

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**H. B. No. 1**

**Representative T. Patton**

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**A BILL**

To amend sections 122.151, 122.152, 122.154, 166.01, 1  
166.02, 166.08, 166.11, 166.13, 166.14, 166.16, 2  
5733.98, and 5747.98 and to enact sections 166.17 3  
to 166.21, 184.04, 5733.352, and 5747.331 to 4  
increase the maximum amount of technology 5  
investments eligible for a tax credit, to require 6  
signatures on technology investment tax credit 7  
certificates, to require the Director of 8  
Development to develop the form of the tax credit 9  
certificate, to require the Director to report 10  
information regarding tax credit certificates to 11  
the Tax Commissioner, to increase Edison Center 12  
application fees, to create the Ohio Research 13  
Commercialization Grant Program, to increase the 14  
maximum amount of obligations that may be issued 15  
to fund economic development programs, to create 16  
the Research and Development Loan Fund, to 17  
authorize the Director to make loans from the 18  
Research and Development Loan Fund, and to grant 19  
tax credits for qualified research and development 20  
loan payments. 21

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

**Section 1.** That sections 122.151, 122.152, 122.154, 166.01, 22  
166.02, 166.08, 166.11, 166.13, 166.14, 166.16, 5733.98, and 23  
5747.98 be amended and sections 166.17, 166.18, 166.19, 166.20, 24  
166.21, 184.04, 5733.352, and 5747.331 of the Revised Code be 25  
enacted to read as follows: 26

**Sec. 122.151.** (A) An investor who proposes to make an 27  
investment of money in an Ohio entity may apply to an Edison 28  
center for a tax credit under this section. The Edison center 29  
shall prescribe the form of the application and any information 30  
that the investor must submit with the application. The investor 31  
shall include with the application a fee of two hundred dollars. 32  
The center, within three weeks after receiving the application, 33  
shall review it, determine whether the investor should be 34  
recommended for the tax credit, and send written notice of its 35  
initial determination to the industrial technology and enterprise 36  
advisory council and to the investor. If the center determines the 37  
investor should not be recommended for the tax credit, it shall 38  
include in the notice the reasons for the determination. Subject 39  
to divisions (C) and (D) of this section, an investor is eligible 40  
for a tax credit if all of the following requirements are met: 41

(1) The investor's investment of money is in an Ohio entity 42  
engaged in a qualified trade or business. 43

(2) The Ohio entity had less than one million dollars of 44  
gross revenue during its most recently completed fiscal year or 45  
had a net book value of less than one million dollars at the end 46  
of that fiscal year. 47

(3) The investment takes the form of the purchase of common 48  
or preferred stock, a membership interest, a partnership interest, 49  
or any other ownership interest. 50

(4) The amount of the investment for which the credit is 51

being claimed does not exceed ~~one~~ two hundred fifty thousand 52  
dollars. 53

(5) The money invested is entirely at risk of loss, where 54  
repayment depends upon the success of the business operations of 55  
the Ohio entity. 56

(6) No repayment of principal invested will be made for at 57  
least three years from the date the investment is made. 58

(7) The annual combined amount of any dividend and interest 59  
payments to be made to the investor will not exceed ten per cent 60  
of the amount of the investment for at least three years from the 61  
date the investment is made. 62

(8) The investor is not an employee with proprietary 63  
decision-making authority of the Ohio entity in which the 64  
investment of money is proposed, or related to such an individual. 65  
The Ohio entity is not an individual related to the investor. For 66  
purposes of this division, the industrial technology and 67  
enterprise advisory council shall define "an employee with 68  
proprietary decision-making authority." 69

(9) The investor is not an insider. 70

For the purposes of determining the net book value of an Ohio 71  
entity under division (A)(1) or (2) of this section, if the entity 72  
is a member of an affiliated group, the combined net book values 73  
of all of the members of that affiliated group shall be used. 74

Nothing in division (A)(6) or (7) of this section limits or 75  
disallows the distribution to an investor in a pass-through entity 76  
of a portion of the entity's profits equal to the investor's 77  
federal, state, and local income tax obligations attributable to 78  
the investor's allocable share of the entity's profits. Nothing in 79  
division (A)(6) or (7) of this section limits or disallows the 80  
sale by an investor of part or all of the investor's interests in 81  
an Ohio entity by way of a public offering of shares in the Ohio 82

entity. 83

(B) A group of two but not more than twenty investors, each 84  
of whom proposes to make an investment of money in the same Ohio 85  
entity, may submit an application for tax credits under division 86  
(A) of this section. The group shall include with the application 87  
a fee of eight hundred dollars. The application shall identify 88  
each investor in the group and the amount of money each investor 89  
proposes to invest in the Ohio entity, and shall name a contact 90  
person for the group. The Edison center, within three weeks after 91  
receiving the application, shall review it, determine whether each 92  
investor of the group should be recommended for a tax credit under 93  
the conditions set forth in division (A) of this section, and send 94  
written notice of its determination to the industrial technology 95  
and enterprise advisory council and to the contact person. The 96  
center shall not recommend that a group of investors receive a tax 97  
credit unless each investor is eligible under those conditions. 98  
The center may disqualify from a group any investor who is not 99  
eligible under the conditions and recommend that the remaining 100  
group of investors receive the tax credit. If the center 101  
determines the group should not be recommended for the tax credit, 102  
it shall include in the notice the reasons for the determination. 103

(C) The industrial technology and enterprise advisory council 104  
shall establish from among its members a three-person committee. 105  
Within four weeks after the council receives a notice of 106  
recommendation from an Edison center, the committee shall review 107  
the recommendation and issue a final determination of whether the 108  
investor or group is eligible for a tax credit under the 109  
conditions set forth in division (A) of this section. The 110  
committee may require the investor or group to submit additional 111  
information to support the application. The vote of at least two 112  
members of the committee is necessary for the issuance of a final 113  
determination or any other action of the committee. Upon making 114

the final determination, the committee shall send written notice 115  
of approval or disapproval of the tax credit to the investor or 116  
group contact person, the director of development, and the Edison 117  
center. If the committee disapproves the tax credit, it shall 118  
include in the notice the reasons for the disapproval. 119

(D)(1) The industrial technology and enterprise advisory 120  
council committee shall not approve more than one million five 121  
hundred thousand dollars of investments in any one Ohio entity. 122  
However, if a proposed investment of money in an Ohio entity has 123  
been approved but the investor does not actually make the 124  
investment, the committee may reassign the amount of that 125  
investment to another investor, as long as the total amount 126  
invested in the entity under this section does not exceed one 127  
million five hundred thousand dollars. 128

If the one-million-five-hundred-thousand-dollar limit for an 129  
Ohio entity has not yet been reached and an application proposes 130  
an investment of money that would exceed the limit for that 131  
entity, the committee shall send written notice to the investor, 132  
or for a group, the contact person, that the investment cannot be 133  
approved as requested. Upon receipt of the notice, the investor or 134  
group may amend the application to propose an investment of money 135  
that does not exceed the limit. 136

(2) Not more than ~~ten~~ twenty million dollars of tax credits 137  
shall be issued under sections 122.15 to 122.154 of the Revised 138  
Code. 139

(E) If an investor makes an approved investment of money in 140  
an Ohio entity of less than ~~one~~ two hundred fifty thousand 141  
dollars, the investor may apply for approval of another investment 142  
of money in that entity, as long as the total amount invested in 143  
that entity by the investor under this section does not exceed ~~one~~ 144  
two hundred fifty thousand dollars. An investor who receives 145  
approval of an investment of money as part of a group may 146

subsequently apply on an individual basis for approval of an 147  
additional investment of money in the Ohio entity. 148

(F) The industrial technology and enterprise advisory council 149  
committee shall approve or disapprove tax credit applications 150  
under this section in the order in which they are received by the 151  
council. 152

(G) The director of development may disapprove any 153  
application recommended by an Edison center and approved by the 154  
industrial technology and enterprise advisory council committee, 155  
or may disapprove a credit for which a tax credit certificate has 156  
been issued under section 122.152 of the Revised Code, if the 157  
director determines that the entity in which the applicant 158  
proposes to invest or has invested is not an Ohio entity eligible 159  
to receive investments that qualify for the credit. If the 160  
director disapproves an application, the director shall certify 161  
the action to the investor, the Edison center that recommended the 162  
application, the industrial technology and enterprise advisory 163  
council, and the tax commissioner, together with a written 164  
explanation of the reasons for the disapproval. If the director 165  
disapproves a tax credit after a tax credit certificate is issued, 166  
the investor shall not claim the credit for the taxable year that 167  
includes the day the director disapproves the credit, or for any 168  
subsequent taxable year. 169

The director of development, in accordance with section 170  
111.15 of the Revised Code and with the advice of the industrial 171  
technology and enterprise advisory council, may adopt, amend, and 172  
rescind rules necessary to implement sections 122.15 to 122.154 of 173  
the Revised Code. 174

(H) An Edison center shall use application fees received 175  
under this section only for the costs of administering sections 176  
122.15 to 122.154 of the Revised Code. 177

**Sec. 122.152.** (A) After receiving notice of approval for an 178  
investment of money from the industrial technology and enterprise 179  
advisory council committee under section 122.151 of the Revised 180  
Code, an investor, within a period of time determined by the 181  
council committee, may make the investment and apply to the 182  
council committee for a tax credit certificate. If the council 183  
committee is satisfied the investor has made the investment in the 184  
proper form, it shall issue to the investor a tax credit 185  
certificate signed by the chairperson of the council committee and 186  
the director of development indicating that the investor is 187  
allowed a tax credit in an amount equal to twenty-five per cent of 188  
the investment. 189

An investor who receives approval of a proposed investment of 190  
money through a group application, after making the investment, 191  
shall apply for a tax credit certificate on an individual basis. 192

(B) An investor who is issued a tax credit certificate under 193  
this section may claim a nonrefundable credit equal to the amount 194  
indicated on the certificate against any state tax liability. The 195  
investor shall claim the credit for the taxable year in which the 196  
certificate is issued. 197

(1) If the credit to which a taxpayer otherwise would be 198  
entitled under this section for any taxable year is greater than 199  
the tax otherwise due under division (D) of section 5707.03 or 200  
section 5727.24 or 5727.38 of the Revised Code, the excess shall 201  
be allowed as a credit in each of the ensuing fifteen taxable 202  
years, but the amount of any excess credit allowed in an ensuing 203  
taxable year shall be deducted from the balance carried forward to 204  
the next taxable year. 205

(2) If the credit to which a taxpayer otherwise would be 206  
entitled under this section for any taxable year is greater than 207  
the tax otherwise due under section 5747.02 or Chapter 5733. of 208

the Revised Code, after allowing for any other credits that 209  
precede the credit allowed under this section in the order 210  
required under section 5733.98 or 5747.98 of the Revised Code, the 211  
excess shall be allowed as a credit in each of the ensuing fifteen 212  
taxable years, but the amount of any excess credit allowed in an 213  
ensuing taxable year shall be deducted from the balance carried 214  
forward to the next taxable year. 215

(C) Any portion of a credit allowed under this section that 216  
is utilized by an investor to reduce the investor's state tax 217  
liability shall not be utilized by any other person. 218

(D) To claim a tax credit allowed under this section, an 219  
investor shall attach to the appropriate return a copy of the 220  
certificate issued to the investor under this section. 221

(E) Nothing in this section shall limit or disallow 222  
pass-through treatment of a pass-through entity's income, 223  
deductions, or credits, or other amounts necessary to compute a 224  
state tax liability. 225

(F) A tax credit certificate issued to an investor under this 226  
section may not be transferred by that investor to any other 227  
person. 228

