax 11849
under this section whose total payment for any calendar year 11850
equals or exceeds the amount shown in section 5739.032 of the 11851
Revised Code shall make each payment required by this section in 11852
the second ensuing and each succeeding year by electronic funds 11853
transfer as prescribed by section 5739.032 of the Revised Code, 11854
except as otherwise prescribed by that section. 11855

(C) For purposes of reporting and remitting the tax, the 11856
price of tangible personal property or services purchased by, or 11857
of tangible personal property produced by, the permit holder shall 11858
be determined under division (G) of section 5741.01 of the Revised 11859
Code. ~~Notwithstanding~~ Except as otherwise provided in division (C) 11860
of section 5739.033 of the Revised Code, the situs of any purchase 11861
transaction made by the permit holder is the location where the 11862
tangible personal property or service is received by the permit 11863
holder. 11864

(D) It shall be the duty of every permit holder required to 11865
make a return and pay its tax under this section to keep and 11866
preserve suitable records of purchases together with invoices of 11867
purchases, bills of lading, asset ledgers, depreciation schedules, 11868

transfer journals, and such other primary and secondary records 11869
and documents in such form as the commissioner requires. All such 11870
records and other documents shall be open during business hours to 11871
the inspection of the tax commissioner, and shall be preserved for 11872
a period of four years, unless the commissioner, in writing, has 11873
authorized their destruction or disposal at an earlier date, or by 11874
order or by reason of a waiver of the four-year time limitation 11875
pursuant to section 5739.16 of the Revised Code requires that they 11876
be kept longer. 11877

(E) A permit granted pursuant to this section shall continue 11878
to be valid until surrendered by the holder or canceled for cause 11879
by the tax commissioner. 11880

(F) Persons who hold a direct payment permit that has not 11881
been canceled shall not be required to issue exemption 11882
certificates and shall not be required to pay the tax as 11883
prescribed in sections 5739.03, 5739.033, and 5741.12 of the 11884
Revised Code. Such persons shall notify vendors and sellers from 11885
whom purchases of tangible personal property or services are made, 11886
of their direct payment permit number and that the tax is being 11887
paid directly to the state. Upon receipt of such notice, such 11888
vendor or seller shall be absolved from all duties and liabilities 11889
imposed by section 5739.03 or 5741.04 of the Revised Code with 11890
respect to sales of tangible personal property or services to such 11891
permit holder. 11892

Vendors and sellers who make sales upon which the tax is not 11893
collected by reason of the provisions of this section shall 11894
maintain records in such manner that the amount involved and 11895
identity of the purchaser may be ascertained. The receipts from 11896
such sales shall not be subject to the tax levied in section 11897
5739.10 of the Revised Code. 11898

Upon the cancellation or surrender of a direct payment 11899
permit, the provisions of sections 5739.03, 5741.04 and 5741.12 of 11900

the Revised Code shall immediately apply to all purchases made
subsequent to such cancellation or surrender by the person who
previously held such permit, and such person shall so notify
vendors and sellers from whom purchases of tangible personal
property or services are made, in writing, prior to or at the time
of the first purchase after such cancellation or surrender. Upon
receipt of such notice, the vendor shall be subject to the
provisions of sections 5739.03 and 5739.10 of the Revised Code and
the seller shall be subject to the provisions of section 5741.04
of the Revised Code, with respect to all sales subsequently made
to such person. Failure of any such person to notify vendors or
sellers from whom purchases of tangible personal property or
services are made of the cancellation or surrender of a direct
payment permit shall be considered as a refusal to pay the tax by
the person required to issue such notice.

Sec. 5747.01. Except as otherwise expressly provided or
clearly appearing from the context, any term used in this chapter
has the same meaning as when used in a comparable context in the
Internal Revenue Code, and all other statutes of the United States
relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income"
means federal adjusted gross income, as defined and used in the
Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of
any state or of any political subdivision or authority of any
state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any
authority, commission, instrumentality, territory, or possession
of the United States to the extent that the interest or dividends
are exempt from federal income taxes but not from state income

taxes.	11932
(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent <u>that the interest or dividends are</u> included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.	11933 11934 11935 11936 11937 11938
(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.	11939 11940
(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.	11941 11942 11943 11944
(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002 or after 2004, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002, 2003, or 2004. "Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net	11945 11946 11947 11948 11949 11950 11951 11952 11953 11954 11955 11956 11957 11958 11959 11960 11961 11962 11963

income included in the adjusted gross income of a beneficiary 11964
shall reduce the undistributed net income of the trust commencing 11965
with the earliest years of the accumulation period. 11966
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(7) Deduct the amount of wages and salaries, if any, not 11968
otherwise allowable as a deduction but that would have been 11969
allowable as a deduction in computing federal adjusted gross 11970
income for the taxable year, had the targeted jobs credit allowed 11971
and determined under sections 38, 51, and 52 of the Internal 11972
Revenue Code not been in effect. 11973

(8) Deduct any interest or interest equivalent on public 11974
obligations and purchase obligations to the extent that the 11975
interest or interest equivalent is included in federal adjusted 11976
gross income. 11977

(9) Add any loss or deduct any gain resulting from the sale, 11978
exchange, or other disposition of public obligations to the extent 11979
that the loss has been deducted or the gain has been included in 11980
computing federal adjusted gross income. 11981

(10) Deduct or add amounts, as provided under section 5747.70 11982
of the Revised Code, related to contributions to variable college 11983
savings program accounts made or tuition credits purchased 11984
pursuant to Chapter 3334. of the Revised Code. 11985

(11)(a) Deduct, to the extent not otherwise allowable as a 11986
deduction or exclusion in computing federal or Ohio adjusted gross 11987
income for the taxable year, the amount the taxpayer paid during 11988
the taxable year for medical care insurance and qualified 11989
long-term care insurance for the taxpayer, the taxpayer's spouse, 11990
and dependents. No deduction for medical care insurance under 11991
division (A)(11) of this section shall be allowed either to any 11992
taxpayer who is eligible to participate in any subsidized health 11993
plan maintained by any employer of the taxpayer or of the 11994
taxpayer's spouse, or to any taxpayer who is entitled to, or on 11995

application would be entitled to, benefits under part A of Title 11996
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 11997
301, as amended. For the purposes of division (A)(11)(a) of this 11998
section, "subsidized health plan" means a health plan for which 11999
the employer pays any portion of the plan's cost. The deduction 12000
allowed under division (A)(11)(a) of this section shall be the net 12001
of any related premium refunds, related premium reimbursements, or 12002
related insurance premium dividends received during the taxable 12003
year. 12004

(b) Deduct, to the extent not otherwise deducted or excluded 12005
in computing federal or Ohio adjusted gross income during the 12006
taxable year, the amount the taxpayer paid during the taxable 12007
year, not compensated for by any insurance or otherwise, for 12008
medical care of the taxpayer, the taxpayer's spouse, and 12009
dependents, to the extent the expenses exceed seven and one-half 12010
per cent of the taxpayer's federal adjusted gross income. 12011

(c) For purposes of division (A)(11) of this section, 12012
"medical care" has the meaning given in section 213 of the 12013
Internal Revenue Code, subject to the special rules, limitations, 12014
and exclusions set forth therein, and "qualified long-term care" 12015
has the same meaning given in section 7702(B)(b) of the Internal 12016
Revenue Code. 12017

(12)(a) Deduct any amount included in federal adjusted gross 12018
income solely because the amount represents a reimbursement or 12019
refund of expenses that in any year the taxpayer had deducted as 12020
an itemized deduction pursuant to section 63 of the Internal 12021
Revenue Code and applicable United States department of the 12022
treasury regulations. The deduction otherwise allowed under 12023
division (A)(12)(a) of this section shall be reduced to the extent 12024
the reimbursement is attributable to an amount the taxpayer 12025
deducted under this section in any taxable year. 12026

(b) Add any amount not otherwise included in Ohio adjusted 12027

gross income for any taxable year to the extent that the amount is 12028
attributable to the recovery during the taxable year of any amount 12029
deducted or excluded in computing federal or Ohio adjusted gross 12030
income in any taxable year. 12031

(13) Deduct any portion of the deduction described in section 12032
1341(a)(2) of the Internal Revenue Code, for repaying previously 12033
reported income received under a claim of right, that meets both 12034
of the following requirements: 12035

(a) It is allowable for repayment of an item that was 12036
included in the taxpayer's adjusted gross income for a prior 12037
taxable year and did not qualify for a credit under division (A) 12038
or (B) of section 5747.05 of the Revised Code for that year; 12039

(b) It does not otherwise reduce the taxpayer's adjusted 12040
gross income for the current or any other taxable year. 12041

(14) Deduct an amount equal to the deposits made to, and net 12042
investment earnings of, a medical savings account during the 12043
taxable year, in accordance with section 3924.66 of the Revised 12044
Code. The deduction allowed by division (A)(14) of this section 12045
does not apply to medical savings account deposits and earnings 12046
otherwise deducted or excluded for the current or any other 12047
taxable year from the taxpayer's federal adjusted gross income. 12048

(15)(a) Add an amount equal to the funds withdrawn from a 12049
medical savings account during the taxable year, and the net 12050
investment earnings on those funds, when the funds withdrawn were 12051
used for any purpose other than to reimburse an account holder 12052
for, or to pay, eligible medical expenses, in accordance with 12053
section 3924.66 of the Revised Code; 12054

(b) Add the amounts distributed from a medical savings 12055
account under division (A)(2) of section 3924.68 of the Revised 12056
Code during the taxable year. 12057

(16) Add any amount claimed as a credit under section 12058

5747.059 of the Revised Code to the extent that such amount 12059
satisfies either of the following: 12060

(a) The amount was deducted or excluded from the computation 12061
of the taxpayer's federal adjusted gross income as required to be 12062
reported for the taxpayer's taxable year under the Internal 12063
Revenue Code; 12064

(b) The amount resulted in a reduction of the taxpayer's 12065
federal adjusted gross income as required to be reported for any 12066
of the taxpayer's taxable years under the Internal Revenue Code. 12067

(17) Deduct the amount contributed by the taxpayer to an 12068
individual development account program established by a county 12069
department of job and family services pursuant to sections 329.11 12070
to 329.14 of the Revised Code for the purpose of matching funds 12071
deposited by program participants. On request of the tax 12072
commissioner, the taxpayer shall provide any information that, in 12073
the tax commissioner's opinion, is necessary to establish the 12074
amount deducted under division (A)(17) of this section. 12075

(18) Beginning in taxable year 2001, if the taxpayer is 12076
married and files a joint return and the combined federal adjusted 12077
gross income of the taxpayer and the taxpayer's spouse for the 12078
taxable year does not exceed one hundred thousand dollars, or if 12079
the taxpayer is single and has a federal adjusted gross income for 12080
the taxable year not exceeding fifty thousand dollars, deduct 12081
amounts paid during the taxable year for qualified tuition and 12082
fees paid to an eligible institution for the taxpayer, the 12083
taxpayer's spouse, or any dependent of the taxpayer, who is a 12084
resident of this state and is enrolled in or attending a program 12085
that culminates in a degree or diploma at an eligible institution. 12086
The deduction may be claimed only to the extent that qualified 12087
tuition and fees are not otherwise deducted or excluded for any 12088
taxable year from federal or Ohio adjusted gross income. The 12089
deduction may not be claimed for educational expenses for which 12090

the taxpayer claims a credit under section 5747.27 of the Revised Code. 12091
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(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income. 12093
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(20)(a) Add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest. The tax commissioner, under procedures established by the commissioner, may waive the add-back related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity. 12097
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(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset. 12107
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(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 12109
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(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one-fifth of the amount so added for each of the five succeeding 12119
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taxable years. 12122

(b) If the amount deducted under division (A)(21)(a) of this 12123
section is attributable to an add-back allocated under division 12124
(A)(20)(c) of this section, the amount deducted shall be sitused 12125
to the same location. Otherwise, the add-back shall be apportioned 12126
using the apportionment factors for the taxable year in which the 12127
deduction is taken, subject to one or more of the four alternative 12128
methods of apportionment enumerated in section 5747.21 of the 12129
Revised Code. 12130

(B) "Business income" means income, including gain or loss, 12131
arising from transactions, activities, and sources in the regular 12132
course of a trade or business and includes income, gain, or loss 12133
from real property, tangible property, and intangible property if 12134
the acquisition, rental, management, and disposition of the 12135
property constitute integral parts of the regular course of a 12136
trade or business operation. "Business income" includes income, 12137
including gain or loss, from a partial or complete liquidation of 12138
a business, including, but not limited to, gain or loss from the 12139
sale or other disposition of goodwill. 12140

(C) "Nonbusiness income" means all income other than business 12141
income and may include, but is not limited to, compensation, rents 12142
and royalties from real or tangible personal property, capital 12143
gains, interest, dividends and distributions, patent or copyright 12144
royalties, or lottery winnings, prizes, and awards. 12145
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(D) "Compensation" means any form of remuneration paid to an 12147
employee for personal services. 12148

(E) "Fiduciary" means a guardian, trustee, executor, 12149
administrator, receiver, conservator, or any other person acting 12150
in any fiduciary capacity for any individual, trust, or estate. 12151

(F) "Fiscal year" means an accounting period of twelve months 12152

ending on the last day of any month other than December. 12153

(G) "Individual" means any natural person. 12154

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 12155
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(I) "Resident" means any of the following, provided that 12157
division (I)(3) of this section applies only to taxable years of a 12158
trust beginning in 2002, 2003, or 2004: 12159

(1) An individual who is domiciled in this state, subject to 12160
section 5747.24 of the Revised Code; 12161

(2) The estate of a decedent who at the time of death was 12162
domiciled in this state. The domicile tests of section 5747.24 of 12163
the Revised Code and any election under section 5747.25 of the 12164
Revised Code are not controlling for purposes of division (I)(2) 12165
of this section. 12166

~~(3) Division (I)(3) of this section applies only to taxable~~ 12167
~~years of a trust beginning in 2002, 2003, or 2004.~~ 12168

A trust that, in whole or part, resides in this state. If 12169
only part of a trust resides in this state, the trust is a 12170
resident only with respect to that part. ~~For~~ 12171

For the purposes of division (I)(3) of this section, ~~a:~~ 12172

(a) A trust resides in this state for the trust's current 12173
taxable year to the extent, as described in division (I)(3)(d) of 12174
this section, that it the trust consists, directly or indirectly, 12175
in whole or in part, ~~of the net current value, adjusted for any~~ 12176
~~profits, gains, or losses,~~ of assets or, net of any related 12177
liabilities, that were transferred, or caused to be transferred, 12178
directly or indirectly, to the trust by any of the following: 12179

~~(a) The will (i) A person, a court, or a governmental entity~~ 12180
or instrumentality on account of the death of a decedent ~~who was~~ 12181
domiciled in this state at the time of the decedent's death, but 12182

only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 12183
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~~(b)(ii)~~ A person who is was domiciled in this state ~~if the trust or part of the trust is not irrevocable for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;~~ 12185
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~~(c)(iii)~~ A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if, ~~for all or some portion of the current taxable year of the trust,~~ at least one ~~beneficiary of the trust is a resident of~~ the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. 12192
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~~For the purpose of divisions (I)(3)(b) and (c) of this section, the transfer of net assets to a (b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.~~ 12200
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(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code. 12205
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(d) For the purposes of division (I)(3)(a) of this section, 12215
the extent to which a trust consists directly or indirectly, in 12216
whole or in part, of assets, net of any related liabilities, that 12217
were transferred directly or indirectly, in whole or part, to the 12218
trust by any of the sources enumerated in that division shall be 12219
ascertained by multiplying the fair market value of the trust's 12220
assets, net of related liabilities, by the qualifying ratio, which 12221
shall be computed as follows: 12222

(i) The first time the trust receives assets, the numerator 12223
of the qualifying ratio is the fair market value of those assets 12224
at that time, net of any related liabilities, from sources 12225
enumerated in division (I)(3)(a) of this section. The denominator 12226
of the qualifying ratio is the fair market value of all the 12227
trust's assets at that time, net of any related liabilities. 12228

(ii) Each subsequent time the trust receives assets, a 12229
revised qualifying ratio shall be computed. The numerator of the 12230
revised qualifying ratio is the sum of (1) the fair market value 12231
of the trust's assets immediately prior to the subsequent 12232
transfer, net of any related liabilities, multiplied by the 12233
qualifying ratio last computed without regard to the subsequent 12234
transfer, and (2) the fair market value of the subsequently 12235
transferred assets at the time transferred, net of any related 12236
liabilities, from sources enumerated in division (I)(3)(a) of this 12237
section. The denominator of the revised qualifying ratio is the 12238
fair market value of all the trust's assets immediately after the 12239
subsequent transfer, net of any related liabilities. 12240

(e) For the purposes of division (I)(3)(a)(i) of this 12241
section: 12242

(i) A trust is described in division (I)(3)(e)(i) of this 12243
section if the trust is a testamentary trust and the testator of 12244
that testamentary trust was domiciled in this state at the time of 12245
the testator's death for purposes of the taxes levied under 12246

Chapter 5731. of the Revised Code.

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(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

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(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

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(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

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(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

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(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised

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<u>Code.</u>	12278
<u>(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.</u>	12279 12280 12281 12282 12283
<u>(v) The transfer is made to a trust on account of the will of a testator.</u>	12284 12285
<u>(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.</u>	12286 12287 12288 12289 12290 12291
<u>(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state under this division.</u>	12292 12293
(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.	12294 12295 12296 12297
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	12298 12299
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	12300 12301 12302 12303
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	12304 12305 12306 12307

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable

income, on obligations or securities of any state or of any 12338
political subdivision or authority of any state, other than this 12339
state and its subdivisions and authorities⁺, but only to the 12340
extent that such net amount is not otherwise includible in Ohio 12341
taxable income and is described in either division (S)(1)(a) or 12342
(b) of this section: 12343

(a) The net amount is not attributable to the S portion of an 12344
electing small business trust and has not been distributed to 12345
beneficiaries for the taxable year; 12346

(b) The net amount is attributable to the S portion of an 12347
electing small business trust for the taxable year. 12348

(2) Add interest or dividends, net of ordinary, necessary, 12349
and reasonable expenses not deducted in computing federal taxable 12350
income, on obligations of any authority, commission, 12351
instrumentality, territory, or possession of the United States to 12352
the extent that the interest or dividends are exempt from federal 12353
income taxes but not from state income taxes, but only to the 12354
extent that such net amount is not otherwise includible in Ohio 12355
taxable income and is described in either division (S)(1)(a) or 12356
(b) of this section; 12357

(3) Add the amount of personal exemption allowed to the 12358
estate pursuant to section 642(b) of the Internal Revenue Code; 12359

(4) Deduct interest or dividends, net of related expenses 12360
deducted in computing federal taxable income, on obligations of 12361
the United States and its territories and possessions or of any 12362
authority, commission, or instrumentality of the United States to 12363
the extent that the interest or dividends are exempt from state 12364
taxes under the laws of the United States, but only to the extent 12365
that such amount is included in federal taxable income and is 12366
described in either division (S)(1)(a) or (b) of this section; 12367

(5) Deduct the amount of wages and salaries, if any, not 12368

otherwise allowable as a deduction but that would have been 12369
allowable as a deduction in computing federal taxable income for 12370
the taxable year, had the targeted jobs credit allowed under 12371
sections 38, 51, and 52 of the Internal Revenue Code not been in 12372
effect, but only to the extent such amount relates either to 12373
income included in federal taxable income for the taxable year or 12374
to income of the S portion of an electing small business trust for 12375
the taxable year; 12376

(6) Deduct any interest or interest equivalent, net of 12377
related expenses deducted in computing federal taxable income, on 12378
public obligations and purchase obligations, but only to the 12379
extent that such net amount relates either to income included in 12380
federal taxable income for the taxable year or to income of the S 12381
portion of an electing small business trust for the taxable year; 12382

(7) Add any loss or deduct any gain resulting from sale, 12383
exchange, or other disposition of public obligations to the extent 12384
that such loss has been deducted or such gain has been included in 12385
computing either federal taxable income or income of the S portion 12386
of an electing small business trust for the taxable year; 12387

(8) Except in the case of the final return of an estate, add 12388
any amount deducted by the taxpayer on both its Ohio estate tax 12389
return pursuant to section 5731.14 of the Revised Code, and on its 12390
federal income tax return in determining ~~either federal adjusted~~ 12391
~~gross income~~ or federal taxable income; 12392

(9)(a) Deduct any amount included in federal taxable income 12393
solely because the amount represents a reimbursement or refund of 12394
expenses that in a previous year the decedent had deducted as an 12395
itemized deduction pursuant to section 63 of the Internal Revenue 12396
Code and applicable treasury regulations. The deduction otherwise 12397
allowed under division (S)(9)(a) of this section shall be reduced 12398
to the extent the reimbursement is attributable to an amount the 12399
taxpayer or decedent deducted under this section in any taxable 12400

year.	12401
(b) Add any amount not otherwise included in Ohio taxable	12402
income for any taxable year to the extent that the amount is	12403
attributable to the recovery during the taxable year of any amount	12404
deducted or excluded in computing federal or Ohio taxable income	12405
in any taxable year, <u>but only to the extent such amount has not</u>	12406
<u>been distributed to beneficiaries for the taxable year.</u>	12407
(10) Deduct any portion of the deduction described in section	12408
1341(a)(2) of the Internal Revenue Code, for repaying previously	12409
reported income received under a claim of right, that meets both	12410
of the following requirements:	12411
(a) It is allowable for repayment of an item that was	12412
included in the taxpayer's taxable income or the decedent's	12413
adjusted gross income for a prior taxable year and did not qualify	12414
for a credit under division (A) or (B) of section 5747.05 of the	12415
Revised Code for that year.	12416
(b) It does not otherwise reduce the taxpayer's taxable	12417
income or the decedent's adjusted gross income for the current or	12418
any other taxable year.	12419
(11) Add any amount claimed as a credit under section	12420
5747.059 of the Revised Code to the extent that the amount	12421
satisfies either of the following:	12422
(a) The amount was deducted or excluded from the computation	12423
of the taxpayer's federal taxable income as required to be	12424
reported for the taxpayer's taxable year under the Internal	12425
Revenue Code;	12426
(b) The amount resulted in a reduction in the taxpayer's	12427
federal taxable income as required to be reported for any of the	12428
taxpayer's taxable years under the Internal Revenue Code.	12429
(12) Deduct any amount, <u>net of related expenses deducted in</u>	12430

computing federal taxable income, that a trust is required to 12431
report as farm income on its federal income tax return, but only 12432
if the assets of the trust include at least ten acres of land 12433
satisfying the definition of "land devoted exclusively to 12434
agricultural use" under section 5713.30 of the Revised Code, 12435
regardless of whether the land is valued for tax purposes as such 12436
land under sections 5713.30 to 5713.38 of the Revised Code. If the 12437
trust is a pass-through entity investor, section 5747.231 of the 12438
Revised Code applies in ascertaining if the trust is eligible to 12439
claim the deduction provided by division (S)(12) of this section 12440
in connection with the pass-through entity's farm income. 12441

Except for farm income attributable to the S portion of an 12442
electing small business trust, the deduction provided by division 12443
(S)(12) of this section is allowed only to the extent that the 12444
trust has not distributed such farm income. Division (S)(12) of 12445
this section applies only to taxable years of a trust beginning in 12446
2002, 2003, or 2004. 12447

(13) Add the net amount of income described in section 641(c) 12448
of the Internal Revenue Code to the extent that amount is not 12449
included in federal taxable income. 12450

(14) Add or deduct the amount the taxpayer would be required 12451
to add or deduct under division (A)(20) or (21) of this section if 12452
the taxpayer's Ohio taxable income were computed in the same 12453
manner as an individual's Ohio adjusted gross income is computed 12454
under this section. In the case of a trust, division (S)(14) of 12455
this section applies only to any of the trust's taxable years 12456
beginning in 2002, 2003, or 2004. 12457

(T) "School district income" and "school district income tax" 12458
have the same meanings as in section 5748.01 of the Revised Code. 12459
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(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 12461
of this section, "public obligations," "purchase obligations," and 12462

"interest or interest equivalent" have the same meanings as in 12463
section 5709.76 of the Revised Code. 12464

(V) "Limited liability company" means any limited liability 12465
company formed under Chapter 1705. of the Revised Code or under 12466
the laws of any other state. 12467

(W) "Pass-through entity investor" means any person who, 12468
during any portion of a taxable year of a pass-through entity, is 12469
a partner, member, shareholder, or equity investor in that 12470
pass-through entity. 12471

(X) "Banking day" has the same meaning as in section 1304.01 12472
of the Revised Code. 12473

(Y) "Month" means a calendar month. 12474

(Z) "Quarter" means the first three months, the second three 12475
months, the third three months, or the last three months of the 12476
taxpayer's taxable year. 12477

(AA)(1) "Eligible institution" means a state university or 12478
state institution of higher education as defined in section 12479
3345.011 of the Revised Code, or a private, nonprofit college, 12480
university, or other post-secondary institution located in this 12481
state that possesses a certificate of authorization issued by the 12482
Ohio board of regents pursuant to Chapter 1713. of the Revised 12483
Code or a certificate of registration issued by the state board of 12484
proprietary school registration under Chapter 3332. of the Revised 12485
Code. 12486

(2) "Qualified tuition and fees" means tuition and fees 12487
imposed by an eligible institution as a condition of enrollment or 12488
attendance, not exceeding two thousand five hundred dollars in 12489
each of the individual's first two years of post-secondary 12490
education. If the individual is a part-time student, "qualified 12491
tuition and fees" includes tuition and fees paid for the academic 12492
equivalent of the first two years of post-secondary education 12493

during a maximum of five taxable years, not exceeding a total of	12494
five thousand dollars. "Qualified tuition and fees" does not	12495
include:	12496
(a) Expenses for any course or activity involving sports,	12497
games, or hobbies unless the course or activity is part of the	12498
individual's degree or diploma program;	12499
(b) The cost of books, room and board, student activity fees,	12500
athletic fees, insurance expenses, or other expenses unrelated to	12501
the individual's academic course of instruction;	12502
(c) Tuition, fees, or other expenses paid or reimbursed	12503
through an employer, scholarship, grant in aid, or other	12504
educational benefit program.	12505
(BB)(1) "Modified business income" means the business income	12506
included in a trust's <u>Ohio</u> taxable income after such taxable	12507
income is first reduced by the qualifying <u>trust</u> amount, if any.	12508
(2) "Qualifying <u>trust</u> amount" of a trust means capital gains	12509
and losses from the sale, exchange, or other disposition of equity	12510
or ownership interest <u>interests</u> in, or debt obligations of, a	12511
qualifying investee to the extent included in the trust's <u>Ohio</u>	12512
taxable income, but only if the location of the physical assets	12513
<u>following requirements are satisfied:</u>	12514
<u>(a) The book value of the qualifying investee investee's</u>	12515
<u>physical assets in this state and everywhere, as of the last day</u>	12516
<u>of the qualifying investee's fiscal or calendar year ending</u>	12517
<u>immediately prior to the date on which the trust recognizes the</u>	12518
<u>gain or loss,</u> is available to the trust.	12519
<u>(b) The requirements of section 5747.011 of the Revised Code</u>	12520
<u>are satisfied for the trust's taxable year in which the trust</u>	12521
<u>recognizes the gain or loss.</u>	12522
<u>Any gain or loss that is not a qualifying trust amount is</u>	12523

modified business income, qualifying investment income, or 12524
modified nonbusiness income, as the case may be. 12525

(3) "Modified nonbusiness income" means a trust's Ohio 12526
taxable income other than modified business income and, other than 12527
the qualifying trust amount, and other than qualifying investment 12528
income, as defined in section 5747.012 of the Revised Code, to the 12529
extent such qualifying investment income is not otherwise part of 12530
modified business income. 12531

(4) "Modified Ohio taxable income" applies only to trusts, 12532
and means the sum of the following amounts described in divisions 12533
(BB)(4)(a) to (c) of this section: 12534

(a) ~~Modified business income multiplied by the~~ The fraction, 12535
calculated under division (B)(2) of section 5733.05, and applying 12536
section 5733.057 of the Revised Code, as if the trust were a 12537
corporation subject to the tax imposed by section 5733.06 of the 12538
Revised Code~~+~~, multiplied by the sum of the following amounts: 12539

(i) The trust's modified business income; 12540

(ii) The trust's qualifying investment income, as defined in 12541
section 5747.012 of the Revised Code, but only to the extent the 12542
qualifying investment income does not otherwise constitute 12543
modified business income and does not otherwise constitute a 12544
qualifying trust amount. 12545

(b) The qualifying trust amount multiplied by ~~the ratio a~~ 12546
fraction, the numerator of which is the sum of the book value of 12547
the qualifying investee's physical assets in this state ~~of the~~ 12548
~~qualifying investee to~~ on the last day of the qualifying 12549
investee's fiscal or calendar year ending immediately prior to the 12550
day on which the trust recognizes the qualifying trust amount, and 12551
the denominator of which is the sum of the book value of the 12552
qualifying investee's total physical assets everywhere ~~of the~~ 12553
~~qualifying investee~~ on the last day of the qualifying investee's 12554

fiscal or calendar year ending immediately prior to the day on 12555
which the trust recognizes the qualifying trust amount. If, for a 12556
taxable year, the trust recognizes a qualifying trust amount with 12557
respect to more than one qualifying investee, the amount described 12558
in division (BB)(4)(b) of this section shall equal the sum of the 12559
products so computed for each such qualifying investee. 12560

~~(c) Modified nonbusiness income to the extent produced by~~ 12561
~~assets held by a trust or portion of a trust that is a resident~~ 12562
~~for the purposes of this chapter (i) With respect to a trust or~~ 12563
~~portion of a trust that is a resident as ascertained in accordance~~ 12564
~~with division (I)(3)(d) of this section, its modified nonbusiness~~ 12565
~~income.~~ 12566

(ii) With respect to a trust or portion of a trust that is 12567
not a resident as ascertained in accordance with division 12568
(I)(3)(d) of this section, the amount of its modified nonbusiness 12569
income satisfying the descriptions in divisions (B)(2) to (5) of 12570
section 5747.20 of the Revised Code. 12571

If the allocation and apportionment of a trust's income under 12572
divisions (BB)(4)(a) and (c) of this section do not fairly 12573
represent the modified Ohio taxable income of the trust in this 12574
state, the alternative methods described in division (C) of 12575
section 5747.21 of the Revised Code may be applied in the manner 12576
and to the same extent provided in that section. 12577

(5) ~~"Qualifying (a) Except as set forth in division~~ 12578
~~(BB)(5)(b) of this section, "qualifying investee" means a person~~ 12579
in which a trust has an equity or ownership interest, or a person 12580
or unit of government the debt obligations of either of which are 12581
owned by a trust. For the purposes of division (BB)(2)(a) of this 12582
section and for the purpose of computing the fraction described in 12583
division (BB)(4)(b) of this section, all of the following apply: 12584

