

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**H. B. No. 16**

**Representative Calvert**

—

**A BILL**

To amend sections 9.98, 105.41, 123.10, 125.28, 1  
126.11, 131.02, 133.01, 151.01, 154.01, 154.02, 2  
154.07, 755.16, 755.18, 2716.11, 3318.01, 3318.02, 3  
3318.03, 3318.04, 3318.11, 3318.37, 3318.41, 4  
3345.50, 3383.01, 3383.02, 3383.07, 3770.073, 5  
5537.01, 5540.01, 5709.61, 5709.62, 5709.632, 6  
5709.75, 5709.91, 5733.121, and 5747.12, to enact 7  
sections 105.42, 122.012, 123.17, 131.021, 154.23, 8  
1541.23, 2743.712, 3301.21, 3333.072, 3345.51, 9  
5715.70, and 5715.701, and to repeal section 10  
123.023 of the Revised Code and to amend Sections 11  
6 and 31 of Am. Sub. H.B. 95 of the 125th General 12  
Assembly and to amend Sections 18.02, 18.16, 22, 13  
26.10, 26.14, 26.19, 26.48, and 27 of Am. Sub. 14  
S.B. 189 of the 125th General Assembly to make 15  
capital and other appropriations, and to provide 16  
authorization and conditions for the operation of 17  
state programs. 18

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

**Section 1.** That sections 9.98, 105.41, 123.10, 125.28, 19  
126.11, 131.02, 133.01, 151.01, 154.01, 154.02, 154.07, 755.16, 20  
755.18, 2716.11, 3318.01, 3318.02, 3318.03, 3318.04, 3318.11, 21

3318.37, 3318.41, 3345.50, 3383.01, 3383.02, 3383.07, 3770.073, 22  
5537.01, 5540.01, 5709.61, 5709.62, 5709.632, 5709.75, 5709.91, 23  
5733.121, and 5747.12 be amended and sections 105.42, 122.012, 24  
123.17, 131.021, 154.23, 1541.23, 2743.712, 3301.21, 3333.072, 25  
3345.51, 5715.70, and 5715.701 of the Revised Code be enacted to 26  
read as follows: 27

**Sec. 9.98.** As used in sections 9.98 to 9.983 of the Revised 28  
Code: 29

(A) "Absolute obligor" means the person, other than the 30  
issuer, ultimately responsible under a loan agreement, lease, or 31  
sale or installment sale agreement, or other contract with the 32  
issuer to make payments necessary to provide adequate moneys to 33  
meet the debt service on the bonds, whether or not such payments 34  
are also provided for pursuant to a credit facility. 35

(B) "Administrative agent" means a bank, trust company, or 36  
other person which has responsibility for authenticating, 37  
delivering, or redeeming commercial paper on behalf of the issuer. 38

(C) "Agent" means, as applicable, one or more of the persons 39  
who are administrative agents, indexing agents, remarketing 40  
agents, or other persons having responsibility for performing 41  
functions with respect to floating rate interest structures or put 42  
~~arrangements~~ arrangements. 43

(D) "Bonds" means bonds, notes, or other obligations 44  
evidencing the borrowing of money, whether or not interest 45  
bearing, or in coupon, registered, or book entry form, and 46  
includes, as appropriate, coupons or interest, if any, pertaining 47  
thereto. 48

(E) "Bond proceedings" means resolutions, ordinances, orders, 49  
trust agreements, indentures, and bonds, loan, sale, or 50  
installment sale agreements, agreements with administrative, 51

indexing, or remarketing agents, and agreements pertaining to 52  
credit facilities, interest rate hedges, and put arrangements, 53  
which authorize or provide for the terms, security, liquidity, 54  
issuance, marketing, remarketing, delivery, carrying, redemption, 55  
or payment of bonds issued or previously authorized to be issued, 56  
or the investment of moneys pertaining to those bonds. 57

(F) "Commercial paper" means bonds with one or more 58  
maturities of three hundred sixty-five days or less which, under 59  
the bond proceedings, are expected to be funded by the issuance of 60  
additional bonds with maturities of three hundred sixty-five days 61  
or less, whether or not ultimately to be funded with long term 62  
bonds. 63

(G) "Credit facility" means letters of credit, lines of 64  
credit, stand-by, contingent, or firm bond purchase agreements, 65  
insurance or surety arrangements, and guarantees, and other 66  
arrangements which provide for direct payment of debt service on 67  
bonds, for security or for additional security in the event of 68  
nonpayment or default in respect of bonds, or for making payment 69  
to bondholders under put arrangements, or for otherwise supporting 70  
the credit or liquidity of the bonds, and includes credit, 71  
reimbursement, subrogation, and other agreements and arrangements 72  
for reimbursement, and security for the reimbursement, of the 73  
person providing the credit facility. 74

(H) "Debt service" means the principal, interest, and 75  
redemption premium payments, and any deposits pertaining thereto, 76  
required with respect to bonds. 77

(I) "Floating rate interest structure" means provisions in 78  
the bond proceedings whereby the interest rate or rates payable on 79  
the bonds, or upon successive series of commercial paper, vary 80  
from time to time pursuant to or in relation to an index provided 81  
by an indexing agent or otherwise established, a formula, base, 82

publicly announced rate, yields on other obligations, 83  
determinations of an agent, or any one or combination of the 84  
foregoing, with or without approval or consent of the absolute 85  
obligor or issuer as provided in the bond proceedings. 86

(J) "Indexing agent" means a person with responsibility for 87  
establishing, adjusting and maintaining an index of interest rates 88  
or yields for purposes of a floating rate interest structure. 89

(K) "Interest rate period" means that period of time during 90  
which an interest rate or rates established under a floating rate 91  
interest structure will pertain, which periods may be altered or 92  
become fixed pursuant to the bond proceedings upon stated 93  
occurrences or upon determination of the absolute obligor or 94  
issuer. 95