(G)(1) The ~~industrial technology and enterprise advisory~~ 229  
~~council~~ director of development shall develop the form of the tax 230  
credit certificate and the industrial technology and enterprise 231  
advisory council committee shall use that form when issuing a tax 232  
credit certificate under this section. 233

(2) The ~~industrial technology and enterprise advisory council~~ 234  
director of development shall report to the tax commissioner any 235  
information requested by the commissioner concerning tax credit 236  
certificates issued under this section. 237

(H) An investment made by an investor or group of investors 238  
who enter into a contractual agreement with an Ohio entity to 239

invest money in the Ohio entity is an acceptable investment if all 240  
of the following conditions are met: 241

(1) The investment is made pursuant to a subscription 242  
agreement providing that the investor or group of investors is 243  
entitled to receive a refund of funds if the investment is not 244  
approved by the industrial technology and enterprise advisory 245  
council committee. 246

(2) The investment is placed in escrow until the investment 247  
is approved by the industrial technology and enterprise advisory 248  
council committee. 249

(3) The investor or group of investors shows proof of the 250  
withdrawal of the funds by the Ohio entity after the investment is 251  
approved by the industrial technology and enterprise advisory 252  
council committee. 253

**Sec. 122.154.** (A) A business may apply to an Edison center 254  
for a determination as to whether the business is an Ohio entity 255  
eligible to receive investments of money under section 122.151 of 256  
the Revised Code that qualify the investor for a tax credit under 257  
section 122.152 of the Revised Code. The business shall include 258  
with the application a fee of ~~one~~ two hundred fifty dollars and a 259  
business plan. The Edison center shall prescribe any other 260  
information the business must submit with the application and the 261  
form of the application. The center, within three weeks after 262  
receiving the application, shall review it, determine whether the 263  
business is an Ohio entity eligible to receive investments of 264  
money that qualify for the tax credit, and send written notice to 265  
the industrial technology and enterprise advisory council and the 266  
business of its initial determination. If the center determines 267  
that the business is not an Ohio entity eligible to receive 268  
investments of money that qualify for the tax credit, it shall 269  
include in the notice the reasons for the determination. 270

Within four weeks after the council receives a notice of 271  
recommendation from an Edison center, the industrial technology 272  
and enterprise advisory council committee established under 273  
section 122.152 of the Revised Code shall review the 274  
recommendation and issue a final determination of whether the 275  
business is an Ohio entity eligible to receive investments of 276  
money under section 122.151 of the Revised Code that qualify an 277  
investor for a tax credit under section 122.152 of the Revised 278  
Code. The council committee may require the business to submit 279  
additional information to support the application. The vote of at 280  
least two members of the council committee is necessary for the 281  
issuance of a final determination. On making the final 282  
determination, the council committee shall send written notice of 283  
approval or disapproval to the business, the director of 284  
development, and the Edison center. If the council committee 285  
determines that the business is not an Ohio entity eligible to 286  
receive investments of money that qualify for the tax credit, it 287  
shall include in the notice the reasons for the determination. 288

(B) The department of development shall maintain a list of 289  
the businesses that have been determined to be Ohio entities 290  
eligible to receive investments of money that qualify for the tax 291  
credit. The department shall furnish copies of the list to the 292  
public upon request. 293

(C) The department of development may prescribe a schedule 294  
under which businesses periodically must submit information to 295  
enable the center to maintain the accuracy of the list. At the 296  
times required in the schedule, each business on the list shall 297  
submit any information the center requires to determine if the 298  
business continues to be an Ohio entity eligible to receive 299  
investments of money that qualify for the tax credit. 300

(D) An Edison center shall use fees received under this 301  
section only for the costs of administering sections 122.15 to 302

122.154 of the Revised Code. 303

(E) The Edison centers and the industrial technology and 304  
enterprise advisory council and its committees do not assume any 305  
responsibility for the accuracy or truthfulness of information 306  
furnished by an Ohio entity or its agents. 307

An investor in an Ohio entity is solely responsible for due 308  
diligence in verifying information submitted by an Ohio entity. An 309  
Edison center is not liable for any action resulting from its 310  
provision of such information to investors in accordance with 311  
sections 122.15 to 122.154 of the Revised Code. 312

**Sec. 166.01.** As used in this chapter: 313

(A) "Allowable costs" means all or part of the costs of 314  
project facilities ~~or~~, eligible innovation projects, or eligible 315  
research and development projects, including costs of acquiring, 316  
constructing, reconstructing, rehabilitating, renovating, 317  
enlarging, improving, equipping, or furnishing project facilities 318  
~~or~~, eligible innovation projects, or eligible research and 319  
development projects, site clearance and preparation, 320  
supplementing and relocating public capital improvements or 321  
utility facilities, designs, plans, specifications, surveys, 322  
studies, and estimates of costs, expenses necessary or incident to 323  
determining the feasibility or practicability of assisting an 324  
eligible project ~~or~~, an eligible innovation project, or an 325  
eligible research and development project, or providing project 326  
facilities or facilities related to an eligible innovation project 327  
or an eligible research and development project, architectural, 328  
engineering, and legal services fees and expenses, the costs of 329  
conducting any other activities as part of a voluntary action, and 330  
such other expenses as may be necessary or incidental to the 331  
establishment or development of an eligible project ~~or~~, an 332  
eligible innovation project, or an eligible research and 333

development project, and reimbursement of moneys advanced or 334  
applied by any governmental agency or other person for allowable 335  
costs. 336

(B) "Allowable innovation costs" includes allowable costs of 337  
eligible innovation projects and, in addition, includes the costs 338  
of research and development of eligible innovation projects; 339  
obtaining or creating any requisite software or computer hardware 340  
related to an eligible innovation project or the products or 341  
services associated therewith; testing (including, without 342  
limitation, quality control activities necessary for initial 343  
production), perfecting, and marketing of such products and 344  
services; creating and protecting intellectual property related to 345  
an eligible innovation project or any products or services related 346  
thereto, including costs of securing appropriate patent, 347  
trademark, trade secret, trade dress, copyright, or other form of 348  
intellectual property protection for an eligible innovation 349  
project or related products and services; all to the extent that 350  
such expenditures could be capitalized under then-applicable 351  
generally accepted accounting principles; and the reimbursement of 352  
moneys advanced or applied by any governmental agency or other 353  
person for allowable innovation costs. 354

(C) "Eligible innovation project" includes an eligible 355  
project, including any project facilities associated with an 356  
eligible innovation project and, in addition, includes all 357  
tangible and intangible property related to a new product or 358  
process based on new technology or the creative application of 359  
existing technology, including research and development, product 360  
or process testing, quality control, market research, and related 361  
activities, that is to be acquired, established, expanded, 362  
remodeled, rehabilitated, or modernized for industry, commerce, 363  
distribution, or research, or any combination thereof, the 364  
operation of which, alone or in conjunction with other eligible 365

projects, eligible innovation projects, or innovation property, 366  
will create new jobs or preserve existing jobs and employment 367  
opportunities and improve the economic welfare of the people of 368  
the state. 369

(D) "Eligible project" means project facilities to be 370  
acquired, established, expanded, remodeled, rehabilitated, or 371  
modernized for industry, commerce, distribution, or research, or 372  
any combination thereof, the operation of which, alone or in 373  
conjunction with other facilities, will create new jobs or 374  
preserve existing jobs and employment opportunities and improve 375  
the economic welfare of the people of the state. "Eligible 376  
project" includes, without limitation, a voluntary action. For 377  
purposes of this division, "new jobs" does not include existing 378  
jobs transferred from another facility within the state, and 379  
"existing jobs" includes only those existing jobs with work places 380  
within the municipal corporation or unincorporated area of the 381  
county in which the eligible project is located. 382

"Eligible project" does not include project facilities to be 383  
acquired, established, expanded, remodeled, rehabilitated, or 384  
modernized for industry, commerce, distribution, or research, or 385  
any combination of industry, commerce, distribution, or research, 386  
if the project facilities consist solely of 387  
point-of-final-purchase retail facilities. If the project 388  
facilities consist of both point-of-final-purchase retail 389  
facilities and nonretail facilities, only the portion of the 390  
project facilities consisting of nonretail facilities is an 391  
eligible project. If a warehouse facility is part of a 392  
point-of-final-purchase retail facility and supplies only that 393  
facility, the warehouse facility is not an eligible project. 394  
Catalog distribution facilities are not considered 395  
point-of-final-purchase retail facilities for purposes of this 396  
paragraph, and are eligible projects. 397

(E) "Eligible research and development project" means an 398  
eligible project, including project facilities, comprising, 399  
within, or related to, a facility or portion of a facility at 400  
which research is undertaken for the purpose of discovering 401  
information that is technological in nature and the application of 402  
which is intended to be useful in the development of a new or 403  
improved product, process, technique, formula, invention, or a new 404  
product or process based on new technology, or the creative 405  
application of existing technology. 406

(F) "Financial assistance" means inducements under division 407  
(B) of section 166.02 of the Revised Code, loan guarantees under 408  
section 166.06 of the Revised Code, and direct loans under section 409  
166.07 of the Revised Code. 410

~~(F)~~(G) "Governmental action" means any action by a 411  
governmental agency relating to the establishment, development, or 412  
operation of an eligible project ~~or~~, eligible innovation project, 413  
or eligible research and development project, and project 414  
facilities that the governmental agency acting has authority to 415  
take or provide for the purpose under law, including, but not 416  
limited to, actions relating to contracts and agreements, zoning, 417  
building, permits, acquisition and disposition of property, public 418  
capital improvements, utility and transportation service, 419  
taxation, employee recruitment and training, and liaison and 420  
coordination with and among governmental agencies. 421

~~(G)~~(H) "Governmental agency" means the state and any state 422  
department, division, commission, institution or authority; a 423  
municipal corporation, county, or township, and any agency 424  
thereof, and any other political subdivision or public corporation 425  
or the United States or any agency thereof; any agency, 426  
commission, or authority established pursuant to an interstate 427  
compact or agreement; and any combination of the above. 428

~~(H)~~(I) "Innovation financial assistance" means inducements 429  
under division (B) of section 166.12 of the Revised Code, 430  
innovation Ohio loan guarantees under section 166.15 of the 431  
Revised Code, and innovation Ohio loans under section 166.16 of 432  
the Revised Code. 433

~~(I)~~(J) "Innovation Ohio loan guarantee reserve requirement" 434  
means, at any time, with respect to innovation loan guarantees 435  
made under section 166.15 of the Revised Code, a balance in the 436  
innovation Ohio loan guarantee fund equal to the greater of twenty 437  
per cent of the then-outstanding principal amount of all 438  
outstanding innovation loan guarantees made pursuant to section 439  
166.15 of the Revised Code or fifty per cent of the principal 440  
amount of the largest outstanding guarantee made pursuant to 441  
section 166.15 of the Revised Code. 442

~~(J)~~(K) "Innovation property" includes property and also 443  
includes software, inventory, licenses, contract rights, goodwill, 444  
intellectual property, including without limitation, patents, 445  
patent applications, trademarks and service marks, and trade 446  
secrets, and other tangible and intangible property, and any 447  
rights and interests in or connected to the foregoing. 448

~~(K)~~(L) "Loan guarantee reserve requirement" means, at any 449  
time, with respect to loan guarantees made under section 166.06 of 450  
the Revised Code, a balance in the loan guarantee fund equal to 451  
the greater of twenty per cent of the then-outstanding principal 452  
amount of all outstanding guarantees made pursuant to section 453  
166.06 of the Revised Code or fifty per cent of the principal 454  
amount of the largest outstanding guarantee made pursuant to 455  
section 166.06 of the Revised Code. 456

~~(L)~~(M) "Person" means any individual, firm, partnership, 457  
association, corporation, or governmental agency, and any 458  
combination thereof. 459

~~(M)~~(N) "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, or an eligible research and development project, including, but not limited to, public capital improvements.