(i) If the qualifying investee is a member of a qualifying 12585
controlled group on the last day of the qualifying investee's 12586

fiscal or calendar year ending immediately prior to the date on 12587
which the trust recognizes the gain or loss, then "qualifying 12588
investee" includes all persons in the qualifying controlled group 12589
on such last day. 12590

(ii) If the qualifying investee, or if the qualifying 12591
investee and any members of the qualifying controlled group of 12592
which the qualifying investee is a member on the last day of the 12593
qualifying investee's fiscal or calendar year ending immediately 12594
prior to the date on which the trust recognizes the gain or loss, 12595
separately or cumulatively own, directly or indirectly, on the 12596
last day of the qualifying investee's fiscal or calendar year 12597
ending immediately prior to the date on which the trust recognizes 12598
the qualifying trust amount, more than fifty per cent of the 12599
equity of a pass-through entity, then the qualifying investee and 12600
the other members are deemed to own the proportionate share of the 12601
pass-through entity's physical assets which the pass-through 12602
entity directly or indirectly owns on the last day of the 12603
pass-through entity's calendar or fiscal year ending within or 12604
with the last day of the qualifying investee's fiscal or calendar 12605
year ending immediately prior to the date on which the trust 12606
recognizes the qualifying trust amount. 12607

(iii) For the purposes of division (BB)(5)(a)(iii) of this 12608
section, "upper level pass-through entity" means a pass-through 12609
entity directly or indirectly owning any equity of another 12610
pass-through entity, and "lower level pass-through entity" means 12611
that other pass-through entity. 12612

An upper level pass-through entity, whether or not it is also 12613
a qualifying investee, is deemed to own, on the last day of the 12614
upper level pass-through entity's calendar or fiscal year, the 12615
proportionate share of the lower level pass-through entity's 12616
physical assets that the lower level pass-through entity directly 12617
or indirectly owns on the last day of the lower level pass-through 12618

entity's calendar or fiscal year ending within or with the last 12619
day of the upper level pass-through entity's fiscal or calendar 12620
year. If the upper level pass-through entity directly and 12621
indirectly owns less than fifty per cent of the equity of the 12622
lower level pass-through entity on each day of the upper level 12623
pass-through entity's calendar or fiscal year in which or with 12624
which ends the calendar or fiscal year of the lower level 12625
pass-through entity and if, based upon clear and convincing 12626
evidence, complete information about the location and cost of the 12627
physical assets of the lower pass-through entity is not available 12628
to the upper level pass-through entity, then solely for purposes 12629
of ascertaining if a gain or loss constitutes a qualifying trust 12630
amount, the upper level pass-through entity shall be deemed as 12631
owning no equity of the lower level pass-through entity for each 12632
day during the upper level pass-through entity's calendar or 12633
fiscal year in which or with which ends the lower level 12634
pass-through entity's calendar or fiscal year. Nothing in division 12635
(BB)(5)(a)(iii) of this section shall be construed to provide for 12636
any deduction or exclusion in computing any trust's Ohio taxable 12637
income. 12638

(b) With respect to a trust that is not a resident for the 12639
taxable year and with respect to a part of a trust that is not a 12640
resident for the taxable year, "qualifying investee" for that 12641
taxable year does not include a C corporation if both of the 12642
following apply: 12643

(i) During the taxable year the trust or part of the trust 12644
recognizes a gain or loss from the sale, exchange, or other 12645
disposition of equity or ownership interests in, or debt 12646
obligations of, the C corporation. 12647

(ii) Such gain or loss constitutes nonbusiness income. 12648

(6) "Available" means information is such that a person is 12649
able to learn of the information by the due date plus extensions. 12650

if any, for filing the return for the taxable year in which the trust recognizes the gain or loss. 12651
12652

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 12653
12654

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 12655
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~~(CC)~~(EE) Any term used in this chapter that is not otherwise defined in this section and that is not used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes has the same meaning as in section 5733.40 of the Revised Code. 12657
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Sec. 5747.011. (A) As used in this section: 12662

(1) "Qualifying closely-held C corporation" means a person classified for federal income tax purposes as an association taxed as a corporation and that has more than fifty per cent of the value of its outstanding stock or equity owned, directly or indirectly, by or for not more than five qualifying persons. For the purposes of this division, the ownership of stock shall be determined under the rules set forth in section 544 of the Internal Revenue Code. 12663
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(2) "Qualifying person" means an individual; an organization described in section 401(a), 501(c)(17), or 509(a) of the Internal Revenue Code; or a portion of a trust permanently set aside or to be used exclusively for the purposes described in section 642(c) of the Internal Revenue Code or a corresponding provision of a prior federal income tax law. 12671
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(3) "Qualifying limited liability company" means a limited liability company that is not classified for federal income tax purposes as an association taxed as a corporation. 12677
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(4) "Ownership interest" means the equity or ownership 12680

interest in, or debt obligation of, a "qualifying investee" as 12681
defined in section 5747.01 of the Revised Code. 12682

(5) "Qualifying individual beneficiary" has the same meaning 12683
as qualifying beneficiary as used in division (I)(3)(c) of section 12684
5747.01 of the Revised Code, but is limited to individuals. 12685
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(6) "Family" of an individual means only the individual's 12687
spouse; the individual's ancestors, limited to the individual's 12688
parents, grandparents, and great grandparents; the siblings of 12689
such ancestors, whether by the whole or half blood or by legal 12690
adoption; the lineal descendants of such ancestors and siblings; 12691
persons legally adopted by such ancestors or by such siblings; and 12692
the spouses of such ancestors, siblings, legally adopted persons, 12693
and lineal descendants. 12694

(B) The requirements of this division apply for purposes of 12695
division (BB)(2)(b) of section 5747.01 of the Revised Code and for 12696
the purposes of division (D) of section 5747.012 of the Revised 12697
Code. Gain or loss included in a trust's Ohio taxable income is 12698
not a qualifying trust amount unless the trust's ownership 12699
interest in the qualifying investee is at least five per cent of 12700
the total outstanding ownership interests in such qualifying 12701
investee at any time during the ten-year period ending on the last 12702
day of the trust's taxable year in which the sale, exchange, or 12703
other disposition occurs. Nothing in this section negates the 12704
requirements in division (BB)(2) of section 5747.01 of the Revised 12705
Code. 12706

For the purpose of ascertaining whether the trust's ownership 12707
interest in a qualifying investee is at least five per cent of the 12708
total outstanding ownership interests in such qualifying investee, 12709
the following apply: 12710

(1) On each day, an ownership interest owned, directly or 12711

indirectly, by or for a qualifying closely-held C corporation, an 12712
S corporation, a partnership other than a publicly traded 12713
partnership, a qualifying limited liability company, an estate, or 12714
a trust that is irrevocable as defined in division (I)(3)(b) of 12715
section 5747.01 of the Revised Code is considered as being owned 12716
proportionately on the same day by the equity investors of such 12717
qualifying closely-held C corporation, S corporation, partnership, 12718
or qualifying limited liability company, or by the beneficiaries 12719
of such estate or trust, as the case may be. For the purposes of 12720
division (B)(1) of this section, a beneficiary's proportionate 12721
share of an ownership interest held by a trust shall be 12722
ascertained in accordance with section 544(a)(1) of the Internal 12723
Revenue Code. 12724

(2) On each day, a trust, hereinafter referred to as the 12725
first trust, is considered as owning any ownership interest owned, 12726
directly or indirectly, by or for another trust, hereinafter 12727
referred to as the second trust, if on the same day the second 12728
trust has at least one individual trustee who is either (a) a 12729
trustee of the first trust, or (b) a member of a family that 12730
includes at least one of the trustees of the first trust. 12731

(3) On each day, a trust, hereinafter referred to as the 12732
first trust, is considered as owning any ownership interest owned, 12733
directly or indirectly, by or for another trust, hereinafter 12734
referred to as the second trust, if on the same day the second 12735
trust has at least one qualifying individual beneficiary who is 12736
either (a) a qualifying individual beneficiary of the first trust 12737
or (b) a member of a family which includes a qualifying individual 12738
beneficiary of the first trust. 12739

(4) An ownership interest constructively owned by a person by 12740
reason of the application of division (B)(1) of this section 12741
shall, for the purpose of applying divisions (B)(1) to (3) of this 12742
section, be treated as actually owned by that person. 12743

(5) An ownership interest constructively owned by a trust by reason of the application of division (B)(2) or (3) of this section shall not be treated as actually owned by that trust for purposes of applying divisions (B)(1) to (3) of this section. 12744
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(6) If an ownership interest may be considered as owned by a trust under division (B)(1) or (2) of this section, the ownership interest shall be considered owned by that trust under division (B)(2) of this section. 12748
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(7) If an ownership interest may be considered as owned by a trust under division (B)(1) or (3) of this section, the ownership interest shall be considered owned by that trust under division (B)(3) of this section. 12752
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Sec. 5747.012. This section applies for the purposes of divisions (BB)(3) and (BB)(4)(a)(ii) of section 5747.01 of the Revised Code. 12756
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(A) As used in this section: 12759

(1)(a) Except as set forth in division (A)(1)(b) of this section, "qualifying investment income" means the portion of a qualifying investment pass-through entity's net income attributable to transaction fees in connection with the acquisition, ownership, or disposition of intangible property; loan fees; financing fees; consent fees; waiver fees; application fees; net management fees; dividend income; interest income; net capital gains from the sale or exchange or other disposition of intangible property; and all types and classifications of income attributable to distributive shares of income from other pass-through entities. 12760
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(b)(i) Notwithstanding division (A)(1)(a) of this section, "qualifying investment income" does not include any part of the qualifying investment pass-through entity's net capital gain 12771
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which, after the application of section 5747.231 of the Revised Code with respect to a trust, would also constitute a qualifying trust amount. 12774
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(ii) Notwithstanding division (A)(1)(a) of this section, "qualifying investment income" does not include any part of the qualifying investment pass-through entity's net income attributable to the portion of a distributive share of income directly or indirectly from another pass-through entity to the extent such portion constitutes the other pass-through entity's net capital gain which, after the application of section 5747.231 of the Revised Code with respect to a trust, would also constitute a qualifying trust amount. 12777
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(2) "Qualifying investment pass-through entity" means an investment pass-through entity, as defined in section 5733.401 of the Revised Code, subject to the following qualifications: 12786
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(a) "Forty per cent" shall be substituted for "ninety per cent" wherever "ninety per cent" appears in section 5733.401 of the Revised Code. 12789
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12791

(b) The pass-through entity must have been formed or organized prior to June 5, 2002. 12792
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(c) The qualifying section 5747.012 trust or related persons to the qualifying section 5747.012 trust must directly or indirectly own at least five per cent of the equity of the investment pass-through entity each day of the entity's fiscal or calendar year ending within or with the last day of the qualifying section 5747.012 trust's taxable year; 12794
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(d) During the investment pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying section 5747.012 trust's taxable year, related persons of or to the qualifying section 5747.012 trust must, on each day of the investment pass-through entity's year, own directly, or own 12800
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through equity investments in other pass-through entities, more 12805
than sixty per cent of the equity of the investment pass-through 12806
entity. 12807

(B) "Qualifying section 5747.012 trust" means a trust 12808
satisfying one of the following: 12809

(1) The trust was created prior to, and was irrevocable on, 12810
June 5, 2002; or 12811

(2) If the trust was created after June 4, 2002, or if the 12812
trust became irrevocable after June 4, 2002, then at least eighty 12813
per cent of the assets transferred to the trust must have been 12814
previously owned by related persons to the trust or by a trust 12815
created prior to June 5, 2002, under which the creator did not 12816
retain the power to change beneficiaries, amend the trust, or 12817
revoke the trust. For purposes of division (B)(2) of this section, 12818
the power to substitute property of equal value shall not be 12819
considered to be a power to change beneficiaries, amend the trust, 12820
or revoke the trust. 12821

(C) For the purposes of this section, "related persons" means 12822
the family of a qualifying individual beneficiary, as defined in 12823
division (A)(5) of section 5747.011 of the Revised Code. For the 12824
purposes of this division, "family" has the same meaning as in 12825
division (A)(6) of section 5747.011 of the Revised Code. 12826

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(D) For the purposes of applying divisions (A)(2)(c), 12828
(A)(2)(d), and (B)(2) of this section, the related persons or the 12829
qualifying section 5747.012 trust, as the case may be, shall be 12830
deemed to own the equity of the investment pass-through entity 12831
after the application of division (B) of section 5747.011 of the 12832
Revised Code. 12833

(E) "Irrevocable" has the same meaning as in division 12834
(I)(3)(b) of section 5747.01 of the Revised Code. 12835

(F) Nothing in this section requires any item of income, gain, or loss not satisfying the definition of qualifying investment income to be treated as modified nonbusiness income. Any item of income, gain, or loss that is not qualifying investment income is modified business income, modified nonbusiness income, or a qualifying trust amount, as the case may be.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows:

OHIO ADJUSTED GROSS INCOME LESS
EXEMPTIONS (INDIVIDUALS)
OR
MODIFIED OHIO
TAXABLE INCOME (TRUSTS)
OR
OHIO TAXABLE INCOME (ESTATES) TAX

\$5,000 or less	.743%	12867
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	12868
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	12869
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	12870
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	12871
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	12872
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	12873
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	12874
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	12875

In July of each year, beginning in 2005, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which

the amount resulting from the adjustment would be less than the 12891
amount resulting from the adjustment in the preceding year. 12892

(B) If the director of budget and management makes a 12893
certification to the tax commissioner under division (B) of 12894
section 131.44 of the Revised Code, the amount of tax as 12895
determined under division (A) of this section shall be reduced by 12896
the percentage prescribed in that certification for taxable years 12897
beginning in the calendar year in which that certification is 12898
made. 12899

(C) The levy of this tax on income does not prevent a 12900
municipal corporation, a joint economic development zone created 12901
under section 715.691, or a joint economic development district 12902
created under section 715.70 or 715.71 or sections 715.72 to 12903
715.81 of the Revised Code from levying a tax on income. 12904

(D) ~~Division (D) of this section~~ This division applies only 12905
to taxable years of a trust beginning in 2002, 2003, or 2004. 12906

(1) The tax imposed by this section on a trust shall be 12907
computed by multiplying the Ohio modified taxable income of the 12908
trust by the rates prescribed by division (A) of this section. 12909

(2) A credit is allowed against the tax computed under 12910
division (D) of this section equal to the lesser of (1) the tax 12911
paid to another state or the District of Columbia on the trust's 12912
modified nonbusiness income ~~of a trust, other than the portion of~~ 12913
the trust's nonbusiness income that is qualifying investment 12914
income as defined in section 5747.012 of the Revised Code, or (2) 12915
the effective tax rate, based on modified Ohio taxable income, 12916
multiplied by the trust's modified nonbusiness income ~~of the trust~~ 12917
other than the portion of trust's nonbusiness income that is 12918
qualifying investment income. The credit applies before any other 12919
applicable credits. ~~The~~ 12920

(3) The credits enumerated in divisions (A)(1) to (13) of 12921

section 5747.98 of the Revised Code do not apply to a trust 12922
subject to this division. Any credits enumerated in other 12923
divisions of section 5747.98 of the Revised Code apply to a trust 12924
subject to this division. To the extent that the trust distributes 12925
income for the taxable year for which a credit is available to the 12926
trust, the credit shall be shared by the trust and its 12927
beneficiaries. The tax commissioner and the trust shall be guided 12928
by applicable regulations of the United States treasury regarding 12929
the sharing of credits. 12930

(E) For the purposes of this section, "trust" means any trust 12931
described in Subchapter J of Chapter 1 of the Internal Revenue 12932
Code, excluding ~~a trust~~ trusts that are not irrevocable as defined 12933
in division (I)(3)(b) of section 5747.01 of the Revised Code and 12934
that have no modified Ohio taxable income for the taxable year, 12935
charitable remainder trusts, qualified funeral trusts, endowment 12936
and perpetual care trusts, qualified settlement trusts and funds, 12937
designated settlement trusts and funds, and trusts exempted from 12938
taxation under section 501(c)(3)(a) of the Internal Revenue Code. 12939
12940

Sec. 5747.231. As used in this section, "adjusted qualifying 12941
amount" has the same meaning as in section 5733.40 of the Revised 12942
Code. 12943

This section does not apply to division (BB)(5)(a)(ii) of 12944
section 5747.01 of the Revised Code. 12945

Except as set forth in this section and except as otherwise 12946
provided in divisions (A) and (B) of section 5733.401 of the 12947
Revised Code, in making all apportionment, allocation, income, 12948
gain, loss, deduction, tax, and credit computations under this 12949
chapter, each person shall include in that person's items of 12950
business income, nonbusiness income, adjusted qualifying amounts, 12951
allocable income or loss, apportionable income or loss, property, 12952

compensation, and sales, the person's entire distributive share or 12953
proportionate share of the items of business income, nonbusiness 12954
income, adjusted qualifying amounts, allocable income or loss, 12955
apportionable income or loss, property, compensation, and sales of 12956
any pass-through entity in which the person has a direct or 12957
indirect ownership interest at any time during the person's 12958
taxable year. A pass-through entity's direct or indirect 12959
distributive share or proportionate share of any other 12960
pass-through entity's items of business income, nonbusiness 12961
income, adjusted qualifying amounts, allocable income or loss, 12962
apportionable income or loss, property, compensation, and sales 12963
shall be included for the purposes of computing the person's 12964
distributive share or proportionate share of the pass-through 12965
entity's items of business income, nonbusiness income, adjusted 12966
qualifying amounts, allocable income or loss, apportionable income 12967
or loss, property, compensation, and sales under this section. 12968
Those items shall be in the same form as was recognized by the 12969
pass-through entity. 12970

Sec. 5902.02. The duties of the director of the governor's 12971
office of veterans affairs shall include the following: 12972

(A) Furnishing the veterans service commissions of all 12973
counties of the state copies of the state laws, rules, and 12974
legislation relating to the operation of the commissions and their 12975
offices; 12976

(B) Upon application, assisting the general public in 12977
obtaining records of vital statistics pertaining to veterans or 12978
their dependents; 12979

(C) Adopting rules pursuant to Chapter 119. of the Revised 12980
Code pertaining to minimum qualifications for hiring, certifying, 12981
and accrediting county veterans service officers and pertaining to 12982
their required duties; 12983

(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners;	12984 12985 12986
(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas;	12987 12988 12989
(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly;	12990 12991 12992 12993
(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the Ohio veterans' home <u>homes operated under Chapter 5907. of the Revised Code</u> and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues;	12994 12995 12996 12997 12998 12999
(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions;	13000 13001
(I) Publishing annually, promulgating change notices for, and distributing a listing of county veterans service officers, county veterans service commissioners, state directors of veterans affairs, and national and state service officers of accredited veterans organizations and their state headquarters. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service officers and state directors of veterans affairs; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service organizations.	13002 13003 13004 13005 13006 13007 13008 13009 13010 13011 13012
(J) Publishing, by the first day of April of each odd-numbered year, a directory of the laws of this state dealing	13013 13014

with veterans, as enacted through the conclusion of the previous 13015
session of the general assembly, and distributing the publication 13016
to each county veterans service office and the state headquarters 13017
of each congressionally chartered veterans organization in the 13018
state; 13019

(K) Establishing a veterans advisory committee to advise and 13020
assist the governor's office of veterans affairs in its duties. 13021
Members shall include a state representative of congressionally 13022
chartered veterans organizations referred to in section 5901.02 of 13023
the Revised Code, a representative of any other congressionally 13024
chartered state veterans organization that has at least one 13025
veterans service commissioner in the state, three representatives 13026
of the Ohio state association of county veterans service 13027
commissioners, who shall have a combined vote of one, three 13028
representatives of the state association of county veterans 13029
service officers, who shall have a combined vote of one, one 13030
representative of the county commissioners association of Ohio, 13031
who shall be a county commissioner not from the same county as any 13032
of the other county representatives, and a representative of the 13033
office of the attorney general. The governor's office of veterans 13034
affairs shall submit to the advisory committee proposed rules for 13035
the committee's operation. The committee may review and revise 13036
these proposed rules prior to submitting them to the joint 13037
committee on agency rule review. 13038

(L) Adopting, with the advice and assistance of the veterans 13039
advisory committee, policy and procedural guidelines that the 13040
veterans service commissions shall adhere to in the development 13041
and implementation of rules, policies, procedures, and guidelines 13042
for the administration of Chapter 5901. of the Revised Code. The 13043
governor's office of veterans affairs shall adopt no guidelines or 13044
rules regulating the purposes, scope, duration, or amounts of 13045
financial assistance provided to applicants pursuant to sections 13046

5901.01 to 5901.15 of the Revised Code. The director of the
governor's office of veterans affairs may obtain opinions from the
office of the attorney general regarding rules, policies,
procedures, and guidelines of the veterans service commissions and
may enforce compliance with Chapter 5901. of the Revised Code.

(M) Receiving copies of form DD214 filed in accordance with
the director's guidelines adopted under division (L) of this
section from members of veterans service commissions appointed
under section 5901.02 and from county veterans service officers
employed under section 5901.07 of the Revised Code;

(N) Taking any other actions required by this chapter.

Sec. 5902.05. For the purpose of assisting veterans, the
director of the governor's office of veterans affairs or ~~his~~ the
director's representative shall visit ~~the Ohio~~ each veterans' home
~~at Sandusky operated under Chapter 5907. of the Revised Code~~ and
the national military home at Dayton at least once every three
months, and may visit other veterans facilities as necessary. At
the discretion of the governor, the director of the governor's
office of veterans affairs or ~~his~~ the director's representative
shall visit the several governmental departments at Washington,
D.C., or elsewhere, as may be necessary.

Sec. 5907.01. (A) As used in this chapter:

(1) "Nursing home" means a nursing home within a veterans'
home.

(2) "Veterans' home" means a veterans' home operated by the
Ohio veterans' home agency.

~~(B) There shall be an institution named the "Ohio veterans'~~
~~home," which is hereby established the Ohio veterans' home agency~~
that shall be a home maintain and operate veterans' and nursing

homes for honorably discharged ~~soldiers, sailors, and marines~~ 13076
veterans. 13077

Sec. 5907.02. The board of trustees of the Ohio veterans' 13078
home agency, ~~that~~ which is hereby created, shall consist of seven 13079
members who shall govern the agency and have charge and custody of 13080
the ~~home at Sandusky~~ agency's facilities. The members shall be the 13081
director of administrative services or that director's designee, 13082
the director of aging or that director's designee, and five 13083
members who shall be appointed by the governor with the advice and 13084
consent of the senate. All the members of the board appointed by 13085
the governor shall be veterans of wars in which the United States 13086
has participated, and not more than three of the members shall be 13087
of the same political party. The trustees shall serve without 13088
compensation, but they shall be allowed their actual expenses 13089
incurred in the discharge of their duties. Each year, the governor 13090
shall appoint one trustee. The term of office for each member of 13091
the board shall be for five years, commencing on the first day of 13092
July and ending on the thirtieth day of June. Each member shall 13093
hold office from the date of that member's appointment until the 13094
end of the term for which the member was appointed. Any member 13095
appointed to fill a vacancy occurring prior to the expiration of 13096
the term for which that member's predecessor was appointed shall 13097
hold office for the remainder of that term. Any member shall 13098
continue in office subsequent to the expiration date of that 13099
member's term until the member's successor takes office, or until 13100
a period of sixty days has elapsed, whichever occurs first. The 13101
board shall govern, conduct, and care for ~~the home~~ veterans' 13102
homes, the property of the ~~home~~ homes, and the veterans residing 13103
in the ~~home~~ home. 13104

Four members of the board constitute a quorum, but any three 13105
may approve the payment of current expenses, salaries, and open 13106
contracts previously entered into by the board. 13107

All supplies for the ~~home~~ agency shall be purchased as 131108
provided in sections 125.04 to 125.15 of the Revised Code. 131109

The board shall appoint a superintendent ~~for~~ of the Ohio 131110
veterans' ~~home~~ agency upon any terms that are proper, and the 131111
superintendent, with the advice and consent of the board, shall 131112
employ aides, assistants, and employees, and perform other duties 131113
that may be assigned to the superintendent by the board or become 131114
necessary in the carrying out of the superintendent's duties. The 131115
superintendent shall be responsible directly to the board. 131116

Subject to section 5907.021 of the Revised Code, the 131117
superintendent ~~shall~~ may appoint one or more employees at each 131118
veterans' home as ~~Ohio~~ veterans' home police officers authorized 131119
to act on the grounds of ~~the~~ that home, ~~at the discretion of the~~ 131120
~~superintendent~~. The superintendent shall provide to those 131121
employees a copy of the rules that apply to their appointment. The 131122
rules shall specify whether or not the police officers may carry a 131123
firearm. 131124

Subject to section 5907.021 of the Revised Code, the 131125
superintendent shall appoint a chief of police ~~for~~ of the Ohio 131126
veterans' ~~home~~ agency, determine the number of officers and other 131127
personnel required by ~~the~~ each veterans' home, and establish 131128
salary schedules and other conditions of employment for ~~Ohio~~ 131129
veterans' ~~home~~ homes police officers. The chief of police shall 131130
serve at the pleasure of the superintendent and shall appoint 131131
officers and other personnel as the ~~home~~ veterans' homes may 131132
require, subject to the rules and limits that the superintendent 131133
establishes regarding qualifications, salary ranges, and the 131134
number of personnel. The superintendent, with the approval of the 131135
board, may purchase or otherwise acquire any police apparatus, 131136
equipment, or materials, including a police communication system 131137
and vehicles, that ~~Ohio~~ the veterans' ~~home~~ homes police officers 131138
may require. The superintendent may send one or more of the 131139

officers or employees nominated by the police chief to a school of 13140
instruction designed to provide additional training or skills 13141
related to their work assignment at ~~the~~ their veterans' home. The 13142
superintendent may send those officers or employees to the Ohio 13143
peace officer training academy that the superintendent considers 13144
appropriate. 13145

The board shall make an annual report to the governor as to 13146
all expenditures and as to the management of the Ohio veterans' 13147
home agency. 13148

Sec. 5907.021. (A) As used in this section, "felony" has the 13149
same meaning as in section 109.511 of the Revised Code. 13150

(B)(1) The superintendent of the Ohio veterans' home agency 13151
shall not appoint a person as a chief of police of the agency or 13152
an employee as ~~an~~ a Ohio veterans' home police officer on a 13153
permanent basis, on a temporary basis, for a probationary term, or 13154
on other than a permanent basis if the person or employee 13155
previously has been convicted of or has pleaded guilty to a 13156
felony. 13157

(2)(a) The superintendent ~~of the Ohio veterans' home~~ shall 13158
terminate the employment of a chief of police or the employment as 13159
~~an Ohio~~ a veterans' home police officer of an employee appointed 13160
as ~~an Ohio~~ a veterans' home police officer if that chief of police 13161
or employee does either of the following: 13162

(i) Pleads guilty to a felony; 13163

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 13164
plea agreement as provided in division (D) of section 2929.29 of 13165
the Revised Code in which the chief of police or employee agrees 13166
to surrender the certificate awarded to that chief of police or 13167
employee under section 109.77 of the Revised Code. 13168

(b) The superintendent shall suspend from employment a chief 13169

of police or from employment as ~~an Ohio~~ a veterans' home police 13170
officer an employee appointed as ~~an Ohio~~ a veterans' home police 13171
officer if that chief of police or employee is convicted, after 13172
trial, of a felony. If the chief of police or the employee files 13173
an appeal from that conviction and the conviction is upheld by the 13174
highest court to which the appeal is taken or if the chief of 13175
police or the employee does not file a timely appeal, the 13176
superintendent shall terminate the employment of that chief of 13177
police or that employee as ~~an Ohio~~ a veterans' home police 13178
officer. If the chief of police or the employee files an appeal 13179
that results in that chief of police's or that employee's 13180
acquittal of the felony or conviction of a misdemeanor, or in the 13181
dismissal of the felony charge against that chief of police or 13182
that employee, the superintendent shall reinstate that chief of 13183
police or that employee as ~~an Ohio~~ a veterans' home police 13184
officer. A chief of police or an employee who is reinstated as ~~an~~ 13185
~~Ohio~~ a veterans' home police officer under division (B)(2)(b) of 13186
this section shall not receive any back pay unless the conviction 13187
of that chief of police or that employee of the felony was 13188
reversed on appeal, or the felony charge was dismissed, because 13189
the court found insufficient evidence to convict the chief of 13190
police or the employee of the felony. 13191

(3) Division (B) of this section does not apply regarding an 13192
offense that was committed prior to January 1, 1997. 13193

(4) The suspension from employment, or the termination of the 13194
employment, of a chief of police or ~~an Ohio~~ a veterans' home 13195
police officer under division (B)(2) of this section shall be in 13196
accordance with Chapter 119. of the Revised Code. 13197

Sec. 5907.022. The board of trustees of the Ohio veterans' 13198
home agency may do either of the following to expand nursing home 13199
care and domiciliary services to veterans at sites other than the 13200

Ohio veterans' ~~home and the Robert T. Secrest~~ homes and nursing 13201
~~home~~ homes: 13202

(A) Enter into contracts or agreements, including agreements 13203
for the acceptance of grants, to construct, lease, purchase, or 13204
otherwise acquire real property or facilities to establish a 13205
network of facilities; 13206

(B) Enter into contracts with private providers. 13207

Sec. 5907.023. Neither the Ohio veterans' home agency 13208
established by section 5907.01 of the Revised Code nor the board 13209
of trustees of the Ohio veterans' home agency created by section 13210
5907.02 of the Revised Code is subject to sections 101.82 to 13211
101.87 of the Revised Code. 13212

Sec. 5907.03. The management and control of ~~the Ohio~~ 13213
veterans' ~~home~~ homes shall be subject to such inspection and 13214
supervision as the congress of the United States may require as a 13215
condition of making appropriations for ~~its~~ their maintenance. A 13216
person appointed or designated by congress may make such 13217
inspection and exercise such supervision, and, if so required by 13218
congress, ~~he~~ the person may have and exercise the privileges of a 13219
member of the board of trustees of the Ohio veterans' home agency. 13220