(L) "Interest rate hedge" means any arrangement ~~by~~: 96

(1) By which either: 97

~~(1)(a)~~ The different interest costs or receipts at, between, 98  
or among fixed interest rates and at or floating interest rates, 99  
~~or including~~ at different maturities floating interest rates, are 100  
exchanged on stated amounts of bonds or investments, or on 101  
notional amounts; or 102

~~(2)(b)~~ A party will pay interest costs in excess of an agreed 103  
limitation; and 104

(2) Which also may include a requirement for the issuer to 105  
issue bonds at a future date. This requirement shall be deemed to 106  
be part of the bond proceedings at the time the interest rate 107  
hedge is entered into. Issuance of bonds at a future date shall 108  
not require further legislative action, but shall be a ministerial 109  
act. 110

(M) "Issuer" means the state, political subdivision, 111  
authority, commission, agency, officer, or other entity having 112

authority to issue bonds referred to in section 9.981 of the  
Revised Code, and includes the body and officers authorized to act  
for the issuer in the matter.

(N) "Put arrangement" means provisions in the bond  
proceedings under which holders of the applicable bonds may  
exercise an option, or are required, to surrender the bonds or  
their ownership for an amount of payment previously established in  
or pursuant to the bond proceedings, at times, which may, but need  
not be, consistent with the ends of interest rate periods and  
which may be altered with or without the approval or consent, or  
upon the direction of, the absolute obligor or the issuer, as  
provided for in the bond proceedings.

(O) "Remarketing agent" means the person having  
responsibility for marketing or remarketing commercial paper or  
bonds with put arrangements, which may include responsibility for  
making recommendations or determinations as to prices or interest  
rates.

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

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

(2) Two members of the house of representatives, appointed by  
the speaker of the house of representatives, both of whom shall  
not be members of the same political party;

(3) Five members appointed by the governor, with the advice  
and consent of the senate, not more than three of whom shall be  
members of the same political party, one of whom shall represent  
the office of the state architect and engineer, one of whom shall

represent the Ohio arts council, one of whom shall represent the 143  
Ohio historical society, one of whom shall represent the Ohio 144  
building authority, and one of whom shall represent the public at 145  
large; 146

(4) One member, who shall be a former president of the 147  
senate, appointed by the current president of the senate. If the 148  
current president of the senate, in the current president's 149  
discretion, decides for any reason not to make the appointment or 150  
if no person is eligible or available to serve, the seat shall 151  
remain vacant. 152

(5) One member, who shall be a former speaker of the house of 153  
representatives, appointed by the current speaker of the house of 154  
representatives. If the current speaker of the house of 155  
representatives, in the current speaker's discretion, decides for 156  
any reason not to make the appointment or if no person is eligible 157  
or available to serve, the seat shall remain vacant. 158

(6) The clerk of the senate and the clerk of the house of 159  
representatives. 160

(B) Terms of office of each appointed member of the board 161  
shall be for three years, except that members of the general 162  
assembly appointed to the board shall be members of the board only 163  
so long as they are members of the general assembly. Each member 164  
shall hold office from the date of the member's appointment until 165  
the end of the term for which the member was appointed. In case of 166  
a vacancy occurring on the board, the president of the senate, the 167  
speaker of the house of representatives, or the governor, as the 168  
case may be, shall in the same manner prescribed for the regular 169  
appointment to the commission, fill the vacancy by appointing a 170  
member. Any member appointed to fill a vacancy occurring prior to 171  
the expiration of the term for which the member's predecessor was 172  
appointed shall hold office for the remainder of the term. Any 173

appointed member shall continue in office subsequent to the 174  
expiration date of the member's term until the member's successor 175  
takes office, or until a period of sixty days has elapsed, 176  
whichever occurs first. 177

(C) The board shall hold meetings in a manner and at times 178  
prescribed by the rules adopted by the board. A majority of the 179  
board constitutes a quorum, and no action shall be taken by the 180  
board unless approved by at least ~~five voting~~ six members or by at 181  
least ~~six voting~~ seven members if a person is appointed under 182  
division (A)(4) or (5) of this section. At its first meeting, the 183  
board shall adopt rules for the conduct of its business and the 184  
election of its officers, and shall organize by selecting a 185  
chairperson and other officers as it considers necessary. Board 186  
members shall serve without compensation but shall be reimbursed 187  
for actual and necessary expenses incurred in the performance of 188  
their duties. 189

(D) The board may do any of the following: 190

(1) Employ or hire on a consulting basis professional, 191  
technical, and clerical employees as are necessary for the 192  
performance of its duties; 193

(2) Hold public hearings at times and places as determined by 194  
the board; 195

(3) Adopt, amend, or rescind rules necessary to accomplish 196  
the duties of the board as set forth in this section; 197

(4) Sponsor, conduct, and support such social events as the 198  
board may authorize and consider appropriate for the employees of 199  
the board, employees and members of the general assembly, 200  
employees of persons under contract with the board or otherwise 201  
engaged to perform services on the premises of capitol square, or 202  
other persons as the board may consider appropriate. Subject to 203  
the requirements of Chapter 4303. of the Revised Code, the board 204

may provide beer, wine, and intoxicating liquor, with or without  
charge, for those events and may use funds only from the sale of  
goods and services fund to purchase the beer, wine, and  
intoxicating liquor the board provides.