~~(N)~~(O) "Property" means real and personal property and interests therein.

~~(O)~~(P) "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.

~~(P)~~(Q) "Research and development financial assistance" means inducements under section 166.17 of the Revised Code, research and development loans under section 166.21 of the Revised Code, and research and development tax credits under sections 5733.352 and 5747.331 of the Revised Code.

(R) "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.

~~(Q)~~(S) "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. 491

~~(R)~~(T) "Project financing obligations" means obligations 492  
issued pursuant to section 166.08 of the Revised Code other than 493  
obligations for which the bond proceedings provide that bond 494  
service charges shall be paid from receipts of the state 495  
representing gross profit on the sale of spirituous liquor as 496  
referred to in division (B)(4) of section 4310.10 of the Revised 497  
Code. 498

~~(S)~~(U) "Regional economic development entity" means an entity 499  
that is under contract with the director of development to 500  
administer a loan program under this chapter in a particular area 501  
of this state. 502

**Sec. 166.02.** (A) The general assembly finds that many local 503  
areas throughout the state are experiencing economic stagnation or 504  
decline, and that the economic development program provided for in 505  
sections 166.01 to 166.11 of the Revised Code will constitute a 506  
deserved, necessary reinvestment by the state in those areas, 507  
materially contribute to their economic revitalization, and result 508  
in improving the economic welfare of all the people of the state. 509  
Accordingly, it is declared to be the public policy of the state, 510  
through the operations under sections 166.01 to 166.11 of the 511  
Revised Code and other applicable laws adopted pursuant to Section 512  
13 of Article VIII, Ohio Constitution, and other authority vested 513  
in the general assembly, to assist in and facilitate the 514  
establishment or development of eligible projects or assist and 515  
cooperate with any governmental agency in achieving such purpose. 516

(B) In furtherance of such public policy and to implement 517  
such purpose, the director of development may: 518

(1) After consultation with appropriate governmental 519  
agencies, enter into agreements with persons engaged in industry, 520  
commerce, distribution, or research and with governmental agencies 521

to induce such persons to acquire, construct, reconstruct, 522  
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 523  
otherwise develop, eligible projects and make provision therein 524  
for project facilities and governmental actions, as authorized by 525  
this chapter and other applicable laws, subject to any required 526  
actions by the general assembly or the controlling board and 527  
subject to applicable local government laws and regulations; 528

(2) Provide for the guarantees and loans as provided for in 529  
sections 166.06 and 166.07 of the Revised Code; 530

(3) Subject to release of such moneys by the controlling 531  
board, contract for labor and materials needed for, or contract 532  
with others, including governmental agencies, to provide, project 533  
facilities the allowable costs of which are to be paid for or 534  
reimbursed from moneys in the facilities establishment fund, and 535  
contract for the operation of such project facilities; 536

(4) Subject to release thereof by the controlling board, from 537  
moneys in the facilities establishment fund acquire or contract to 538  
acquire by gift, exchange, or purchase, including the obtaining 539  
and exercise of purchase options, property, and convey or 540  
otherwise dispose of, or provide for the conveyance or disposition 541  
of, property so acquired or contracted to be acquired by sale, 542  
exchange, lease, lease purchase, conditional or installment sale, 543  
transfer, or other disposition, including the grant of an option 544  
to purchase, to any governmental agency or to any other person 545  
without necessity for competitive bidding and upon such terms and 546  
conditions and manner of consideration pursuant to and as the 547  
director determines to be appropriate to satisfy the objectives of 548  
sections 166.01 to 166.11 of the Revised Code; 549

(5) Retain the services of or employ financial consultants, 550  
appraisers, consulting engineers, superintendents, managers, 551  
construction and accounting experts, attorneys, and employees, 552  
agents, and independent contractors as are necessary in the 553

director's judgment and fix the compensation for their services;	554
(6) Receive and accept from any person grants, gifts, and	555
contributions of money, property, labor, and other things of	556
value, to be held, used and applied only for the purpose for which	557
such grants, gifts, and contributions are made;	558
(7) Enter into appropriate arrangements and agreements with	559
any governmental agency for the taking or provision by that	560
governmental agency of any governmental action;	561
(8) Do all other acts and enter into contracts and execute	562
all instruments necessary or appropriate to carry out the	563
provisions of Chapter 166. of the Revised Code;	564
(9) Adopt rules to implement any of the provisions of Chapter	565
166. of the Revised Code applicable to the director.	566
(C) The determinations by the director that facilities	567
constitute eligible projects, that facilities are project	568
facilities, that costs of such facilities are allowable costs, and	569
all other determinations relevant thereto or to an action taken or	570
agreement entered into shall be conclusive for purposes of the	571
validity and enforceability of rights of parties arising from	572
actions taken and agreements entered into under this chapter.	573
(D) Except as otherwise prescribed in Chapter 166. of the	574
Revised Code, all expenses and obligations incurred by the	575
director in carrying out the director's powers and in exercising	576
the director's duties under Chapter 166. of the Revised Code,	577
shall be payable solely from, as appropriate, moneys in the	578
facilities establishment fund, the loan guarantee fund, the	579
innovation Ohio loan guarantee fund, the innovation Ohio loan	580
fund, <u>the research and development loan fund</u> , or moneys	581
appropriated for such purpose by the general assembly. Chapter	582
166. of the Revised Code does not authorize the director or the	583
issuing authority under section 166.08 of the Revised Code to	584

incur bonded indebtedness of the state or any political 585  
subdivision thereof, or to obligate or pledge moneys raised by 586  
taxation for the payment of any bonds or notes issued or 587  
guarantees made pursuant to Chapter 166. of the Revised Code. 588

(E) No financial assistance for project facilities shall be 589  
provided under this chapter unless the provisions of the agreement 590  
providing for such assistance specify that all wages paid to 591  
laborers and mechanics employed on such project facilities for 592  
which the assistance is granted shall be paid at the prevailing 593  
rates of wages of laborers and mechanics for the class of work 594  
called for by such project facilities, which wages shall be 595  
determined in accordance with the requirements of Chapter 4115. of 596  
the Revised Code for determination of prevailing wage rates, 597  
provided that the requirements of this division do not apply where 598  
the federal government or any of its agencies provides financing 599  
assistance as to all or any part of the funds used in connection 600  
with such project facilities and prescribes predetermined minimum 601  
wages to be paid to such laborers and mechanics; and provided 602  
further that should a nonpublic user beneficiary of the eligible 603  
project undertake, as part of the eligible project, construction 604  
to be performed by its regular bargaining unit employees who are 605  
covered under a collective bargaining agreement which was in 606  
existence prior to the date of the document authorizing such 607  
assistance then, in that event, the rate of pay provided under the 608  
collective bargaining agreement may be paid to such employees. 609

(F) Any governmental agency may enter into an agreement with 610  
the director, any other governmental agency, or a person to be 611  
assisted under this chapter, to take or provide for the purposes 612  
of this chapter any governmental action it is authorized to take 613  
or provide, and to undertake on behalf and at the request of the 614  
director any action which the director is authorized to undertake 615  
pursuant to divisions (B)(3), (4), and (5) of this section or 616

divisions (B)(3), (4), and (5) of section 166.12 of the Revised 617  
Code. Governmental agencies of the state shall cooperate with and 618  
provide assistance to the director of development and the 619  
controlling board in the exercise of their respective functions 620  
under this chapter. 621

**Sec. 166.08.** (A) As used in this chapter: 622

(1) "Bond proceedings" means the resolution, order, trust 623  
agreement, indenture, lease, and other agreements, amendments and 624  
supplements to the foregoing, or any one or more or combination 625  
thereof, authorizing or providing for the terms and conditions 626  
applicable to, or providing for the security or liquidity of, 627  
obligations issued pursuant to this section, and the provisions 628  
contained in such obligations. 629

(2) "Bond service charges" means principal, including 630  
mandatory sinking fund requirements for retirement of obligations, 631  
and interest, and redemption premium, if any, required to be paid 632  
by the state on obligations. 633

(3) "Bond service fund" means the applicable fund and 634  
accounts therein created for and pledged to the payment of bond 635  
service charges, which may be, or may be part of, the economic 636  
development bond service fund created by division (S) of this 637  
section including all moneys and investments, and earnings from 638  
investments, credited and to be credited thereto. 639

(4) "Issuing authority" means the treasurer of state, or the 640  
officer who by law performs the functions of such officer. 641

(5) "Obligations" means bonds, notes, or other evidence of 642  
obligation including interest coupons pertaining thereto, issued 643  
pursuant to this section. 644

(6) "Pledged receipts" means all receipts of the state 645  
representing the gross profit on the sale of spirituous liquor, as 646

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 in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the 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, the loan guarantee fund, the innovation Ohio loan fund, ~~or~~ the innovation Ohio loan guarantee fund, or the research and development loan 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 allowable costs from the research and development loan fund, or needed for capitalized interest, for

funding reserves, and for paying costs and expenses incurred in 679  
connection with the issuance, carrying, securing, paying, 680  
redeeming, or retirement of the obligations or any obligations 681  
refunded thereby, including payment of costs and expenses relating 682  
to letters of credit, lines of credit, insurance, put agreements, 683  
standby purchase agreements, indexing, marketing, remarketing and 684  
administrative arrangements, interest swap or hedging agreements, 685  
and any other credit enhancement, liquidity, remarketing, renewal, 686  
or refunding arrangements, all of which are authorized by this 687  
section, or providing moneys for the loan guarantee fund or the 688  
innovation Ohio loan guarantee fund, as provided in this chapter 689  
or needed for the purposes of funds established in accordance with 690  
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 691  
122.561, 122.57, and 122.80 of the Revised Code which are within 692  
the authorization of Section 13 of Article VIII, Ohio 693  
Constitution, shall issue obligations of the state under this 694  
section in the required amount; provided that such obligations may 695  
be issued to satisfy the covenants in contracts of guarantee made 696  
under section 166.06 or 166.15 of the Revised Code, 697  
notwithstanding limitations otherwise applicable to the issuance 698  
of obligations under this section. The proceeds of such 699  
obligations, except for the portion to be deposited in special 700  
funds, including reserve funds, as may be provided in the bond 701  
proceedings, shall as provided in the bond proceedings be 702  
deposited by the director of development to the facilities 703  
establishment fund, the loan guarantee fund, the innovation Ohio 704  
loan guarantee fund, ~~or~~ the innovation Ohio loan fund, or the 705  
research and development loan fund. Bond proceedings for project 706  
financing obligations may provide that the proceeds derived from 707  
the issuance of such obligations shall be deposited into such fund 708  
or funds provided for in the bond proceedings and, to the extent 709  
provided for in the bond proceedings, such proceeds shall be 710  
deemed to have been deposited into the facilities establishment 711

fund and transferred to such fund or funds. The issuing authority 712  
may appoint trustees, paying agents, and transfer agents and may 713  
retain the services of financial advisors, accounting experts, and 714  
attorneys, and retain or contract for the services of marketing, 715  
remarketing, indexing, and administrative agents, other 716  
consultants, and independent contractors, including printing 717  
services, as are necessary in the issuing authority's judgment to 718  
carry out this section. The costs of such services are allowable 719  
costs payable from the facilities establishment fund or the 720  
research and development loan fund or allowable innovation costs 721  
payable from the innovation Ohio loan fund. 722