Sec. 5907.04. All members of the armed forces, who served in 13221
the regular or volunteer forces of the United States or the Ohio 13222
national guard or members of the naval militia during the war with 13223
Spain, the Philippine insurrection, the China relief expedition, 13224
the Indian war, the Mexican expedition, World War I, World War II, 13225
or during the period beginning June 25, 1950 and ending July 19, 13226
1953, ~~said period being~~ known as the Korean conflict, or during 13227
the period beginning August 5, 1964, and ending July 1, 1973, ~~said~~ 13228
~~period being~~ known as the Vietnam conflict, or any person who is 13229
awarded either the armed forces expeditionary medal established by 13230

presidential executive order 10977 dated December 4, 1961, or the 13231
Vietnam service medal established by presidential executive order 13232
11231 dated July 8, 1965, who have been honorably discharged or 13233
separated under honorable conditions therefrom, or any discharged 13234
members of the Polish and Czechoslovakian armed forces who served 13235
in armed conflict with an enemy of the United States in World War 13236
I or World War II who have been citizens of the United States for 13237
at least ten years, provided that the above-mentioned persons have 13238
been citizens of ~~Ohio~~ this state for five consecutive years or 13239
more at the date of making application for admission, are disabled 13240
by disease, wounds, or otherwise, and are by reason of such 13241
disability incapable of earning their living, and all members of 13242
the Ohio national guard or naval militia who have lost an arm or 13243
leg, or their sight, or become permanently disabled from any 13244
cause, while in the line and discharge of duty, and are not able 13245
to support themselves, may be admitted to ~~the Ohio~~ a veterans' 13246
home under such rules as ~~its~~ the board of trustees of the Ohio 13247
veterans' home agency adopts. 13248

The superintendent of the Ohio veterans' home agency shall 13249
promptly and diligently pursue the establishment of the 13250
eligibility for medical assistance under Chapter 5111. of the 13251
Revised Code of all persons admitted to ~~the~~ a veterans' home and 13252
all residents of ~~the~~ a home who appear to qualify and shall 13253
promptly and diligently pursue and maintain the certification of 13254
~~the~~ each home's compliance with federal laws and regulations 13255
governing participation in the medical assistance program to 13256
include as large as possible a part of the home's bed capacity. 13257

~~The Ohio veterans' home~~ Veterans' homes may reserve a bed 13258
during the temporary absence of a resident or patient from the 13259
home, including ~~The Robert T. Secrest~~ a nursing home within it, 13260
under conditions prescribed by the board of trustees ~~of the Ohio~~ 13261
~~veterans' home,~~ to include hospitalization for an acute condition, 13262

visits with relatives and friends, and participation in 13263
therapeutic programs outside the ~~facility~~ home. ~~The~~ A home shall 13264
not reserve a bed for more than thirty days, except that absences 13265
for more than thirty days due to hospitalization may be 13266
authorized. 13267

Sec. 5907.05. In the admission to ~~the Ohio~~ a veterans' home 13268
of honorably discharged ~~soldiers, sailors, and marines~~ veterans 13269
who have served the United States government, preference shall be 13270
given to those who served in Ohio military organizations. 13271

Sec. 5907.06. An insane person shall not be admitted to ~~the~~ 13272
~~Ohio~~ a veterans' home. In case ~~such an insane~~ such an insane person, through 13273
misrepresentation as to ~~his~~ the person's condition, is sent to ~~the~~ 13274
a home, ~~he~~ the person shall be returned to, and the expense 13275
~~thereof of the return~~ shall be borne by, the county from which ~~he~~ 13276
the person came. 13277

Sec. 5907.07. When a veteran is entitled to admission into 13278
~~the Ohio~~ a veterans' home, the ~~chairman~~ chairperson of the 13279
veterans service commission of the county in which ~~such the~~ 13280
veteran resides, upon application, may furnish ~~him~~ the veteran 13281
transportation to the home by the most direct route from ~~his~~ the 13282
veteran's residence. ~~Such~~ The transportation shall be paid from 13283
the veterans service commission fund of the county. 13284

Sec. 5907.08. When a resident of ~~the Ohio~~ a veterans' home 13285
becomes insane, the ~~commandant~~ superintendent of the Ohio 13286
veterans' home agency shall file with the probate judge of the 13287
county in which the home is located substantially the following 13288
affidavit: 13289

"The State of Ohio, county, ss., 13290
~~commandant~~ superintendent of the Ohio veterans' home agency, being 13291

duly sworn, says that the ~~commandant~~ superintendent believes that 13292
....., a resident of the veterans' home located in 13293
..... county, is insane; that, in consequence of the 13294
resident's insanity, the resident's being at large is dangerous to 13295
the community, and that the resident was received into the home 13296
from county, on the day of, 13297
.....~~A.B.~~"

Sec. 5907.09. When the affidavit referred to in section 13299
5907.08 of the Revised Code is filed, the probate judge shall 13300
forthwith determine the sanity of ~~such the~~ resident, ~~and, as far,~~ 13301
Insofar as applicable, the laws governing in cases of admission to 13302
a state hospital for the insane shall apply. The probate judge 13303
shall have the same authority, and may receive and order paid the 13304
same fees and costs, as the probate judge would have in the county 13305
in which ~~such the~~ veteran was a resident at the time of entering 13306
the ~~Ohio~~ veterans' home. 13307

Sec. 5907.10. (A) The Ohio veterans' home agency shall 13308
maintain and operate a nursing home as part of each veterans' home 13309
for the benefit of ~~soldiers, sailors, and marines~~ honorably 13310
discharged veterans admitted to ~~the institution a veterans' home~~ 13311
under this chapter, ~~a nursing home to be known as "The Robert T.~~ 13312
~~Secrest Nursing Home."~~ The Robert T. Secrest nursing home is homes 13313
are subject to sections 3721.01 to 3721.09 and 3721.99 of the 13314
Revised Code. 13315

(B) The nursing home within the veterans' home located in 13316
Sandusky shall be known as "The Robert T. Secrest Nursing Home." 13317

Sec. 5907.11. (A) The superintendent of the Ohio veterans' 13318
home agency, with the approval of the board of trustees of the 13319
home agency, may establish a local fund for each veterans' home to 13320
be used for the entertainment and welfare of the residents of the 13321

home. ~~The~~ Each fund shall be designated as the residents' benefit 13322
fund and shall be operated for the exclusive benefit of the 13323
residents of the associated home. ~~The~~ Each fund shall receive all 13324
revenue from the sale of commissary items at the associated home 13325
and shall receive all moneys received as donations by the 13326
associated home from any source. 13327

(B) The residents' benefit ~~fund~~ funds also may be used to 13328
receive and disburse any donations made for events sponsored by 13329
the Ohio veterans hall of fame. 13330

(C) The superintendent, subject to the approval of the board 13331
of trustees, shall establish rules for the operation of the 13332
residents' benefit ~~fund~~ funds. 13333

Sec. 5907.12. The board of trustees of the Ohio veterans' 13334
home agency may utilize the services of volunteers to assist in 13335
attending to and caring for residents, assisting in resident 13336
activities, caring for ~~the home's~~ veterans' homes' buildings and 13337
grounds, and participating in any other services that accomplish 13338
any of the board's purposes. All volunteer programs are subject to 13339
the board's approval. The board may recruit, train, and supervise 13340
the services of community volunteers or volunteer groups for 13341
volunteer programs. The board may designate volunteers as state 13342
employees for the purpose of motor vehicle accident liability 13343
insurance under section 9.83 of the Revised Code and for the 13344
purpose of indemnification from liability incurred in the 13345
performance of their duties under section 9.87 of the Revised 13346
Code. 13347

Sec. 5907.13. Residents of ~~the Ohio~~ veterans' ~~home~~ homes may 13348
be assessed a fee to pay a portion of the expenses of their 13349
support, dependent upon their ability to pay. Subject to 13350
controlling board approval, the board of trustees of the Ohio 13351
veterans' home agency shall adopt rules for determining a 13352

resident's ability to pay. Each resident shall furnish the board 13353
of trustees statements of income, assets, debts, and expenses that 13354
the board requires. 13355

All fees contributed by the residents under this section 13356
shall be deposited into an interest-bearing account in a public 13357
depository in accordance with section 135.18 of the Revised Code. 13358
All of these fees shall be paid to the treasurer of state within 13359
thirty days after the end of the month of receipt, together with 13360
all interest credited to the account to date. The treasurer of 13361
state shall credit eighty per cent of these fees and of this 13362
interest to the Ohio veterans' ~~home~~ homes operating fund and 13363
twenty per cent of these fees and of this interest to the Ohio 13364
veterans' ~~home~~ homes fund. 13365

The fee for each resident shall be based upon the level of 13366
care provided to the resident by the resident's home. The board of 13367
trustees shall determine authorized levels of care for residents. 13368
The assessment for each resident shall not exceed the difference 13369
between the total per diem amount collected by the state for 13370
maintenance from all sources on the resident's behalf and the 13371
average annual per diem cost for the resident's maintenance, 13372
computed in accordance with veterans administration regulations. 13373
13374

Sec. 5907.131. There is hereby created in the state treasury 13375
the Ohio veterans' ~~home~~ homes operating fund, in which shall be 13376
placed the fee and interest revenue credited to it under section 13377
5907.13 of the Revised Code. The fund shall be used for paying the 13378
operating costs of ~~the Ohio veterans'~~ home homes. 13379

Sec. 5907.14. There is hereby created in the state treasury 13380
the Ohio veterans' ~~home~~ homes fund, to which shall be credited the 13381
fee and interest revenue specified in section 5907.13 of the 13382
Revised Code. The fund shall be used only for the following 13383

purposes:	13384
(A) Paying the cost of capital facilities or equipment purchases for the Ohio veterans' home <u>homes</u> ;	13385 13386
(B) Participation in capital facilities for the Ohio veterans' home <u>homes</u> with the federal government, municipal corporations, counties, or other governmental agencies.	13387 13388 13389
Sec. 5907.141. (A) All money received from the United States department of veterans affairs in per diem grants for care that the Ohio veterans' home <u>provides</u> <u>homes provide</u> shall be deposited in the state treasury to the credit of the Ohio veterans' home <u>homes</u> federal grant fund, which is hereby created. Money credited to the fund shall be used only for the operating costs of the Ohio veterans' home <u>homes</u> .	13390 13391 13392 13393 13394 13395 13396
(B) Any resident of the Ohio <u>a</u> veterans' home whom the United States department of veterans affairs determines to have excess income or assets, therefore rendering the home ineligible to collect per diem grant reimbursement for days of care provided to that resident, is <u>may be</u> required to pay, in addition to the fees assessed under section 5907.13 of the Revised Code, an amount equal to the rate of per diem grant that the department denied for that particular resident. Any amount that the resident pays under this division shall be collected and distributed in the same manner as the fees assessed under section 5907.13 of the Revised Code.	13397 13398 13399 13400 13401 13402 13403 13404 13405 13406 13407
Sec. 5907.15. There is hereby created in the state treasury the Ohio veterans' home <u>homes</u> rental, service, and medicare reimbursement fund. Revenue generated from temporary use agreements of the <u>a veterans'</u> home, from the sale of meals at the <u>a</u> home's dining halls, from rental, lease, or sharing agreements for the use of facilities, supplies, equipment, utilities, or	13408 13409 13410 13411 13412 13413

services provided by ~~the~~ a home, and from medicare reimbursements 13414
shall be credited to the fund. The fund shall be used only for 13415
maintenance costs of the ~~home~~ homes and for the purchase of 13416
medications, medical supplies, and medical equipment by the ~~home~~ 13417
homes. 13418

Sec. 6103.02. (A) For the purpose of preserving and promoting 13419
the public health and welfare, a board of county commissioners may 13420
acquire, construct, maintain, and operate any public water supply 13421
facilities within its county for one or more sewer districts and 13422
may provide for their protection and prevent their pollution and 13423
unnecessary waste. The board may negotiate and enter into a 13424
contract with any public agency or any person for the management, 13425
maintenance, operation, and repair of the facilities on behalf of 13426
the county, upon the terms and conditions as may be agreed upon 13427
with the agency or person and as may be determined by the board to 13428
be in the interests of the county. By contract with any public 13429
agency or any person operating public water supply facilities 13430
within or without its county, the board also may provide a supply 13431
of water to a sewer district from the facilities of the public 13432
agency or person. 13433

(B) The county sanitary engineer or sanitary engineering 13434
department, in addition to other assigned duties, shall assist the 13435
board in the performance of its duties under this chapter and 13436
shall be charged with other duties and services in relation to the 13437
board's duties as the board prescribes. 13438

(C) The board may adopt, publish, administer, and enforce 13439
rules for the construction, maintenance, protection, and use of 13440
county-owned or county-operated public water supply facilities 13441
outside municipal corporations and of public water supply 13442
facilities within municipal corporations that are owned or 13443
operated by the county or that are supplied with water from water 13444
supply facilities owned or operated by the county, including, but 13445

not limited to, rules for the establishment and use of any
connections, the termination in accordance with reasonable
procedures of water service for nonpayment of county water rates
and charges, and the establishment and use of security deposits to
the extent considered necessary to ensure the payment of county
water rates and charges. The rules shall not be inconsistent with
the laws of the state or any applicable rules of the director of
environmental protection.

(D) No public water supply facilities shall be constructed in
any county outside municipal corporations by any person, except
for the purpose of supplying water to those municipal
corporations, until the plans and specifications for the
facilities have been approved by the board. Construction shall be
done under the supervision of the county sanitary engineer. Any
person constructing public water supply facilities shall pay to
the county all expenses incurred by the board in connection with
the construction.

(E) The county sanitary engineer or the county sanitary
engineer's authorized assistants or agents, when properly
identified in writing or otherwise and after written notice is
delivered to the owner at least five days in advance or mailed at
least five days in advance by first class or certified mail to the
owner's tax mailing address, may enter upon any public or private
property for the purpose of making, and may make, surveys or
inspections necessary for the design or evaluation of county
public water supply facilities. This entry is not a trespass and
is not to be considered an entry in connection with any
appropriation of property proceedings under sections 163.01 to
163.22 of the Revised Code that may be pending. No person or
public agency shall forbid the county sanitary engineer or the
county sanitary engineer's authorized assistants or agents to
enter, or interfere with their entry, upon the property for the

purpose of making the surveys or inspections. If actual damage is done to property by the making of the surveys or inspections, the board shall pay the reasonable value of the damage to the property owner, and the cost shall be included in the cost of the facilities and may be included in any special assessments levied and collected to pay that cost.

(F) The board shall fix reasonable rates, including penalties for late payments, for water supplied to public agencies and persons when the source of supply or the facilities for its distribution are owned or operated by the county and may change the rates from time to time as it considers advisable. When the source of the water supply to be used by the county is owned by another public agency or person, the schedule of rates to be charged by the public agency or person shall be approved by the board at the time it enters into a contract for the use of water from the public agency or person. When the distribution facilities are owned by the county, the board also may fix reasonable charges to be collected for the privilege of connecting to the distribution facilities and may require that, prior to the connection, the charges be paid in full or, if determined by the board to be equitable in a resolution relating to the payment of the charges, may require their payment in installments, as considered adequate by the board, at the times, in the amounts, and with the security, carrying charges, and penalties as may be determined by the board in that resolution to be fair and appropriate. No public agency or person shall be permitted to connect to those facilities until the charges have been paid in full or provision for their payment in installments has been made. If the connection charges are to be paid in installments, the board shall certify, to the county auditor, information sufficient to identify each parcel of property served by a connection and, with respect to each parcel, the total of the charges to be paid

in installments, the amount of each installment, and the total
number of installments to be paid. The county auditor shall record
and maintain the information so supplied in the waterworks record
provided for in section 6103.16 of the Revised Code until the
connection charges are paid in full. The board may include amounts
attributable to connection charges being paid in installments in
its billings of rates and other charges for water supplied. In
addition, the board may consider payments made to a school
district under section 6103.25 of the Revised Code when the board
establishes rates and other charges for water supplied.

(G) When any rates or charges are not paid when due, the
board may do any or all of the following:

(1) Certify the unpaid rates or charges, together with any
penalties, to the county auditor. The county auditor shall place
the certified amount upon the real property tax list and duplicate
against the property served by the connection. The certified
amount shall be a lien on the property from the date placed on the
real property tax list and duplicate and shall be collected in the
same manner as taxes, except that, notwithstanding section 323.15
of the Revised Code, a county treasurer shall accept a payment in
that amount when separately tendered as payment for the full
amount of the unpaid rates or charges and associated penalties.
The lien shall be released immediately upon payment in full of the
certified amount.

(2) Collect the unpaid rates or charges, together with any
penalties, by actions at law in the name of the county from an
owner, tenant, or other person or public agency that is liable for
the payment of the rates or charges;

(3) Terminate, in accordance with established rules, the
water service to the particular property unless and until the
unpaid rates or charges, together with any penalties, are paid in

full; 13542

(4) Apply, to the extent required, any security deposit made 13543
in accordance with established rules to the payment of the unpaid 13544
rates and charges, together with any penalties, for water service 13545
to the particular property. 13546

All moneys collected as rates, charges, or penalties fixed or 13547
established in accordance with division (F) of this section for 13548
water supply purposes in or for any sewer district shall be paid 13549
to the county treasurer and kept in a separate and distinct water 13550
fund established by the board to the credit of the district. 13551

Each board that fixes water rates or charges may render 13552
estimated bills periodically, provided that at least quarterly it 13553
shall schedule an actual reading of each customer's meter so as to 13554
render a bill for the actual amount shown by the meter reading to 13555
be due, with credit for prior payments of any estimated bills 13556
submitted for any part of the billing period, except that 13557
estimated bills may be rendered if a customer's meter is not 13558
accessible for a timely reading or if the circumstances preclude a 13559
scheduled reading. Each board also shall establish procedures 13560
providing a fair and reasonable opportunity for the resolution of 13561
billing disputes. 13562

When property to which water service is provided is about to 13563
be sold, any party to the sale or an agent of a party may request 13564
the board to have the meter at that property read and to render, 13565
within ten days following the date on which the request is made, a 13566
final bill for all outstanding rates and charges for water 13567
service. The request shall be made at least fourteen days prior to 13568
the transfer of the title of the property. 13569

At any time prior to a certification under division (G)(1) of 13570
this section, the board shall accept any partial payment of unpaid 13571
water rates or charges in the amount of ten dollars or more. 13572

Except as otherwise provided in any proceedings authorizing 13573
or providing for the security for and payment of any public 13574
obligations, or in any indenture or trust or other agreement 13575
securing public obligations, moneys in the water fund shall be 13576
applied first to the payment of the cost of the management, 13577
maintenance, and operation of the water supply facilities of, or 13578
used or operated for, the sewer district, which cost may include 13579
the county's share of management, maintenance, and operation costs 13580
under cooperative contracts for the acquisition, construction, or 13581
use of water supply facilities and, in accordance with a cost 13582
allocation plan adopted under division (H) of this section, 13583
payment of all allowable direct and indirect costs of the 13584
district, the county sanitary engineer or sanitary engineering 13585
department, or a federal or state grant program, incurred for the 13586
purposes of this chapter, and shall be applied second to the 13587
payment of debt charges payable on any outstanding public 13588
obligations issued or incurred for the acquisition or construction 13589
of water supply facilities for or serving the district, or for the 13590
funding of a bond retirement or other fund established for the 13591
payment of or security for the obligations. Any surplus remaining 13592
may be applied to the acquisition or construction of those 13593
facilities or for the payment of contributions to be made, or 13594
costs incurred, for the acquisition or construction of those 13595
facilities under cooperative contracts. Moneys in the water fund 13596
shall not be expended other than for the use and benefit of the 13597
district. 13598

(H) A board of county commissioners may adopt a cost 13599
allocation plan that identifies, accumulates, and distributes 13600
allowable direct and indirect costs that may be paid from the 13601
water fund of the sewer district created pursuant to division (G) 13602
of this section, and that prescribes methods for allocating those 13603
costs. The plan shall authorize payment from the fund of only 13604

those costs incurred by the district, the county sanitary engineer 13605
or sanitary engineering department, or a federal or state grant 13606
program, and those costs incurred by the general and other funds 13607
of the county for a common or joint purpose, that are necessary 13608
and reasonable for the proper and efficient administration of the 13609
district under this chapter. The plan shall not authorize payment 13610
from the fund of any general government expense required to carry 13611
out the overall governmental responsibilities of a county. The 13612
plan shall conform to United States office of management and 13613
budget Circular A-87, "Cost Principles for State, Local, and 13614
Indian Tribal Governments," published ~~15~~ May 17, 1995. 13615
13616

Sec. 6103.25. Whenever, in the opinion of the board of county 13617
commissioners, it is necessary to acquire real estate or any 13618
interest in real estate for the acquisition, construction, 13619
maintenance, or operation of any water supply facilities 13620
authorized by this chapter, or to acquire the right to acquire, 13621
construct, maintain, and operate those facilities in and upon any 13622
property within or outside of a county sewer district, it may 13623
purchase the real estate, interest in real estate, or right by 13624
negotiation. If the board and the owner of the real estate, 13625
interest in real estate, or right are unable to agree upon its 13626
purchase and sale, or the amount of damages to be awarded for it, 13627
the board may appropriate the real estate, interest, or right in 13628
accordance with sections 163.01 to 163.22 of the Revised Code, 13629
except that the board, in the exercise of the powers granted by 13630
this section or any other section of this chapter, may not 13631
appropriate real estate or personal property owned by a municipal 13632
corporation. 13633

If the board purchases or appropriates real estate, an 13634
interest in real estate, or a right pursuant to this section and 13635
the real estate, interest in real estate, or right was subject to 13636

real or personal property taxes prior to the purchase or 13637
appropriation, the board may make payments to a school district of 13638
all or a portion of the amount of the taxes that otherwise would 13639
have been received by the district if the purchase or 13640
appropriation had not occurred. The payments shall be authorized 13641
by a resolution adopted by the board. 13642

As used in this section, "school district" means a "city 13643
school district" as defined in section 3311.02 of the Revised 13644
Code, a "local school district" as defined in section 3311.03 of 13645
the Revised Code, an "exempted village school district" as defined 13646
in section 3311.04 of the Revised Code, and a "joint vocational 13647
school district" as defined in section 3311.18 of the Revised 13648
Code. 13649

Section 1.02. That existing sections 102.02, 109.71, 109.77, 13650
122.171, 123.024, 123.10, 124.381, 124.82, 133.20, 145.01, 13651
145.012, 145.33, 151.01, 151.40, 152.09, 152.10, 166.01, 166.02, 13652
166.03, 166.04, 166.05, 166.06, 166.07, 166.08, 166.11, 183.021, 13653
183.19, 183.30, 307.23, 715.02, 1565.351, 1565.04, 1565.15, 13654
1711.11, 1711.53, 2113.031, 2901.01, 2921.51, 2935.01, 2935.03, 13655
2935.031, 3318.01, 3318.011, 3318.03, 3318.031, 3318.032, 13656
3318.033, 3318.042, 3318.08, 3318.084, 3318.086, 3318.10, 3318.12, 13657
3318.15, 3318.19, 3318.25, 3318.26, 3318.311, 3318.36, 3354.16, 13658
3355.12, 3357.16, 3383.01, 3383.02, 3383.03, 3519.04, 3702.5210, 13659
3702.5211, 3702.5213, 3721.01, 3737.71, 4117.01, 4117.14, 4123.01, 13660
4123.35, 4582.03, 4582.20, 4582.27, 4582.30, 4582.46, 5709.61, 13661
5715.20, 5717.01, 5731.21, 5733.021, 5733.26, 5733.40, 5733.401, 13662
5739.031, 5747.01, 5747.02, 5902.02, 5902.05, 5907.01, 5907.02, 13663
5907.021, 5907.022, 5907.03, 5907.04, 5907.05, 5907.06, 5907.07, 13664
5907.08, 5907.09, 5907.10, 5907.11, 5907.12, 5907.13, 5907.131, 13665
5907.14, 5907.141, 5907.15, 6103.02, and 6103.25 and section 13666
5747.231 of the Revised Code are hereby repealed. 13667

Section 1.03. Sections 183.20, 183.21, 183.22, 183.23, 13668
183.24, and 183.25 of the Revised Code are hereby repealed, 13669
effective July 1, 2003. 13670

Section 1.04. That the version of section 2935.03 of the 13671
Revised Code that is scheduled to take effect January 1, 2004, be 13672
amended to read as follows: 13673

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 13674
deputy marshal, municipal police officer, township constable, 13675
police officer of a township or joint township police district, 13676
member of a police force employed by a metropolitan housing 13677
authority under division (D) of section 3735.31 of the Revised 13678
Code, member of a police force employed by a regional transit 13679
authority under division (Y) of section 306.35 of the Revised 13680
Code, state university law enforcement officer appointed under 13681
section 3345.04 of the Revised Code, ~~Ohio~~ veterans' home police 13682
officer appointed under section 5907.02 of the Revised Code, or 13683
special police officer employed by a port authority under section 13684
4582.04 or 4582.28 of the Revised Code shall arrest and detain, 13685
until a warrant can be obtained, a person found violating, within 13686
the limits of the political subdivision, metropolitan housing 13687
authority housing project, regional transit authority facilities 13688
or areas of a municipal corporation that have been agreed to by a 13689
regional transit authority and a municipal corporation located 13690
within its territorial jurisdiction, college, university, ~~Ohio~~ 13691
veterans' home operated under Chapter 5907. of the Revised Code, 13692
or port authority in which the peace officer is appointed, 13693
employed, or elected, a law of this state, an ordinance of a 13694
municipal corporation, or a resolution of a township. 13695

(2) A peace officer of the department of natural resources or 13696
an individual designated to perform law enforcement duties under 13697

section 511.232, 1545.13, or 6101.75 of the Revised Code shall 13698
arrest and detain, until a warrant can be obtained, a person found 13699
violating, within the limits of the peace officer's or 13700
individual's territorial jurisdiction, a law of this state. 13701

(3) The house sergeant at arms if the house sergeant at arms 13702
has arrest authority pursuant to division (E)(1) of section 13703
101.311 of the Revised Code and an assistant house sergeant at 13704
arms shall arrest and detain, until a warrant can be obtained, a 13705
person found violating, within the limits of the sergeant at 13706
arms's or assistant sergeant at arms's territorial jurisdiction 13707
specified in division (D)(1)(a) of section 101.311 of the Revised 13708
Code or while providing security pursuant to division (D)(1)(f) of 13709
section 101.311 of the Revised Code, a law of this state, an 13710
ordinance of a municipal corporation, or a resolution of a 13711
township. 13712

(B)(1) When there is reasonable ground to believe that an 13713
offense of violence, the offense of criminal child enticement as 13714
defined in section 2905.05 of the Revised Code, the offense of 13715
public indecency as defined in section 2907.09 of the Revised 13716
Code, the offense of domestic violence as defined in section 13717
2919.25 of the Revised Code, the offense of violating a protection 13718
order as defined in section 2919.27 of the Revised Code, the 13719
offense of menacing by stalking as defined in section 2903.211 of 13720
the Revised Code, the offense of aggravated trespass as defined in 13721
section 2911.211 of the Revised Code, a theft offense as defined 13722
in section 2913.01 of the Revised Code, or a felony drug abuse 13723
offense as defined in section 2925.01 of the Revised Code, has 13724
been committed within the limits of the political subdivision, 13725
metropolitan housing authority housing project, regional transit 13726
authority facilities or those areas of a municipal corporation 13727
that have been agreed to by a regional transit authority and a 13728
municipal corporation located within its territorial jurisdiction, 13729

college, university, Ohio veterans' home operated under Chapter 13730
5907. of the Revised Code, or port authority in which the peace 13731
officer is appointed, employed, or elected or within the limits of 13732
the territorial jurisdiction of the peace officer, a peace officer 13733
described in division (A) of this section may arrest and detain 13734
until a warrant can be obtained any person who the peace officer 13735
has reasonable cause to believe is guilty of the violation. 13736

(2) For purposes of division (B)(1) of this section, the 13737
execution of any of the following constitutes reasonable ground to 13738
believe that the offense alleged in the statement was committed 13739
and reasonable cause to believe that the person alleged in the 13740
statement to have committed the offense is guilty of the 13741
violation: 13742

(a) A written statement by a person alleging that an alleged 13743
offender has committed the offense of menacing by stalking or 13744
aggravated trespass; 13745

(b) A written statement by the administrator of the 13746
interstate compact on mental health appointed under section 13747
5119.51 of the Revised Code alleging that a person who had been 13748
hospitalized, institutionalized, or confined in any facility under 13749
an order made pursuant to or under authority of section 2945.37, 13750
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 13751
Revised Code has escaped from the facility, from confinement in a 13752
vehicle for transportation to or from the facility, or from 13753
supervision by an employee of the facility that is incidental to 13754
hospitalization, institutionalization, or confinement in the 13755
facility and that occurs outside of the facility, in violation of 13756
section 2921.34 of the Revised Code; 13757

(c) A written statement by the administrator of any facility 13758
in which a person has been hospitalized, institutionalized, or 13759
confined under an order made pursuant to or under authority of 13760
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 13761

2945.402 of the Revised Code alleging that the person has escaped 13762
from the facility, from confinement in a vehicle for 13763
transportation to or from the facility, or from supervision by an 13764
employee of the facility that is incidental to hospitalization, 13765
institutionalization, or confinement in the facility and that 13766
occurs outside of the facility, in violation of section 2921.34 of 13767
the Revised Code. 13768

(3)(a) For purposes of division (B)(1) of this section, a 13769
peace officer described in division (A) of this section has 13770
reasonable grounds to believe that the offense of domestic 13771
violence or the offense of violating a protection order has been 13772
committed and reasonable cause to believe that a particular person 13773
is guilty of committing the offense if any of the following 13774
occurs: 13775

(i) A person executes a written statement alleging that the 13776
person in question has committed the offense of domestic violence 13777
or the offense of violating a protection order against the person 13778
who executes the statement or against a child of the person who 13779
executes the statement. 13780

(ii) No written statement of the type described in division 13781
(B)(3)(a)(i) of this section is executed, but the peace officer, 13782
based upon the peace officer's own knowledge and observation of 13783
the facts and circumstances of the alleged incident of the offense 13784
of domestic violence or the alleged incident of the offense of 13785
violating a protection order or based upon any other information, 13786
including, but not limited to, any reasonably trustworthy 13787
information given to the peace officer by the alleged victim of 13788
the alleged incident of the offense or any witness of the alleged 13789
incident of the offense, concludes that there are reasonable 13790
grounds to believe that the offense of domestic violence or the 13791
offense of violating a protection order has been committed and 13792
reasonable cause to believe that the person in question is guilty 13793

of committing the offense. 13794

(iii) No written statement of the type described in division 13795
(B)(3)(a)(i) of this section is executed, but the peace officer 13796
witnessed the person in question commit the offense of domestic 13797
violence or the offense of violating a protection order. 13798

(b) If pursuant to division (B)(3)(a) of this section a peace 13799
officer has reasonable grounds to believe that the offense of 13800
domestic violence or the offense of violating a protection order 13801
has been committed and reasonable cause to believe that a 13802
particular person is guilty of committing the offense, it is the 13803
preferred course of action in this state that the officer arrest 13804
and detain that person pursuant to division (B)(1) of this section 13805
until a warrant can be obtained. 13806