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

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

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

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

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

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

(6) Maintain and preserve the capitol square, in accordance  
with guidelines issued by the United States secretary of the  
interior for application of the secretary's standards for

rehabilitation adopted in 36 C.F.R. part 67. 235

(F)(1) The board shall lease capital facilities improved or 236  
financed by the Ohio building authority pursuant to Chapter 152. 237  
of the Revised Code for the use of the board, and may enter into 238  
any other agreements with the authority ancillary to improvement, 239  
financing, or leasing of those capital facilities, including, but 240  
not limited to, any agreement required by the applicable bond 241  
proceedings authorized by Chapter 152. of the Revised Code. Any 242  
lease of capital facilities authorized by this section shall be 243  
governed by division (D) of section 152.24 of the Revised Code. 244

(2) Fees, receipts, and revenues received by the board from 245  
the state underground parking garage constitute available receipts 246  
as defined in section 152.09 of the Revised Code, and may be 247  
pledged to the payment of bond service charges on obligations 248  
issued by the Ohio building authority pursuant to Chapter 152. of 249  
the Revised Code to improve or finance capital facilities useful 250  
to the board. The authority may, with the consent of the board, 251  
provide in the bond proceedings for a pledge of all or a portion 252  
of those fees, receipts, and revenues as the authority determines. 253  
The authority may provide in the bond proceedings or by separate 254  
agreement with the board for the transfer of those fees, receipts, 255  
and revenues to the appropriate bond service fund or bond service 256  
reserve fund as required to pay the bond service charges when due, 257  
and any such provision for the transfer of those fees, receipts, 258  
and revenues shall be controlling notwithstanding any other 259  
provision of law pertaining to those fees, receipts, and revenues. 260

(3) All moneys received by the treasurer of state on account 261  
of the board and required by the applicable bond proceedings or by 262  
separate agreement with the board to be deposited, transferred, or 263  
credited to the bond service fund or bond service reserve fund 264  
established by the bond proceedings shall be transferred by the 265  
treasurer of state to such fund, whether or not it is in the 266

custody of the treasurer of state, without necessity for further 267  
appropriation, upon receipt of notice from the Ohio building 268  
authority as prescribed in the bond proceedings. 269

(G) All fees, receipts, and revenues received by the board 270  
from the state underground parking garage shall be deposited into 271  
the state treasury to the credit of the underground parking garage 272  
operating fund, which is hereby created, to be used for the 273  
purposes specified in division (F) of this section and for the 274  
operation and maintenance of the garage. All investment earnings 275  
of the fund shall be credited to the fund. 276

(H) All donations received by the board shall be deposited 277  
into the state treasury to the credit of the capitol square 278  
renovation gift fund, which is hereby created. The fund shall be 279  
used by the board as follows: 280

(1) To provide part or all of the funding related to 281  
construction, goods, or services for the renovation of the capitol 282  
square; 283

(2) To purchase art, antiques, and artifacts for display at 284  
the capitol square; 285

(3) To award contracts or make grants to organizations for 286  
educating the public regarding the historical background and 287  
governmental functions of the capitol square. Chapters 125., 127., 288  
and 153. and section 3517.13 of the Revised Code do not apply to 289  
purchases made exclusively from the fund, notwithstanding anything 290  
to the contrary in those chapters or that section. All investment 291  
earnings of the fund shall be credited to the fund. 292

(I) Except as provided in divisions (G), (H), and (J) of this 293  
section, all fees, receipts, and revenues received by the board 294  
shall be deposited into the state treasury to the credit of the 295  
sale of goods and services fund, which is hereby created. Money 296  
credited to the fund shall be used solely to pay costs of the 297

board other than those specified in divisions (F) and (G) of this 298  
section. All investment earnings of the fund shall be credited to 299  
the fund. 300

(J) There is hereby created in the state treasury the capitol 301  
square improvement fund, to be used by the board to pay 302  
construction, renovation, and other costs related to the capitol 303  
square for which money is not otherwise available to the board. 304  
Whenever the board determines that there is a need to incur those 305  
costs and that the unencumbered, unobligated balance to the credit 306  
of the underground parking garage operating fund exceeds the 307  
amount needed for the purposes specified in division (F) of this 308  
section and for the operation and maintenance of the garage, the 309  
board may request the director of budget and management to 310  
transfer from the underground parking garage operating fund to the 311  
capitol square improvement fund the amount needed to pay such 312  
construction, renovation, or other costs. The director then shall 313  
transfer the amount needed from the excess balance of the 314  
underground parking garage operating fund. 315

(K) As the operation and maintenance of the capitol square 316  
constitute essential government functions of a public purpose, the 317  
board shall not be required to pay taxes or assessments upon the 318  
square, upon any property acquired or used by the board under this 319  
section, or upon any income generated by the operation of the 320  
square. 321

(L) As used in this section, "capitol square" means the 322  
capitol building, senate building, capitol atrium, capitol 323  
grounds, and the state underground parking garage. 324

(M) The capitol annex shall be known as the senate building. 325

Sec. 105.42. Notwithstanding division (E) of section 105.41 326  
of the Revised Code, the capitol square review and advisory board 327

shall not place or cause to be placed any artwork, artifact, bust, memorial, monument, or other commemorative work in the hall or gallery of the house of representatives or the senate, or in the committee or other meeting rooms of the house of representatives or the senate, without first obtaining the approval of the speaker of the house of representatives or the speaker's designee, or of the president of the senate or the president's designee, as applicable. If so approved, the placement shall be made in accordance with any conditions accompanying the approval.

**Sec. 122.012.** The director of development may designate any governmental entity as an agency of the state to act within a specified region of the state for the purpose of creating and preserving jobs and employment opportunities and financing projects intended to create or preserve jobs and employment opportunities. Any such designation shall be in addition to agency designations made for such purpose by, or by the director pursuant to, Section 56.09 of H.B. 298 of the 119th general assembly, the provisions of which pertaining to such designations, and the designations so made, remain in full force and effect as continuing grants of authority. Each agency designated by or pursuant to Section 56.09 of H.B. 298 of the 119th general assembly or this section may exercise any statutory powers it has under any other section of the Revised Code to accomplish the purposes of this section within the agency's specified region. The regions served by agencies shall not overlap. The director may reduce, expand, or otherwise modify the region served by, or limit the authority of, any such agency.