(C) The holders or owners of such obligations shall have no 723  
right to have moneys raised by taxation obligated or pledged, and 724  
moneys raised by taxation shall not be obligated or pledged, for 725  
the payment of bond service charges. Such holders or owners shall 726  
have no rights to payment of bond service charges from any moneys 727  
accruing to the state from the lease, sale, or other disposition, 728  
or use, of project facilities, or from payment of the principal of 729  
or interest on loans made, or fees charged for guarantees made, or 730  
from any money or property received by the director, treasurer of 731  
state, or the state under Chapter 122. of the Revised Code, or 732  
from any other use of the proceeds of the sale of the obligations, 733  
and no such moneys may be used for the payment of bond service 734  
charges, except for accrued interest, capitalized interest, and 735  
reserves funded from proceeds received upon the sale of the 736  
obligations and except as otherwise expressly provided in the 737  
applicable bond proceedings pursuant to written directions by the 738  
director. The right of such holders and owners to payment of bond 739  
service charges is limited to all or that portion of the pledged 740  
receipts and those special funds pledged thereto pursuant to the 741  
bond proceedings in accordance with this section, and each such 742  
obligation shall bear on its face a statement to that effect. 743

(D) Obligations shall be authorized by resolution or order of 744  
the issuing authority and the bond proceedings shall provide for 745  
the purpose thereof and the principal amount or amounts, and shall 746  
provide for or authorize the manner or agency for determining the 747  
principal maturity or maturities, not exceeding twenty-five years 748  
from the date of issuance, the interest rate or rates or the 749  
maximum interest rate, the date of the obligations and the dates 750  
of payment of interest thereon, their denomination, and the 751  
establishment within or without the state of a place or places of 752  
payment of bond service charges. Sections 9.98 to 9.983 of the 753  
Revised Code are applicable to obligations issued under this 754  
section, subject to any applicable limitation under section 166.11 755  
of the Revised Code. The purpose of such obligations may be stated 756  
in the bond proceedings in terms describing the general purpose or 757  
purposes to be served. The bond proceedings also shall provide, 758  
subject to the provisions of any other applicable bond 759  
proceedings, for the pledge of all, or such part as the issuing 760  
authority may determine, of the pledged receipts and the 761  
applicable special fund or funds to the payment of bond service 762  
charges, which pledges may be made either prior or subordinate to 763  
other expenses, claims, or payments, and may be made to secure the 764  
obligations on a parity with obligations theretofore or thereafter 765  
issued, if and to the extent provided in the bond proceedings. The 766  
pledged receipts and special funds so pledged and thereafter 767  
received by the state are immediately subject to the lien of such 768  
pledge without any physical delivery thereof or further act, and 769  
the lien of any such pledges is valid and binding against all 770  
parties having claims of any kind against the state or any 771  
governmental agency of the state, irrespective of whether such 772  
parties have notice thereof, and shall create a perfected security 773  
interest for all purposes of Chapter 1309. of the Revised Code, 774  
without the necessity for separation or delivery of funds or for 775  
the filing or recording of the bond proceedings by which such 776

pledge is created or any certificate, statement or other document 777  
with respect thereto; and the pledge of such pledged receipts and 778  
special funds is effective and the money therefrom and thereof may 779  
be applied to the purposes for which pledged without necessity for 780  
any act of appropriation. Every pledge, and every covenant and 781  
agreement made with respect thereto, made in the bond proceedings 782  
may therein be extended to the benefit of the owners and holders 783  
of obligations authorized by this section, and to any trustee 784  
therefor, for the further security of the payment of the bond 785  
service charges. 786

(E) The bond proceedings may contain additional provisions as 787  
to: 788

(1) The redemption of obligations prior to maturity at the 789  
option of the issuing authority at such price or prices and under 790  
such terms and conditions as are provided in the bond proceedings; 791

(2) Other terms of the obligations; 792

(3) Limitations on the issuance of additional obligations; 793

(4) The terms of any trust agreement or indenture securing 794  
the obligations or under which the same may be issued; 795

(5) The deposit, investment and application of special funds, 796  
and the safeguarding of moneys on hand or on deposit, without 797  
regard to Chapter 131. or 135. of the Revised Code, but subject to 798  
any special provisions of this chapter, with respect to particular 799  
funds or moneys, provided that any bank or trust company which 800  
acts as depository of any moneys in the special funds may furnish 801  
such indemnifying bonds or may pledge such securities as required 802  
by the issuing authority; 803

(6) Any or every provision of the bond proceedings being 804  
binding upon such officer, board, commission, authority, agency, 805  
department, or other person or body as may from time to time have 806  
the authority under law to take such actions as may be necessary 807

to perform all or any part of the duty required by such provision; 808

(7) Any provision that may be made in a trust agreement or 809  
indenture; 810

(8) Any other or additional agreements with the holders of 811  
the obligations, or the trustee therefor, relating to the 812  
obligations or the security therefor, including the assignment of 813  
mortgages or other security obtained or to be obtained for loans 814  
under section 122.43, 166.07, or 166.16 of the Revised Code. 815

(F) The obligations may have the great seal of the state or a 816  
facsimile thereof affixed thereto or printed thereon. The 817  
obligations and any coupons pertaining to obligations shall be 818  
signed or bear the facsimile signature of the issuing authority. 819  
Any obligations or coupons may be executed by the person who, on 820  
the date of execution, is the proper issuing authority although on 821  
the date of such bonds or coupons such person was not the issuing 822  
authority. If the issuing authority whose signature or a facsimile 823  
of whose signature appears on any such obligation or coupon ceases 824  
to be the issuing authority before delivery thereof, such 825  
signature or facsimile is nevertheless valid and sufficient for 826  
all purposes as if the former issuing authority had remained the 827  
issuing authority until such delivery; and if the seal to be 828  
affixed to obligations has been changed after a facsimile of the 829  
seal has been imprinted on such obligations, such facsimile seal 830  
shall continue to be sufficient as to such obligations and 831  
obligations issued in substitution or exchange therefor. 832

(G) All obligations are negotiable instruments and securities 833  
under Chapter 1308. of the Revised Code, subject to the provisions 834  
of the bond proceedings as to registration. The obligations may be 835  
issued in coupon or in registered form, or both, as the issuing 836  
authority determines. Provision may be made for the registration 837  
of any obligations with coupons attached thereto as to principal 838  
alone or as to both principal and interest, their exchange for 839

obligations so registered, and for the conversion or reconversion 840  
into obligations with coupons attached thereto of any obligations 841  
registered as to both principal and interest, and for reasonable 842  
charges for such registration, exchange, conversion, and 843  
reconversion. 844

(H) Obligations may be sold at public sale or at private 845  
sale, as determined in the bond proceedings. 846

Obligations issued to provide moneys for the loan guarantee 847  
fund or the innovation Ohio loan guarantee fund may, as determined 848  
by the issuing authority, be sold at private sale, and without 849  
publication of a notice of sale. 850

(I) Pending preparation of definitive obligations, the 851  
issuing authority may issue interim receipts or certificates which 852  
shall be exchanged for such definitive obligations. 853

(J) In the discretion of the issuing authority, obligations 854  
may be secured additionally by a trust agreement or indenture 855  
between the issuing authority and a corporate trustee which may be 856  
any trust company or bank having its principal place of business 857  
within the state. Any such agreement or indenture may contain the 858  
resolution or order authorizing the issuance of the obligations, 859  
any provisions that may be contained in any bond proceedings, and 860  
other provisions which are customary or appropriate in an 861  
agreement or indenture of such type, including, but not limited 862  
to: 863

(1) Maintenance of each pledge, trust agreement, indenture, 864  
or other instrument comprising part of the bond proceedings until 865  
the state has fully paid the bond service charges on the 866  
obligations secured thereby, or provision therefor has been made; 867

(2) In the event of default in any payments required to be 868  
made by the bond proceedings, or any other agreement of the 869  
issuing authority made as a part of the contract under which the 870

obligations were issued, enforcement of such payments or agreement 871  
by mandamus, the appointment of a receiver, suit in equity, action 872  
at law, or any combination of the foregoing; 873

(3) The rights and remedies of the holders of obligations and 874  
of the trustee, and provisions for protecting and enforcing them, 875  
including limitations on rights of individual holders of 876  
obligations; 877

(4) The replacement of any obligations that become mutilated 878  
or are destroyed, lost, or stolen; 879

(5) Such other provisions as the trustee and the issuing 880  
authority agree upon, including limitations, conditions, or 881  
qualifications relating to any of the foregoing. 882

(K) Any holders of obligations or trustees under the bond 883  
proceedings, except to the extent that their rights are restricted 884  
by the bond proceedings, may by any suitable form of legal 885  
proceedings, protect and enforce any rights under the laws of this 886  
state or granted by such bond proceedings. Such rights include the 887  
right to compel the performance of all duties of the issuing 888  
authority, the director of development, or the division of liquor 889  
control required by this chapter or the bond proceedings; to 890  
enjoin unlawful activities; and in the event of default with 891  
respect to the payment of any bond service charges on any 892  
obligations or in the performance of any covenant or agreement on 893  
the part of the issuing authority, the director of development, or 894  
the division of liquor control in the bond proceedings, to apply 895  
to a court having jurisdiction of the cause to appoint a receiver 896  
to receive and administer the pledged receipts and special funds, 897  
other than those in the custody of the treasurer of state, which 898  
are pledged to the payment of the bond service charges on such 899  
obligations or which are the subject of the covenant or agreement, 900  
with full power to pay, and to provide for payment of bond service 901  
charges on, such obligations, and with such powers, subject to the 902

direction of the court, as are accorded receivers in general 903  
equity cases, excluding any power to pledge additional revenues or 904  
receipts or other income or moneys of the issuing authority or the 905  
state or governmental agencies of the state to the payment of such 906  
principal and interest and excluding the power to take possession 907  
of, mortgage, or cause the sale or otherwise dispose of any 908  
project facilities. 909

Each duty of the issuing authority and the issuing 910  
authority's officers and employees, and of each governmental 911  
agency and its officers, members, or employees, undertaken 912  
pursuant to the bond proceedings or any agreement or lease, 913  
lease-purchase agreement, or loan made under authority of this 914  
chapter, and in every agreement by or with the issuing authority, 915  
is hereby established as a duty of the issuing authority, and of 916  
each such officer, member, or employee having authority to perform 917  
such duty, specifically enjoined by the law resulting from an 918  
office, trust, or station within the meaning of section 2731.01 of 919  
the Revised Code. 920

The person who is at the time the issuing authority, or the 921  
issuing authority's officers or employees, are not liable in their 922  
personal capacities on any obligations issued by the issuing 923  
authority or any agreements of or with the issuing authority. 924

(L) The issuing authority may authorize and issue obligations 925  
for the refunding, including funding and retirement, and advance 926  
refunding with or without payment or redemption prior to maturity, 927  
of any obligations previously issued by the issuing authority. 928  
Such obligations may be issued in amounts sufficient for payment 929  
of the principal amount of the prior obligations, any redemption 930  
premiums thereon, principal maturities of any such obligations 931  
maturing prior to the redemption of the remaining obligations on a 932  
parity therewith, interest accrued or to accrue to the maturity 933  
dates or dates of redemption of such obligations, and any 934

allowable costs including expenses incurred or to be incurred in 935  
connection with such issuance and such refunding, funding, and 936  
retirement. Subject to the bond proceedings therefor, the portion 937  
of proceeds of the sale of obligations issued under this division 938  
to be applied to bond service charges on the prior obligations 939  
shall be credited to an appropriate account held by the trustee 940  
for such prior or new obligations or to the appropriate account in 941  
the bond service fund for such obligations. Obligations authorized 942  
under this division shall be deemed to be issued for those 943  
purposes for which such prior obligations were issued and are 944  
subject to the provisions of this section pertaining to other 945  
obligations, except as otherwise provided in this section; 946  
provided that, unless otherwise authorized by the general 947  
assembly, any limitations imposed by the general assembly pursuant 948  
to this section with respect to bond service charges applicable to 949  
the prior obligations shall be applicable to the obligations 950  
issued under this division to refund, fund, advance refund or 951  
retire such prior obligations. 952