If pursuant to division (B)(3)(a) of this section a peace 13807
officer has reasonable grounds to believe that the offense of 13808
domestic violence or the offense of violating a protection order 13809
has been committed and reasonable cause to believe that family or 13810
household members have committed the offense against each other, 13811
it is the preferred course of action in this state that the 13812
officer, pursuant to division (B)(1) of this section, arrest and 13813
detain until a warrant can be obtained the family or household 13814
member who committed the offense and whom the officer has 13815
reasonable cause to believe is the primary physical aggressor. 13816
There is no preferred course of action in this state regarding any 13817
other family or household member who committed the offense and 13818
whom the officer does not have reasonable cause to believe is the 13819
primary physical aggressor, but, pursuant to division (B)(1) of 13820
this section, the peace officer may arrest and detain until a 13821
warrant can be obtained any other family or household member who 13822
committed the offense and whom the officer does not have 13823
reasonable cause to believe is the primary physical aggressor. 13824

(c) If a peace officer described in division (A) of this 13825

section does not arrest and detain a person whom the officer has 13826
reasonable cause to believe committed the offense of domestic 13827
violence or the offense of violating a protection order when it is 13828
the preferred course of action in this state pursuant to division 13829
(B)(3)(b) of this section that the officer arrest that person, the 13830
officer shall articulate in the written report of the incident 13831
required by section 2935.032 of the Revised Code a clear statement 13832
of the officer's reasons for not arresting and detaining that 13833
person until a warrant can be obtained. 13834

(d) In determining for purposes of division (B)(3)(b) of this 13835
section which family or household member is the primary physical 13836
aggressor in a situation in which family or household members have 13837
committed the offense of domestic violence or the offense of 13838
violating a protection order against each other, a peace officer 13839
described in division (A) of this section, in addition to any 13840
other relevant circumstances, should consider all of the 13841
following: 13842

(i) Any history of domestic violence or of any other violent 13843
acts by either person involved in the alleged offense that the 13844
officer reasonably can ascertain; 13845

(ii) If violence is alleged, whether the alleged violence was 13846
caused by a person acting in self-defense; 13847

(iii) Each person's fear of physical harm, if any, resulting 13848
from the other person's threatened use of force against any person 13849
or resulting from the other person's use or history of the use of 13850
force against any person, and the reasonableness of that fear; 13851

(iv) The comparative severity of any injuries suffered by the 13852
persons involved in the alleged offense. 13853

(e)(i) A peace officer described in division (A) of this 13854
section shall not require, as a prerequisite to arresting or 13855
charging a person who has committed the offense of domestic 13856

violence or the offense of violating a protection order, that the 13857
victim of the offense specifically consent to the filing of 13858
charges against the person who has committed the offense or sign a 13859
complaint against the person who has committed the offense. 13860

(ii) If a person is arrested for or charged with committing 13861
the offense of domestic violence or the offense of violating a 13862
protection order and if the victim of the offense does not 13863
cooperate with the involved law enforcement or prosecuting 13864
authorities in the prosecution of the offense or, subsequent to 13865
the arrest or the filing of the charges, informs the involved law 13866
enforcement or prosecuting authorities that the victim does not 13867
wish the prosecution of the offense to continue or wishes to drop 13868
charges against the alleged offender relative to the offense, the 13869
involved prosecuting authorities, in determining whether to 13870
continue with the prosecution of the offense or whether to dismiss 13871
charges against the alleged offender relative to the offense and 13872
notwithstanding the victim's failure to cooperate or the victim's 13873
wishes, shall consider all facts and circumstances that are 13874
relevant to the offense, including, but not limited to, the 13875
statements and observations of the peace officers who responded to 13876
the incident that resulted in the arrest or filing of the charges 13877
and of all witnesses to that incident. 13878

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 13879
this section whether to arrest a person pursuant to division 13880
(B)(1) of this section, a peace officer described in division (A) 13881
of this section shall not consider as a factor any possible 13882
shortage of cell space at the detention facility to which the 13883
person will be taken subsequent to the person's arrest or any 13884
possibility that the person's arrest might cause, contribute to, 13885
or exacerbate overcrowding at that detention facility or at any 13886
other detention facility. 13887

(g) If a peace officer described in division (A) of this 13888

section intends pursuant to divisions (B)(3)(a) to (g) of this 13889
section to arrest a person pursuant to division (B)(1) of this 13890
section and if the officer is unable to do so because the person 13891
is not present, the officer promptly shall seek a warrant for the 13892
arrest of the person. 13893

(h) If a peace officer described in division (A) of this 13894
section responds to a report of an alleged incident of the offense 13895
of domestic violence or an alleged incident of the offense of 13896
violating a protection order and if the circumstances of the 13897
incident involved the use or threatened use of a deadly weapon or 13898
any person involved in the incident brandished a deadly weapon 13899
during or in relation to the incident, the deadly weapon that was 13900
used, threatened to be used, or brandished constitutes contraband, 13901
and, to the extent possible, the officer shall seize the deadly 13902
weapon as contraband pursuant to section 2933.43 of the Revised 13903
Code. Upon the seizure of a deadly weapon pursuant to division 13904
(B)(3)(h) of this section, section 2933.43 of the Revised Code 13905
shall apply regarding the treatment and disposition of the deadly 13906
weapon. For purposes of that section, the "underlying criminal 13907
offense" that was the basis of the seizure of a deadly weapon 13908
under division (B)(3)(h) of this section and to which the deadly 13909
weapon had a relationship is any of the following that is 13910
applicable: 13911

(i) The alleged incident of the offense of domestic violence 13912
or the alleged incident of the offense of violating a protection 13913
order to which the officer who seized the deadly weapon responded; 13914

(ii) Any offense that arose out of the same facts and 13915
circumstances as the report of the alleged incident of the offense 13916
of domestic violence or the alleged incident of the offense of 13917
violating a protection order to which the officer who seized the 13918
deadly weapon responded. 13919

(4) If, in the circumstances described in divisions (B)(3)(a) 13920

to (g) of this section, a peace officer described in division (A) 13921
of this section arrests and detains a person pursuant to division 13922
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 13923
this section, a peace officer described in division (A) of this 13924
section seizes a deadly weapon, the officer, to the extent 13925
described in and in accordance with section 9.86 or 2744.03 of the 13926
Revised Code, is immune in any civil action for damages for 13927
injury, death, or loss to person or property that arises from or 13928
is related to the arrest and detention or the seizure. 13929

(C) When there is reasonable ground to believe that a 13930
violation of division (A)(1), (2), or (3) of section 4506.15 or a 13931
violation of section 4511.19 of the Revised Code has been 13932
committed by a person operating a motor vehicle subject to 13933
regulation by the public utilities commission of Ohio under Title 13934
XLIX of the Revised Code, a peace officer with authority to 13935
enforce that provision of law may stop or detain the person whom 13936
the officer has reasonable cause to believe was operating the 13937
motor vehicle in violation of the division or section and, after 13938
investigating the circumstances surrounding the operation of the 13939
vehicle, may arrest and detain the person. 13940

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 13941
municipal police officer, member of a police force employed by a 13942
metropolitan housing authority under division (D) of section 13943
3735.31 of the Revised Code, member of a police force employed by 13944
a regional transit authority under division (Y) of section 306.35 13945
of the Revised Code, special police officer employed by a port 13946
authority under section 4582.04 or 4582.28 of the Revised Code, 13947
township constable, police officer of a township or joint township 13948
police district, state university law enforcement officer 13949
appointed under section 3345.04 of the Revised Code, peace officer 13950
of the department of natural resources, individual designated to 13951
perform law enforcement duties under section 511.232, 1545.13, or 13952

6101.75 of the Revised Code, the house sergeant at arms if the
house sergeant at arms has arrest authority pursuant to division
(E)(1) of section 101.311 of the Revised Code, or an assistant
house sergeant at arms is authorized by division (A) or (B) of
this section to arrest and detain, within the limits of the
political subdivision, metropolitan housing authority housing
project, regional transit authority facilities or those areas of a
municipal corporation that have been agreed to by a regional
transit authority and a municipal corporation located within its
territorial jurisdiction, port authority, college, or university
in which the officer is appointed, employed, or elected or within
the limits of the territorial jurisdiction of the peace officer, a
person until a warrant can be obtained, the peace officer, outside
the limits of that territory, may pursue, arrest, and detain that
person until a warrant can be obtained if all of the following
apply:

(1) The pursuit takes place without unreasonable delay after
the offense is committed;

(2) The pursuit is initiated within the limits of the
political subdivision, metropolitan housing authority housing
project, regional transit authority facilities or those areas of a
municipal corporation that have been agreed to by a regional
transit authority and a municipal corporation located within its
territorial jurisdiction, port authority, college, or university
in which the peace officer is appointed, employed, or elected or
within the limits of the territorial jurisdiction of the peace
officer;

(3) The offense involved is a felony, a misdemeanor of the
first degree or a substantially equivalent municipal ordinance, a
misdemeanor of the second degree or a substantially equivalent
municipal ordinance, or any offense for which points are
chargeable pursuant to section 4510.036 of the Revised Code.

(E) In addition to the authority granted under division (A) 13985
or (B) of this section: 13986

(1) A sheriff or deputy sheriff may arrest and detain, until 13987
a warrant can be obtained, any person found violating section 13988
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 13989
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 13990
portion of any street or highway that is located immediately 13991
adjacent to the boundaries of the county in which the sheriff or 13992
deputy sheriff is elected or appointed. 13993

(2) A member of the police force of a township police 13994
district created under section 505.48 of the Revised Code, a 13995
member of the police force of a joint township police district 13996
created under section 505.481 of the Revised Code, or a township 13997
constable appointed in accordance with section 509.01 of the 13998
Revised Code, who has received a certificate from the Ohio peace 13999
officer training commission under section 109.75 of the Revised 14000
Code, may arrest and detain, until a warrant can be obtained, any 14001
person found violating any section or chapter of the Revised Code 14002
listed in division (E)(1) of this section, other than sections 14003
4513.33 and 4513.34 of the Revised Code, on the portion of any 14004
street or highway that is located immediately adjacent to the 14005
boundaries of the township police district or joint township 14006
police district, in the case of a member of a township police 14007
district or joint township police district police force, or the 14008
unincorporated territory of the township, in the case of a 14009
township constable. However, if the population of the township 14010
that created the township police district served by the member's 14011
police force, or the townships that created the joint township 14012
police district served by the member's police force, or the 14013
township that is served by the township constable, is sixty 14014
thousand or less, the member of the township police district or 14015
joint police district police force or the township constable may 14016

not make an arrest under division (E)(2) of this section on a 14017
state highway that is included as part of the interstate system. 14018

(3) A police officer or village marshal appointed, elected, 14019
or employed by a municipal corporation may arrest and detain, 14020
until a warrant can be obtained, any person found violating any 14021
section or chapter of the Revised Code listed in division (E)(1) 14022
of this section on the portion of any street or highway that is 14023
located immediately adjacent to the boundaries of the municipal 14024
corporation in which the police officer or village marshal is 14025
appointed, elected, or employed. 14026

(4) A peace officer of the department of natural resources or 14027
an individual designated to perform law enforcement duties under 14028
section 511.232, 1545.13, or 6101.75 of the Revised Code may 14029
arrest and detain, until a warrant can be obtained, any person 14030
found violating any section or chapter of the Revised Code listed 14031
in division (E)(1) of this section, other than sections 4513.33 14032
and 4513.34 of the Revised Code, on the portion of any street or 14033
highway that is located immediately adjacent to the boundaries of 14034
the lands and waters that constitute the territorial jurisdiction 14035
of the peace officer. 14036

(F)(1) A department of mental health special police officer 14037
or a department of mental retardation and developmental 14038
disabilities special police officer may arrest without a warrant 14039
and detain until a warrant can be obtained any person found 14040
committing on the premises of any institution under the 14041
jurisdiction of the particular department a misdemeanor under a 14042
law of the state. 14043

A department of mental health special police officer or a 14044
department of mental retardation and developmental disabilities 14045
special police officer may arrest without a warrant and detain 14046
until a warrant can be obtained any person who has been 14047
hospitalized, institutionalized, or confined in an institution 14048

under the jurisdiction of the particular department pursuant to or 14049
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 14050
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 14051
found committing on the premises of any institution under the 14052
jurisdiction of the particular department a violation of section 14053
2921.34 of the Revised Code that involves an escape from the 14054
premises of the institution. 14055

(2)(a) If a department of mental health special police 14056
officer or a department of mental retardation and developmental 14057
disabilities special police officer finds any person who has been 14058
hospitalized, institutionalized, or confined in an institution 14059
under the jurisdiction of the particular department pursuant to or 14060
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 14061
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 14062
violation of section 2921.34 of the Revised Code that involves an 14063
escape from the premises of the institution, or if there is 14064
reasonable ground to believe that a violation of section 2921.34 14065
of the Revised Code has been committed that involves an escape 14066
from the premises of an institution under the jurisdiction of the 14067
department of mental health or the department of mental 14068
retardation and developmental disabilities and if a department of 14069
mental health special police officer or a department of mental 14070
retardation and developmental disabilities special police officer 14071
has reasonable cause to believe that a particular person who has 14072
been hospitalized, institutionalized, or confined in the 14073
institution pursuant to or under authority of section 2945.37, 14074
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 14075
Revised Code is guilty of the violation, the special police 14076
officer, outside of the premises of the institution, may pursue, 14077
arrest, and detain that person for that violation of section 14078
2921.34 of the Revised Code, until a warrant can be obtained, if 14079
both of the following apply: 14080

(i) The pursuit takes place without unreasonable delay after 14081
the offense is committed; 14082

(ii) The pursuit is initiated within the premises of the 14083
institution from which the violation of section 2921.34 of the 14084
Revised Code occurred. 14085

(b) For purposes of division (F)(2)(a) of this section, the 14086
execution of a written statement by the administrator of the 14087
institution in which a person had been hospitalized, 14088
institutionalized, or confined pursuant to or under authority of 14089
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 14090
2945.402 of the Revised Code alleging that the person has escaped 14091
from the premises of the institution in violation of section 14092
2921.34 of the Revised Code constitutes reasonable ground to 14093
believe that the violation was committed and reasonable cause to 14094
believe that the person alleged in the statement to have committed 14095
the offense is guilty of the violation. 14096

(G) As used in this section: 14097

(1) A "department of mental health special police officer" 14098
means a special police officer of the department of mental health 14099
designated under section 5119.14 of the Revised Code who is 14100
certified by the Ohio peace officer training commission under 14101
section 109.77 of the Revised Code as having successfully 14102
completed an approved peace officer basic training program. 14103

(2) A "department of mental retardation and developmental 14104
disabilities special police officer" means a special police 14105
officer of the department of mental retardation and developmental 14106
disabilities designated under section 5123.13 of the Revised Code 14107
who is certified by the Ohio peace officer training council under 14108
section 109.77 of the Revised Code as having successfully 14109
completed an approved peace officer basic training program. 14110

(3) "Deadly weapon" has the same meaning as in section 14111

2923.11 of the Revised Code.	14112
(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	14113 14114
(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.	14115 14116
(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	14117 14118
(7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a forest officer designated pursuant to section 1503.29, a preserve officer designated pursuant to section 1517.10, a wildlife officer designated pursuant to section 1531.13, a park officer designated pursuant to section 1541.10, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.	14119 14120 14121 14122 14123 14124 14125 14126 14127
Section 1.05. That the existing version of section 2935.03 of the Revised Code that is scheduled to take effect January 1, 2004, is hereby repealed.	14128 14129 14130
Section 1.06. Sections 1.04 and 1.05 of this act shall take effect January 1, 2004.	14131 14132
Section 1.07. That the versions of sections 5739.026 and 5739.033 of the Revised Code that are scheduled to take effect July 1, 2003, be amended to read as follows:	14133 14134 14135
Sec. 5739.026. (A) A board of county commissioners may levy a tax of one-fourth or one-half of one per cent on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised	14136 14137 14138 14139

Code and sales of motor vehicles, and may increase an existing 14140
rate of one-fourth of one per cent to one-half of one per cent, to 14141
pay the expenses of administering the tax and, except as provided 14142
in division (A)(6) of this section, for any one or more of the 14143
following purposes provided that the aggregate levy for all such 14144
purposes does not exceed one-half of one per cent: 14145

(1) To provide additional revenues for the payment of bonds 14146
or notes issued in anticipation of bonds issued by a convention 14147
facilities authority established by the board of county 14148
commissioners under Chapter 351. of the Revised Code and to 14149
provide additional operating revenues for the convention 14150
facilities authority; 14151

(2) To provide additional revenues for a transit authority 14152
operating in the county; 14153

(3) To provide additional revenue for the county's general 14154
fund; 14155

(4) To provide additional revenue for permanent improvements 14156
within the county to be distributed by the community improvements 14157
board in accordance with section 307.283 and to pay principal, 14158
interest, and premium on bonds issued under section 307.284 of the 14159
Revised Code; 14160

(5) To provide additional revenue for the acquisition, 14161
construction, equipping, or repair of any specific permanent 14162
improvement or any class or group of permanent improvements, which 14163
improvement or class or group of improvements shall be enumerated 14164
in the resolution required by division (D) of this section, and to 14165
pay principal, interest, premium, and other costs associated with 14166
the issuance of bonds or notes in anticipation of bonds issued 14167
pursuant to Chapter 133. of the Revised Code for the acquisition, 14168
construction, equipping, or repair of the specific permanent 14169
improvement or class or group of permanent improvements; 14170

(6) To provide revenue for the implementation and operation 14171
of a 9-1-1 system in the county. If the tax is levied or the rate 14172
increased exclusively for such purpose, the tax shall not be 14173
levied or the rate increased for more than five years. At the end 14174
of the last year the tax is levied or the rate increased, any 14175
balance remaining in the special fund established for such purpose 14176
shall remain in that fund and be used exclusively for such purpose 14177
until the fund is completely expended, and, notwithstanding 14178
section 5705.16 of the Revised Code, the board of county 14179
commissioners shall not petition for the transfer of money from 14180
such special fund, and the tax commissioner shall not approve such 14181
a petition. 14182

If the tax is levied or the rate increased for such purpose 14183
for more than five years, the board of county commissioners also 14184
shall levy the tax or increase the rate of the tax for one or more 14185
of the purposes described in divisions (A)(1) to (5) of this 14186
section and shall prescribe the method for allocating the revenues 14187
from the tax each year in the manner required by division (C) of 14188
this section. 14189

(7) To provide additional revenue for the operation or 14190
maintenance of a detention facility, as that term is defined under 14191
division (F) of section 2921.01 of the Revised Code; 14192

(8) To provide revenue to finance the construction or 14193
renovation of a sports facility, but only if the tax is levied for 14194
that purpose in the manner prescribed by section 5739.028 of the 14195
Revised Code. 14196

As used in division (A)(8) of this section: 14197

(a) "Sports facility" means a facility intended to house 14198
major league professional athletic teams. 14199

(b) "Constructing" or "construction" includes providing 14200
fixtures, furnishings, and equipment. 14201

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county.

Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code.

The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a multiple of one-fourth of one per cent. The tax shall be levied and the rate increased pursuant to a resolution adopted by a majority of the members of the board.

Prior to the adoption of any resolution to levy the tax or to increase the rate of tax exclusively for the purpose set forth in division (A)(3) of this section, the board of county commissioners shall conduct two public hearings on the resolution, the second hearing to be no fewer than three nor more than ten days after the first. Notice of the date, time, and place of the hearings shall be given by publication in a newspaper of general circulation in the county once a week on the same day of the week for two consecutive weeks, the second publication being no fewer than ten nor more than thirty days prior to the first hearing. Except as provided in division (E) of this section, the resolution shall

become effective on the first day of a calendar quarter following 14234
the expiration of sixty days from the date of its adoption, 14235
subject to a referendum as provided in sections 305.31 to 305.41 14236
of the Revised Code. If the resolution is adopted as an emergency 14237
measure necessary for the immediate preservation of the public 14238
peace, health, or safety, it must receive an affirmative vote of 14239
all of the members of the board of county commissioners and shall 14240
state the reasons for the necessity. 14241

If the tax is for more than one of the purposes set forth in 14242
divisions (A)(1) to (7) and (9) of this section or is exclusively 14243
for one of the purposes set forth in division (A)(1), (2), (4), 14244
(5), (6), (7), or (9) of this section, the resolution shall not go 14245
into effect unless it is approved by a majority of the electors 14246
voting on the question of the tax. 14247

(B) The board of county commissioners shall adopt a 14248
resolution under section 351.02 of the Revised Code creating the 14249
convention facilities authority, or under section 307.283 of the 14250
Revised Code creating the community improvements board, before 14251
adopting a resolution levying a tax for the purpose of a 14252
convention facilities authority under division (A)(1) of this 14253
section or for the purpose of a community improvements board under 14254
division (A)(4) of this section. 14255

(C)(1) If the tax is to be used for more than one of the 14256
purposes set forth in divisions (A)(1) to (7) and (9) of this 14257
section, the board of county commissioners shall establish the 14258
method that will be used to determine the amount or proportion of 14259
the tax revenue received by the county during each year that will 14260
be distributed for each of those purposes, including, if 14261
applicable, provisions governing the reallocation of a convention 14262
facilities authority's allocation if the authority is dissolved 14263
while the tax is in effect. The allocation method may provide that 14264
different proportions or amounts of the tax shall be distributed 14265

among the purposes in different years, but it shall clearly
describe the method that will be used for each year. Except as
otherwise provided in division (C)(2) of this section, the
allocation method established by the board is not subject to
amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed
amendment, the board of county commissioners may amend the
allocation method established under division (C)(1) of this
section for any year, if the amendment is approved by the
governing board of each entity whose allocation for the year would
be reduced by the proposed amendment. In the case of a tax that is
levied for a continuing period of time, the board may not so amend
the allocation method for any year before the sixth year that the
tax is in effect.

(a) If the additional revenues provided to the convention
facilities authority are pledged by the authority for the payment
of convention facilities authority revenue bonds for as long as
such bonds are outstanding, no reduction of the authority's
allocation of the tax shall be made for any year except to the
extent that the reduced authority allocation, when combined with
the authority's other revenues pledged for that purpose, is
sufficient to meet the debt service requirements for that year on
such bonds.

(b) If the additional revenues provided to the county are
pledged by the county for the payment of bonds or notes described
in division (A)(4) or (5) of this section, for as long as such
bonds or notes are outstanding, no reduction of the county's or
the community improvements board's allocation of the tax shall be
made for any year, except to the extent that the reduced county or
community improvements board allocation is sufficient to meet the
debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit

authority are pledged by the authority for the payment of revenue 14298
bonds issued under section 306.37 of the Revised Code, for as long 14299
as such bonds are outstanding, no reduction of the authority's 14300
allocation of tax shall be made for any year, except to the extent 14301
that the authority's reduced allocation, when combined with the 14302
authority's other revenues pledged for that purpose, is sufficient 14303
to meet the debt service requirements for that year on such bonds. 14304

(d) If the additional revenues provided to the county are 14305
pledged by the county for the payment of bonds or notes issued 14306
under section 133.60 of the Revised Code, for so long as the bonds 14307
or notes are outstanding, no reduction of the county's allocation 14308
of the tax shall be made for any year, except to the extent that 14309
the reduced county allocation is sufficient to meet the debt 14310
service requirements for that year on the bonds or notes. 14311

(D)(1) The resolution levying the tax or increasing the rate 14312
of tax shall state the rate of the tax or the rate of the 14313
increase; the purpose or purposes for which it is to be levied; 14314
the number of years for which it is to be levied or that it is for 14315
a continuing period of time; the allocation method required by 14316
division (C) of this section; and if required to be submitted to 14317
the electors of the county under division (A) of this section, the 14318
date of the election at which the proposal shall be submitted to 14319
the electors of the county, which shall be not less than 14320
seventy-five days after the certification of a copy of the 14321
resolution to the board of elections and, if the tax is to be 14322
levied exclusively for the purpose set forth in division (A)(3) of 14323
this section, shall not occur in February or August of any year. 14324
Upon certification of the resolution to the board of elections, 14325
the board of county commissioners shall notify the tax 14326
commissioner in writing of the levy question to be submitted to 14327
the electors. If approved by a majority of the electors, the tax 14328
shall become effective on the first day of a calendar quarter next 14329

following the sixtieth day following the certification of the 14330
results of the election to the board of county commissioners and 14331
the tax commissioner by the board of elections, except as provided 14332
in division (E) of this section. 14333

(2)(a) A resolution specifying that the tax is to be used 14334
exclusively for the purpose set forth in division (A)(3) of this 14335
section that is not adopted as an emergency measure may direct the 14336
board of elections to submit the question of levying the tax or 14337
increasing the rate of the tax to the electors of the county at a 14338
special election held on the date specified by the board of county 14339
commissioners in the resolution, provided that the election occurs 14340
not less than seventy-five days after the resolution is certified 14341
to the board of elections and the election is not held in February 14342
or August of any year. Upon certification of the resolution to the 14343
board of elections, the board of county commissioners shall notify 14344
the tax commissioner in writing of the levy question to be 14345
submitted to the electors. No resolution adopted under division 14346
(D)(2)(a) of this section shall go into effect unless approved by 14347
a majority of those voting upon it and, except as provided in 14348
division (E) of this section, not until the first day of a 14349
calendar quarter following the expiration of sixty days from the 14350
date of the notice to the tax commissioner by the board of 14351
elections of the affirmative vote. 14352

(b) A resolution specifying that the tax is to be used 14353
exclusively for the purpose set forth in division (A)(3) of this 14354
section that is adopted as an emergency measure shall become 14355
effective as provided in division (A) of this section, but may 14356
direct the board of elections to submit the question of repealing 14357
the tax or increase in the rate of the tax to the electors of the 14358
county at the next general election in the county occurring not 14359
less than seventy-five days after the resolution is certified to 14360
the board of elections. Upon certification of the resolution to 14361

the board of elections, the board of county commissioners shall
notify the tax commissioner in writing of the levy question to be
submitted to the electors. The ballot question shall be the same
as that prescribed in section 5739.022 of the Revised Code. The
board of elections shall notify the board of county commissioners
and the tax commissioner of the result of the election immediately
after the result has been declared. If a majority of the qualified
electors voting on the question of repealing the tax or increase
in the rate of the tax vote for repeal of the tax or repeal of the
increase, the board of county commissioners, on the first day of a
calendar quarter following the expiration of sixty days after the
date it received notice of the result of the election, shall, in
the case of a repeal of the tax, cease to levy the tax, or, in the
case of a repeal of an increase in the rate of the tax, cease to
levy the increased rate and levy the tax at the rate at which it
was imposed immediately prior to the increase in rate.

(c) A board of county commissioners, by resolution, may
reduce the rate of a tax levied exclusively for the purpose set
forth in division (A)(3) of this section to a lower rate
authorized by this section. Any such reduction shall be made
effective on the first day of the calendar quarter specified in
the resolution, but not sooner than the first day of the month
next following the sixtieth day after the resolution is certified
to the tax commissioner.