**Sec. 123.10.** (A) The director of administrative services shall regulate the rate of tolls to be collected on the public works of the state, and shall fix all rentals and collect all

tolls, rents, fines, commissions, fees, and other revenues arising 358  
from any source in the public works, including the sale, 359  
construction, purchase, or rental of property, except that the 360  
director shall not collect a commission or fee from a real estate 361  
broker or the private owner when real property is leased or rented 362  
to the state. 363

(B) There is hereby created in the state treasury the state 364  
architect's fund which shall consist of money received by the 365  
department of administrative services under division (A) of this 366  
section, fees paid under section 123.17 of the Revised Code, 367  
transfers of money to the fund authorized by the general assembly, 368  
and such amount of the investment earnings of the administrative 369  
building fund created in division (C) of this section as the 370  
director of budget and management determines to be appropriate and 371  
in excess of the amounts required to meet estimated federal 372  
arbitrage rebate requirements. Money in the fund shall be used by 373  
the department of administrative services for the following 374  
purposes: 375

(1) To pay personnel and other administrative expenses of the 376  
department; 377

(2) To pay the cost of conducting evaluations of public 378  
works; 379

(3) To pay the cost of building design specifications; 380

(4) To pay the cost of providing project management services; 381

(5) To pay the cost of operating the local administration 382  
competency certification program prescribed by section 123.17 of 383  
the Revised Code; 384

(6) Any other purposes that the director of administrative 385  
services determines to be necessary for the department to execute 386  
its duties under this chapter. 387

(C) There is hereby created in the state treasury the 388  
administrative building fund which shall consist of proceeds of 389  
obligations authorized to pay the cost of capital facilities. 390  
Except as provided in division (B) of this section, all investment 391  
earnings of the fund shall be credited to the fund. The fund shall 392  
be used to pay the cost of capital facilities designated by or 393  
pursuant to an act of the general assembly. The director of budget 394  
and management shall approve and provide a voucher for payments of 395  
amounts from the fund that represent the portion of investment 396  
earnings to be rebated or to be paid to the federal government in 397  
order to maintain the exclusion from gross income for federal 398  
income tax purposes on interest on those obligations pursuant to 399  
section 148(f) of the Internal Revenue Code. 400

As used in this division, "capital facilities" has the same 401  
meaning as under section 152.09 of the Revised Code. 402

**Sec. 123.17.** (A) As used in this section, "institution of 403  
higher education" means a state university or college, as defined 404  
in section 3345.12 of the Revised Code, or a state community 405  
college. 406

(B) The state architect shall establish a local 407  
administration competency certification program to certify 408  
institutions of higher education to administer capital facilities 409  
projects pursuant to section 3345.51 of the Revised Code without 410  
the supervision, control, or approval of the department of 411  
administrative services. The program shall offer instruction in 412  
the administration of capital facilities projects for employees of 413  
institutions of higher education who are responsible for such 414  
administration and who are selected by their employing 415  
institutions to participate in the program. 416

(C) The program shall provide instruction about the 417  
provisions of Chapters 9., 123., and 153. of the Revised Code and 418

<u>any rules or policies adopted by the department regarding the</u>	419
<u>planning, design, and construction of capital facilities,</u>	420
<u>including all of the following:</u>	421
<u>(1) The planning, design, and construction process;</u>	422
<u>(2) Contract requirements;</u>	423
<u>(3) Construction management;</u>	424
<u>(4) Project management.</u>	425
<u>(D) The state architect shall award local administration</u>	426
<u>competency certification to any institution of higher education if</u>	427
<u>all of the following apply:</u>	428
<u>(1) The institution applied for certification on a form and</u>	429
<u>in a manner prescribed by the state architect.</u>	430
<u>(2) The state architect determines that a sufficient number</u>	431
<u>of the institution's employees, representing a sufficient number</u>	432
<u>of employee classifications, responsible for the administration of</u>	433
<u>capital facilities projects has completed the certification</u>	434
<u>program to ensure that any capital facilities project undertaken</u>	435
<u>by the institution will be administered successfully and in</u>	436
<u>accordance with all provisions of the Revised Code, and the board</u>	437
<u>of trustees of the institution provides written assurance to the</u>	438
<u>state architect that the institution will select new employees to</u>	439
<u>participate in the certification program as necessary to</u>	440
<u>compensate for employee turnover.</u>	441
<u>(3) The state architect determines that the employees of the</u>	442
<u>institution enrolled in the program demonstrate a satisfactory</u>	443
<u>level of knowledge of and competency in the requirements for</u>	444
<u>administering capital facilities projects.</u>	445
<u>(4) The institution pays the fee prescribed by division (E)</u>	446
<u>of this section.</u>	447
<u>(5) The board of trustees of the institution provides written</u>	448

assurance to the state architect that the institution will conduct 449  
biennial audits of the institution's administration of capital 450  
facilities projects in accordance with division (C) of section 451  
3345.51 of the Revised Code. 452

(6) The board of trustees of the institution agrees in 453  
writing to indemnify and hold harmless the state and the 454  
department for any claim of injury, loss, or damage that results 455  
from the institution's administration of a capital facilities 456  
project. 457

(E) The state architect shall establish the amount of the fee 458  
required to be paid by any institution of higher education that 459  
seeks certification under this section. Any fees received under 460  
this section shall be paid into the state treasury to the credit 461  
of the state architect's fund established under section 123.10 of 462  
the Revised Code. 463

(F) Nothing in this section shall prohibit an institution 464  
that administers a capital facilities project under section 465  
3345.51 of the Revised Code from requesting guidance or other 466  
services from the department of administrative services. 467