(M) The authority to issue obligations under this section 953  
includes authority to issue obligations in the form of bond 954  
anticipation notes and to renew the same from time to time by the 955  
issuance of new notes. The holders of such notes or interest 956  
coupons pertaining thereto shall have a right to be paid solely 957  
from the pledged receipts and special funds that may be pledged to 958  
the payment of the bonds anticipated, or from the proceeds of such 959  
bonds or renewal notes, or both, as the issuing authority provides 960  
in the resolution or order authorizing such notes. Such notes may 961  
be additionally secured by covenants of the issuing authority to 962  
the effect that the issuing authority and the state will do such 963  
or all things necessary for the issuance of such bonds or renewal 964  
notes in appropriate amount, and apply the proceeds thereof to the 965  
extent necessary, to make full payment of the principal of and 966  
interest on such notes at the time or times contemplated, as 967

provided in such resolution or order. For such purpose, the 968  
issuing authority may issue bonds or renewal notes in such 969  
principal amount and upon such terms as may be necessary to 970  
provide funds to pay when required the principal of and interest 971  
on such notes, notwithstanding any limitations prescribed by or 972  
for purposes of this section. Subject to this division, all 973  
provisions for and references to obligations in this section are 974  
applicable to notes authorized under this division. 975

The issuing authority in the bond proceedings authorizing the 976  
issuance of bond anticipation notes shall set forth for such bonds 977  
an estimated interest rate and a schedule of principal payments 978  
for such bonds and the annual maturity dates thereof, and for 979  
purposes of any limitation on bond service charges prescribed 980  
under division (A) of section 166.11 of the Revised Code, the 981  
amount of bond service charges on such bond anticipation notes is 982  
deemed to be the bond service charges for the bonds anticipated 983  
thereby as set forth in the bond proceedings applicable to such 984  
notes, but this provision does not modify any authority in this 985  
section to pledge receipts and special funds to, and covenant to 986  
issue bonds to fund, the payment of principal of and interest and 987  
any premium on such notes. 988

(N) Obligations issued under this section are lawful 989  
investments for banks, societies for savings, savings and loan 990  
associations, deposit guarantee associations, trust companies, 991  
trustees, fiduciaries, insurance companies, including domestic for 992  
life and domestic not for life, trustees or other officers having 993  
charge of sinking and bond retirement or other special funds of 994  
political subdivisions and taxing districts of this state, the 995  
commissioners of the sinking fund of the state, the administrator 996  
of workers' compensation, the state teachers retirement system, 997  
the public employees retirement system, the school employees 998  
retirement system, and the Ohio police and fire pension fund, 999

notwithstanding any other provisions of the Revised Code or rules 1000  
adopted pursuant thereto by any governmental agency of the state 1001  
with respect to investments by them, and are also acceptable as 1002  
security for the deposit of public moneys. 1003

(O) Unless otherwise provided in any applicable bond 1004  
proceedings, moneys to the credit of or in the special funds 1005  
established by or pursuant to this section may be invested by or 1006  
on behalf of the issuing authority only in notes, bonds, or other 1007  
obligations of the United States, or of any agency or 1008  
instrumentality of the United States, obligations guaranteed as to 1009  
principal and interest by the United States, obligations of this 1010  
state or any political subdivision of this state, and certificates 1011  
of deposit of any national bank located in this state and any 1012  
bank, as defined in section 1101.01 of the Revised Code, subject 1013  
to inspection by the superintendent of banks. If the law or the 1014  
instrument creating a trust pursuant to division (J) of this 1015  
section expressly permits investment in direct obligations of the 1016  
United States or an agency of the United States, unless expressly 1017  
prohibited by the instrument, such moneys also may be invested in 1018  
no-front-end-load money market mutual funds consisting exclusively 1019  
of obligations of the United States or an agency of the United 1020  
States and in repurchase agreements, including those issued by the 1021  
fiduciary itself, secured by obligations of the United States or 1022  
an agency of the United States; and in common trust funds 1023  
established in accordance with section 1111.20 of the Revised Code 1024  
and consisting exclusively of any such securities, notwithstanding 1025  
division (A)(4) of that section. The income from such investments 1026  
shall be credited to such funds as the issuing authority 1027  
determines, and such investments may be sold at such times as the 1028  
issuing authority determines or authorizes. 1029

(P) Provision may be made in the applicable bond proceedings 1030  
for the establishment of separate accounts in the bond service 1031

fund and for the application of such accounts only to the 1032  
specified bond service charges on obligations pertinent to such 1033  
accounts and bond service fund and for other accounts therein 1034  
within the general purposes of such fund. Unless otherwise 1035  
provided in any applicable bond proceedings, moneys to the credit 1036  
of or in the several special funds established pursuant to this 1037  
section shall be disbursed on the order of the treasurer of state, 1038  
provided that no such order is required for the payment from the 1039  
bond service fund when due of bond service charges on obligations. 1040

(Q) The issuing authority may pledge all, or such portion as 1041  
the issuing authority determines, of the pledged receipts to the 1042  
payment of bond service charges on obligations issued under this 1043  
section, and for the establishment and maintenance of any 1044  
reserves, as provided in the bond proceedings, and make other 1045  
provisions therein with respect to pledged receipts as authorized 1046  
by this chapter, which provisions are controlling notwithstanding 1047  
any other provisions of law pertaining thereto. 1048

(R) The issuing authority may covenant in the bond 1049  
proceedings, and any such covenants are controlling 1050  
notwithstanding any other provision of law, that the state and 1051  
applicable officers and governmental agencies of the state, 1052  
including the general assembly, so long as any obligations are 1053  
outstanding, shall: 1054

(1) Maintain statutory authority for and cause to be charged 1055  
and collected wholesale and retail prices for spirituous liquor 1056  
sold by the state or its agents so that the pledged receipts are 1057  
sufficient in amount to meet bond service charges, and the 1058  
establishment and maintenance of any reserves and other 1059  
requirements provided for in the bond proceedings, and, as 1060  
necessary, to meet covenants contained in contracts of guarantee 1061  
made under section 166.06 of the Revised Code; 1062

(2) Take or permit no action, by statute or otherwise, that 1063

would impair the exemption from federal income taxation of the 1064  
interest on the obligations. 1065

(S) There is hereby created the economic development bond 1066  
service fund, which shall be in the custody of the treasurer of 1067  
state but shall be separate and apart from and not a part of the 1068  
state treasury. All moneys received by or on account of the 1069  
issuing authority or state agencies and required by the applicable 1070  
bond proceedings, consistent with this section, to be deposited, 1071  
transferred, or credited to a bond service fund or the economic 1072  
development bond service fund, and all other moneys transferred or 1073  
allocated to or received for the purposes of the fund, shall be 1074  
deposited and credited to such fund and to any separate accounts 1075  
therein, subject to applicable provisions of the bond proceedings, 1076  
but without necessity for any act of appropriation. During the 1077  
period beginning with the date of the first issuance of 1078  
obligations and continuing during such time as any such 1079  
obligations are outstanding, and so long as moneys in the 1080  
pertinent bond service funds are insufficient to pay all bond 1081  
services charges on such obligations becoming due in each year, a 1082  
sufficient amount of the gross profit on the sale of spirituous 1083  
liquor included in pledged receipts are committed and shall be 1084  
paid to the bond service fund or economic development bond service 1085  
fund in each year for the purpose of paying the bond service 1086  
charges becoming due in that year without necessity for further 1087  
act of appropriation for such purpose and notwithstanding anything 1088  
to the contrary in Chapter 4301. of the Revised Code. The economic 1089  
development bond service fund is a trust fund and is hereby 1090  
pledged to the payment of bond service charges to the extent 1091  
provided in the applicable bond proceedings, and payment thereof 1092  
from such fund shall be made or provided for by the treasurer of 1093  
state in accordance with such bond proceedings without necessity 1094  
for any act of appropriation. 1095

(T) The obligations, the transfer thereof, and the income 1096  
therefrom, including any profit made on the sale thereof, shall at 1097  
all times be free from taxation within the state. 1098

**Sec. 166.11.** (A) The aggregate principal amount of project 1099  
financing obligations that may be issued under section 166.08 of 1100  
the Revised Code is three hundred million dollars, plus the 1101  
principal amount of such project financing obligations retired by 1102  
payments. The aggregate principal amount of obligations, exclusive 1103  
of project financing obligations, that may be issued under section 1104  
166.08 of the Revised Code is ~~three~~ five hundred million dollars, 1105  
plus the principal amount of any such obligations retired by 1106  
payment, the amounts held or obligations pledged for the payment 1107  
of the principal amount of any such obligations outstanding, 1108  
amounts in special funds held as reserves to meet bond service 1109  
charges, and amounts of obligations issued to provide moneys 1110  
required to meet payments from the loan guarantee fund created in 1111  
section 166.06 of the Revised Code and the innovation Ohio loan 1112  
guarantee fund created in section 166.15 of the Revised Code, and 1113  
minus the amount if any by which four per cent of the unpaid 1114  
principal amount of loan repayments guaranteed under section 1115  
166.06 of the Revised Code exceeds the amount in the loan 1116  
guarantee fund. The terms of the obligations issued under section 1117  
166.08 of the Revised Code, other than obligations issued to meet 1118  
guarantees that cannot be satisfied from amounts then held in the 1119  
loan guarantee fund, shall be such that the aggregate amount of 1120  
moneys used from profit from the sale of spirituous liquor, and 1121  
not from other sources, in any fiscal year shall not exceed 1122  
~~twenty-five~~ forty-five million dollars. For purposes of the 1123  
preceding sentence, "other sources" include the annual investment 1124  
income on special funds to the extent it will be available for 1125  
payment of any bond service charges in lieu of use of profit from 1126  
the sale of spirituous liquor, and shall be estimated on the basis 1127

of the expected funding of those special funds and assumed 1128  
investment earnings thereon at a rate equal to the weighted 1129  
average yield on investments of those special funds determined as 1130  
of any date within sixty days immediately preceding the date of 1131  
issuance of the bonds in respect of which the determination is 1132  
being made. The determinations required by this division shall be 1133  
made by the treasurer of state at the time of issuance of an issue 1134  
of obligations and shall be conclusive for purposes of such issue 1135  
of obligations from and after their issuance and delivery. 1136

(B) The aggregate amount of the guaranteed portion of the 1137  
unpaid principal of loans guaranteed under sections 166.06 and 1138  
166.15 of the Revised Code and the unpaid principal of loans made 1139  
under sections 166.07 ~~and~~, 166.16, and 166.21 of the Revised Code 1140  
may not at any time exceed ~~seven~~ eight hundred million dollars. Of 1141  
that ~~seven~~ eight hundred million dollars, the aggregate amount of 1142  
the guaranteed portion of the unpaid principal of loans guaranteed 1143  
under sections 166.06 and 166.15 of the Revised Code shall not at 1144  
any time exceed two hundred million dollars. However, the 1145  
limitations established under this division do not apply to loans 1146  
made with proceeds from the issuance and sale of project financing 1147  
obligations. 1148

**Sec. 166.13.** (A) Prior to entering into each agreement to 1149  
provide innovation financial assistance under sections 166.12, 1150  
166.15, and 166.16 of the Revised Code, the director of 1151  
development shall determine whether the assistance will conform to 1152  
the requirements of sections 166.12 to 166.16 of the Revised Code. 1153  
Such determination, and the facts upon which it is based, shall be 1154  
set forth by the director in submissions made to the controlling 1155  
board for purposes of section 166.16 of the Revised Code and to 1156  
the development ~~finance~~ financing advisory council under section 1157  
166.14 of the Revised Code. An agreement to provide assistance 1158  
under sections 166.12, 166.15, and 166.16 of the Revised Code 1159

shall set forth the determination, which shall be conclusive for 1160  
purposes of the validity and enforceability of the agreement and 1161  
any innovation loan guarantees, innovation loans, or other 1162  
agreements entered into pursuant to the agreement to provide 1163  
innovation financial assistance. 1164