(E) If a vendor that is registered with the central
electronic registration system provided for in section 5740.05 of
the Revised Code makes a sale in this state by printed catalog and
the consumer computed the tax on the sale based on local rates
published in the catalog, any tax levied or rate changed under
this section shall not apply to such a sale until the first day of
a calendar quarter following the expiration of one hundred twenty

days from the date of notice by the tax commissioner to the 14394
vendor, or to the vendor's certified service provider, if the 14395
vendor has selected one. 14396

~~A board of county commissioners may by resolution reduce the 14397
rate of a tax levied under division (A)(3) of this section to a 14398
lower rate authorized by this section. Any such reduction shall be 14399
made effective on the first day of the month specified in the 14400
resolution but not sooner than the first day of the month next 14401
following the thirtieth day after certification of the resolution 14402
to the tax commissioner. 14403~~

(F) The tax levied pursuant to this section shall be in 14404
addition to the tax levied by section 5739.02 of the Revised Code 14405
and any tax levied pursuant to section 5739.021 or 5739.023 of the 14406
Revised Code. 14407

A county that levies a tax pursuant to this section shall 14408
levy a tax at the same rate pursuant to section 5741.023 of the 14409
Revised Code. 14410

The additional tax levied by the county shall be collected 14411
pursuant to section 5739.025 of the Revised Code. 14412

Any tax levied pursuant to this section is subject to the 14413
exemptions provided in section 5739.02 of the Revised Code and in 14414
addition shall not be applicable to sales not within the taxing 14415
power of a county under the Constitution of the United States or 14416
the Ohio Constitution. 14417

Sec. 5739.033. The amount of tax due pursuant to sections 14418
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 14419
the sum of the taxes imposed pursuant to those sections at the 14420
situs of the sale as determined under this section or, if 14421
applicable, under division (C) of section 5739.031 of the Revised 14422
Code. 14423

(A) Except for sales of titled motor vehicles, titled 14424
watercraft, or titled outboard motors as provided in section 14425
5741.05 of the Revised Code, or as otherwise provided in this 14426
section, and section 5739.034 of the Revised Code, the situs of 14427
all sales is the vendor's place of business. 14428

(1) If the consumer or the consumer's donee receives tangible 14429
personal property or a service at a place of business of the 14430
vendor, the situs of the sale is ~~conclusively determined to be~~ 14431
that place of business. 14432

(2) When the tangible personal property or service is not 14433
received at a vendor's place of business, the situs of the sale is 14434
~~conclusively determined to be consummated at~~ the location where 14435
the consumer or a donee designated by the consumer receives the 14436
tangible personal property or service, including the location 14437
indicated by instructions for delivery to the consumer or the 14438
consumer's donee, known to the vendor. 14439

(3) If divisions (A)(1) and (2) of this section do not apply, 14440
the situs of the sale is ~~conclusively determined to be consummated~~ 14441
~~at~~ the location indicated by an address for the consumer that is 14442
available from the business records of the vendor that are 14443
maintained in the ordinary course of the vendor's business when 14444
use of that address does not constitute bad faith. 14445

(4) If divisions (A)(1), (2), and (3) of this section do not 14446
apply, the situs of the sale is ~~conclusively determined to be~~ 14447
~~consummated at~~ the location indicated by an address for the 14448
consumer obtained during the consummation of the sale, including 14449
the address associated with the consumer's payment instrument, if 14450
no other address is available, when use of that address does not 14451
constitute bad faith. 14452

(5) If divisions (A)(1), (2), (3), and (4) of this section do 14453
not apply, including in the circumstance where the vendor is 14454

without sufficient information to apply any of those divisions, 14455
the situs of the sale is ~~conclusively determined to be consummated~~ 14456
~~at~~ the address from which tangible personal property was shipped, 14457
or from which the service was provided, disregarding any location 14458
that merely provided the electronic transfer of the property sold 14459
or service provided. 14460

(6) As used in division (A) of this section, "receive" means 14461
taking possession of tangible personal property or making first 14462
use of a service. "Receive" does not include possession by a 14463
shipping company on behalf of a consumer. 14464

(B)(1) Notwithstanding divisions (A)(1) to (5) of this 14465
section, a manufacturer or other consumer that is not a holder of 14466
a direct payment permit granted under section 5739.031 of the 14467
Revised Code, that purchases tangible personal property or a 14468
service for use in business, and that knows at the time of 14469
purchase that the property or service will be concurrently 14470
available for use in more than one taxing jurisdiction shall 14471
deliver to the vendor in conjunction with its purchase a multiple 14472
points of use exemption form prescribed by the tax commissioner 14473
disclosing this fact. On receipt of the multiple points of use 14474
exemption form, the vendor is relieved of its obligation to 14475
collect, pay, or remit the tax due, and the consumer must collect, 14476
pay, or remit the tax directly to the state. 14477

(2) A consumer that delivers such form to a vendor may use 14478
any reasonable, consistent, and uniform method of apportioning the 14479
tax due on the tangible personal property or service that is 14480
supported by the consumer's business records as they existed at 14481
the time of the sale. 14482

(3) The multiple points of use exemption form shall remain in 14483
effect for all future sales by the vendor to the consumer until it 14484
is revoked in writing by the consumer, except as to the consumer's 14485
specific apportionment of a subsequent sale under division (B) of 14486

this section and the facts existing at the time of the sale. 14487
14488

(C) A person who holds a direct payment permit issued under 14489
section 5739.031 of the Revised Code is not required to deliver a 14490
multiple points of use exemption form to a vendor. But such permit 14491
holder shall comply with division (B)(2) of this section in 14492
apportioning the tax due on tangible personal property or a 14493
service that will be concurrently available for use in more than 14494
one taxing jurisdiction. 14495

(D) Except as provided in division (F) ~~or F~~ of this section: 14496

(1) If the vendor provides a service specified in division 14497
(B)(3)(f) or (i) of section 5739.01 of the Revised Code, the situs 14498
of the sale is the location of the telephone number or account as 14499
reflected in the records of the vendor. 14500

(2) In the case of a telecommunications service, if the 14501
telephone number or account is located outside this state, the 14502
situs of the sale is the location in this state from which the 14503
service originated. 14504

(E) If the vendor provides lodging to transient guests as 14505
specified in division (B)(2) of section 5739.01 of the Revised 14506
Code, the situs of the sale is the location where the lodging is 14507
located. 14508

(F) Except as otherwise provided in this division, if the 14509
vendor sells a prepaid authorization number or a prepaid telephone 14510
calling card, the situs of the sale is the vendor's place of 14511
business and shall be taxed at the time of sale. If the vendor 14512
sells a prepaid authorization number or prepaid telephone calling 14513
card through a telephone call, electronic commerce, or any other 14514
form of remote commerce, the situs of the sale is the consumer's 14515
shipping address, or, if there is no item shipped, at the 14516
consumer's billing address. 14517

Section 1.08. That the existing versions of sections 5739.026 14518
and 5739.033 of the Revised Code that are scheduled to take effect 14519
July 1, 2003, are hereby repealed. 14520

Section 1.09. Sections 1.07 and 1.08 of this act take effect 14521
July 1, 2003. 14522

Section 2.01. The items set forth in this section are hereby 14523
appropriated out of any moneys in the state treasury to the credit 14524
of the Public School Building Fund (Fund 021), that are not 14525
otherwise appropriated. 14526

Appropriations

SFC SCHOOL FACILITIES COMMISSION 14527
CAP-622 Public School Buildings \$ 30,000,000 14528
Total School Facilities Commission \$ 30,000,000 14529
TOTAL Public School Building Fund \$ 30,000,000 14530

Section 2.02. PUBLIC SCHOOL BUILDING FUND 14532

The Controlling Board, when requested to do so by the 14533
Executive Director of the Ohio School Facilities Commission, may 14534
increase appropriations in the Public School Building Fund (Fund 14535
021), based on revenues received by the fund, including cash 14536
transfers and interest that may accrue to the fund. 14537

Section 3.01. The items set forth in this section are hereby 14538
appropriated out of any moneys in the state treasury to the credit 14539
of the Highway Safety Fund (Fund 036), that are not otherwise 14540
appropriated. 14541

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY 14542
CAP-045 Platform Scales Improvements \$ 200,000 14543
CAP-059 Patrol Post ADA Compliance \$ 250,000 14544

CAP-077	Van Wert Patrol Post	\$	1,700,000	14545
	Total Department of Public Safety	\$	2,150,000	14546
	TOTAL Highway Safety Fund	\$	2,150,000	14547

Section 4.01. All items set forth in this section are hereby 14549
appropriated out of any moneys in the state treasury to the credit 14550
of the Waterways Safety Fund (Fund 086), that are not otherwise 14551
appropriated. 14552

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES			14553
CAP-324	Cooperative Funding for Boating Facilities	\$	7,600,000	14554
CAP-390	State Park Maintenance Facility Development - Middle Bass Island	\$	1,821,093	14555
	Total Department of Natural Resources	\$	9,421,093	14556
	TOTAL Waterways Safety Fund	\$	9,421,093	14557

Section 5.01. All items set forth in this section are hereby 14559
appropriated out of any moneys in the state treasury to the credit 14560
of the Special Administrative Fund (Fund 4A9) that are not 14561
otherwise appropriated. 14562

Appropriations

	JFS DEPARTMENT OF JOB AND FAMILY SERVICES			14563
CAP-702	Central Office Building Renovations	\$	16,000,000	14564
	Total Department of Job and Family Services	\$	16,000,000	14565
	TOTAL Special Administrative Fund	\$	16,000,000	14566

CENTRAL OFFICE BUILDING RENOVATIONS SPENDING AND REPAYMENT 14567
PLAN 14568

Funds appropriated in the foregoing appropriation item 14569
CAP-702, Central Office Building Renovations, are to be released 14570
for expenditure only after approval of the Unemployment 14571
Compensation Advisory Council created under section 4141.08 of the 14572
Revised Code. The amount to be released shall be based on a 14573

spending plan, which may include a repayment schedule, approved by 14574
the Council. Once approval is received, the Director of Job and 14575
Family Services shall request the Director of Budget and 14576
Management or the Controlling Board to release the appropriation. 14577

Section 6.01. The items set forth in this section are hereby 14578
appropriated out of any moneys in the state treasury to the credit 14579
of the State Fire Marshal Fund (Fund 546), that are not otherwise 14580
appropriated. 14581

			Appropriations		
COM DEPARTMENT OF COMMERCE				14582	
CAP-013	Land Acquisition	\$	1,500,000	14583	
CAP-014	Office and Dorm Addition	\$	1,800,000	14584	
Total Department of Commerce			\$	3,300,000	14585
TOTAL State Fire Marshal Fund			\$	3,300,000	14586

Section 7.01. The items set forth in this section are hereby 14588
appropriated out of any moneys in the state treasury to the credit 14589
of the Veterans' Home Improvement Fund (Fund 604) that are not 14590
otherwise appropriated. 14591

			Appropriations		
OVH OHIO VETERANS' HOME AGENCY				14592	
CAP-766	Secret Motor Coordinators	\$	33,000	14593	
CAP-769	Water and Air Balance	\$	190,000	14594	
CAP-770	Secret Nursing Home Case Goods	\$	200,000	14595	
CAP-771	Elevator Giffin	\$	190,000	14596	
CAP-772	Demolish Cline and Cameron Cottages	\$	45,000	14597	
CAP-773	Emergency Generator	\$	26,500	14598	
CAP-774	Fire Alarm Security System	\$	595,000	14599	
Total Ohio Veterans' Home Agency			\$	1,279,500	14600
TOTAL Veterans' Home Improvement Fund			\$	1,279,500	14601

Section 8.01. All items set forth in this section are hereby 14603

appropriated out of any moneys in the state treasury to the credit 14604
of the Clean Ohio Revitalization Fund (Fund 003) that are not 14605
otherwise appropriated. 14606

Appropriations

DEV DEPARTMENT OF DEVELOPMENT			14607
CAP-001	Clean Ohio Revitalization	\$ 40,000,000	14608
CAP-002	Clean Ohio Assistance	\$ 10,000,000	14609
Total Department of Development			\$ 50,000,000 14610
TOTAL Clean Ohio Revitalization Fund			\$ 50,000,000 14611

Section 8.02. The Treasurer of State is hereby authorized to 14613
issue and sell, in accordance with Section 2o of Article VIII, 14614
Ohio Constitution, and pursuant to sections 151.01 and 151.40 of 14615
the Revised Code, original obligations in an aggregate principal 14616
amount not to exceed \$50,000,000, in addition to the original 14617
issuance of obligations heretofore authorized by prior acts of the 14618
General Assembly. These authorized obligations shall be issued, 14619
subject to applicable constitutional and statutory limitations, as 14620
needed to ensure sufficient moneys to the credit of the Clean Ohio 14621
Revitalization Fund (Fund 003) to pay costs of revitalization 14622
projects as referred to in sections 151.01 and 151.40 of the 14623
Revised Code. 14624

Section 9.01. All items set forth in this section are hereby 14625
appropriated out of any money in the state treasury to the credit 14626
of the Sports Facilities Building Fund (Fund 024) that are not 14627
otherwise appropriated. 14628

Appropriations

AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION			14629
CAP-025	Reds Hall of Fame	\$ 10,000,000	14630
CAP-073	Marina District/Ice Arena Development	\$ 4,000,000	14631
CAP-838	Great Lakes Baseball Stadium	\$ 500,000	14632
Total Ohio Arts and Sports Facilities			14633

Commission	\$	14,500,000	14634
TOTAL Sports Facilities Building Fund	\$	14,500,000	14635

REDS HALL OF FAME 14636

The foregoing appropriation item CAP-025, Reds Hall of Fame, 14637
shall be included within the \$81 million not-to-exceed amount 14638
established in Am. H.B. 748 of the 121st General Assembly for 14639
appropriation item CAP-025. In accordance with Chapter 3383. of 14640
the Revised Code, state funds shall be used for up to fifteen per 14641
cent of the initial estimated cost of construction of the Hall of 14642
Fame, as determined by the Ohio Arts and Sports Facilities 14643
Commission. Any remaining funds shall be used for other 14644
preapproved components of the improvements project that meet the 14645
requirements of Chapter 3383. of the Revised Code, as determined 14646
by the Arts and Sports Facilities Commission. 14647

Section 9.02. The Ohio Building Authority is hereby 14648
authorized to issue and sell, in accordance with the provisions of 14649
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. 14650
and other applicable sections of the Revised Code, original 14651
obligations in an aggregate principal amount not to exceed 14652
\$5,000,000, in addition to the original issuance of obligations 14653
heretofore authorized by prior acts of the General Assembly. The 14654
authorized obligations shall be issued, subject to applicable 14655
constitutional and statutory limitations, to pay the costs of 14656
capital facilities, as defined in division (J) of section 3383.01 14657
of the Revised Code (Ohio sports facilities). 14658

Section 10.01. All items set forth in this section are hereby 14659
appropriated out of any moneys in the state treasury to the credit 14660
of the Highway Safety Building Fund (Fund 025) that are not 14661
otherwise appropriated. 14662

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY 14663

CAP-048 Statewide Communications System	\$	3,259,329	14664
Total Department of Public Safety	\$	3,259,329	14665
TOTAL Highway Safety Building Fund	\$	3,259,329	14666

Section 10.02. The Ohio Building Authority is hereby 14668
authorized to issue and sell, in accordance with Section 2i of 14669
Article VIII, Ohio Constitution, and Chapter 152. and other 14670
applicable sections of the Revised Code, original obligations in 14671
an aggregate principal amount not to exceed \$1,000,000, in 14672
addition to the original issuance of obligations heretofore 14673
authorized by prior acts of the General Assembly. The authorized 14674
obligations shall be issued, subject to applicable constitutional 14675
and statutory limitations, to pay the costs associated with 14676
previously authorized capital facilities and the capital 14677
facilities referred to in Section 10.01 of this act for the 14678
Department of Public Safety. 14679

Notwithstanding any provision of law to the contrary, at any 14680
time prior to the sale of obligations authorized in this section, 14681
the Director of Budget and Management, with the written 14682
concurrence of the Director of Public Safety, may transfer cash 14683
temporarily from the Highway Safety Fund (Fund 036) to the Highway 14684
Safety Building Fund (Fund 025), where such cash may be used to 14685
fund the projects appropriated in Section 10.01 of this act. At 14686
such time as the obligations authorized in this section are sold, 14687
the Director of Budget and Management shall transfer from the 14688
Highway Safety Building Fund to the Highway Safety Fund any 14689
amounts originally transferred to the Highway Safety Building Fund 14690
under this section. 14691

Section 11.01. All items set forth in Sections 11.02 to 11.14 14692
of this act are hereby appropriated out of any moneys in the state 14693
treasury to the credit of the Administrative Building Fund (Fund 14694
026) that are not otherwise appropriated. 14695

		Appropriations	
Section 11.02. ADJ ADJUTANT GENERAL			14696
CAP-036	Roof Replacement - Various	\$ 197,587	14697
CAP-039	Camp Perry Facility Improvements	\$ 500,000	14698
CAP-044	Replace Windows/Doors - Various	\$ 306,260	14699
CAP-045	Plumbing Renovations - Various	\$ 291,441	14700
CAP-046	Paving Renovations - Various	\$ 238,886	14701
CAP-050	HVAC Systems - Various	\$ 51,020	14702
CAP-056	Masonry Repairs/Renovations - Various	\$ 164,656	14703
CAP-060	Facility Protection Measures	\$ 599,550	14704
CAP-061	Repair/Renovate Waste Water System	\$ 200,000	14705
CAP-062	Construct Coshocton Armory	\$ 950,600	14706
CAP-063	Rickenbacker Air and Industrial Park Runway	\$ 2,500,000	14707
CAP-064	Bowling Green Armory Construction	\$ 1,000,000	14708
Total Adjutant General		\$ 7,000,000	14709

		Appropriations	
Section 11.03. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			14711
CAP-773	Governor's Residence Renovations	\$ 265,400	14712
CAP-809	Hazardous Substance Abatement	\$ 250,000	14713
CAP-811	Health/EPA Laboratory Facilities	\$ 16,834,591	14714
CAP-813	Heer Building Renovation	\$ 1,500,000	14715
CAP-826	Surface Road Building Renovations	\$ 1,250,000	14716
CAP-827	Statewide Communications System	\$ 14,854,591	14717
CAP-835	Energy Conservation Projects	\$ 1,550,000	14718
CAP-852	North High St Government Complex	\$ 1,100,000	14719
CAP-856	Governor's Residence Security System	\$ 155,800	14720
CAP-859	eSecure Ohio	\$ 2,500,000	14721
CAP-864	eGovernment Infrastructure	\$ 1,047,400	14722
CAP-865	DAS Building Security	\$ 78,100	14723
CAP-867	Lausche Building Connector	\$ 1,000,000	14724
Total Department of Administrative Services		\$ 42,385,882	14725

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 14726

There is hereby continued a Multi-Agency Radio Communications 14727
System (MARCS) Steering Committee consisting of the Directors of 14728
Administrative Services, Public Safety, Natural Resources, 14729
Transportation, Rehabilitation and Correction, and Budget and 14730
Management or their designees. The Director of Administrative 14731
Services or the director's designee shall chair the committee. The 14732
committee shall provide assistance to the Director of 14733
Administrative Services for effective and efficient implementation 14734
of the MARCS system as well as develop policies for the ongoing 14735
management of the system. Upon dates prescribed by the Directors 14736
of Administrative Services and Budget and Management, the MARCS 14737
Steering Committee shall report to the directors as to the 14738
progress of MARCS implementation and the development of policies 14739
related to the system. 14740

The foregoing appropriation item CAP-827, Statewide 14741
Communications System, shall be used to purchase or construct the 14742
components of the Multi-Agency Radio Communications System (MARCS) 14743
that are not specific to any one agency. The equipment may 14744
include, but is not limited to, multi-agency equipment at the 14745
Emergency Operations Center/Joint Dispatch Facility, computer and 14746
telecommunication equipment used for the functioning and 14747
integration of the system, communications towers, tower sites, and 14748
tower equipment, and linkages among towers and between towers and 14749
the State of Ohio Network for Integrated Communication (SONIC) 14750
system. The Director of Administrative Services shall, with the 14751
concurrence of the MARCS Steering Committee, determine the 14752
specific use of funds. 14753

Spending from this appropriation item shall not be subject to 14754
the requirements of Chapters 123. and 153. of the Revised Code. 14755

ENERGY CONSERVATION PROJECTS 14756

The foregoing appropriation item CAP-835, Energy Conservation Projects, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Greenlights Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation.

Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

Appropriations

Section 11.04. AGR DEPARTMENT OF AGRICULTURE			14769
CAP-043 Building and Grounds Renovation	\$	400,000	14770
CAP-048 Alkaline Hydrolysis Equipment & Addition	\$	1,635,536	14771
Total Department of Agriculture	\$	2,035,536	14772

Appropriations

Section 11.05. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			14774
			14775
CAP-014 Statehouse Grounds Repair/Improvement	\$	500,000	14776
Total Capitol Square Review and Advisory Board	\$	500,000	14777

Appropriations

Section 11.06. EXP EXPOSITIONS COMMISSION			14779
CAP-037 Electrical Upgrades	\$	2,600,000	14780
CAP-056 Building Renovations	\$	1,000,000	14781
CAP-063 Facilities Improvements and Modernization	\$	700,000	14782
CAP-069 Restroom Renovations	\$	500,000	14783
CAP-072 Emergency Renovations and Equipment Replacement	\$	700,000	14784

Total Expositions Commission	\$	5,500,000	14785
			Appropriations
Section 11.07. DOH DEPARTMENT OF HEALTH			14787
CAP-003 Building Renovation & Telecommunications	\$	800,000	14788
Total Department of Health	\$	800,000	14789
			Appropriations
Section 11.08. DNR DEPARTMENT OF NATURAL RESOURCES			14791
CAP-744 Multi-Agency Radio Communications	\$	8,450,955	14792
Equipment - MARCS			
Total Department of Natural Resources	\$	8,450,955	14793
			Appropriations
Section 11.09. DHS DEPARTMENT OF PUBLIC SAFETY			14795
CAP-054 Multi-Agency Radio Communications System	\$	690,000	14796
- MARCS			
CAP-078 Upgrade/Replacement of State EOC	\$	810,000	14797
Equip/System			
Total Department of Public Safety	\$	1,500,000	14798
			Appropriations
Section 11.10. JSC JUDICIARY/SUPREME COURT			14800
CAP-001 Ohio Courts Building Renovations	\$	5,476,000	14801
Total Judiciary/Supreme Court	\$	5,476,000	14802
EXEMPT FROM PER CENT FOR ARTS PROGRAM			14803
The foregoing appropriation item CAP-001, Ohio Courts			14804
Building Renovations, shall be exempt from section 3379.10 of the			14805
Revised Code, the Per Cent for Arts Program.			14806
			Appropriations
Section 11.11. OSB SCHOOL FOR THE BLIND			14807
CAP-745 Roof Improvements on the School and	\$	885,000	14808

Cottages				
CAP-772	Boiler Replacement	\$	510,000	14809
CAP-773	School Residential Hot Water	\$	605,000	14810
Total School for the Blind		\$	2,000,000	14811

Appropriations

Section 11.12. OSD SCHOOL FOR THE DEAF				14813
CAP-767	Roof Renovations	\$	1,015,521	14814
CAP-774	Student Health Services Electrical Upgrade	\$	111,000	14815
CAP-775	Staff Building Heat & Electric Upgrades	\$	631,433	14816
CAP-776	Dormitory Renovations	\$	320,000	14817
Total School for the Deaf		\$	2,077,954	14818

Section 11.13. SOS SECRETARY OF STATE				14820
CAP-002	Voting Machines	\$	5,800,000	14821
Total Secretary of State		\$	5,800,000	14822

VOTING MACHINES 14823

The foregoing appropriation item CAP-002, Voting Machines, 14824
shall be used to purchase upgraded voting equipment. Appropriation 14825
item CAP-002, Voting Machines, shall match federal funds provided 14826
through the Help America Vote Act of 2002. 14827

Section 11.14. OVH OHIO VETERANS' HOME AGENCY				14828
CAP-775	Emergency Generator	\$	600,000	14829
Total Ohio Veterans' Home Agency		\$	600,000	14830
TOTAL Administrative Building Fund		\$	84,126,327	14831

Section 11.15. The Ohio Building Authority is hereby 14833
authorized to issue and sell, in accordance with Section 2i of 14834
Article VIII, Ohio Constitution, and Chapter 152. and other 14835
applicable sections of the Revised Code, original obligations in 14836
an aggregate principal amount not to exceed \$68,000,000, in 14837

addition to the original issuance of obligations heretofore 14838
authorized by prior acts of the General Assembly. The authorized 14839
obligations shall be issued, subject to applicable constitutional 14840
and statutory limitations, to pay costs associated with previously 14841
authorized capital facilities and the capital facilities referred 14842
to in Sections 11.02 to 11.14 of this act. 14843

Section 12.01. All items set forth in this section are hereby 14844
appropriated out of any moneys in the state treasury to the credit 14845
of the Adult Correctional Building Fund (Fund 027) that are not 14846
otherwise appropriated. 14847

Appropriations

	DRC DEPARTMENT OF REHABILITATION AND CORRECTION		14848
	STATEWIDE AND CENTRAL OFFICE PROJECTS		14849
CAP-008	Powerhouse/Utility Improvements	\$ 1,486,925	14850
CAP-009	Water System/Plant Improvements	\$ 6,857,016	14851
CAP-017	Security Improvements - Statewide	\$ 1,597,875	14852
CAP-111	General Building Renovations	\$ 11,448,991	14853
CAP-141	Multi-Agency Radio Communications System	\$ 2,600,000	14854
	Equipment		
CAP-187	Mandown Alert Communication System -	\$ 5,200,000	14855
	Statewide		
CAP-240	State Match for Federal Prison	\$ 1,218,881	14856
	Construction Funds		
	Total Statewide and Central Office Projects	\$ 30,409,688	14857
	PICKAWAY CORRECTIONAL INSTITUTION		14858
CAP-312	Waste Water Treatment Plant	\$ 7,583,125	14859
	Total Pickaway Correctional Institution	\$ 7,583,125	14860
	SOUTHERN OHIO CORRECTIONAL FACILITY		14861
CAP-230	Waste Water Treatment Plant	\$ 2,007,187	14862
	Total Southern Ohio Correctional Facility	\$ 2,007,187	14863
	TOTAL Department of Rehabilitation		14864
	and Correction	\$ 40,000,000	14865

TOTAL ADULT CORRECTIONAL BUILDING FUND \$ 40,000,000 14866

Section 12.02. The Ohio Building Authority is hereby 14868
authorized to issue and sell, in accordance with Section 2i of 14869
Article VIII, Ohio Constitution, and Chapter 152. and section 14870
307.021 of the Revised Code, original obligations in an aggregate 14871
principal amount not to exceed \$25,000,000 in addition to the 14872
original issuance of obligations heretofore authorized by prior 14873
acts of the General Assembly. The authorized obligations shall be 14874
issued subject to applicable constitutional and statutory 14875
limitations, to pay costs associated with previously authorized 14876
capital facilities and the capital facilities referred to in 14877
Section 12.01 of this act for the Department of Rehabilitation and 14878
Correction. 14879

Section 13.01. All items set forth in this section are hereby 14880
appropriated out of any moneys in the state treasury to the credit 14881
of the Juvenile Correctional Building Fund (Fund 028) that are not 14882
otherwise appropriated. 14883

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES 14884

CAP-801 Fire Suppression/Safety/Security \$ 1,635,000 14885

CAP-803 General Institutional Renovations \$ 3,055,500 14886

CAP-836 ADA Life/Safety & Other Renovations - \$ 1,000,000 14887
Riverview

CAP-837 Sanitary Safety & Other Renovations - \$ 4,309,500 14888
Indian River

Total Department of Youth Services \$ 10,000,000 14889

TOTAL Juvenile Correctional Building Fund \$ 10,000,000 14890

Section 13.02. The Ohio Building Authority is hereby 14892
authorized to issue and sell, in accordance with Section 2i of 14893
Article VIII, Ohio Constitution, and Chapter 152. and other 14894

applicable sections of the Revised Code, original obligations in 14895
an aggregate principal amount not to exceed \$5,000,000 in addition 14896
to the original issuance of obligations heretofore authorized by 14897
prior acts of the General Assembly. The authorized obligations 14898
shall be issued, subject to applicable constitutional and 14899
statutory limitations, to pay the costs associated with previously 14900
authorized capital facilities and the capital facilities referred 14901
to in Section 13.01 of this act for the Department of Youth 14902
Services. 14903

Section 14.01. All items set forth in this section are hereby 14904
appropriated out of any moneys in the state treasury to the credit 14905
of the Transportation Building Fund (Fund 029) that are not 14906
otherwise appropriated. 14907

			Appropriations	
DOT DEPARTMENT OF TRANSPORTATION				14908
CAP-001	Transportation Buildings Capital	\$ 50,000		14909
	Improvements			
Total Department of Transportation			\$ 50,000	14910
TOTAL Transportation Building Fund			\$ 50,000	14911

Section 14.02. The amount of authorization to issue and sell 14913
obligations granted to the Ohio Building Authority by prior acts 14914
of the General Assembly pursuant to Section 2i of Article VIII, 14915
Ohio Constitution, and Chapter 152. of the Revised Code to pay 14916
costs of capital facilities or improvements for the Department of 14917
Transportation Building is reduced from \$210,000,000 to 14918
\$155,800,000. 14919

Section 15.01. All items set forth in this section are hereby 14920
appropriated out of any moneys in the state treasury to the credit 14921
of the Arts Facilities Building Fund (Fund 030) that are not 14922
otherwise appropriated. 14923

			Appropriations
AFC ARTS AND SPORTS FACILITIES COMMISSION			14924
CAP-010	Sandusky State Theatre Improvements	\$ 1,000,000	14925
CAP-013	Stambaugh Hall Improvements	\$ 200,000	14926
CAP-033	Woodward Opera House Renovation	\$ 250,000	14927
CAP-037	Canton Palace Theatre Renovations	\$ 1,000,000	14928
CAP-038	Center Exhibit Replacement	\$ 750,000	14929
CAP-041	Cleveland Playhouse	\$ 500,000	14930
CAP-042	Statewide Site Exhibit Renovation and Construction	\$ 625,000	14931
CAP-043	Statewide Site Repairs	\$ 454,000	14932
CAP-044	National Underground Railroad Freedom Center	\$ 4,000,000	14933
CAP-046	Cincinnati Museum Center Improvements	\$ 1,600,000	14934
CAP-052	Akron Art Museum	\$ 1,500,000	14935
CAP-053	Powers Auditorium Improvements	\$ 200,000	14936
CAP-056	Ohio Agricultural and Industrial Heritage Center	\$ 1,000,000	14937
CAP-057	Comprehensive Master Plan	\$ 180,000	14938
CAP-058	Visitor Orientation Center	\$ 673,000	14939
CAP-064	Bramley Historic House	\$ 75,000	14940
CAP-065	Beck Center for the Cultural Arts	\$ 100,000	14941
CAP-066	Delaware County Cultural Arts Center	\$ 40,000	14942
CAP-067	Myers Historic Inn	\$ 50,000	14943
CAP-068	Perry County Historical Society	\$ 100,000	14944
CAP-069	Cleveland Institute of Art	\$ 750,000	14945
CAP-071	Cleveland Institute of Music	\$ 750,000	14946
CAP-072	West Side Arts Consortium	\$ 250,000	14947
CAP-074	Stan Hywet Hall & Gardens	\$ 250,000	14948
CAP-075	McKinley Museum Improvements	\$ 125,000	14949
CAP-076	Spring Hill Historic Home	\$ 125,000	14950
CAP-077	Western Reserve Ballet Improvements	\$ 100,000	14951
CAP-078	Midland Theatre	\$ 175,000	14952

CAP-079	Lorain Palace Civic Theatre	\$	200,000	14953
CAP-080	Great Lakes Historical Society	\$	150,000	14954
CAP-734	Hayes Presidential Center - Museum and Home Improvements	\$	75,000	14955
CAP-745	Emergency Repairs	\$	750,000	14956
CAP-781	Archives and Library Automation	\$	300,000	14957
CAP-784	Center Rehabilitation	\$	741,000	14958
CAP-791	Harrison Tomb	\$	149,500	14959
CAP-806	Grant Boyhood Home Improvements	\$	68,333	14960
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	14961
CAP-811	National First Ladies Library	\$	500,000	14962
CAP-812	Dayton Performing Arts Center	\$	10,000,000	14963
CAP-813	Cleveland Botanical Gardens	\$	2,500,000	14964
CAP-820	Historical Center/Ohio Village Buildings Renovations	\$	502,000	14965
CAP-821	Lorain County Historical Society	\$	300,000	14966
CAP-822	Madison County Historic Schoolhouse	\$	40,000	14967
CAP-823	Marion Palace Theatre	\$	825,000	14968
CAP-824	McConnelville Opera House	\$	75,000	14969
CAP-825	Secrest Auditorium	\$	75,000	14970
CAP-826	Renaissance Theatre	\$	50,000	14971
CAP-827	Trumpet in the Land	\$	100,000	14972
CAP-828	Becky Thatcher Showboat	\$	30,000	14973
CAP-829	Mid-Ohio Valley Players	\$	50,000	14974
CAP-830	The Anchorage	\$	50,000	14975
CAP-831	Wayne County Historical Society	\$	300,000	14976
CAP-832	Williams County Historical Society	\$	200,000	14977
CAP-833	Promont House Museum	\$	200,000	14978
CAP-834	Galion Historic Big Four Depot Restoration	\$	50,000	14979
CAP-835	Jamestown Opera House	\$	100,000	14980
CAP-836	Fairfield Outdoor Theatre	\$	100,000	14981
CAP-837	Lake County Historical Society	\$	250,000	14982

CAP-839	Hancock Historical Society	\$	75,000	14983
CAP-840	RiverSouth Development	\$	10,000,000	14984
CAP-841	Ft. Piqua Hotel	\$	200,000	14985
CAP-842	Johnny Appleseed Heritage Center	\$	500,000	14986
Total Arts Facilities Commission		\$	48,327,833	14987
TOTAL Arts Facilities Building Fund		\$	48,327,833	14988