**Sec. 125.28. (A)(1)** Each state agency that is supported in 468  
whole or in part by nongeneral revenue fund money and that 469  
occupies space in the James A. Rhodes or Frank J. Lausche state 470  
office tower, Toledo government center, Senator Oliver R. Ocasek 471  
government office building, Vern Riffe center for government and 472  
the arts, state of Ohio computer center, capitol square, or 473  
governor's mansion shall reimburse the general revenue fund for 474  
the cost of occupying the space in the ratio that the occupied 475  
space in each facility attributable to ~~such~~ the nongeneral revenue 476  
fund money bears to the total space occupied by the state agency 477  
in the facility. 478

(2) All agencies that occupy space in the old blind school ~~or~~ 479  
~~the Ohio departments building~~ or that occupy warehouse space in 480  
the general services facility shall reimburse the department of 481  
administrative services for the cost of occupying the space. The 482  
director of administrative services shall determine the amount of 483  
debt service, if any, to be charged to building tenants and shall 484  
collect reimbursements for it. 485

(3) Each agency that is supported in whole or in part by 486  
nongeneral revenue fund money and that occupies space in any other 487  
facility or facilities owned and maintained by the department of 488  
administrative services or space in the general services facility 489  
other than warehouse space shall reimburse the department for the 490  
cost of occupying the space, including debt service, if any, in 491  
the ratio that the occupied space in each facility attributable to 492  
~~such~~ the nongeneral revenue fund money bears to the total space 493  
occupied by the state agency in the facility. 494

(B) The director of administrative services may provide 495  
building maintenance services and skilled trades services to any 496  
state agency occupying space in a facility that is not owned by 497  
the department of administrative services and may collect 498  
reimbursements for the cost of providing ~~such~~ those services. 499

(C) All money collected by the department of administrative 500  
services for operating expenses of facilities owned or maintained 501  
by the department shall be deposited into the state treasury to 502  
the credit of the building management fund, which is hereby 503  
created. All money collected by the department for skilled trades 504  
services shall be deposited into the state treasury to the credit 505  
of the skilled trades fund, which is hereby created. All money 506  
collected for debt service shall be deposited into the general 507  
revenue fund. 508

(D) The director of administrative services shall determine 509

the reimbursable cost of space in state-owned or state-leased 510  
facilities and shall collect reimbursements for that cost. 511

**Sec. 126.11.** (A)(1) The director of budget and management 512  
shall, upon consultation with the treasurer of state, coordinate 513  
and approve the scheduling of initial sales of publicly offered 514  
securities of the state and of publicly offered fractionalized 515  
interests in or securitized issues of public obligations of the 516  
state. The director shall from time to time develop and distribute 517  
to state issuers an approved sale schedule for each of the 518  
obligations covered by division (A) or (B) of this section. 519  
Division (A) of this section applies only to those obligations on 520  
which the state or a state agency is the direct obligor or obligor 521  
on any backup security or related credit enhancement facility or 522  
source of money subject to state appropriations that is intended 523  
for payment of those obligations. 524

(2) The issuers of obligations pursuant to section 151.03, 525  
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 152. of the 526  
Revised Code shall submit to the director: 527

(a) For review and approval: the projected sale date, amount, 528  
and type of obligations proposed to be sold; their purpose, 529  
security, and source of payment; ~~and~~ the proposed structure and 530  
maturity schedule; and any credit enhancement facilities or 531  
interest rate hedges for the obligations; 532

(b) For review and comment: the authorizing order or 533  
resolution; preliminary and final offering documents; method of 534  
sale; preliminary and final pricing information; and any written 535  
reports or recommendations of financial advisors or consultants 536  
relating to those obligations; 537

(c) Promptly after each sale of those obligations: final 538  
terms, including sale price, maturity schedule and yields, and 539  
sources and uses; names of the original purchasers or 540

underwriters; a copy of the final offering document and of the transcript of proceedings; and any other pertinent information requested by the director.

(3) The issuer of obligations pursuant to section 151.06~~7~~  
~~151.08~~, or 151.40 or Chapter 154. of the Revised Code shall submit to the director:

(a) For review and mutual agreement: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; ~~and~~ the proposed structure and maturity schedule; and any credit enhancement facilities or interest rate hedges for the obligations;

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

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

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

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

(b) Promptly after each sale of those obligations: final

terms, including a maturity schedule; names of the original 571  
purchasers or underwriters; a copy of the complete continuing 572  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 573  
rule as from time to time in effect; and any other pertinent 574  
information requested by the director. 575

(5) Not later than thirty days after the end of a fiscal 576  
year, each issuer of obligations subject to divisions (A) and (B) 577  
of this section shall submit to the director and to the treasurer 578  
of state a sale plan for the then current fiscal year for each 579  
type of obligation, projecting the amount and term of each 580  
issuance, the method of sale, and the month of sale. 581

(B) Issuers of obligations pursuant to section 3318.085 or 582  
Chapter 175., 3366., 3706., 3737., 5537., 6121., or 6123. of the 583  
Revised Code shall submit to the director copies of the 584  
preliminary and final offering documents upon their availability 585  
if not previously submitted pursuant to division (A) of this 586  
section. 587

(C) Not later than the first day of January of each year, 588  
every state agency obligated to make payments on outstanding 589  
public obligations with respect to which fractionalized interests 590  
have been publicly issued, such as certificates of participation, 591  
shall submit a report to the director of the amounts payable from 592  
state appropriations under those public obligations during the 593  
then current and next two fiscal years, identifying the 594  
appropriation or intended appropriation from which payment is 595  
expected to be made. 596

(D)(1) Information relating generally to the historic, 597  
current, or future demographics or economy or financial condition 598  
or funds or general operations of the state, and descriptions of 599  
any state contractual obligations relating to public obligations, 600  
to be contained in any offering document, continuing disclosure 601

document, or written presentation prepared, approved, or provided, 602  
or committed to be provided, by an issuer in connection with the 603  
original issuance and sale of, or rating, remarketing, or credit 604  
enhancement facilities relating to, public obligations referred to 605  
in division (A) of this section shall be approved as to format and 606  
accuracy by the director before being presented, published, or 607  
disseminated in preliminary, draft, or final form, or publicly 608  
filed in paper, electronic, or other format. 609