(B) Whenever a person applies for innovation financial 1165  
assistance under sections 166.12, 166.15, and 166.16 of the 1166  
Revised Code and the eligible innovation project for which 1167  
innovation financial assistance is requested is to relocate an 1168  
eligible innovation project that is currently being operated by 1169  
the person and that is located in another county, municipal 1170  
corporation, or township, the director shall provide written 1171  
notification to the appropriate local governmental bodies and 1172  
state officials. The notification shall contain the following 1173  
information: 1174

(1) The name of the person applying for innovation financial 1175  
assistance; 1176

(2) The county, and the municipal corporation or township, in 1177  
which the eligible innovation project for which innovation 1178  
financial assistance is requested is located; and 1179

(3) The county, and the municipal corporation or township, in 1180  
which the eligible innovation project to be replaced is located. 1181

The director shall provide the written notification to the 1182  
appropriate local governmental bodies and state officials so that 1183  
they receive the notification at least five days before the 1184  
development ~~finance~~ financing advisory council meeting at which 1185  
the council considers the request for innovation financial 1186  
assistance pursuant to sections 166.12, 166.15, and 166.16 of the 1187  
Revised Code. 1188

(C) As used in division (B) of this section: 1189

(1) "Appropriate local governmental bodies" means: 1190

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

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

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

(2) "State officials" means:

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

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

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

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

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

(b) Payrolls, and the taxes generated, at both state and local levels, by or in connection with the eligible innovation

project and by the employment created or preserved by or in	1220
connection with the eligible innovation project;	1221
(c) The size, nature, and cost of the eligible innovation	1222
project, including the prospect of the eligible innovation project	1223
for providing long-term jobs in enterprises consistent with the	1224
changing economics of the state and the nation;	1225
(d) The needs of any private sector enterprise to be	1226
assisted;	1227
(e) The amount and kind of assistance, if any, to be provided	1228
to the private sector enterprise by other governmental agencies	1229
through tax exemption or abatement, financing assistance with	1230
industrial development bonds, and otherwise, with respect to the	1231
eligible innovation project or with respect to any providers of	1232
innovation property to be included as part of the eligible	1233
innovation project;	1234
(f) The likelihood of the successful implementation of the	1235
proposed eligible innovation project;	1236
(g) Whether the eligible innovation project involves the use	1237
of technology in a targeted innovation industry sector.	1238
(2) The benefits to the local area, including taxes, jobs,	1239
and reduced unemployment and reduced welfare costs, among others,	1240
may be accorded value in the leasing or sales of innovation	1241
project facilities and in loan and guarantee arrangements.	1242
(3) In making determinations under division (A)(1) of this	1243
section, the director may consider the effect of an eligible	1244
innovation project upon any entity engaged to provide innovation	1245
property to be acquired, leased, or licensed in connection with	1246
such assistance.	1247
(B) The director shall submit to the development <del>finance</del>	1248
<u>financing</u> advisory council data pertinent to the considerations	1249

set forth in division (A) of this section, the terms of the 1250  
proposed innovation financial assistance, and such other relevant 1251  
information as the council may request. 1252

(C) The development ~~finance~~ financing advisory council, on 1253  
the basis of such data, shall make recommendations as to the 1254  
appropriateness of the innovation financial assistance to be 1255  
provided. The recommendations may be revised to reflect any 1256  
changes in the proposed innovation financial assistance as the 1257  
director may submit to the council. The recommendations, as 1258  
amended, of the council as to the appropriateness of the proposed 1259  
innovation financial assistance shall be submitted to the 1260  
controlling board. 1261

(D) Financial statements and other data submitted to the 1262  
director of development, the development ~~finance~~ financing 1263  
advisory council, or the controlling board by any private sector 1264  
person in connection with innovation financial assistance under 1265  
sections 166.12, 166.15, and 166.16 of the Revised Code, or any 1266  
information taken from such statements or data for any purpose, 1267  
shall not be open to public inspection. The development ~~finance~~ 1268  
financing advisory council in considering confidential information 1269  
in connection with innovation financial assistance under this 1270  
chapter may, only for consideration of the confidential 1271  
information referred to, and in the manner provided in division 1272  
(E) of section 121.22 of the Revised Code, close the meeting 1273  
during such consideration. 1274

**Sec. 166.16.** (A) The director of development, with the 1275  
approval of the controlling board and subject to the other 1276  
applicable provisions of this chapter, may lend moneys in the 1277  
innovation Ohio loan fund to persons for the purpose of paying 1278  
allowable innovation costs of an eligible innovation project if 1279  
the director determines that: 1280

(1) The project is an eligible innovation project and is economically sound.	1281 1282
(2) The borrower is unable to finance the necessary allowable costs through ordinary financial channels upon comparable terms.	1283 1284
(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.	1285 1286 1287
(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 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.	1288 1289 1290 1291 1292 1293 1294 1295 1296
(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.	1297 1298 1299 1300
(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	1301 1302 1303 1304 1305 1306 1307 1308 1309 1310 1311

innovation Ohio loan fund and used for the purpose of making 1312  
loans. 1313

(D) The innovation Ohio loan fund is hereby created as a 1314  
special revenue fund and a trust fund which shall be in the 1315  
custody of the treasurer of state but shall be separate and apart 1316  
from and not a part of the state treasury. The fund shall consist 1317  
of all grants, gifts, and contributions of moneys or rights to 1318  
moneys lawfully designated for or deposited in such fund, all 1319  
moneys and rights to moneys lawfully appropriated and transferred 1320  
to such fund, including moneys received from the issuance of 1321  
obligations under section 166.08 of the Revised Code, and moneys 1322  
deposited to such fund pursuant to divisions (C) and ~~(G)~~(H) of 1323  
this section. The innovation Ohio loan fund shall not be 1324  
comprised, in any part, of moneys raised by taxation. 1325

(E) The director may take actions necessary or appropriate to 1326  
collect or otherwise deal with any loan made under this section. 1327

(F) The director may fix service charges for the making of a 1328  
loan. The charges shall be payable at such times and place and in 1329  
such amounts and manner as may be prescribed by the director. 1330

(G) The treasurer of state shall serve as an agent for the 1331  
director in the making of deposits and withdrawals and maintenance 1332  
of records pertaining to the innovation Ohio loan fund. 1333

(H)(1) There shall be credited to the innovation Ohio loan 1334  
fund the moneys received by this state from the repayment of 1335  
innovation Ohio loans and recovery on loan guarantees, including 1336  
interest thereon, made from the innovation Ohio loan fund or from 1337  
the innovation Ohio loan guarantee fund and from the sale, lease, 1338  
or other disposition of property acquired or constructed ~~from~~ with 1339  
moneys in the innovation Ohio loan fund with moneys derived from 1340  
the proceeds of the sale of obligations under section 166.08 of 1341  
the Revised Code. Such moneys shall be applied as provided in this 1342

chapter pursuant to appropriations made by the general assembly. 1343

(2) Notwithstanding division (H)(1) of this section, any 1344  
amounts recovered on innovation Ohio loan guarantees shall be 1345  
deposited to the credit of the innovation Ohio loan guarantee fund 1346  
to the extent necessary to restore that fund to the innovation 1347  
Ohio loan guarantee reserve requirement or any level in excess 1348  
thereof required by any guarantee contract. Money in the 1349  
innovation Ohio loan guarantee fund in excess of the innovation 1350  
Ohio loan guarantee reserve requirement, but subject to the 1351  
provisions and requirements of any guarantee contracts, may be 1352  
transferred to the innovation Ohio loan fund by the treasurer of 1353  
state upon the order of the director of development. 1354

(3) In addition to the requirements of division (H)(1) of 1355  
this section, moneys referred to in that division may be deposited 1356  
to the credit of separate accounts within the innovation Ohio loan 1357  
fund or in the bond service fund and pledged to the security of 1358  
obligations, applied to the payment of bond service charges 1359  
without need for appropriation, released from any such pledge and 1360  
transferred to the innovation Ohio loan fund, all as and to the 1361  
extent provided in the bond proceedings pursuant to written 1362  
directions by the director of development. Accounts may be 1363  
established by the director in the innovation Ohio loan fund for 1364  
particular projects or otherwise. Income from the investment of 1365  
moneys in the innovation Ohio loan fund shall be credited to that 1366  
fund and, as may be provided in bond proceedings, to particular 1367  
accounts in that fund. The treasurer of state may withdraw from 1368  
the innovation Ohio loan fund or, subject to provisions of the 1369  
applicable bond proceedings, from any special funds established 1370  
pursuant to the bond proceedings, or from any accounts in such 1371  
funds, any amounts of investment income required to be rebated and 1372  
paid to the federal government in order to maintain the exemption 1373  
from federal income taxation of interest on obligations issued 1374

under this chapter, which withdrawal and payment may be made 1375  
without necessity for appropriation. 1376

Sec. 166.17. (A) The general assembly finds that in order to 1377  
enhance the economic opportunities available to all the people of 1378  
the state and to maintain and enhance the competitiveness of the 1379  
Ohio economy and to improve the economic welfare of the people of 1380  
the state, it is necessary to ensure that the people of the state 1381  
will continue to have access to high-value jobs in technology, and 1382  
that in order to facilitate such continued access, it is necessary 1383  
to provide incentives to ensure the retention and attraction of 1384  
businesses that will develop new or improved technologies, 1385  
processes, and products, or apply existing technologies in new 1386  
ways. Further, the general assembly finds that the attraction of 1387  
such jobs and their presence in this state will materially 1388  
contribute to the economic welfare of all the people of the state. 1389  
Accordingly, it is declared to be the public policy of this state, 1390  
through the operations under sections 166.17 to 166.21, 5733.352, 1391  
and 5747.331 of the Revised Code, and the provisions for financial 1392  
assistance contained in those sections, applicable laws adopted 1393  
pursuant to Ohio Constitution, Article VIII, Section 13, and other 1394  
authority vested in the general assembly, to assist in and 1395  
facilitate the establishment or development of eligible research 1396  
and development projects or assist and cooperate with any 1397  
governmental agency in achieving that purpose. 1398

(B) In furtherance of that public policy and to implement 1399  
that purpose, the director of development may do any of the 1400  
following: 1401

(1) After consultation with appropriate governmental agencies, enter into agreements with persons engaged in industry, commerce, distribution, or research and with governmental agencies to induce such persons to acquire, construct, reconstruct, rehabilitate, renovate, enlarge, improve, equip, or furnish, or otherwise develop, eligible research and development projects, or to enable governmental agencies to acquire, construct, reconstruct, rehabilitate, renovate, enlarge, improve, equip, or furnish, or otherwise develop, eligible research and development projects for lease to persons engaged in industry, commerce, distribution, or research; 1402  
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(2) Provide for loans under section 166.21 of the Revised Code to finance eligible research and development projects; 1413  
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(3) Subject to the release of such moneys by the controlling board, contract for labor and materials needed for, or contract with others, including governmental agencies, to provide eligible research and development projects, the allowable costs of which are to be paid for or reimbursed from moneys in the research and development loan fund, and contract for the operation of such eligible research and development projects; 1415  
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(4) Subject to release thereof by the controlling board, from 1422  
moneys in the research and development loan fund, acquire or 1423  
contract to acquire by gift, exchange, or purchase, including the 1424  
obtaining and exercise of purchase options, property, and convey 1425  
or otherwise dispose of, or provide for the conveyance or 1426  
disposition of, property so acquired or contracted to be acquired 1427  
by sale, exchange, lease, lease purchase, conditional or 1428  
installment sale, transfer, or other disposition, including the 1429  
grant of an option to purchase, to any governmental agency or to 1430  
any other person without necessity for competitive bidding and 1431  
upon such terms and conditions and manner of consideration 1432  
pursuant to, and as the director determines to be appropriate to 1433  
satisfy the objectives of, Chapter 166. of the Revised Code; 1434