Section 15.02. The Ohio Building Authority is hereby 14990
authorized to issue and sell, in accordance with Section 2i of 14991
Article VIII, Ohio Constitution, and Chapter 152. and other 14992
applicable sections of the Revised Code, original obligations in 14993
an aggregate principal amount not to exceed \$38,000,000 in 14994
addition to the original issuance of obligations heretofore 14995
authorized by prior acts of the General Assembly. The authorized 14996
obligations shall be issued, subject to applicable constitutional 14997
and statutory limitations, to pay costs of capital facilities as 14998
defined in division (A)(5) of section 152.09 of the Revised Code, 14999
including construction as defined in division (H) of section 15000
3383.01 of the Revised Code, of the Ohio arts facilities 15001
designated in Section 15.01 of this act. 15002

Section 16.01. All items set forth in this section are hereby 15003
appropriated out of any moneys in the state treasury to the credit 15004
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 15005
not otherwise appropriated. 15006

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 15007

STATEWIDE AND LOCAL PROJECTS 15008

CAP-748	Local Parks Projects - Statewide	\$	3,343,905	15009
CAP-753	Project Planning	\$	908,516	15010
CAP-881	Dam Rehabilitation	\$	9,611,484	15011
CAP-931	Wastewater/Water Systems Upgrades	\$	2,855,620	15012
Total Statewide and Local Projects		\$	16,719,525	15013

Total Department of Natural Resources	\$	16,719,525	15014
TOTAL Ohio Parks and Natural Resources Fund	\$	16,719,525	15015

Section 16.02. The Ohio Public Facilities Commission, upon 15017
the request of the Director of Natural Resources, is hereby 15018
authorized to issue and sell, in accordance with Section 21 of 15019
Article VIII, Ohio Constitution, and Chapter 151. and particularly 15020
sections 151.01 and 151.05 of the Revised Code, original 15021
obligations in an aggregate principal amount not to exceed 15022
\$15,000,000 in addition to the original issuance of obligations 15023
heretofore authorized by prior acts of the General Assembly. These 15024
authorized obligations shall be issued, subject to applicable 15025
constitutional and statutory limitations, as needed to provide 15026
sufficient moneys to the credit of the Ohio Parks and Natural 15027
Resources Fund (Fund 031) to pay costs of capital facilities as 15028
defined in sections 151.01 and 151.05 of the Revised Code. 15029

Section 16.03. For the projects appropriated in Section 16.01 15030
of this act, the Department of Natural Resources shall 15031
periodically prepare and submit to the Director of Budget and 15032
Management the estimated design, planning, and engineering costs 15033
of capital-related work to be done by the Department of Natural 15034
Resources for each project. Based on the estimates, the Director 15035
of Budget and Management may release appropriations from the 15036
foregoing appropriation item CAP-753, Project Planning, to pay for 15037
design, planning, and engineering costs incurred by the Department 15038
of Natural Resources for such projects. Upon release of the 15039
appropriations by the Director of Budget and Management, the 15040
Department of Natural Resources shall pay for these expenses from 15041
the Capital Expenses Fund (Fund 4S9), and be reimbursed by Fund 15042
031 using an intrastate voucher. 15043

Section 17.01. All items set forth in this section are hereby 15044

appropriated out of any moneys in the state treasury to the credit 15045
of the School Building Program Assistance Fund (Fund 032) that are 15046
not otherwise appropriated. 15047

Appropriations

SFC SCHOOL FACILITIES COMMISSION 15048
CAP-770 School Building Program Assistance \$ 284,200,000 15049
Total School Facilities Commission \$ 284,200,000 15050
TOTAL School Building Program Assistance Fund \$ 284,200,000 15051

SCHOOL BUILDING PROGRAM ASSISTANCE 15052

The foregoing appropriation item CAP-770, School Building 15053
Program Assistance, shall be used by the School Facilities 15054
Commission to provide funding to school districts that receive 15055
conditional approval from the Commission pursuant to Chapter 3318. 15056
of the Revised Code. 15057

Section 17.02. The Ohio Public Facilities Commission is 15058
hereby authorized to issue and sell, in accordance with Section 2n 15059
of Article VIII, Ohio Constitution, and Chapter 151. and 15060
particularly sections 151.01 and 151.03 of the Revised Code, 15061
original obligations in an aggregate principal amount not to 15062
exceed \$265,000,000, in addition to the original issuance of 15063
obligations heretofore authorized by prior acts of the General 15064
Assembly. The authorized obligations shall be issued, subject to 15065
applicable constitutional and statutory limitations, to pay the 15066
costs to the state of constructing classroom facilities pursuant 15067
to sections 3318.01 to 3318.35 of the Revised Code. 15068

Section 18.01. All items set forth in Sections 18.02 to 18.05 15069
are hereby appropriated out of any moneys in the state treasury to 15070
the credit of the Mental Health Facilities Improvement Fund (Fund 15071
033) that are not otherwise appropriated. 15072

Section 18.02.	ADA DEPARTMENT OF ALCOHOL AND DRUG		15073
	ADDICTION SERVICES		15074
CAP-002	Community Assistance Projects	\$ 266,512	15075
Total Department of Alcohol and Drug	Addiction		15076
Services		\$ 266,512	15077
	COMMUNITY ASSISTANCE PROJECTS		15078
	Of the foregoing appropriation item CAP-002, Community		15079
Assistance Projects, \$266,512 shall be used for the Oak House			15080
Women's Residential Treatment Facility.			15081
		Appropriations	
Section 18.03.	DMH DEPARTMENT OF MENTAL HEALTH		15082
CAP-479	Community Assistance Projects	\$ 3,912,500	15083
CAP-906	Campus Consolidation/Automation	\$ 12,040,000	15084
CAP-978	Infrastructure Improvements	\$ 3,460,000	15085
Total Department of Mental Health		\$ 19,412,500	15086
	COMMUNITY ASSISTANCE PROJECTS		15087
	Of the foregoing appropriation item CAP-479, Community		15088
Assistance Projects, \$500,000 shall be used for the Achievement			15089
Centers for Children in Cuyahoga County.			15090
Section 18.04.	DMR DEPARTMENT OF MENTAL RETARDATION AND		15091
DEVELOPMENTAL DISABILITIES			15092
		Appropriations	
	STATEWIDE AND CENTRAL OFFICE PROJECTS		15093
CAP-480	Community Assistance Projects	\$ 9,441,000	15094
CAP-955	Statewide Development Centers	\$ 3,959,000	15095
Total Statewide and Central Office Projects		\$ 13,400,000	15096
TOTAL Department of Mental Retardation and			15097
Developmental Disabilities		\$ 13,400,000	15098
TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND		\$ 33,079,012	15099

COMMUNITY ASSISTANCE PROJECTS 15100

The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code. 15101
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Of the foregoing appropriation item CAP-480, Community Assistance Projects, \$150,000 shall be used for the Fostoria Area Community Childhood and Family Center; \$250,000 shall be used for the Berea Children's Home; and \$1,000,000 shall be used for the Bellefaire Jewish Children's Bureau. 15114
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Section 18.05. The foregoing appropriations for the Department of Alcohol and Drug Addiction Services, CAP-002, Community Assistance Projects; Department of Mental Health, CAP-479, Community Assistance Projects; and Department of Mental Retardation and Developmental Disabilities, CAP-480, Community Assistance Projects, may be used on facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Alcohol and Drug Addiction Services, the Department of Mental Health, and the Department of Mental Retardation and Developmental Disabilities, 15119
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all subject to Controlling Board approval. 15131

Section 18.06. (A) No capital improvement appropriations made 15132
in Sections 18.01 to 18.05 of this act shall be released for 15133
planning or for improvement, renovation, or construction or 15134
acquisition of capital facilities if a governmental agency, as 15135
defined in section 154.01 of the Revised Code, does not own the 15136
real property that constitutes the capital facilities or on which 15137
the capital facilities are or will be located. This restriction 15138
shall not apply in any of the following circumstances: 15139

(1) The governmental agency has a long-term (at least fifteen 15140
years) lease of, or other interest (such as an easement) in, the 15141
real property. 15142

(2) In the case of an appropriation for capital facilities 15143
that, because of their unique nature or location, will be owned or 15144
be part of facilities owned by a separate nonprofit organization 15145
and made available to the governmental agency for its use or 15146
operated by the nonprofit organization under contract with the 15147
governmental agency, the nonprofit organization either owns or has 15148
a long-term (at least fifteen years) lease of the real property or 15149
other capital facility to be improved, renovated, constructed, or 15150
acquired and has entered into a joint or cooperative use 15151
agreement, approved by the Department of Mental Health, Department 15152
of Mental Retardation and Developmental Disabilities, or 15153
Department of Alcohol and Drug Addiction Services, whichever is 15154
applicable, with the governmental agency for that agency's use of 15155
and right to use the capital facilities to be financed and, if 15156
applicable, improved, the value of such use or right to use being, 15157
as determined by the parties, reasonably related to the amount of 15158
the appropriation. 15159

(B) In the case of capital facilities referred to in division 15160
(A)(2) of this section, the joint or cooperative use agreement 15161

shall include, as a minimum, provisions that: 15162

(1) Specify the extent and nature of that joint or 15163
cooperative use, extending for not fewer than fifteen years, with 15164
the value of such use or right to use to be, as determined by the 15165
parties and approved by the approving department, reasonably 15166
related to the amount of the appropriation; 15167

(2) Provide for pro rata reimbursement to the state should 15168
the arrangement for joint or cooperative use by a governmental 15169
agency be terminated; 15170

(3) Provide that procedures to be followed during the capital 15171
improvement process will comply with appropriate applicable state 15172
laws and rules, including provisions of this act. 15173

Section 18.07. The Treasurer of State is hereby authorized to 15174
issue and sell in accordance with Section 2i of Article VIII, Ohio 15175
Constitution, and Chapter 154. of the Revised Code, particularly 15176
section 154.20 of the Revised Code, original obligations in an 15177
aggregate principal amount not to exceed \$34,000,000 in addition 15178
to the original issuance of obligations heretofore authorized by 15179
prior acts of the General Assembly. The authorized obligations 15180
shall be issued, subject to applicable constitutional and 15181
statutory limitations, to pay costs of capital facilities as 15182
defined in section 154.01 of the Revised Code for mental hygiene 15183
and retardation. 15184

Section 19.01. All items set forth in Sections 19.02 to 19.48 15185
are hereby appropriated out of any moneys in the state treasury to 15186
the credit of the Higher Education Improvement Fund (Fund 034) 15187
that are not otherwise appropriated. 15188

Appropriations

Section 19.02. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS 15189

NETWORK COMMISSION			15190
			15191
CAP-001 Educational TV and Radio Equipment	\$	1,000,626	15192
Total Ohio Educational Telecommunications			15193
Network Commission	\$	1,000,626	15194

EDUCATIONAL TELEVISION AND RADIO EQUIPMENT 15195

The foregoing appropriation item CAP-001, Educational Television and Radio Equipment, shall be used for the purpose of acquiring video file server technology for the Ohio Educational Telecommunications Network Commission's operations center.

Appropriations

Section 19.03. BOARD OF REGENTS AND STATE INSTITUTIONS OF HIGHER EDUCATION 15200
15201

BOR BOARD OF REGENTS 15202

CAP-025 Instructional and Data Processing Equipment	\$	33,000,000	15203
CAP-029 Ohio Library and Information Network	\$	8,190,000	15204
CAP-030 Ohio Supercomputer Center Expansion	\$	8,500,000	15205
CAP-032 Research Facility Action and Investment Funds	\$	19,000,000	15206
CAP-060 Technology Initiatives	\$	3,650,000	15207
CAP-062 Non-Credit Job Training Facilities Grants	\$	5,985,000	15208
CAP-064 Eminent Scholars Capital Grants	\$	2,000,000	15209
CAP-068 Third Frontier	\$	50,000,000	15210
CAP-070 Dark Fiber	\$	5,000,000	15211
CAP-071 Center for Translational & Applied Genomics	\$	500,000	15212
CAP-072 Cleveland Clinic Heart Center Infrastructure Project	\$	1,000,000	15213
Total Board of Regents	\$	136,825,000	15214

Section 19.04. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 15216

The foregoing appropriation item CAP-032, Research Facility 15217
Action and Investment Funds, shall be used for a program of grants 15218
to be administered by the Board of Regents to provide timely 15219
availability of capital facilities for research programs and 15220
research-oriented instructional programs at or involving 15221
state-supported and state-assisted institutions of higher 15222
education. 15223

The Board of Regents shall adopt rules under Chapter 119. of 15224
the Revised Code relative to the application for and approval of 15225
projects funded from appropriation item CAP-032, Research Facility 15226
Action and Investment Funds. The rules shall be reviewed and 15227
approved by the Legislative Committee on Education Oversight. The 15228
Board of Regents shall inform the President of the Senate and the 15229
Speaker of the House of Representatives of each project 15230
application for funding received. Each project receiving a 15231
commitment for funding by the Board of Regents under the rules 15232
shall be reported to the President of the Senate and the Speaker 15233
of the House of Representatives. 15234

Section 19.05. TECHNOLOGY INITIATIVES 15235

The foregoing appropriation CAP-060, Technology Initiatives, 15236
shall be used by the Board of Regents to support collaborative 15237
initiatives to improve the quality and efficiency of instruction, 15238
services, and program offerings at Ohio's state-assisted colleges 15239
and universities. 15240

Section 19.06. EMINENT SCHOLARS CAPITAL GRANTS 15241

The foregoing appropriation item CAP-064, Eminent Scholars 15242
Capital Grants, shall be used by the Ohio Board of Regents to make 15243
grants to state colleges and universities and nonprofit Ohio 15244
institutions of higher education holding certificates of 15245
authorization issued under section 1713.02 of the Revised Code 15246

that receive endowment grants from appropriation item 235-451, 15247
Eminent Scholars. The capital grants shall be used to acquire, 15248
renovate, rehabilitate, or construct facilities and purchase 15249
equipment to be used by an Eminent Scholar in the conduct of 15250
research, and shall require a 50 per cent match from recipient 15251
campuses. 15252

The Board of Regents shall convene an Eminent Scholars 15253
Advisory Panel, which shall make recommendations for the 15254
administration of the Eminent Scholars program, including the 15255
award of capital grants. The panel's recommendations for capital 15256
awards from appropriation item CAP-064, Eminent Scholars Capital 15257
Grants, shall require the approval of the Board of Regents. 15258

Section 19.07. THIRD FRONTIER PROJECT 15259

The foregoing appropriation item CAP-068, Third Frontier 15260
Project, shall be used to acquire, renovate, or construct 15261
facilities and purchase equipment for research programs technology 15262
development, product development, and commercialization programs 15263
at or involving state-supported and state-assisted institutions of 15264
higher education. The funds shall be used to make grants awarded 15265
on a competitive basis, and shall be administered by the Third 15266
Frontier Commission. Expenditure of these funds shall comply with 15267
Section 2n of Article VIII, Ohio Constitution, and sections 151.01 15268
and 151.04 of the Revised Code for the period beginning July 1, 15269
2002, and ending June 30, 2004. 15270

The Third Frontier Commission shall develop guidelines 15271
relative to the application for and selection of projects funded 15272
from appropriation item CAP-068, Third Frontier Project. The 15273
commission may develop these guidelines in consultation with other 15274
interested parties. The Board of Regents and all state-assisted 15275
and state-supported institutions of higher education shall take 15276
all actions necessary to implement grants awarded by the Third 15277

Frontier Commission.	15278
The foregoing appropriation item CAP-068, Third Frontier Project, for which an appropriation is made from the Higher Education Improvement Fund (Fund 034), is determined to consist of capital improvements and capital facilities for state-supported and state-assisted institutions of higher education, and is designated for the capital facilities to which proceeds of obligations in the Higher Education Improvement Fund (Fund 034) are to be applied.	15279 15280 15281 15282 15283 15284 15285 15286
Section 19.08. REIMBURSEMENT FOR PROJECT COSTS	15287
Appropriations made in Sections 19.08 to 19.48 of this act for purposes of costs of capital facilities for the interim financing of which the particular institution has previously issued its own obligations anticipating the possibility of future state appropriations to pay all or a portion of such costs, as contemplated in division (B) of section 3345.12 of the Revised Code, shall be paid directly to the institution or the paying agent for those outstanding obligations in the full principal amount of those obligations then to be paid from the anticipated appropriation, and shall be timely applied to the retirement of a like principal amount of the institutional obligations.	15288 15289 15290 15291 15292 15293 15294 15295 15296 15297 15298
Appropriations made in Sections 19.09 to 19.48 of this act for purposes of costs of capital facilities, all or a portion of which costs the particular institution has paid from the institution's moneys that were temporarily available and which payments were reasonably expected to be reimbursed from the proceeds of obligations issued by the state, shall be directly paid to the institution in the full amounts of those payments, and shall be timely applied to the reimbursement of those temporarily available moneys.	15299 15300 15301 15302 15303 15304 15305 15306 15307

Appropriations

Section 19.09. UAK UNIVERSITY OF AKRON			15308
CAP-008	Basic Renovations	\$ 4,335,026	15309
CAP-049	Basic Renovations - Wayne	\$ 144,004	15310
CAP-054	Auburn West Tower Rehab Ph1	\$ 3,950,000	15311
CAP-080	Medina Learning Center	\$ 750,000	15312
CAP-098	Guzzetta Hall Addition	\$ 7,784,808	15313
CAP-099	D-Wing Expansion	\$ 243,750	15314
CAP-100	Classroom/Office Addition (Design)	\$ 120,120	15315
CAP-101	National Polymer Processing Center	\$ 1,000,000	15316
Total University of Akron			\$ 18,327,708 15317

Appropriations

Section 19.10. BGU BOWLING GREEN STATE UNIVERSITY			15319
CAP-009	Basic Renovations	\$ 3,975,578	15320
CAP-060	Basic Renovations - Firelands	\$ 219,586	15321
CAP-109	Cedar Point Community Center Ph3 - Firelands	\$ 862,684	15322
CAP-112	Biology Laboratory Building Ph1	\$ 1,174,982	15323
CAP-119	Admissions Visitor Center	\$ 3,000,000	15324
CAP-120	Theater (Performing Arts) Complex	\$ 8,750,000	15325
CAP-121	University Hall Rehabilitation Ph1	\$ 1,174,981	15326
CAP-122	Convocation Center	\$ 50,000	15327
Total Bowling Green State University			\$ 19,207,811 15328

Appropriations

Section 19.11. CSU CENTRAL STATE UNIVERSITY			15330
CAP-022	Basic Renovations	\$ 932,692	15331
CAP-084	Academic Facility - Phase I	\$ 7,114,345	15332
Total Central State University			\$ 8,047,037 15333

Appropriations

Section 19.12. UCN UNIVERSITY OF CINCINNATI			15335
CAP-009	Basic Renovations	\$ 8,370,968	15336
CAP-018	Basic Renovations - Clermont	\$ 227,093	15337
CAP-054	Raymond Walters Renovations	\$ 361,987	15338
CAP-174	Classroom/Teaching Laboratory Renovations	\$ 7,270,000	15339
CAP-176	Network Expansion	\$ 1,820,000	15340
CAP-177	Critical Building Component Renovations	\$ 4,800,000	15341
CAP-205	Medical Science Building	\$ 7,000,000	15342
CAP-206	One Stop Services Center	\$ 4,783,000	15343
CAP-207	Central Campus Infrastructure	\$ 186,941	15344
CAP-208	Security System Upgrade	\$ 260,000	15345
CAP-209	Library Renovations	\$ 800,000	15346
CAP-211	Cincinnati Symphony Facility Improvements	\$ 500,000	15347
CAP-224	Van Wormer Administrative Building	\$ 1,125,750	15348
	Rehabilitation		
CAP-262	Central Campus Renovations	\$ 579,000	15349
CAP-263	Swift Rehabilitation	\$ 1,260,000	15350
CAP-264	McMicken Window Replacement	\$ 1,000,000	15351
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$ 490,000	15352
CAP-266	Muntz Rehabilitation Ph2	\$ 1,443,210	15353
CAP-267	Muntz Classroom/Office Upgrades	\$ 16,297	15354
CAP-269	Raymond Walters Veterinary College	\$ 400,000	15355
Total University of Cincinnati		\$ 42,694,246	15356

Appropriations

Section 19.13. CLS CLEVELAND STATE UNIVERSITY			15358
CAP-023	Basic Renovations	\$ 4,928,093	15359
CAP-109	Main Classroom Lecture Hall Renovation	\$ 1,100,000	15360
	Ph4		
CAP-125	College of Education Building	\$ 8,786,384	15361
CAP-128	Property Acquisition	\$ 2,000,000	15362
CAP-142	Rhodes Tower Library Roof Replacement	\$ 1,170,372	15363
CAP-143	Cleveland Food Bank	\$ 500,000	15364

CAP-144	Rhodes Tower Plaza Renovations Ph2	\$	1,300,000	15365
CAP-145	Cleveland Manufacturers Technology Complex	\$	500,000	15366
Total Cleveland State University		\$	20,284,849	15367

Appropriations

Section 19.14. KSU KENT STATE UNIVERSITY				15369
CAP-022	Basic Renovations	\$	4,185,475	15370
CAP-105	Basic Renovations - East Liverpool	\$	171,174	15371
CAP-106	Basic Renovations - Geauga	\$	57,769	15372
CAP-107	Basic Renovations - Salem	\$	120,703	15373
CAP-108	Basic Renovations - Stark	\$	397,489	15374
CAP-110	Basic Renovations - Ashtabula	\$	204,939	15375
CAP-111	Basic Renovations - Trumbull	\$	377,709	15376
CAP-112	Basic Renovations - Tuscarawas	\$	201,082	15377
CAP-142	Music Center Improvements	\$	2,500,000	15378
CAP-207	Kent Hall Planning and Addition	\$	11,220,000	15379
CAP-212	Technology Building Addition	\$	832,593	15380
CAP-234	Terrace Drive Heating Plant Rehab Ph1	\$	2,274,122	15381
CAP-235	Rehabilitation of Franklin Hall - Planning	\$	1,815,000	15382
CAP-236	East Campus Utilities Tunnel	\$	1,750,000	15383
CAP-237	Classroom Building Interior Renovation	\$	1,015,746	15384
CAP-238	Roof Replacement, Classroom Building	\$	288,939	15385
CAP-239	Classroom Building Roof, Coping, Fascia Restoration	\$	581,919	15386
CAP-240	Roadway/Parking Lot Improvements Ph1	\$	250,000	15387
CAP-241	Main Hall Selective Interior Renovation Ph1	\$	146,547	15388
CAP-242	Workforce Development Building	\$	1,156,076	15389
CAP-243	Classroom Building Interior Renovation	\$	804,594	15390
CAP-244	Fine Arts Building Addition	\$	1,300,000	15391
Total Kent State University		\$	31,651,876	15392

		Appropriations	
Section 19.15. MUN MIAMI UNIVERSITY			15394
CAP-018	Basic Renovations	\$ 3,937,819	15395
CAP-066	Basic Renovations - Hamilton	\$ 403,506	15396
CAP-069	Basic Renovations - Middletown	\$ 400,104	15397
CAP-089	N. Campus High Voltage Feeder Improvements	\$ 350,000	15398
CAP-096	McGuffey Hall Rehab Ph3	\$ 9,000,000	15399
CAP-099	King Library Ground & 3rd Fl Rehab	\$ 3,000,000	15400
CAP-113	Academic/Administrative Renovation Projects - Hamilton	\$ 496,422	15401
CAP-114	Chilled Water Loop - Middletown	\$ 350,000	15402
CAP-115	Academic/Admin Renovation Projects - Middletown	\$ 688,506	15403
CAP-127	Campus Steam Loop Connections	\$ 350,000	15404
CAP-131	Miami University Learning Center - Middletown	\$ 1,000,000	15405
CAP-142	Engineering & Applied Science Facility (Planning)	\$ 500,000	15406
CAP-143	Warfield Hall Rehab	\$ 250,000	15407
CAP-145	Campus Chilled Water Efficiency Upgrade	\$ 339,109	15408
CAP-146	Information Technology Systems Upgrade	\$ 811,969	15409
CAP-147	Central Campus Water & Sewer Improvements	\$ 350,000	15410
CAP-149	Parrish Auditorium Rehab	\$ 700,000	15411
CAP-150	Student & Community Center	\$ 400,000	15412
Total Miami University		\$ 23,327,435	15413

Appropriations

Section 19.16. OSU OHIO STATE UNIVERSITY			15415
CAP-074	Basic Renovations	\$ 19,402,364	15416
CAP-149	Basic Renovations - Regional Campuses	\$ 1,519,898	15417
CAP-255	Supplemental Renovations - OARDC	\$ 1,760,278	15418

CAP-427	Morrill Hall Renovation - 1st Floor Rehab	\$	730,742	15419
CAP-486	Larkins Hall Addition and Rehab	\$	20,023,667	15420
CAP-487	Robinson Laboratory Replacement	\$	20,000,000	15421
CAP-531	Animal/Plant Bio L-3 Isolation Fac, Ph1	\$	2,000,000	15422
CAP-534	Main Library Rehabilitation/Expansion	\$	4,200,000	15423
CAP-535	Psychology Building	\$	15,000,000	15424
CAP-618	Laboratory Animal Facilities	\$	6,700,000	15425
CAP-619	Fry Hall Building Addition	\$	3,600,000	15426
CAP-620	School of Music (Planning)	\$	250,000	15427
CAP-621	J. Gilbert Reese Center	\$	3,358,924	15428
CAP-622	Western Branch HQ's and Machinery Building	\$	850,000	15429
CAP-623	Piketon Training and Development Center	\$	900,000	15430
CAP-624	Muck Crops Branch Office/Shop Building Replacement	\$	825,000	15431
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	15432
CAP-626	Agricultural/Engineering Building Renovation and Addition	\$	200,000	15433
CAP-628	Wood County Center for Agriculture	\$	1,000,000	15434
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	15435
Total Ohio State University		\$	103,523,934	15436

Appropriations

Section 19.17. OHU OHIO UNIVERSITY				15438
CAP-020	Basic Renovations	\$	4,906,331	15439
CAP-095	Basic Renovations - Eastern	\$	192,413	15440
CAP-098	Basic Renovations - Lancaster	\$	255,635	15441
CAP-099	Basic Renovations - Zanesville	\$	243,268	15442
CAP-113	Basic Renovations - Chillicothe	\$	227,923	15443
CAP-114	Basic Renovations - Ironton	\$	131,128	15444
CAP-115	Bennett Hall Interior Renovation Ph2	\$	828,166	15445
CAP-155	Brasee Hall Interior Renovations	\$	1,043,079	15446
CAP-164	Southeast Library Warehouse	\$	235,885	15447

CAP-169	Elevator Completion	\$	70,000	15448
CAP-172	Elson Hall Renovation Ph3	\$	1,075,726	15449
CAP-212	Exterior Site Improvement	\$	248,065	15450
CAP-213	Daycare Center	\$	447,950	15451
CAP-214	Science/Fine Arts Renovation Ph2	\$	725,213	15452
CAP-215	Land - Use Plan for Future Development	\$	30,000	15453
CAP-216	Proctorville Planning and Site Improvements	\$	141,474	15454
Total Ohio University		\$	10,802,256	15455

Appropriations

Section 19.18. SSC SHAWNEE STATE UNIVERSITY 15457

CAP-004	Basic Renovations	\$	936,147	15458
CAP-044	Land Acquisition	\$	123,223	15459
CAP-045	Health Sciences Rehabilitation Ph2	\$	965,000	15460
CAP-047	Natatorium Rehabilitation	\$	450,000	15461
CAP-048	Facilities Building Renovation	\$	242,120	15462
Total Shawnee State University		\$	2,716,490	15463

Appropriations

Section 19.19. UTO UNIVERSITY OF TOLEDO 15465

CAP-010	Basic Renovations	\$	4,599,389	15466
CAP-105	Gillham Hall Rehabilitation	\$	9,382,871	15467
CAP-115	Palmer Hall - 3rd Fl Classroom Renovation	\$	2,200,000	15468
CAP-116	Bowman-Oddy - N Wing Reno	\$	5,207,000	15469
Total University of Toledo		\$	21,389,260	15470

Appropriations

Section 19.20. WSU WRIGHT STATE UNIVERSITY 15472

CAP-015	Basic Renovations	\$	3,205,721	15473
CAP-064	Basic Renovations - Lake	\$	107,667	15474
CAP-093	Information Technology Center	\$	451	15475
CAP-103	Millett Hall Rehabilitation	\$	2,417,500	15476

CAP-110	Student Union Marketplace	\$	1,000,000	15477
CAP-115	Russ Engineering Expansion	\$	2,631,000	15478
CAP-116	Rike Hall Renovation (Planning)	\$	200,000	15479
CAP-117	Electrical Infrastructure Ph1	\$	2,100,000	15480
CAP-118	Campus Master Plan Phase V-a	\$	1,430,828	15481
CAP-119	Science Lab Renovations (Planning)	\$	500,000	15482
CAP-120	Lake Campus University Center	\$	587,200	15483
Total Wright State University		\$	14,180,367	15484

Appropriations

Section 19.21. YSU YOUNGSTOWN STATE UNIVERSITY 15486

CAP-014	Basic Renovations	\$	2,823,822	15487
CAP-108	Technology Upgrades	\$	2,134,014	15488
CAP-113	Campus Development	\$	850,000	15489
CAP-114	Steam Distribution & Central Utility Plant Upgrades	\$	775,000	15490
CAP-121	Administrative Technology Computer Systems Improvements	\$	1,500,000	15491
CAP-123	Campus-wide Electrical Upgrades	\$	1,000,000	15492
CAP-124	Classroom Updates	\$	800,000	15493
CAP-125	Campus-wide Building Systems Upgrades	\$	400,000	15494
CAP-126	Technology Upgrades	\$	2,134,014	15495
CAP-127	Recreation and Wellness Center	\$	1,000,000	15496
CAP-128	Technology Incubator for Market-Ready Applications	\$	1,000,000	15497
Total Youngstown State University		\$	12,282,836	15498

Appropriations

Section 19.22. MCO MEDICAL COLLEGE OF OHIO 15500

CAP-010	Basic Renovations	\$	1,487,065	15501
CAP-066	Core Research Facility	\$	2,386,440	15502
CAP-076	Supplemental Renovations	\$	880,000	15503
CAP-077	Academic/Classroom Improvements	\$	400,000	15504

CAP-078	Clinical Academic Renovation	\$	700,000	15505
	Total Medical College of Ohio	\$	5,853,505	15506

Appropriations

Section 19.23. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF				15508
MEDICINE				15509