(2) Except for information described in division (D)(1) of 610  
this section that is to be contained in an offering document, 611  
continuing disclosure document, or written presentation, division 612  
(D)(1) of this section does not inhibit direct communication 613  
between an issuer and a rating agency, remarketing agent, or 614  
credit enhancement provider concerning an issuance of public 615  
obligations referred to in division (A) of this section or matters 616  
associated with that issuance. 617

(3) The materials approved and provided pursuant to division 618  
(D) of this section are the information relating to the particular 619  
subjects provided by the state or state agencies that are required 620  
or contemplated by any applicable state or federal securities laws 621  
and any commitments by the state or state agencies made under 622  
those laws. Reliance for the purpose should not be placed on any 623  
other information publicly provided, in any format including 624  
electronic, by any state agency for other purposes, including 625  
general information provided to the public or to portions of the 626  
public. A statement to that effect shall be included in those 627  
materials so approved or provided. 628

(E) Issuers of obligations referred to in division (A) of 629  
this section may take steps, by formal agreement, covenants in the 630  
proceedings, or otherwise, as may be necessary or appropriate to 631  
comply or permit compliance with applicable lawful disclosure 632  
requirements relating to those obligations, and may, subject to 633

division (D) of this section, provide, make available, or file 634  
copies of any required disclosure materials as necessary or 635  
appropriate. Any such formal agreement or covenant relating to 636  
subjects referred to in division (D) of this section, and any 637  
description of that agreement or covenant to be contained in any 638  
offering document, shall be approved by the director before being 639  
entered into or published or publicly disseminated in preliminary, 640  
draft, or final form or publicly filed in paper, electronic, or 641  
other format. The director shall be responsible for making all 642  
filings in compliance with those requirements relating to direct 643  
obligations of the state, including fractionalized interests in 644  
those obligations. 645

(F) No state agency or official shall, without the approval 646  
of the director of budget and management, do either of the 647  
following: 648

(1) Enter into or commit to enter into a public obligation 649  
under which fractionalized interests in the payments are to be 650  
publicly offered, which payments are anticipated to be made from 651  
money from any source appropriated or to be appropriated by the 652  
general assembly or in which the provision stated in section 9.94 653  
of the Revised Code is not included; 654

(2) Except as otherwise expressly authorized for the purpose 655  
by law, agree or commit to provide, from money from any source to 656  
be appropriated in the future by the general assembly, financial 657  
assistance to or participation in the costs of capital facilities, 658  
or the payment of debt charges, directly or by way of a credit 659  
enhancement facility, a reserve, rental payments, or otherwise, on 660  
obligations issued to pay costs of capital facilities. 661

(G) As used in this section, "interest rate hedge" has the 662  
same meaning as in section 9.98 of the Revised Code; "credit 663  
enhancement facilities," "debt charges," "fractionalized interests 664

in public obligations," "obligor," "public issuer," and 665  
"securities" have the same meanings as in section 133.01 of the 666  
Revised Code; "public obligation" has the same meaning as in 667  
division (GG)(2) of section 133.01 of the Revised Code; 668  
"obligations" means securities or public obligations or 669  
fractionalized interests in them; "issuers" means issuers of 670  
securities or state obligors on public obligations; "offering 671  
document" means an official statement, offering circular, private 672  
placement memorandum, or prospectus, or similar document; and 673  
"director" means the director of budget and management or the 674  
employee of the office of budget and management designated by the 675  
director for the purpose. 676

**Sec. 131.02.** (A) Whenever any amount is payable to the state, 677  
the officer, employee, or agent responsible for administering the 678  
law under which the amount is payable shall immediately proceed to 679  
collect the amount or cause the amount to be collected and shall 680  
pay the amount into the state treasury or into the appropriate 681  
custodial fund in the manner set forth pursuant to section 113.08 682  
of the Revised Code. If the amount is not paid within forty-five 683  
days after payment is due, the officer, employee, or agent shall 684  
certify the amount due to the attorney general, in the form and 685  
manner prescribed by the attorney general, and notify the director 686  
of budget and management thereof. The attorney general may assess 687  
the collection cost to the amount certified in such manner and 688  
amount as prescribed by the attorney general. 689

(B)(1) The attorney general shall give immediate notice by 690  
mail or otherwise to the party indebted of the nature and amount 691  
of the indebtedness. 692

(2) If the amount payable to this state arises from a tax 693  
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 694  
Code, the notice also shall specify all of the following: 695

(a) The assessment or case number;	696
(b) The tax pursuant to which the assessment is made;	697
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	698 699
(d) An explanation of how and when interest will be added to the amount assessed;	700 701
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	702 703 704 705
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	706 707
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	708 709 710
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	711 712 713
(1) Compromise the claim;	714
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	715 716 717 718
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	719 720 721
<u>(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general,</u>	722 723 724

with the consent of the chief officer of the agency reporting the 725  
claim, may do the following: 726

(a) Sell, convey, or otherwise transfer the claim to one or 727  
more private entities for collection; 728

(b) Cancel the claim or cause it to be cancelled. 729

(2) The attorney general shall cancel or cause to be 730  
cancelled an unsatisfied claim on the date that is forty years 731  
after the date the claim is certified. 732

**Sec. 131.021.** (A) As used in this section, "tax" means all 733  
taxes and fees, including any penalties, additional charges, and 734  
interest charges, administered by the tax commissioner. "Tax" 735  
excludes any taxes and fees that are paid to a county auditor or 736  
treasurer. 737