(5) Retain the services of or employ financial consultants, 1435  
appraisers, consulting engineers, superintendents, managers, 1436  
construction and accounting experts, attorneys, and employees, 1437  
agents, and independent contractors as are necessary in the 1438  
director's judgment and fix the compensation for their services; 1439

(6) Receive and accept from any person, grants, gifts, and 1440  
contributions of money, property, labor, and other things of 1441  
value, to be held, used, and applied only for the purpose for 1442  
which such grants, gifts, and contributions are made; 1443

(7) Enter into appropriate arrangements and agreements with 1444  
any governmental agency for the taking or provision by that 1445  
governmental agency of any governmental action with respect to 1446  
eligible research and development projects; 1447

(8) Do all other acts and enter into contracts, execute all 1448  
instruments, and make all certifications necessary or appropriate 1449  
to carry out sections 166.01, 166.17 to 166.20, 5733.352, and 1450  
5747.331 of the Revised Code; 1451

(9) With respect to property that is the subject of or 1452  
related to research and development financial assistance, take 1453  
such interests, including, but not limited to, mortgages, security 1454  
interests, leasehold interests, assignments, and exclusive or 1455  
non-exclusive licenses, as may be necessary or appropriate under 1456  
the circumstances, to ensure that such property is used within 1457  
this state and that products or services associated with that 1458  
property are produced or, in the case of services, delivered, by 1459  
persons employed within this state; 1460

(10) Adopt rules necessary to implement any of the provisions 1461  
of sections 166.17 to 166.21, 5733.352, and 5747.331 of the 1462  
Revised Code applicable to the director. 1463

(C) The determination by the director that facilities or 1464  
property constitute eligible research and development projects and 1465  
that the costs of such facilities or property are allowable costs 1466  
related to an eligible research and development project, and all 1467  
other determinations relevant thereto or to an action taken or 1468  
agreement entered into, shall be conclusive for purposes of the 1469  
validity and enforceability of rights of parties arising from 1470  
actions taken and agreements entered into under sections 166.17 to 1471  
166.21, 5733.352, and 5747.331 of the Revised Code. 1472

Sec. 166.18. (A) Prior to entering into each agreement to provide research and development financial assistance, the director of development shall determine whether the assistance will conform to the requirements of sections 166.17 to 166.21, 5733.352, and 5747.331 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 166.17 of the Revised Code and to the development financing advisory council under section 166.19 of the Revised Code. An agreement to provide research and development financial assistance under section 166.17 or 166.21 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 loans or other agreements entered into pursuant to the agreement to provide research and development financial assistance.

(B) Whenever a person applies for research and development financial assistance and the eligible research and development project for which the research and development financial assistance is requested is to relocate an eligible research and development project that is currently being operated by the person and that is located in another county, municipal corporation, or township within the state, the director shall provide written notification to the appropriate local governmental bodies and state officials. The notification shall state:

(1) The name of the person applying for research and development financial assistance;

(2) The county, and the municipal corporation or township, in which the project for which research and development financial assistance is requested is located; and

(3) The county, and the municipal corporation or township, in 1503  
which the eligible research and development project to be replaced 1504  
is located. 1505

The director shall provide the written notification to the 1506  
appropriate local governmental bodies and state officials so that 1507  
they receive the notification at least five days before the 1508  
development financing advisory council meeting at which the 1509  
council considers the request for research and development 1510  
financial assistance. 1511

(C) As used in division (B) of this section: 1512

(1) "Appropriate local governmental bodies" means: 1513

(a) The board of county commissioners of or legislative 1514  
authorities of special districts in the county in which the 1515  
project for which research and development financial assistance is 1516  
requested is located and of the county in which the eligible 1517  
research and development project to be replaced is located; 1518

(b) The legislative authority of the municipal corporation or 1519  
the board of township trustees of the township in which the 1520  
eligible research and development project for which research and 1521  
development financial assistance is requested is located; and 1522

(c) The legislative authority of the municipal corporation or 1523  
the board of township trustees of the township in which the 1524  
eligible research and development project to be replaced is 1525  
located. 1526

(2) "State officials" means: 1527

(a) The state representative and state senator in whose 1528  
district the eligible research and development project for which 1529  
research and development financial assistance is requested is 1530  
located; and 1531

(b) The state representative and state senator in whose district the eligible research and development project to be replaced is located. 1532  
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Sec. 166.19. (A) In determining the eligible research and development projects to be assisted and the nature, amount, and terms of the research and development financial assistance to be provided: 1535  
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(1) The director of development shall consider: 1539

(a) The number of jobs to be created or preserved, directly or indirectly, by or in connection with the eligible research and development project; 1540  
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(b) Payrolls, and the taxes generated at both state and local levels, by the eligible research and development project and by the employment created or preserved by or in connection with the eligible research and development project; 1543  
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(c) The size, nature, and cost of the eligible research and development project; 1547  
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(d) The likelihood that the eligible research and development project will create long-term jobs in enterprises consistent with the changing economics of the state and nation; 1549  
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(e) The needs of any private sector enterprise to be assisted, taking into consideration 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 research and development project or with respect to any providers of research and development property to be included as part of the eligible research and development project; and 1552  
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(f) The likelihood that the eligible research and development project will be successfully implemented. 1561  
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(2) The director may consider the benefits to the local area, including taxes, jobs, and reduced unemployment and reduced welfare costs, in the leasing or sale of eligible research and development project facilities and in loan arrangements. 1563  
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(3) The director may consider the effect of an eligible research and development project upon any entity engaged to provide research and development property to be acquired, leased, or licensed in connection with research and development financial assistance. 1567  
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(B) The director shall submit to the development financing advisory council data pertinent to the considerations set forth in division (A) of this section, the terms of the proposed research and development assistance, and such other relevant information as the council may request. 1572  
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(C) The development financing advisory council, on the basis of the data submitted under division (B) of this section, shall make recommendations as to the appropriateness of the research and development financial assistance to be provided. The recommendations may be revised to reflect any changes in the proposed research and development financial assistance as the director may submit to the council. The recommendations, as amended, of the council as to the appropriateness of the proposed research and development financial assistance shall be submitted to the controlling board. 1577  
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(D) Financial statements and other data submitted to the 1587  
director of development, the development financing advisory 1588  
council, or the controlling board by any private sector person in 1589  
connection with research and development financial assistance, or 1590  
any information taken from such statements or data for any 1591  
purpose, shall not be open to public inspection. The development 1592  
financing advisory council in considering confidential information 1593  
in connection with research and development financial assistance 1594  
may, only for consideration of the confidential information 1595  
referred to, and in the manner provided in division (E) of section 1596  
121.22 of the Revised Code, close the meeting during such 1597  
consideration. 1598

**Sec. 166.20.** The research and development loan fund is hereby 1599  
created as a special revenue fund and a trust fund which shall be 1600  
in the custody of the treasurer of state but shall be separate and 1601  
apart from and not a part of the state treasury. The fund shall 1602  
consist of moneys derived from the sale of obligations under 1603  
section 166.08 of the Revised Code; moneys deposited to the 1604  
research and development fund under section 166.21 of the Revised 1605  
Code; and any grants, gifts, or contributions of money received by 1606  
the director of development to be used for making loans under 1607  
section 166.21 of the Revised Code. The fund shall not be 1608  
comprised, in any part, of moneys raised by taxation. The 1609  
treasurer of state shall serve as an agent for the director in the 1610  
making of deposits and withdrawals and maintenance of records 1611  
pertaining to the fund. 1612

Sec. 166.21. (A) The director of development, with the 1613  
approval of the controlling board and subject to other applicable 1614  
provisions of this chapter, may lend moneys in the research and 1615  
development loan fund to persons for the purpose of paying 1616  
allowable costs of eligible research and development projects if 1617  
the director determines that: 1618

(1) The project is an eligible research and development 1619  
project and is economically sound; 1620

(2) The amount to be lent from the research and development 1621  
loan fund will not exceed seventy-five per cent of the total costs 1622  
of the eligible research and development project; and 1623

(3) The repayment of the loan from the research and 1624  
development fund will be secured by a mortgage, lien, assignment, 1625  
pledge, or other interest in property or other assets of the 1626  
borrower at such level of priority and value as the director 1627  
considers necessary, provided that, in making such a 1628  
determination, the director shall take into account the value of 1629  
any rights granted by the borrower to the director to control the 1630  
use of any assets of the borrower under the circumstances 1631  
described in the loan documents. 1632

(B) The determinations of the director under division (A) of 1633  
this section shall be conclusive for purposes of the validity of a 1634  
loan commitment evidenced by a loan agreement signed by the 1635  
director. 1636

(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 research and development 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 loans shall be disbursed from the research and development 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 research and development loan fund shall be paid to the research and development loan fund and used for the purpose of making loans under this section.

(D)(1) As used in this division, "qualified research and development loan payments" means payments of principal due on a loan made from the research and development loan fund.

(2) Each year, the director shall issue a certificate to each borrower from the research and development loan fund indicating the amount of the qualified research and development loan payments made by the borrower during the tax year. The certificate shall state that the borrower's qualified research and development project alone, or in conjunction with other projects, creates new jobs and that as of the thirty-first day of December of the tax year for which the certificate is issued, the borrower is not in default under the loan agreement, lease, or other instrument governing repayment of the loan.

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

(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.

(G)(1) There shall be credited to the research and 1668  
development loan fund moneys received by this state from the 1669  
repayment of loans, including interest thereon, made from the 1670  
research and development loan fund and moneys received from the 1671  
sale, lease, or other disposition of property acquired or 1672  
constructed with moneys in the research and development loan fund 1673  
derived from the proceeds of the sale of obligations under section 1674  
166.08 of the Revised Code. Such moneys shall be applied as 1675  
provided in this chapter pursuant to appropriations made by the 1676  
general assembly. 1677

(2) In addition to the requirements of division (G)(1) of this section, moneys referred to in that division may be deposited to the credit of separate accounts within the research and development loan fund or in the bond service fund and pledged to the security of obligations, applied to the payment of bond service charges without need for appropriation, released from any such pledge and transferred to the research and development loan fund, all as and to the extent provided in the bond proceedings pursuant to written directions by the director of development. Accounts may be established by the director in the research and development loan fund for particular projects or otherwise. Income from the investment of moneys in the research and development loan fund shall be credited to that fund and, as may be provided in bond proceedings, to particular accounts in that fund. The treasurer of state may withdraw from the research and development loan fund or, subject to provisions of the applicable bond proceedings, from any special funds established pursuant to the bond proceedings, or from any accounts in such funds, any amounts of investment income required to be rebated and paid to the federal government in order to maintain the exemption from federal income taxation of interest on obligations issued under this chapter, which withdrawal and payment may be made without the necessity for appropriation.