CAP-018	Basic Renovations	\$	479,162	15510
CAP-022	Cooperative Regional Library Depository -	\$	452,200	15511

NE

CAP-045	Renovation of Olson and Meshel Halls	\$	1,341,849	15512
	Total Northeastern Ohio Universities College			15513
	of Medicine	\$	2,273,211	15514

Appropriations

Section 19.24. CTC CINCINNATI STATE COMMUNITY COLLEGE				15516
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CAP-013	Basic Renovations	\$	833,126	15517
CAP-030	Student Life/Education Building	\$	3,700,000	15518
CAP-033	One Stop Shop Renovation	\$	547,860	15519
CAP-034	Rekeying of Main Campus	\$	365,160	15520
CAP-035	Install Kiosks	\$	150,450	15521
	Total Cincinnati State Community College	\$	5,596,596	15522

Appropriations

Section 19.25. CLT CLARK STATE COMMUNITY COLLEGE				15524
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CAP-006	Basic Renovations	\$	468,266	15525
CAP-039	Champaign Health & Education Center	\$	100,000	15526
CAP-040	Clark Health & Education Center	\$	50,000	15527
	Total Clark State Community College	\$	618,266	15528

Appropriations

Section 19.26. CTI COLUMBUS STATE COMMUNITY COLLEGE				15530
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CAP-006	Basic Renovations	\$	1,172,318	15531
CAP-040	Academic Building D	\$	17,585,528	15532

CAP-043	Building E - Planning	\$	1,022,862	15533
Total Columbus State Community College		\$	19,780,708	15534

Appropriations

Section 19.27. CCC CUYAHOGA COMMUNITY COLLEGE				15536
CAP-031	Basic Renovations	\$	2,650,707	15537
CAP-079	Cleveland Art Museum Improvements	\$	5,000,000	15538
CAP-084	East I Renovations, Ph2 (Eastern)	\$	4,339,089	15539
CAP-085	Building A Expansion Module (Western)	\$	4,157,148	15540
CAP-087	Center for Nursing & Health Careers	\$	1,400,000	15541
CAP-088	Corporate College	\$	500,000	15542
Total Cuyahoga Community College		\$	18,046,944	15543

Appropriations

Section 19.28. ESC EDISON STATE COMMUNITY COLLEGE				15545
CAP-006	Basic Renovations	\$	295,110	15546
Total Edison State Community College		\$	295,110	15547

Appropriations

Section 19.29. JTC JEFFERSON COMMUNITY COLLEGE				15549
CAP-022	Basic Renovations	\$	242,523	15550
CAP-041	Campus Master Plan	\$	189,442	15551
Total Jefferson Community College		\$	431,965	15552

Appropriations

Section 19.30. LCC LAKELAND COMMUNITY COLLEGE				15554
CAP-006	Basic Renovations	\$	972,671	15555
CAP-037	C Building East End Project	\$	985,000	15556
CAP-038	HVAC Upgrades/Rehabilitation	\$	1,000,000	15557
CAP-039	Main Gym Floor Renov	\$	150,000	15558
CAP-040	Roadway and Drainage Improvements	\$	632,756	15559
CAP-043	Mooreland Educational Center Rehab	\$	115,000	15560
Total Lakeland Community College		\$	3,855,427	15561

Appropriations

Section 19.31. LOR LORAIN COMMUNITY COLLEGE			15563
CAP-005	Basic Renovations	\$ 1,132,268	15564
Total Lorain Community College		\$ 1,132,268	15565

Appropriations

Section 19.32. NTC NORTHWEST STATE COMMUNITY COLLEGE			15567
CAP-003	Basic Renovations	\$ 268,822	15568
CAP-021	Services Facility	\$ 200,000	15569
Total Northwest State Community College		\$ 468,822	15570

Appropriations

Section 19.33. OTC OWENS COMMUNITY COLLEGE			15572
CAP-019	Basic Renovations	\$ 1,385,769	15573
CAP-037	Education Center	\$ 8,746,360	15574
CAP-038	Fire and Police Training Center	\$ 1,145,610	15575
Total Owens Community College		\$ 11,277,739	15576

Appropriations

Section 19.34. RGC RIO GRANDE COMMUNITY COLLEGE			15578
CAP-005	Basic Renovations	\$ 371,653	15579
Total Rio Grande Community College		\$ 371,653	15580

Appropriations

Section 19.35. SCC SINCLAIR COMMUNITY COLLEGE			15582
CAP-007	Basic Renovations	\$ 2,231,992	15583
Total Sinclair Community College		\$ 2,231,992	15584

Appropriations

Section 19.36. SOC SOUTHERN STATE COMMUNITY COLLEGE			15586
CAP-010	Basic Renovations	\$ 293,585	15587
CAP-025	Multi-Purpose Facility	\$ 1,000,000	15588
Total Southern State Community College		\$ 1,293,585	15589

Appropriations

Section 19.37. TTC TERRA STATE COMMUNITY COLLEGE			15591
CAP-009	Basic Renovations	\$ 315,419	15592
Total Terra State Community College			\$ 315,419 15593

Appropriations

Section 19.38. WTC WASHINGTON STATE COMMUNITY COLLEGE			15595
CAP-006	Basic Renovations	\$ 262,586	15596
Total Washington State Community College			\$ 262,586 15597

Appropriations

Section 19.39. BTC BELMONT TECHNICAL COLLEGE			15599
CAP-008	Basic Renovations	\$ 214,638	15600
Total Belmont Technical College			\$ 214,638 15601

Appropriations

Section 19.40. COT CENTRAL OHIO TECHNICAL COLLEGE			15603
CAP-003	Basic Renovations	\$ 210,616	15604
CAP-011	J. Gilbert Reese Center	\$ 2,209,867	15605
Total Central Ohio Technical College			\$ 2,420,483 15606

Appropriations

Section 19.41. HTC HOCKING TECHNICAL COLLEGE			15608
CAP-019	Basic Renovations	\$ 487,064	15609
CAP-034	Student Center - Ph III	\$ 2,192,550	15610
CAP-040	Lake Snowden	\$ 1,446,150	15611
Total Hocking Technical College			\$ 4,125,764 15612

Appropriations

Section 19.42. LTC LIMA TECHNICAL COLLEGE			15614
CAP-004	Basic Renovations	\$ 316,757	15615
CAP-015	Information Technology Building	\$ 3,767,610	15616
Total Lima Technical College			\$ 4,084,367 15617

Appropriations

Section 19.43. MTC MARION TECHNICAL COLLEGE			15619
CAP-004	Basic Renovations	\$ 116,271	15620
CAP-012	Technical Education Center Rehab	\$ 257,501	15621
Total Marion Technical College			\$ 373,772 15622

Appropriations

Section 19.44. MAT MUSKINGUM AREA TECHNICAL COLLEGE			15624
CAP-007	Basic Renovations	\$ 239,685	15625
CAP-020	Atwood Lake Resort & Conference Center	\$ 250,000	15626
Facility Improvements			
CAP-021	Lighting/HVAC Replacement	\$ 843,606	15627
Total Muskingum Area Technical College			\$ 1,333,291 15628

Appropriations

Section 19.45. NCC NORTH CENTRAL TECHNICAL COLLEGE			15630
CAP-003	Basic Renovations	\$ 352,422	15631
Total North Central Technical College			\$ 352,422 15632

Appropriations

Section 19.46. STC STARK TECHNICAL COLLEGE			15634
CAP-004	Basic Renovations	\$ 477,277	15635
CAP-032	Automotive Tech Building Addition	\$ 1,719,554	15636
Total Stark Technical College			\$ 2,196,831 15637
Total Board of Regents and			15638
State Institutions of Higher Education			\$ 554,468,469 15639
TOTAL Higher Education Improvement Fund			\$ 554,469,095 15640

Section 19.47. DEBT SERVICE FORMULA ALLOCATION 15642

Based on the foregoing appropriations in Sections 19.09 to 15643
 19.46 of this act, from Fund 034, Higher Education Improvement 15644
 Fund, the following higher education institutions shall be 15645

responsible for the specified amounts as part of the debt service		15646
component of the instructional subsidy beginning in fiscal year		15647
2004:		15648
INSTITUTION	AMOUNT	15649
University of Akron	\$11,734,808	15650
University of Akron - Wayne	\$363,870	15651
Bowling Green State University	\$14,099,963	15652
Bowling Green State University - Firelands	\$862,684	15653
Central State University	\$2,614,345	15654
University of Cincinnati	\$31,374,691	15655
University of Cincinnati - Walters	\$1,459,507	15656
Cleveland State University	\$14,356,756	15657
Kent State University	\$17,059,122	15658
Kent State University - Ashtabula	\$832,593	15659
Kent State University - East Liverpool	\$804,594	15660
Kent State University - Geauga	\$288,939	15661
Kent State University - Salem	\$581,919	15662
Kent State University - Stark	\$1,696,547	15663
Kent State University - Trumbull	\$1,156,076	15664
Kent State University - Tuscarawas	\$1,015,746	15665
Miami University	\$14,951,078	15666
Miami University - Hamilton	\$1,196,422	15667
Miami University - Middletown	\$1,438,506	15668
Ohio State University	\$69,773,667	15669
Ohio State University - Marion	\$730,742	15670
Ohio State University - Newark	\$3,358,924	15671
Ohio State University - OARDC	\$5,878,062	15672
Ohio University - Eastern	\$755,213	15673
Ohio University - Chillicothe	\$1,076,231	15674
Ohio University - Ironton	\$589,424	15675
Ohio University - Lancaster	\$1,113,079	15676
Ohio University - Zanesville	\$1,075,726	15677
Shawnee State University	\$1,780,343	15678

University of Toledo	\$16,789,871	15679
Wright State University	\$10,279,328	15680
Wright State University - Lake	\$587,200	15681
Youngstown State University	\$8,459,014	15682
Medical College of Ohio	\$4,366,440	15683
Northeastern Ohio Universities College of Medicine	\$1,341,849	15684
Cincinnati State Community College	\$1,063,470	15685
Columbus State Community College	\$4,108,390	15686
Cuyahoga Community College	\$9,896,237	15687
Jefferson Community College	\$189,442	15688
Lakeland Community College	\$2,882,756	15689
Owens Community College	\$4,715,560	15690
Central Ohio Technical College	\$2,209,867	15691
Hocking Technical College	\$3,638,700	15692
Lima Technical College	\$3,767,610	15693
Marion Technical College	\$257,501	15694
Muskingum Area Technical College	\$843,606	15695
Stark Technical College	\$1,719,554	15696

Institutions not listed above shall not have a debt service obligation as a result of these appropriations. 15697
15698

Within sixty days after the effective date of this section, 15699
any institution of higher education may notify the Board of 15700
Regents of its intention not to proceed with any project 15701
appropriated in this act. Upon receiving such notification, the 15702
Board of Regents may release the institution from its debt service 15703
obligation for the specific project. 15704

Section 19.48. For all of the foregoing appropriation items 15705
from the Higher Education Improvement Fund (Fund 034) that require 15706
local funds to be contributed by any state-supported or 15707
state-assisted institution of higher education, the Ohio Board of 15708
Regents shall not recommend that any funds be released until the 15709
recipient institution demonstrates to the Board of Regents and the 15710

Office of Budget and Management that the local funds contribution 15711
requirement has been secured or satisfied. The local funds shall 15712
be in addition to the foregoing appropriations. 15713

Section 19.49. The Ohio Public Facilities Commission is 15714
hereby authorized to issue and sell, in accordance with Section 2n 15715
of Article VIII, Ohio Constitution, Chapter 151. and particularly 15716
sections 151.01 and 151.04 of the Revised Code, original 15717
obligations in an aggregate principal amount not to exceed 15718
\$536,690,000, in addition to the original issuance of obligations 15719
heretofore authorized by prior acts of the General Assembly. The 15720
authorized obligations shall be issued, subject to applicable 15721
constitutional and statutory limitations, to pay costs of capital 15722
facilities as defined in sections 151.01 and 151.04 of the Revised 15723
Code for state-supported and state-assisted institutions of higher 15724
education. 15725

Section 19.50. None of the foregoing capital improvements 15727
appropriations for state-supported or state-assisted institutions 15728
of higher education shall be expended until the particular 15729
appropriation has been recommended for release by the Ohio Board 15730
of Regents and released by the Director of Budget and Management 15731
or the Controlling Board. Either the institution concerned, or the 15732
Ohio Board of Regents with the concurrence of the institution 15733
concerned, may initiate the request to the Director of Budget and 15734
Management or the Controlling Board for the release of the 15735
particular appropriations. 15736

Section 19.51. No capital improvement appropriations made in 15737
Sections 19.02 to 19.48 of this act shall be released for planning 15738
or for improvement, renovation, construction, or acquisition of 15739
capital facilities if the institution of higher education or the 15740

state does not own the real property on which the capital 15741
facilities are or will be located. This restriction does not apply 15742
in any of the following circumstances: 15743

(1) The institution has a long-term (at least fifteen years) 15744
lease of, or other interest (such as an easement) in, the real 15745
property. 15746

(2) The Ohio Board of Regents certifies to the Controlling 15747
Board that undue delay will occur if planning does not proceed 15748
while the property or property interest acquisition process 15749
continues. In this case, funds may be released upon approval of 15750
the Controlling Board to pay for planning through the development 15751
of schematic drawings only. 15752

(3) In the case of an appropriation for capital facilities 15753
that, because of their unique nature or location, will be owned or 15754
will be part of facilities owned by a separate nonprofit 15755
organization or public body and will be made available to the 15756
institution of higher education for its use, the nonprofit 15757
organization or public body either owns or has a long-term (at 15758
least fifteen years) lease of the real property or other capital 15759
facility to be improved, renovated, constructed, or acquired and 15760
has entered into a joint or cooperative use agreement with the 15761
institution of higher education that meets the requirements of 15762
division (C) of this section. 15763

(B) Any foregoing appropriations which require cooperation 15764
between a technical college and a branch campus of a university 15765
may be released by the Controlling Board upon recommendation by 15766
the Ohio Board of Regents that the facilities proposed by the 15767
institutions are: 15768

(1) The result of a joint planning effort by the university 15769
and the technical college, satisfactory to the Ohio Board of 15770
Regents; 15771

(2) Facilities that will meet the needs of the region in 15772
terms of technical and general education, taking into 15773
consideration the totality of facilities which will be available 15774
after the completion of these projects; 15775

(3) Planned to permit maximum joint use by the university and 15776
technical college of the totality of facilities which will be 15777
available upon their completion; and 15778

(4) To be located on or adjacent to the branch campus of the 15779
university. 15780

(C) The Ohio Board of Regents shall adopt rules regarding the 15781
release of moneys from all the foregoing appropriations for 15782
capital facilities for all state-supported or state-assisted 15783
institutions of higher education. In the case of capital 15784
facilities referred to in division (A)(3) of this section, the 15785
joint or cooperative use agreements shall include, as a minimum, 15786
provisions that: 15787

(1) Specify the extent and nature of that joint or 15788
cooperative use, extending for not fewer than fifteen years, with 15789
the value of such use or right to use to be, as to be determined 15790
by the parties and approved by the Board of Regents, reasonably 15791
related to the amount of the appropriations; 15792

(2) Provide for pro rata reimbursement to the state should 15793
the arrangement for joint or cooperative use be terminated; 15794

(3) Provide that procedures to be followed during the capital 15795
improvement process will comply with appropriate applicable state 15796
laws and rules, including provisions of this act; and 15797
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(4) Provide for payment or reimbursement to the institution 15799
of its administrative costs incurred as a result of the facilities 15800
project, not to exceed 1.5 per cent of the appropriated amount. 15801

(D) Upon the recommendation of the Ohio Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution with the approval of both institutions.

(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Ohio Board of Regents, may transfer amounts appropriated to the Ohio Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.

Section 19.52. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, shall not apply to projects of community college districts, which include Cuyahoga Community College, Jefferson Community College, Lakeland Community College, Lorain County Community College, Rio Grande Community College, and Sinclair Community College; and technical college districts which include Belmont Technical College, Central Ohio Technical College, Hocking Technical College, Lima Technical College, Marion Technical College, Muskingum Area Technical College, North Central Technical College, and Stark Technical College.

Section 19.53. 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. 15832
15833

(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 shall not exceed seven per cent of the estimated construction cost. 15834
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Section 20.01. 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) that are not otherwise appropriated. 15844
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15847

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 15848

CAP-012	Land Acquisition	\$	6,800,000	15849
CAP-017	Indian Lake State Park	\$	125,000	15850
CAP-044	Ohio Zoo Consortium	\$	1,000,000	15851
CAP-045	Mary Jane Thurston State Park - Marina & Dock Renovation	\$	300,000	15852
CAP-331	Park Boating Facilities	\$	1,829,520	15853
CAP-390	State Park Maintenance/Facility Development - Middle Bass Island	\$	2,000,000	15854
CAP-718	Grand Lake St Mary's State Park	\$	250,000	15855
CAP-727	Riverfront Improvements	\$	450,000	15856
CAP-748	Local Parks Projects	\$	4,220,000	15857
CAP-787	Scioto Riverfront Improvements	\$	3,000,000	15858
CAP-876	Statewide Trails Program	\$	430,000	15859
CAP-928	Statewide Accessibility Improvements	\$	250,000	15860

CAP-931	Statewide Wastewater/Water Systems Upgrade	\$ 2,000,000	15861
	Total Department of Natural Resources	\$ 22,654,520	15862
	TOTAL Parks and Recreation Improvement Fund	\$ 22,654,520	15863
	RIVERFRONT IMPROVEMENTS		15864
	Of the foregoing appropriation item CAP-727, Riverfront Improvements, \$100,000 shall be used for the Spencerville Canal Improvements and \$350,000 shall be used for the Rush Creek and Upper Hocking Project.		15865 15866 15867 15868
	SCIOTO RIVERFRONT IMPROVEMENTS		15869
	Of the foregoing appropriation item CAP-787, Scioto Riverfront Improvements, \$1,000,000 shall be used for the Spring and Long Park and \$2,000,000 shall be used for the Riverfront Park.		15870 15871 15872 15873
	STATEWIDE TRAILS PROGRAMS		15874
	Of the foregoing appropriation item CAP-876, Statewide Trails Programs, \$50,000 shall be used for the Strongsville Trail Project; \$30,000 shall be used for Fairfield Heritage Trails; \$250,000 shall be used for the Ohio to Erie Bike Trail; and \$100,000 shall be used for the Upper Sandusky Bike Path.		15875 15876 15877 15878 15879
	FEDERAL REIMBURSEMENT		15880
	All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035).		15881 15882 15883 15884
	LOCAL PARKS PROJECTS		15885
	Of the foregoing appropriation item CAP-748, Local Parks Projects, \$1,500,000 shall be used for Cleveland Lakefront Park Improvements; \$500,000 shall be used for Colerain Township Park Improvements; \$250,000 shall be used for the Cuyahoga Falls		15886 15887 15888 15889

Riverfront Mall Festival Site; \$50,000 shall be used for Smith 15890
Field Park Improvements; \$650,000 shall be used for Belmont County 15891
Park Improvements; \$50,000 shall be used for St. Clairsville Park 15892
Improvements; \$50,000 shall be used for Mt. Orab Park 15893
Improvements; \$50,000 shall be used for Sardinia Park 15894
Improvements; \$50,000 shall be used for Liberty Township 15895
Playground; \$100,000 shall be used for Gallipolis City Park 15896
Improvements; \$100,000 shall be used for Lake County Perry 15897
Township Park Improvements; \$10,000 shall be used for Russells 15898
Point Park Improvements; \$40,000 shall be used for Zanesville Park 15899
Improvements; \$30,000 shall be used for New Lexington Park 15900
Improvements; \$50,000 shall be used for Somerset Park 15901
Improvements; \$20,000 shall be used for Junction City Park 15902
Improvements; \$50,000 shall be used for Shelly Park Improvements; 15903
\$50,000 shall be used for the Mt. Gilead Headwaters Shelter; 15904
\$25,000 shall be used for the Richland County Korean War Memorial; 15905
\$350,000 shall be used for Pine Hills Lakes; \$200,000 shall be 15906
used for the Goll Woods Nature Preserve; \$15,000 shall be used for 15907
Ryan Park Improvements; \$15,000 shall be used for Circleville Park 15908
Improvements; \$15,000 shall be used for Corning Downtown Park 15909
Improvements. 15910

Section 20.02. The Treasurer of State is hereby authorized to 15911
issue and sell, in accordance with Section 2i of Article VIII, 15912
Ohio Constitution, and Chapter 154. of the Revised Code, 15913
particularly section 154.22 of the Revised Code, original 15914
obligations in an aggregate principal amount not to exceed 15915
\$22,000,000, in addition to the original issuance of obligations 15916
heretofore authorized by prior acts of the General Assembly. The 15917
authorized obligations shall be issued, subject to applicable 15918
constitutional and statutory limitations, to pay the costs of 15919
capital facilities as defined in section 154.01 of the Revised 15920
Code. 15921

Section 20.03. (A) No capital improvement appropriations made 15922
in Section 20.01 of this act shall be released for planning or for 15923
improvement, renovation, or construction or acquisition of capital 15924
facilities if a governmental agency, as defined in section 154.01 15925
of the Revised Code, does not own the real property that 15926
constitutes the capital facilities or on which the capital 15927
facilities are or will be located. This restriction does not apply 15928
in any of the following circumstances: 15929

(1) The governmental agency has a long-term (at least fifteen 15930
years) lease of, or other interest (such as an easement) in, the 15931
real property; 15932

(2) In the case of an appropriation for capital facilities 15933
for parks and recreation that, because of their unique nature or 15934
location, will be owned or be part of facilities owned by a 15935
separate nonprofit organization and made available to the 15936
governmental agency for its use or operated by the nonprofit 15937
organization under contract with the governmental agency, the 15938
nonprofit organization either owns or has a long-term (at least 15939
fifteen years) lease of the real property or other capital 15940
facility to be improved, renovated, constructed, or acquired and 15941
has entered into a joint or cooperative use agreement, approved by 15942
the Department of Natural Resources, with the governmental agency 15943
for that agency's use of and right to use the capital facilities 15944
to be financed and, if applicable, improved, the value of such use 15945
or right to use being, as determined by the parties, reasonably 15946
related to the amount of the appropriation. 15947

(B) In the case of capital facilities referred to in division 15948
(A)(2) of this section, the joint or cooperative use agreement 15949
shall include, as a minimum, provisions that: 15950

(1) Specify the extent and nature of that joint or 15951
cooperative use, extending for not fewer than fifteen years, with 15952

the value of such use or right to use to be, as determined by the 15953
parties and approved by the approving department, reasonably 15954
related to the amount of the appropriation; 15955

(2) Provide for pro rata reimbursement to the state should 15956
the arrangement for joint or cooperative use by a governmental 15957
agency be terminated; and 15958

(3) Provide that procedures to be followed during the capital 15959
improvement process will comply with appropriate applicable state 15960
laws and rules, including provisions of this act. 15961

Section 21.01. All items set forth in this section are hereby 15962
appropriated out of any moneys in the state treasury to the credit 15963
of the Clean Ohio Conservation Fund (Fund 056) that are not 15964
otherwise appropriated. 15965

			Appropriations
PWC PUBLIC WORKS COMMISSION			15966
CAP-152	Clean Ohio Conservation	\$ 37,500,000	15967
Total Public Works Commission		\$ 37,500,000	15968
TOTAL	Clean Ohio Conservation Fund	\$ 37,500,000	15969

The foregoing appropriation item CAP-152, Clean Ohio 15970
Conservation, shall be used in accordance with sections 164.20 to 15971
164.27 of the Revised Code. If the Public Works Commission 15972
receives refunds due to project overpayments that are discovered 15973
during the post-project audit, the Director of the Public Works 15974
Commission may certify to the Director of Budget and Management 15975
that refunds have been received. If the Director of Budget and 15976
Management determines that project refunds are available to 15977
support additional appropriations, such amounts are hereby 15978
appropriated. 15979

Section 21.02. The Ohio Public Facilities Commission is 15980
hereby authorized to issue and sell, in accordance with Section 20 15981

of Article VIII, Ohio Constitution, and sections 151.01 and 151.09 15982
of the Revised Code, original obligations in an aggregate 15983
principal amount not to exceed \$50,000,000, in addition to the 15984
original issuance of obligations heretofore authorized by prior 15985
acts of the General Assembly. These authorized obligations shall 15986
be issued, subject to applicable constitutional and statutory 15987
limitations, as needed to ensure sufficient moneys to the credit 15988
of the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio 15989
Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail 15990
Fund (Fund 061) to pay costs of conservation projects as defined 15991
in sections 151.01 and 151.09 of the Revised Code. 15992

Section 21.03. All items set forth in this section are hereby 15993
appropriated out of any moneys in the state treasury to the credit 15994
of the Clean Ohio Agricultural Easement Fund (Fund 057) that are 15995
not otherwise appropriated. 15996

Appropriations

AGR DEPARTMENT OF AGRICULTURE 15997
CAP-047 Clean Ohio Agricultural Easement \$ 6,250,000 15998
Total Department of Agriculture \$ 6,250,000 15999
TOTAL Clean Ohio Agricultural Easement Fund \$ 6,250,000 16000

Section 21.04. All items set forth in this section are hereby 16002
appropriated out of any moneys in the state treasury to the credit 16003
of the Clean Ohio Trail Fund (Fund 061), that are not otherwise 16004
appropriated. 16005

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 16006
CAP-014 Clean Ohio Trail \$ 6,250,000 16007
Total Department of Natural Resources \$ 6,250,000 16008
TOTAL Clean Ohio Trail Fund \$ 6,250,000 16009

Section 22.01. CERTIFICATION OF RENTAL PAYMENTS 16011

Each request for release of appropriations for any and all 16012
capital improvements and capital facilities for which 16013
appropriations are made in this act from the proceeds of 16014
obligations in the Sports Facilities Building Fund (Fund 024), the 16015
Administrative Building Fund (Fund 026), the Adult Correctional 16016
Building Fund (Fund 027), the Juvenile Correctional Building Fund 16017
(Fund 028), the Arts Facilities Building Fund (Fund 030), the 16018
Natural Resources Projects Fund (Fund 031), the School Building 16019
Program Assistance Fund (Fund 032), the Mental Health Facilities 16020
Improvement Fund (Fund 033), the Higher Education Improvement Fund 16021
(Fund 034), and the Parks and Recreation Improvements Fund (Fund 16022
035) shall have the certification of the Director of Budget and 16023
Management that sufficient General Revenue Fund moneys are 16024
appropriated for and will be available for rental payments to the 16025
Ohio Public Facilities Commission, the Treasurer of State, and the 16026
Ohio Building Authority in the then-current fiscal biennium 16027
relating to obligations or portions of obligations issued or to be 16028
issued in that fiscal biennium to fund, in the then-current fiscal 16029
biennium, anticipated expenditures from these funds associated 16030
with the request. 16031

Section 22.02. HIGHWAY SAFETY FUND CERTIFICATION OF RENTAL 16032
PAYMENTS 16033

No money shall be encumbered for any capital improvements and 16034
capital facilities for which appropriations are made in excess of 16035
the cash balances from the proceeds of obligations in the Highway 16036
Safety Building Fund (Fund 025) unless the Director of Budget and 16037
Management certifies that sufficient Highway Safety Fund moneys 16038
are appropriated and available for rental payments to the Ohio 16039
Building Authority for debt service payments by the state in the 16040
then-current fiscal biennium relating to obligations or portions 16041
of obligations issued or to be issued in that fiscal biennium to 16042
fund, in the then-current fiscal biennium, anticipated 16043

expenditures from these funds associated with related 16044
encumbrances. 16045

Section 23.01. CERTIFICATION OF AVAILABILITY OF MONEYS 16046

No moneys that require release may be expended from any 16047
appropriation contained in this act without certification of the 16048
Director of Budget and Management that there are sufficient moneys 16049
in the state treasury in the fund from which the appropriation is 16050
made. Such certification shall be based on estimates of revenue, 16051
receipts, and expenses. Nothing herein shall be construed as a 16052
limitation on the authority of the Director of Budget and 16053
Management under section 126.07 of the Revised Code. 16054

Section 23.02. LIMITATIONS ON CAPITAL APPROPRIATIONS 16055

The appropriations made in this act excluding those made to 16056
the State Capital Improvement Fund (Fund 038) and the State 16057
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 16058
or structures, including remodeling and renovations, are limited 16059
to: 16060

(A) Acquisition of real property or interest in real 16061
property; 16062

(B) Buildings and structures, which includes construction, 16063
demolition, lighting and lighting fixtures, and all necessary 16064
utilities, heating and ventilating, plumbing, sprinkling, and 16065
sewer systems, when such systems are authorized or necessary; 16066

(C) Architectural, engineering, and professional services 16067
expenses directly related to the projects; 16068

(D) Machinery that is a part of buildings and structures at 16069
the time of initial acquisition or construction; 16070

(E) Acquisition, development, and deployment of new computer 16071
systems, including the redevelopment or integration of existing 16072

and new computer systems, but excluding regular or ongoing maintenance or support agreements; 16073
16074

(F) Equipment that meets all the following criteria: 16075

(1) The equipment is essential in bringing the facility up to its intended use. 16076
16077

(2) The unit cost of the equipment, and not the individual parts of a unit, is approximately \$100 or more. 16078
16079

(3) The equipment has a useful life of five years or more. 16080

(4) The equipment is necessary for the functioning of the particular facility or project. 16081
16082

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 facility or project for which moneys are appropriated. This does not apply to line items for equipment. 16083
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16086

Section 23.03. CONTINGENCY RESERVE REQUIREMENT 16087

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. 16088
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Any funds remaining upon completion of a project may, upon 16103
approval of the Controlling Board, be released for the use of the 16104
institution to which the appropriation was made for other capital 16105
facilities projects. 16106

Section 23.04. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 16107
PROJECTS 16108

Notwithstanding sections 123.01 and 123.15 of the Revised 16109
Code, the Director of Administrative Services may authorize the 16110
Departments of Mental Health, Mental Retardation and Developmental 16111
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 16112
Job and Family Services, Rehabilitation and Correction, Youth 16113
Services, Public Safety and Transportation, the Ohio Veterans' 16114
Home, and the Rehabilitation Services Commission to administer any 16115
capital facilities projects the estimated cost of which, including 16116
design fees, construction, equipment, and contingency amounts, is 16117
less than \$1,500,000. Requests for authorization to administer 16118
capital facilities projects shall be made in writing to the 16119
Director of Administrative Services by the applicable state agency 16120
within sixty days after the effective date of the act in which the 16121
General Assembly initially makes an appropriation for the project. 16122
Upon the release of funds for such projects by the Controlling 16123
Board or the Director of Budget and Management, the agency may 16124
administer the capital project or projects for which agency 16125
administration has been authorized without the supervision, 16126
control, or approval of the Director of Administrative Services. 16127

The state agency authorized by the Director of Administrative 16128
Services to administer capital facilities projects pursuant to 16129
this section shall comply with the applicable procedures and 16130
guidelines established in Chapter 153. of the Revised Code. 16131

Section 23.05. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 16132

AGAINST THE STATE 16133

Except as otherwise provided in this section, an 16134
appropriation in this act or any other act may be used for the 16135
purpose of satisfying judgments, settlements, or administrative 16136
awards ordered or approved by the Court of Claims or by any other 16137
court of competent jurisdiction in connection with civil actions 16138
against the state. This authorization does not apply to 16139
appropriations to be applied to or used for payment of guarantees 16140
by or on behalf of the state, or for payments under lease 16141
agreements relating to or debt service on bonds, notes, or other 16142
obligations of the state. Notwithstanding any other section of law 16143
to the contrary, this authorization includes appropriations from 16144
funds into which proceeds or direct obligations of the state are 16145
deposited only to the extent that the judgment, settlement, or 16146
administrative award is for or represents capital costs for which 16147
the appropriation may otherwise be used and is consistent with the 16148
purpose for which any related obligations were issued or entered 16149
into. Nothing contained in this section is intended to subject the 16150
state to suit in any forum in which it is not otherwise subject to 16151
suit, and it is not intended to waive or compromise any defense or 16152
right available to the state in any suit against it. 16153

Section 23.06. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND 16154
MANAGEMENT 16155

Notwithstanding section 126.14 of the Revised Code, 16156
appropriations for appropriation items CAP-002, Local Jails, and 16157
CAP-003, Community-Based Correctional Facilities, appropriated 16158
from the Adult Correctional Building Fund (Fund 027) to the 16159
Department of Rehabilitation and Correction shall be released upon 16160
the written approval of the Director of Budget and Management. The 16161
appropriations from the Public School Building Fund (Fund 021) and 16162
the School Building Program Assistance Fund (Fund 032) to the 16163

School Facilities Commission, from the Transportation Building Fund (Fund 029) to the Department of Transportation, from the Clean Ohio Conservation Fund (Fund 056), 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 23.07. PREVAILING WAGE REQUIREMENT 16172

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 23.08. CAPITAL FACILITIES LEASES 16186

Capital facilities for which appropriations are made from the Sports Facilities Building Fund (Fund 024), 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 Departments of Youth Services, Administrative Services, Rehabilitation and Correction, or the

Arts and Sports Facilities Commission. Other agreements may be
made by the Ohio Building Authority and those departments with
respect to the use or purchase of such capital facilities. 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 their use
or purchase with, any governmental agency or nonprofit corporation
having authority under law to own, lease, or operate such capital
facilities. The department or the commission may sublease such
capital facilities to, and make other agreements with respect to
their use or purchase 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 23.09. APPROVAL OF EXPENDITURES BY THE DIRECTOR OF
BUDGET AND MANAGEMENT

The Director of Budget and Management shall review the
initial release of moneys for projects from the funds into which
proceeds of direct obligations of the state are deposited, and
authorize the expenditure or encumbrance of moneys from those
funds only after determining to the director's satisfaction that
either of the following apply:

(A) 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.