(B) Any pending tax liability that the commissioner 738  
determines is owed to the state, but that is not final, may be 739  
certified to the attorney general pursuant to, and for purposes 740  
of, section 131.02 of the Revised Code if a party who may owe the 741  
tax liability has filed for bankruptcy and the tax liability is a 742  
prepetition bankruptcy debt. Nothing in this section and section 743  
131.02 of the Revised Code shall make final, or alter the 744  
procedures and processes the party must follow to appeal, a tax 745  
liability that is pending appeal. The commissioner shall notify 746  
the attorney general of any adjustments made to a pending tax 747  
liability certified under section 131.02 of the Revised Code to 748  
reflect the final tax liability. 749

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 750  
and 2151.655 of the Revised Code, in other sections of the Revised 751  
Code that make reference to this chapter unless the context does 752  
not permit, and in related proceedings, unless otherwise expressly 753  
provided: 754

(A) "Acquisition" as applied to real or personal property 755  
includes, among other forms of acquisition, acquisition by 756  
exercise of a purchase option, and acquisition of interests in 757  
property, including, without limitation, easements and 758  
rights-of-way, and leasehold and other lease interests initially 759  
extending or extendable for a period of at least sixty months. 760

(B) "Anticipatory securities" means securities, including 761  
notes, issued in anticipation of the issuance of other securities. 762

(C) "Board of elections" means the county board of elections 763  
of the county in which the subdivision is located. If the 764  
subdivision is located in more than one county, "board of 765  
elections" means the county board of elections of the county that 766  
contains the largest portion of the population of the subdivision 767  
or that otherwise has jurisdiction in practice over and 768  
customarily handles election matters relating to the subdivision. 769

(D) "Bond retirement fund" means the bond retirement fund 770  
provided for in section 5705.09 of the Revised Code, and also 771  
means a sinking fund or any other special fund, regardless of the 772  
name applied to it, established by or pursuant to law or the 773  
proceedings for the payment of debt charges. Provision may be made 774  
in the applicable proceedings for the establishment in a bond 775  
retirement fund of separate accounts relating to debt charges on 776  
particular securities, or on securities payable from the same or 777  
common sources, and for the application of moneys in those 778  
accounts only to specified debt charges on specified securities or 779  
categories of securities. Subject to law and any provisions in the 780  
applicable proceedings, moneys in a bond retirement fund or 781  
separate account in a bond retirement fund may be transferred to 782  
other funds and accounts. 783

(E) "Capitalized interest" means all or a portion of the 784  
interest payable on securities from their date to a date stated or 785

provided for in the applicable legislation, which interest is to 786  
be paid from the proceeds of the securities. 787

(F) "Chapter 133. securities" means securities authorized by 788  
or issued pursuant to or in accordance with this chapter. 789

(G) "County auditor" means the county auditor of the county 790  
in which the subdivision is located. If the subdivision is located 791  
in more than one county, "county auditor" means the county auditor 792  
of the county that contains the highest amount of the tax 793  
valuation of the subdivision or that otherwise has jurisdiction in 794  
practice over and customarily handles property tax matters 795  
relating to the subdivision. In the case of a county that has 796  
adopted a charter, "county auditor" means the officer who 797  
generally has the duties and functions provided in the Revised 798  
Code for a county auditor. 799

(H) "Credit enhancement facilities" means letters of credit, 800  
lines of credit, stand-by, contingent, or firm securities purchase 801  
agreements, insurance, or surety arrangements, guarantees, and 802  
other arrangements that provide for direct or contingent payment 803  
of debt charges, for security or additional security in the event 804  
of nonpayment or default in respect of securities, or for making 805  
payment of debt charges to and at the option and on demand of 806  
securities holders or at the option of the issuer or upon certain 807  
conditions occurring under put or similar arrangements, or for 808  
otherwise supporting the credit or liquidity of the securities, 809  
and includes credit, reimbursement, marketing, remarketing, 810  
indexing, carrying, interest rate hedge, and subrogation 811  
agreements, and other agreements and arrangements for payment and 812  
reimbursement of the person providing the credit enhancement 813  
facility and the security for that payment and reimbursement. 814

(I) "Current operating expenses" or "current expenses" means 815  
the lawful expenditures of a subdivision, except those for 816

permanent improvements and for payments of debt charges of the 817  
subdivision. 818

(J) "Debt charges" means the principal, including any 819  
mandatory sinking fund deposits and mandatory redemption payments, 820  
interest, and any redemption premium, payable on securities as 821  
those payments come due and are payable. The use of "debt charges" 822  
for this purpose does not imply that any particular securities 823  
constitute debt within the meaning of the Ohio Constitution or 824  
other laws. 825

(K) "Financing costs" means all costs and expenses relating 826  
to the authorization, including any required election, issuance, 827  
sale, delivery, authentication, deposit, custody, clearing, 828  
registration, transfer, exchange, fractionalization, replacement, 829  
payment, and servicing of securities, including, without 830  
limitation, costs and expenses for or relating to publication and 831  
printing, postage, delivery, preliminary and final official 832  
statements, offering circulars, and informational statements, 833  
travel and transportation, underwriters, placement agents, 834  
investment bankers, paying agents, registrars, authenticating 835  
agents, remarketing agents, custodians, clearing agencies or 836  
corporations, securities depositories, financial advisory 837  
services, certifications, audits, federal or state regulatory 838  
agencies, accounting and computation services, legal services and 839  
obtaining approving legal opinions and other legal opinions, 840  
credit ratings, redemption premiums, and credit enhancement 841  
facilities. Financing costs may be paid from any moneys available 842  
for the purpose, including, unless otherwise provided in the 843  
proceedings, from the proceeds of the securities to which they 844  
relate and, as to future financing costs, from the same sources 845  
from which debt charges on the securities are paid and as though 846  
debt charges. 847

(L) "Fiscal officer" means the following, or, in the case of 848

absence or vacancy in the office, a deputy or assistant authorized 849  
by law or charter to act in the place of the named officer, or if 850  
there is no such authorization then the deputy or assistant 851  
authorized by legislation to act in the place of the named officer 852  
for purposes of this chapter, in the case of the following 853  
subdivisions: 854