**Sec. 184.04.** (A) The Ohio research commercialization grant program is hereby created to improve the commercial viability of research projects by improving the ability of small technology companies to assess commercial potential and by promoting the competitiveness of these companies through the augmentation of federal research and development funding. The department of development shall award grants to eligible applicants on a competitive basis for the following purposes:

(1) Commercialization of a core competency technology, including, but not limited to, advanced materials, instruments, controls, electronics, biosciences, power and propulsion, and information technology; and 1709  
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(2) Other related business activities related to the commercialization of core competency technology. 1713  
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(B) In order to be eligible for an Ohio research commercialization grant, the applicant shall demonstrate both of the following to the director of development: 1715  
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(1) It is located in Ohio. 1718

(2) It has received an award of funds under (a) the small business innovation research program or small business technology transfer program established in 15 U.S.C. 638 or other similar federal award of funds designated by the director of development as qualifying an applicant for a grant under this section, or (b) if the applicant has not received a federal award of funds, the applicant demonstrates eligibility for an award of funds under the federal advanced technology program established in 15 U.S.C. 278n or other similar federal program designated by the director of development as qualifying an applicant for a grant under this section. 1719  
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(C) If an applicant demonstrates eligibility for an award of funds under the federal advanced technology program or other similar federal program designated by the director of development under division (B)(2)(b) of this section, the director of development shall not make a grant to the applicant until the director has received notification from the applicant, in such form as the director prescribes, that the applicant has received an award of federal funds under the federal advanced technology program or other similar federal program designated by the director. 1730  
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(D) An eligible applicant that receives a grant under the Ohio research commercialization grant program is not precluded from being considered for or participating in other financial assistance programs offered by the department of development. 1740  
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(E) The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following: 1744  
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(a) Forms and procedures by which eligible applicants may apply for grants under this section; 1747  
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(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications from eligible applicants that best serve the goals of the Ohio research commercialization grant program; 1749  
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(c) Reporting requirements and monitoring procedures; 1753

(d) The federal awards and programs that make an applicant eligible for a grant under division (B) of this section; 1754  
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(e) Any other rules necessary to implement and administer the Ohio research commercialization grant program. 1756  
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**Sec. 5733.352. (A) As used in this section:** 1758

(1) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 1759  
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(2) "Qualified research and development loan payments" has the same meaning as in division (D)(1) of section 166.21 of the Revised Code. 1761  
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(B) A nonrefundable credit is allowed against the tax imposed 1764  
by section 5733.06 of the Revised Code for a taxpayer's qualified 1765  
research and development loan payments during the tax year for 1766  
which the credit is claimed. The amount of the credit for a tax 1767  
year shall not exceed one hundred fifty thousand dollars. The 1768  
credit shall be claimed in the order required under section 1769  
5733.98 of the Revised Code. The credit, to the extent it exceeds 1770  
the taxpayer's tax liability for the tax year after allowance for 1771  
any other credits that precede the credit under this section in 1772  
that order, shall be carried forward to the next succeeding tax 1773  
year or years until fully utilized. The credit is disallowed if 1774  
the taxpayer fails to file with the taxpayer's franchise tax 1775  
report a copy of the certificate issued under section 166.21 of 1776  
the Revised Code. 1777

(C) A taxpayer entitled to the credit allowed under this 1778  
section may assign the credit, or a portion thereof, to: 1779

(1) A related member of the taxpayer; 1780

(2) The owner or lessee of the eligible research and 1781  
development project; or 1782

(3) A related member of the owner or lessee of the eligible 1783  
research and development project. 1784

A taxpayer making an assignment under this division shall 1785  
provide written notice of the assignment to the tax commissioner 1786  
and the director of development, in such form as the tax 1787  
commissioner prescribes. The assignee may apply the credit against 1788  
the tax imposed under section 5733.06 of the Revised Code to the 1789  
same extent as if that taxpayer were the taxpayer originally 1790  
earning the credit. The credit is disallowed if the assignee fails 1791  
to file with the assignee's franchise tax report a copy of the 1792  
certificate issued under section 166.21 of the Revised Code. 1793

<b>Sec. 5733.98.</b> (A) To provide a uniform procedure for	1794
calculating the amount of tax imposed by section 5733.06 of the	1795
Revised Code that is due under this chapter, a taxpayer shall	1796
claim any credits to which it is entitled in the following order,	1797
except as otherwise provided in section 5733.058 of the Revised	1798
Code:	1799
(1) The credit for taxes paid by a qualifying pass-through	1800
entity allowed under section 5733.0611 of the Revised Code;	1801
(2) The credit allowed for financial institutions under	1802
section 5733.45 of the Revised Code;	1803
(3) The credit for qualifying affiliated groups under section	1804
5733.068 of the Revised Code;	1805
(4) The subsidiary corporation credit under section 5733.067	1806
of the Revised Code;	1807
(5) The savings and loan assessment credit under section	1808
5733.063 of the Revised Code;	1809
(6) The credit for recycling and litter prevention donations	1810
under section 5733.064 of the Revised Code;	1811
(7) The credit for employers that enter into agreements with	1812
child day-care centers under section 5733.36 of the Revised Code;	1813
(8) The credit for employers that reimburse employee child	1814
day-care expenses under section 5733.38 of the Revised Code;	1815
(9) The credit for maintaining railroad active grade crossing	1816
warning devices under section 5733.43 of the Revised Code;	1817
(10) The credit for purchases of lights and reflectors under	1818
section 5733.44 of the Revised Code;	1819
(11) The job retention credit under division (B) of section	1820
5733.0610 of the Revised Code;	1821

(12) The credit for manufacturing investments under section 5733.061 of the Revised Code;	1822 1823
(13) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 of the Revised Code;	1824 1825 1826
(14) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	1827 1828
(15) The job training credit under section 5733.42 of the Revised Code;	1829 1830
(16) The credit for qualified research expenses under section 5733.351 of the Revised Code;	1831 1832
(17) <u>The research and development credit under section 5733.352 of the Revised Code;</u>	1833 1834
<del>(18)</del> The enterprise zone credit under section 5709.66 of the Revised Code;	1835 1836
<del>(18)</del> <del>(19)</del> The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	1837 1838
<del>(19)</del> <del>(20)</del> The credit for employers that establish on-site child day-care under section 5733.37 of the Revised Code;	1839 1840
<del>(20)</del> <del>(21)</del> The ethanol plant investment credit under section 5733.46 of the Revised Code;	1841 1842
<del>(21)</del> <del>(22)</del> The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	1843 1844
<del>(22)</del> <del>(23)</del> The export sales credit under section 5733.069 of the Revised Code;	1845 1846
<del>(23)</del> <del>(24)</del> The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	1847 1848 1849
<del>(24)</del> <del>(25)</del> The enterprise zone credits under section 5709.65 of	1850

the Revised Code;	1851
<del>(25)</del> (26) The credit for using Ohio coal under section 5733.39 of the Revised Code;	1852 1853
<del>(26)</del> (27) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	1854 1855
<del>(27)</del> (28) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code.	1856 1857
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	1858 1859 1860 1861 1862 1863
<b><u>Sec. 5747.331. (A) As used in this section:</u></b>	1864
<u>(1) "Related member" has the same meaning as in section 5733.042 of the Revised Code.</u>	1865 1866
<u>(2) "Qualified research and development loan payments" has the same meaning as in division (D)(1) of section 166.21 of the Revised Code.</u>	1867 1868 1869

(B) A nonrefundable credit is allowed against the tax imposed 1870  
by section 5747.02 of the Revised Code for a taxpayer's qualified 1871  
research and development loan payments during the tax year for 1872  
which the credit is claimed. The amount of the credit for a tax 1873  
year shall not exceed one hundred fifty thousand dollars. The 1874  
credit shall be claimed in the order required under section 1875  
5747.98 of the Revised Code. The credit, to the extent it exceeds 1876  
the taxpayer's tax liability for the tax year after allowance for 1877  
any other credits that precede the credit under this section in 1878  
that order, shall be carried forward to the next succeeding tax 1879  
year or years until fully utilized. The credit is disallowed if 1880  
the taxpayer fails to file with the taxpayer's income tax return a 1881  
copy of the certificate issued under section 166.21 of the Revised 1882  
Code. 1883

(C) A taxpayer entitled to the credit allowed under this 1884  
section may assign the credit, or a portion thereof, to: 1885

(1) A related member of the taxpayer; 1886

(2) The owner or lessee of the eligible research and 1887  
development project; or 1888

(3) A related member of the owner or lessee of the eligible 1889  
research and development project. 1890

A taxpayer making an assignment under this division shall 1891  
provide written notice of the assignment to the tax commissioner 1892  
and the director of development, in such form as the tax 1893  
commissioner prescribes. The assignee may apply the credit against 1894  
the tax imposed under section 5747.02 of the Revised Code to the 1895  
same extent as if that taxpayer were the taxpayer originally 1896  
earning the credit. The credit is disallowed if the assignee fails 1897  
to file with the assignee's income tax return a copy of the 1898  
certificate issued under section 166.21 of the Revised Code. 1899

<b>Sec. 5747.98.</b> (A) To provide a uniform procedure for	1900
calculating the amount of tax due under section 5747.02 of the	1901
Revised Code, a taxpayer shall claim any credits to which the	1902
taxpayer is entitled in the following order:	1903
(1) The retirement income credit under division (B) of	1904
section 5747.055 of the Revised Code;	1905
(2) The senior citizen credit under division (C) of section	1906
5747.05 of the Revised Code;	1907
(3) The lump sum distribution credit under division (D) of	1908
section 5747.05 of the Revised Code;	1909
(4) The dependent care credit under section 5747.054 of the	1910
Revised Code;	1911
(5) The lump sum retirement income credit under division (C)	1912
of section 5747.055 of the Revised Code;	1913
(6) The lump sum retirement income credit under division (D)	1914
of section 5747.055 of the Revised Code;	1915
(7) The lump sum retirement income credit under division (E)	1916
of section 5747.055 of the Revised Code;	1917
(8) The credit for displaced workers who pay for job training	1918
under section 5747.27 of the Revised Code;	1919
(9) The campaign contribution credit under section 5747.29 of	1920
the Revised Code;	1921
(10) The twenty-dollar personal exemption credit under	1922
section 5747.022 of the Revised Code;	1923
(11) The joint filing credit under division (G) of section	1924
5747.05 of the Revised Code;	1925
(12) The nonresident credit under division (A) of section	1926
5747.05 of the Revised Code;	1927

(13) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	1928 1929
(14) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	1930 1931
(15) The credit for employers that reimburse employee child day-care expenses under section 5747.36 of the Revised Code;	1932 1933
(16) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	1934 1935
(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	1936 1937
(18) The job retention credit under division (B) of section 5747.058 of the Revised Code;	1938 1939
(19) The credit for manufacturing investments under section 5747.051 of the Revised Code;	1940 1941
(20) The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 of the Revised Code;	1942 1943 1944
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	1945 1946 1947
(22) The job training credit under section 5747.39 of the Revised Code;	1948 1949
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	1950 1951
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	1952 1953
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	1954 1955
(26) The ethanol plant investment credit under section	1956

5747.75 of the Revised Code;	1957
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	1958 1959
(28) The export sales credit under section 5747.057 of the Revised Code;	1960 1961
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	1962 1963
(30) <u>The research and development credit under section 5747.331 of the Revised Code;</u>	1964 1965
<u>(31)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	1966 1967
<del>(31)</del> <u>(32)</u> The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	1968 1969
<del>(32)</del> <u>(33)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	1970 1971
<del>(33)</del> <u>(34)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	1972 1973 1974
<del>(34)</del> <u>(35)</u> The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code.	1975 1976
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	1977 1978 1979 1980 1981 1982 1983 1984 1985 1986

**Section 2.** That existing sections 122.151, 122.152, 122.154, 1987  
166.01, 166.02, 166.08, 166.11, 166.13, 166.14, 166.16, 5733.98, 1988  
and 5747.98 of the Revised Code are hereby repealed. 1989

**Section 3.** Sections 5733.352 and 5747.331 of the Revised 1990  
Code, as enacted by this act, apply to tax years beginning on and 1991  
after January 1, 2003. 1992