(B) 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 16225
issuing authority. 16226

The director shall report any nonrelease of moneys pursuant 16227
to this section to the Governor, the presiding officer of each 16228
house of the General Assembly, and the agency for the use of which 16229
the project is intended. 16230

Section 23.10. SCHOOL FACILITIES ENCUMBRANCES AND 16231
REAPPROPRIATION 16232

At the request of the Executive Director of the Ohio School 16233
Facilities Commission, the Director of Budget and Management may 16234
cancel encumbrances for school district projects from a previous 16235
biennium if the district has not raised its local share of project 16236
costs within one year of receiving Controlling Board approval in 16237
accordance with section 3318.05 of the Revised Code. The Executive 16238
Director of the Ohio School Facilities Commission shall certify 16239
the amounts of these canceled encumbrances to the Director of 16240
Budget and Management on a quarterly basis. The amounts of the 16241
canceled encumbrances are hereby appropriated. 16242

Section 23.11. CERTIFICATE OF NEED REQUIREMENT 16243

No appropriation for a health care facility authorized under 16244
this act may be released until the requirements of sections 16245
3702.51 to 3702.68 of the Revised Code have been met. 16246

Section 23.12. DISTRIBUTION OF PROCEEDS FROM ASBESTOS 16247
ABATEMENT LITIGATION 16248

All proceeds received by the state as a result of litigation, 16249
judgments, settlements, or claims, filed by or on behalf of any 16250
state agency as defined by section 1.60 of the Revised Code or 16251
state-supported or state-assisted institution of higher education, 16252
for damages or costs resulting from the use, removal, or hazard 16253

abatement of asbestos materials shall be deposited in the Asbestos 16254
Abatement Distribution Fund (Fund 674). All funds deposited into 16255
the Asbestos Abatement Distribution Fund are hereby appropriated 16256
to the Attorney General. To the extent practicable, the proceeds 16257
placed in the Asbestos Abatement Distribution Fund shall be 16258
divided among the state agencies and state-supported or 16259
state-assisted institutions of higher education in accordance with 16260
the general provisions of the litigation regarding the percentage 16261
of recovery. Distribution of the proceeds to each state agency or 16262
state-supported or state-assisted institution of higher education 16263
shall be made in accordance with the Asbestos Abatement 16264
Distribution Plan to be developed by the Attorney General, the 16265
General Services Division within the Department of Administrative 16266
Services, and the Office of Budget and Management. 16267

In those circumstances where asbestos litigation proceeds are 16268
for reimbursement of expenditures made with funds outside the 16269
state treasury or damages to buildings not constructed with state 16270
appropriations, direct payments shall be made to the affected 16271
institutions of higher education. Any proceeds received for 16272
reimbursement of expenditures made with funds within the state 16273
treasury or damages to buildings occupied by state agencies shall 16274
be distributed to the affected agencies with an intrastate 16275
transfer voucher to the funds identified in the Asbestos Abatement 16276
Distribution Plan. 16277

Such proceeds shall be used for additional asbestos abatement 16278
or encapsulation projects, or for other capital improvements, 16279
except that proceeds distributed to the General Revenue Fund and 16280
other funds that are not bond improvement funds may be used for 16281
any purpose. The Controlling Board may, for bond improvement 16282
funds, create appropriation items or increase appropriation 16283
authority in existing appropriation items equaling the amount of 16284
such proceeds. Such amounts approved by the Controlling Board are 16285

hereby appropriated. Such proceeds deposited in bond improvement 16286
funds shall not be expended until released by the Controlling 16287
Board, which shall require certification by the Director of Budget 16288
and Management that such proceeds are sufficient and available to 16289
fund the additional anticipated expenditures. 16290

Section 24.01. OBLIGATIONS ISSUED UNDER ORC CHAPTER 151. 16291

The capital improvements for which appropriations are made in 16292
this act from the Ohio Parks and Natural Resources Fund (Fund 16293
031), the School Building Program Assistance Fund (Fund 032), the 16294
Higher Education Improvement Fund (Fund 034), the Clean Ohio 16295
Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement 16296
Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) are 16297
determined to be capital improvements and capital facilities for 16298
natural resources, a statewide system of common schools, 16299
state-supported and state-assisted institutions of higher 16300
education, and conservation purposes (under the Clean Ohio 16301
program) and are designated as capital facilities to which 16302
proceeds of obligations issued under Chapter 151. of the Revised 16303
Code are to be applied. 16304

Section 24.02. OBLIGATIONS ISSUED UNDER ORC CHAPTER 152. 16305

The capital improvements for which appropriations are made in 16306
this act from the Sports Facilities Building Fund (Fund 024), the 16307
Highway Safety Building Fund (Fund 025), the Administrative 16308
Building Fund (Fund 026), the Adult Correctional Building Fund 16309
(Fund 027), the Juvenile Correctional Building Fund (Fund 028), 16310
the Transportation Building Fund (Fund 029), and the Arts 16311
Facilities Building Fund (Fund 030) are determined to be capital 16312
improvements and capital facilities for housing state agencies and 16313
branches of state government and their functions and are 16314
designated as capital facilities to which proceeds of obligations 16315

issued under Chapter 152. of the Revised Code are to be applied.	16316
The owners or holders of obligations issued under Chapter	16317
152. of the Revised Code have no right to have excises or taxes	16318
levied by the General Assembly for the payment of interest or	16319
principal thereon.	16320
Section 24.03. OBLIGATIONS ISSUED UNDER ORC CHAPTER 154.	16321
The capital improvements for which appropriations are made in	16322
this act from the Mental Health Facilities Improvement Fund (Fund	16323
033) and the Parks and Recreation Improvement Fund (Fund 035) are	16324
determined to be capital improvements and capital facilities for	16325
mental hygiene and retardation and parks and recreation and are	16326
designated as capital facilities to which proceeds of obligations	16327
issued under Chapter 154. of the Revised Code are to be applied.	16328
The owners or holders of obligations issued under Chapter	16329
154. of the Revised Code have no right to have excises or taxes	16330
levied by the General Assembly for the payment of principal or	16331
interest thereon.	16332
Section 25.01. TRANSFER OF OPEN ENCUMBRANCES	16333
Upon the request of the agency to which a capital project	16334
appropriation item is appropriated, the Director of Budget and	16335
Management may transfer open encumbrance amounts between separate	16336
encumbrances for the project appropriation item to the extent that	16337
any reductions in encumbrances are agreed to by the contracting	16338
vendor and the agency.	16339
Section 26.01. LITIGATION PROCEEDS TO THE ADMINISTRATIVE	16340
BUILDING FUND	16341
Any proceeds received by the State of Ohio as the result of	16342
litigation or a settlement agreement related to any liability for	16343

the planning, design, engineering, construction, or construction 16344
management of such facilities operated by the Department of 16345
Administrative Services shall be deposited into the Administrative 16346
Building Fund (Fund 026). 16347

Section 27.01. COAL RESEARCH AND DEVELOPMENT BONDS 16348

The Ohio Public Facilities Commission, upon the request of 16349
the Director of the Ohio Coal Development Office with the advice 16350
of the Technical Advisory Committee created in section 1551.35 of 16351
the Revised Code and the approval of the Director of Development, 16352
is hereby authorized to issue and sell, in accordance with Section 16353
15 of Article VIII, Ohio Constitution, and Chapter 151., and 16354
particularly sections 151.01 and 151.07 and other applicable 16355
sections of the Revised Code, bonds or other obligations of the 16356
State of Ohio heretofore authorized by prior acts of the General 16357
Assembly. The obligations shall be issued, subject to applicable 16358
constitutional and statutory limitations, to provide sufficient 16359
moneys to the credit of the Coal Research and Development Fund 16360
created in section 1555.15 of the Revised Code to pay costs 16361
charged to such fund when due as estimated by the Director of the 16362
Ohio Coal Development Office. 16363

Section 28.01. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 16364

The Ohio administrative knowledge system (OAKS) will be an 16365
enterprise resource planning system that will replace the state's 16366
central services infrastructure systems, including the central 16367
accounting system, the human resources/payroll system, the capital 16368
improvements projects tracking system, the fixed assets management 16369
system, and the procurement system. The Department of 16370
Administrative Services, in conjunction with the Office of Budget 16371
and Management, may acquire the system, including, but not limited 16372
to, the enterprise resource planning software and installation and 16373

implementation thereof pursuant to Chapter 125. of the Revised 16374
Code. Any lease-purchase arrangement utilized under Chapter 125. 16375
of the Revised Code shall provide at the end of the lease period 16376
that OAKS shall become the property of the state without cost. 16377

Section 29.01. Sections 2.01 to 27.01 of this act shall 16378
remain in full force and effect commencing on July 1, 2002, and 16379
terminating on June 30, 2004, for the purpose of drawing money 16380
from the state treasury in payment of liabilities lawfully 16381
incurred hereunder, and on June 30, 2004, and not before, the 16382
moneys hereby appropriated shall lapse into the funds from which 16383
they are severally appropriated. Because if, under Ohio 16384
Constitution, Article II, Section 1c, Sections 2.01 to 27.01 of 16385
this act do not take effect until after July 1, 2002, Sections 16386
2.01 to 27.01 of this act shall be and remain in full force and 16387
effect commencing on that later effective date. 16388

Section 30.01. That Section 9 of Am. Sub. S.B. 242 of the 16389
124th General Assembly be amended to read as follows: 16390

Sec. 9. BOR BOARD OF REGENTS 16391

Tobacco Master Settlement Agreement Fund Group 16392

M87 235-405 Biomedical Research \$ 25,500,000 \$ ~~25,500,000~~ 16393

and Technology

Transfer Commission

0 16394

TOTAL TSF Tobacco Master 16395

Settlement Agreement Fund 16396

Group \$ 25,500,000 \$ ~~25,500,000~~ 16397

0 16398

TOTAL ALL BUDGET FUND GROUPS \$ 25,500,000 \$ ~~25,500,000~~ 16399

0 16400

Section 30.02. That existing Section 9 of Am. Sub. S.B. 242 16402
of the 124th General Assembly is hereby repealed. 16403

Section 30.03. All items in this section are hereby 16404
appropriated as designated out of any moneys in the state treasury 16405
to the credit of the designated fund. For all appropriations made 16406
in this act, those in the first column are for fiscal year 2003 16407
and those in the second column are for fiscal year 2004. 16408

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 16409
Tobacco Master Settlement Agreement Fund Group 16410
M87 195-435 Biomedical Research \$ 0 \$ 25,500,000 16411
and Technology
Transfer Trust Fund
TOTAL TSF Tobacco Master Settlement \$ 0 \$ 25,500,000 16412
Agreement Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 25,500,000 16413

BIOMEDICAL RESEARCH AND TECHNOLOGY TRANSFER TRUST FUND 16414

On July 1, 2003, or the earliest date thereafter permitted by 16415
law, the Biomedical Research and Technology Transfer Trust Fund 16416
(Fund M87) shall be transferred from the Board of Regents to the 16417
Department of Development. At the request of the Board of Regents, 16418
the Director of Budget and Management may cancel encumbrances in 16419
the fund from Board of Regents appropriation item 235-405, 16420
Biomedical Research and Technology Transfer Commission, and 16421
reestablish such encumbrances or parts of encumbrances in fiscal 16422
year 2004 for the same purpose and to the same vendor in 16423
Department of Development appropriation item 195-435, Biomedical 16424
Research and Technology Transfer Trust Fund. The Director of 16425
Budget and Management shall reduce the appropriation balances in 16426
fiscal year 2003 by the amount of the encumbrances canceled in the 16427
Fund. As determined by the Director of Budget and Management, the 16428

appropriation authority necessary to reestablish such encumbrances 16429
or parts of encumbrances in fiscal year 2004 for the Department of 16430
Development is hereby appropriated. 16431

The foregoing appropriation item 195-435, Biomedical Research 16432
and Technology Transfer Trust Fund, shall be used by the 16433
Department of Development to support the duties and 16434
responsibilities of the Third Frontier Commission that are related 16435
to biomedical research and technology as required under sections 16436
184.01 and 184.02 of the Revised Code and in harmony with the 16437
intention of the General Assembly for the use of tobacco master 16438
settlement payments for biomedical research and technology. 16439

Section 30.04. On July 1, 2003, the Biomedical Research and 16440
Technology Transfer Commission is abolished and all of its 16441
functions are transferred to the Third Frontier Commission. The 16442
Third Frontier Commission is thereupon and thereafter successor 16443
to, assumes the obligations of, and otherwise constitutes the 16444
continuation of the Biomedical Research and Technology Transfer 16445
Commission. 16446

Any business commenced but not completed by the Biomedical 16447
Research and Technology Transfer Commission on July 1, 2003, shall 16448
be completed by the Third Frontier Commission in the same manner, 16449
and with the same effect, as if completed by the Biomedical 16450
Research and Technology Transfer Commission. No validation, cure, 16451
right, privilege, remedy, obligation, or liability is lost or 16452
impaired by reason of the transfer of functions required by this 16453
section but shall be administered by the Third Frontier 16454
Commission. All of the Biomedical Research and Technology Transfer 16455
Commission's rules, orders, and determinations continue in effect 16456
as rules, orders, and determinations of the Third Frontier 16457
Commission until modified or rescinded by the Third Frontier 16458
Commission. If necessary to ensure the integrity of the numbering 16459

of the Administrative Code, the Director of the Legislative
Service Commission shall renumber the Biomedical Research and
Technology Transfer Commission's rules as appropriate to reflect
their transfer to the Third Frontier Commission.

All employees of the Biomedical Research and Technology
Transfer Commission are transferred to the Third Frontier
Commission.

Wherever the Biomedical Research and Technology Transfer
Commission is referred to in any law, contract, or other document
relating to the transferred functions, the reference shall be
deemed to refer to the Third Frontier Commission.

No action or proceeding pending on July 1, 2003, is affected
by the transfer. Such actions and proceedings shall be prosecuted
or defended in the name of the Third Frontier Commission. The
Third Frontier Commission shall be substituted as a party upon
application to the court or other appropriate tribunal.

Section 30.05. Sections 30.01 to 30.05 of this act are not
subject to the referendum. Therefore, under Ohio Constitution,
Article II, Section 1d and section 1.471 of the Revised Code, the
sections go into immediate effect when this act becomes law.

Section 31.01. Section 25 of Am. Sub. S.B. 261 of the 124th
General Assembly is hereby repealed.

Section 32.01. Notwithstanding the requirement under division
(B) of section 5709.40 of the Revised Code for an ordinance to
designate specific public improvements made, to be made, or in the
process of being made by the municipal corporation that directly
benefit one or more parcels identified in the ordinance, not later
than June 30, 2003, the legislative authority of an impacted city,
as defined in section 1728.01 of the Revised Code, may include a

determination in an ordinance adopted under section 5709.40 of the Revised Code that satisfactory provision has been made for the public improvement needs of the parcels identified in the ordinance and may specify other public improvements made, to be made, or in the process of being made in the city that do not directly benefit the parcel identified in the ordinance but are in support of urban redevelopment within the meaning of section 5709.41 of the Revised Code.

Section 32.02. Section 32.01 of this act is hereby repealed on July 1, 2003.

Section 33.01. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to a purchaser and the purchaser's successors and assigns or heirs and assigns, all of the state's right, title, and interest in the following described real estate:

Situated in the City of Cincinnati, County of Hamilton, and State of Ohio, to-wit:

Beginning at the Southeast corner of Lafayette Avenue and Middleton Avenue, Clifton and running thence Southwardly along the East line of Middleton Avenue, Two Hundred and Sixty-eight and Fifty-three hundredths (268.53) feet to a point in said East line of Middleton Avenue; thence Eastwardly at right angles to Middleton Avenue Two Hundred and One and Ninety-seven Hundredths (201.97) feet to a point in the East line of the property conveyed to Thomas Sherlock, Sr. by Horace B. Chaflin and wife by deed duly recorded in Deed Book No. 417, Page 192; thence Northwardly along the East line of said property conveyed by said Horace B. Chaflin and wife to Thomas Sherlock, Sr. Three Hundred and Fifty-two and Thirty Hundredths (352.30) feet to the South line of Lafayette Avenue, said point being the Northeast corner of said property

conveyed by Horace B. Chaflin and wife to Thomas Sherlock, Sr.; 16519
thence Westwardly Two Hundred and Seventeen and Forty-seven 16520
Hundredths (217.47) feet along the South line of Lafayette Avenue 16521
to the place of beginning, said premises being a part of Lot No. 16522
Five (5) on the plat of Subdivision of the Clifton Farm, made by 16523
the Lafayette Bank of Cincinnati. 16524

(B) The Board of Trustees of the University of Cincinnati 16525
shall have the real estate described in division (A) of this 16526
section appraised by two disinterested persons. 16527

(C) Consideration for the real estate described in division 16528
(A) of this section shall be a purchase price acceptable to the 16529
Board of Trustees of the University of Cincinnati. 16530

(D) The purchaser shall pay the costs of the conveyance of 16531
the real estate described in division (A) of this section. 16532

(E) Upon the purchaser's payment of the purchase price for 16533
the real estate described in division (A) of this section and the 16534
request of the Board of Trustees of the University of Cincinnati, 16535
the Auditor of State, with the assistance of the Attorney General, 16536
shall prepare a deed to the real estate. The deed shall state the 16537
consideration. The deed shall be executed by the Governor in the 16538
name of the state, countersigned by the Secretary of State, sealed 16539
with the Great Seal of the State, presented in the Office of the 16540
Auditor of State for recording, and delivered to the purchaser. 16541
The purchaser shall present the deed for recording in the Office 16542
of the Hamilton County Recorder. 16543

(F) The net proceeds of the sale of the real estate described 16544
in division (A) of this section shall be deposited in the 16545
University of Cincinnati Endowment Fund (William Gray Endowment 16546
Fund). 16547

(G) This section expires one year after its effective date. 16548

Section 33.02. (A) The Governor is hereby authorized to 16549
execute a deed in the name of the state conveying to the East 16550
Liverpool Young Men's Christian Association and its successors and 16551
assigns all of the state's right, title, and interest in the 16552
following described real estate: 16553

Situated in the City of East Liverpool, County of Columbiana 16554
and State of Ohio and known as being 75% of permanent parcel 16555
number 3750128. 16556

Being .86 acres, more or less, but subject to all legal 16557
highways. 16558

(B) Consideration for the conveyance of the real estate 16559
described in division (A) of this section is the conveyance from 16560
the East Liverpool Young Men's Christian Association to the state 16561
and its successors and assigns of the following described real 16562
estate or other real estate that is of similar value and size, is 16563
contiguous to the East Liverpool campus of the Kent State 16564
University, and is acceptable to the Kent State University: 16565

Situated in the City of East Liverpool, County of Columbiana 16566
and State of Ohio and known as being permanent parcel numbers 16567
3750196, 3706020, and 3709497. 16568

Being .86 acres, more or less, but subject to all legal 16569
highways. 16570

(C) The state shall pay the costs of the conveyances 16571
described in divisions (A) and (B) of this section. 16572

(D) The real estate described or referred to in division (B) 16573
of this section that is conveyed to the state shall be for the use 16574
and benefit of the Kent State University. 16575

(E) Upon the conveyance to the state of the real estate 16576
described or referred to in division (B) of this section, the 16577
Auditor of State, with the assistance of the Attorney General, 16578

shall prepare a deed to the real estate described in division (A) 16579
of this section. The deed shall state the consideration. The deed 16580
shall be executed by the Governor in the name of the state, 16581
countersigned by the Secretary of State, sealed with the Great 16582
Seal of the State, presented in the Office of the Auditor of State 16583
for recording, and delivered to the East Liverpool Young Men's 16584
Christian Association. The East Liverpool Young Men's Christian 16585
Association shall present the deed for recording in the Office of 16586
the Columbiana County Recorder. 16587

(E) This section expires one year after its effective date. 16588

Section 33.03. (A) The payment schedule set forth in division 16589
(B) of Section 9 of Am. Sub. S.B. 164 of the 124th General 16590
Assembly, for conveyance of the real estate described in division 16591
(A) of that section, shall be modified in accordance with this 16592
section. 16593

Whereas payments totaling \$195,000 have been made by the 16594
Hamilton County Alcohol and Drug Addiction Services Board (the 16595
"grantee") as of June 30, 2002, the amount remaining to be paid, 16596
\$405,000, shall be paid by the grantee as follows: 16597

STATE FISCAL	PAYMENT	
YEAR OF PAYMENT	AMOUNT	
FY 2003	\$40,500	16600
FY 2004	\$40,500	16601
FY 2005	\$40,500	16602
FY 2006	\$40,500	16603
FY 2007	\$40,500	16604
FY 2008	\$40,500	16605
FY 2009	\$40,500	16606
FY 2010	\$40,500	16607
FY 2011	\$40,500	16608
FY 2012	\$40,500	16609

(B) The Offer to Purchase executed by the state and the grantee with respect to the real estate shall be amended to reflect the payment schedule set forth in division (A) of this section.

Section 34.01. (A)(1) Except as otherwise provided in division (A)(2) of this section, the amendment or enactment by this act of sections 5733.401, 5747.01, 5747.011, 5747.012, 5747.02, or 5747.231 of the Revised Code apply to taxable years ending on or after the effective date of this section.

(2) For taxable years beginning in 2002 and ending before the effective date of this section, each trust shall be rebuttably presumed to have made an election to apply such amendments or enactments to the trust's taxable year beginning in 2002. Each trust can rebut this presumption by notifying the Tax Commissioner in writing, before June 1, 2003, that the trust is not making the presumed election. A trust so notifying the Tax Commissioner may not thereafter make an election to apply such amendments and enactments in this act to the trust's taxable year beginning in 2002. The presumed election becomes an irrevocable election for each trust that, before June 1, 2003, does not notify the tax commissioner in writing that the trust is not making the presumed election.

(B) This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

Section 35.01. Sections 1711.11, 1711.53, 2113.031, 4117.01, 4117.14, 5731.21, 5733.021, 5733.26, 5733.40, 5733.401, 5747.01, and 5747.02 of the Revised Code, as amended by this act; section 5747.231 of the Revised Code, as repealed and reenacted by this

act; and sections 5747.011 and 5747.012 of the Revised Code, as 16640
enacted by this act, are not subject to the referendum. Therefore, 16641
under Ohio Constitution, Article II, Section 1d and section 1.471 16642
of the Revised Code, sections 1711.11, 1711.53, 2113.031, 4117.01, 16643
4117.14, 5731.21, 5733.021, 5733.26, 5733.40, 5733.401, 5747.01, 16644
and 5747.02 of the Revised Code, as amended by this act; section 16645
5747.231 of the Revised Code, as repealed and reenacted by this 16646
act; and sections 5747.011 and 5747.012 of the Revised Code, as 16647
enacted by this act, go into immediate effect when this act 16648
becomes law. 16649

Section 35.02. Sections 102.02, 183.021, 183.19, 183.30, 16650
184.01, 184.02, and 184.03 of the Revised Code, as amended or 16651
enacted by this act, shall take effect July 1, 2003. 16652

Section 35.03. Section 5739.031 of the Revised Code takes 16653
effect July 1, 2003. 16654

Section 36.01. Section 109.71 of the Revised Code is 16655
presented in this act as a composite of the section as amended by 16656
both Am. Sub. H.B. 163 and Am. S.B. 137 of the 123rd General 16657
Assembly. The General Assembly, applying the principle stated in 16658
division (B) of section 1.52 of the Revised Code that amendments 16659
are to be harmonized if reasonably capable of simultaneous 16660
operation, finds that the composite is the resulting version of 16661
the section in effect prior to the effective date of the section 16662
as presented in this act. 16663

Section 36.02. Section 109.77 of the Revised Code is 16664
presented in this act as a composite of the section as amended by 16665
Sub. H.B. 148, Am. Sub. H.B. 163, and Am. S.B. 137 of the 123rd 16666
General Assembly. The General Assembly, applying the principle 16667
stated in division (B) of section 1.52 of the Revised Code that 16668

amendments are to be harmonized if reasonably capable of 16669
simultaneous operation, finds that the composite is the resulting 16670
version of the section in effect prior to the effective date of 16671
the section as presented in this act. 16672

Section 36.03. Section 151.01 of the Revised Code is 16673
presented in this act as a composite of the section as amended by 16674
both Sub. H.B. 385 and Am. Sub. H.B. 524 of the 124th General 16675
Assembly. The General Assembly, applying the principle stated in 16676
division (B) of section 1.52 of the Revised Code that amendments 16677
are to be harmonized if reasonably capable of simultaneous 16678
operation, finds that the composite is the resulting version of 16679
the section in effect prior to the effective date of the section 16680
as presented in this act. 16681

Section 36.04. Section 2935.01 of the Revised Code is 16682
presented in this act as a composite of the section as amended by 16683
both Sub. H.B. 427 and Sub. S.B. 200 of the 124th General 16684
Assembly. The General Assembly, applying the principle stated in 16685
division (B) of section 1.52 of the Revised Code that amendments 16686
are to be harmonized if reasonably capable of simultaneous 16687
operation, finds that the composite is the resulting version of 16688
the section in effect prior to the effective date of the section 16689
as presented in this act. 16690

Section 36.05. Section 4117.01 of the Revised Code is 16691
presented in this act as a composite of the section as amended by 16692
both Am. Sub. S.B. 130 and Am. Sub. S.B. 229 of the 122nd the 16693
General Assembly. The General Assembly, applying the principle 16694
stated in division (B) of section 1.52 of the Revised Code that 16695
amendments are to be harmonized if reasonably capable of 16696
simultaneous operation, finds that the composite is the resulting 16697
version of the section in effect prior to the effective date of 16698

the section as presented in this act. 16699

Section 36.06. Section 5739.026 of the Revised Code is 16700
presented in this act as a composite of the section as amended by 16701
both Am. Sub. S.B. 143 and Sub. S.B. 200 of the 124th General 16702
Assembly. The General Assembly, applying the principle stated in 16703
division (B) of section 1.52 of the Revised Code that amendments 16704
are to be harmonized if reasonably capable of simultaneous 16705
operation, finds that the composite is the resulting version of 16706
the section in effect prior to the effective date of the section 16707
as presented in this act. 16708

Section 36.07. Section 5739.033 of the Revised Code is 16709
presented in this act as a composite of the section as amended by 16710
both Am. Sub. S.B. 143 and Sub. S.B. 200 of the 124th General 16711
Assembly. The General Assembly, applying the principle stated in 16712
division (B) of section 1.52 of the Revised Code that amendments 16713
are to be harmonized if reasonably capable of simultaneous 16714
operation, finds that the composite is the resulting version of 16715
the section in effect prior to the effective date of the section 16716
as presented in this act. 16717

Section 36.08. Section 5902.02 of the Revised Code is 16718
presented in this act as a composite of the section as amended by 16719
both H.B. 471 and Am. Sub. S.B. 120 of the 123rd General Assembly. 16720
The General Assembly, applying the principle stated in division 16721
(B) of section 1.52 of the Revised Code that amendments are to be 16722
harmonized if reasonably capable of simultaneous operation, finds 16723
that the composite is the resulting version of the section in 16724
effect prior to the effective date of the section as presented in 16725
this act. 16726

Section 37.01. If any item of law that constitutes the whole 16727

or part of a codified or uncodified section of law contained in 16728
this act, or if any application of any item of law that 16729
constitutes the whole or part of a codified or uncodified section 16730
of law contained in this act, is held invalid, the invalidity does 16731
not affect other items of law or applications of items of law that 16732
can be given effect without the invalid item of law or 16733
application. To this end, the items of law of which the codified 16734
and uncodified sections contained in this act are composed, and 16735
their applications, are independent and severable. 16736