(1) A county, the county auditor; 855

(2) A municipal corporation, the city auditor or village 856  
clerk or clerk-treasurer, or the officer who, by virtue of a 857  
charter, has the duties and functions provided in the Revised Code 858  
for the city auditor or village clerk or clerk-treasurer; 859

(3) A school district, the treasurer of the board of 860  
education; 861

(4) A regional water and sewer district, the secretary of the 862  
board of trustees; 863

(5) A joint township hospital district, the treasurer of the 864  
district; 865

(6) A joint ambulance district, the clerk of the board of 866  
trustees; 867

(7) A joint recreation district, the person designated 868  
pursuant to section 755.15 of the Revised Code; 869

(8) A detention facility district or a district organized 870  
under section 2151.65 of the Revised Code or a combined district 871  
organized under sections 2152.41 and 2151.65 of the Revised Code, 872  
the county auditor of the county designated by law to act as the 873  
auditor of the district; 874

(9) A township, a fire district organized under division (C) 875  
of section 505.37 of the Revised Code, or a township police 876  
district, the clerk of the township; 877

(10) A joint fire district, the clerk of the board of 878

trustees of that district;	879
(11) A regional or county library district, the person responsible for the financial affairs of that district;	880 881
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	882 883 884
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	885 886 887
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	888 889 890
(15) A subdivision described in division (MM)(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer.	891 892 893
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	894 895
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.	896 897 898 899 900 901 902
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.	903 904 905
(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.	906 907 908

(Q) "General obligation" means securities to the payment of 909  
debt charges on which the full faith and credit and the general 910  
property taxing power, including taxes within the tax limitation 911  
if available to the subdivision, of the subdivision are pledged. 912

(R) "Interest" or "interest equivalent" means those payments 913  
or portions of payments, however denominated, that constitute or 914  
represent consideration for forbearing the collection of money, or 915  
for deferring the receipt of payment of money to a future time. 916

(S) "Internal Revenue Code" means the "Internal Revenue Code 917  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 918  
includes any laws of the United States providing for application 919  
of that code. 920

(T) "Issuer" means any public issuer and any nonprofit 921  
corporation authorized to issue securities for or on behalf of any 922  
public issuer. 923

(U) "Legislation" means an ordinance or resolution passed by 924  
a majority affirmative vote of the then members of the taxing 925  
authority unless a different vote is required by charter 926  
provisions governing the passage of the particular legislation by 927  
the taxing authority. 928

(V) "Mandatory sinking fund redemption requirements" means 929  
amounts required by proceedings to be deposited in a bond 930  
retirement fund for the purpose of paying in any year or fiscal 931  
year by mandatory redemption prior to stated maturity the 932  
principal of securities that is due and payable, except for 933  
mandatory prior redemption requirements as provided in those 934  
proceedings, in a subsequent year or fiscal year. 935

(W) "Mandatory sinking fund requirements" means amounts 936  
required by proceedings to be deposited in a year or fiscal year 937  
in a bond retirement fund for the purpose of paying the principal 938  
of securities that is due and payable in a subsequent year or 939

fiscal year.	940
(X) "Net indebtedness" has the same meaning as in division	941
(A) of section 133.04 of the Revised Code.	942
(Y) "Obligor," in the case of securities or fractionalized	943
interests in public obligations issued by another person the debt	944
charges or their equivalents on which are payable from payments	945
made by a public issuer, means that public issuer.	946
(Z) "One purpose" relating to permanent improvements means	947
any one permanent improvement or group or category of permanent	948
improvements for the same utility, enterprise, system, or project,	949
development or redevelopment project, or for or devoted to the	950
same general purpose, function, or use or for which	951
self-supporting securities, based on the same or different sources	952
of revenues, may be issued or for which special assessments may be	953
levied by a single ordinance or resolution. "One purpose"	954
includes, but is not limited to, in any case any off-street	955
parking facilities relating to another permanent improvement, and:	956
(1) Any number of roads, highways, streets, bridges,	957
sidewalks, and viaducts;	958
(2) Any number of off-street parking facilities;	959
(3) In the case of a county, any number of permanent	960
improvements for courthouse, jail, county offices, and other	961
county buildings, and related facilities;	962
(4) In the case of a school district, any number of	963
facilities and buildings for school district purposes, and related	964
facilities.	965
(AA) "Outstanding," referring to securities, means securities	966
that have been issued, delivered, and paid for, except any of the	967
following:	968
(1) Securities canceled upon surrender, exchange, or	969

transfer, or upon payment or redemption; 970

(2) Securities in replacement of which or in exchange for 971  
which other securities have been issued; 972

(3) Securities for the payment, or redemption or purchase for 973  
cancellation prior to maturity, of which sufficient moneys or 974  
investments, in accordance with the applicable legislation or 975  
other proceedings or any applicable law, by mandatory sinking fund 976  
redemption requirements, mandatory sinking fund requirements, or 977  
otherwise, have been deposited, and credited for the purpose in a 978  
bond retirement fund or with a trustee or paying or escrow agent, 979  
whether at or prior to their maturity or redemption, and, in the 980  
case of securities to be redeemed prior to their stated maturity, 981  
notice of redemption has been given or satisfactory arrangements 982  
have been made for giving notice of that redemption, or waiver of 983  
that notice by or on behalf of the affected security holders has 984  
been filed with the subdivision or its agent for the purpose. 985

(BB) "Paying agent" means the one or more banks, trust 986  
companies, or other financial institutions or qualified persons, 987  
including an appropriate office or officer of the subdivision, 988  
designated as a paying agent or place of payment of debt charges 989  
on the particular securities. 990

(CC) "Permanent improvement" or "improvement" means any 991  
property, asset, or improvement certified by the fiscal officer, 992  
which certification is conclusive, as having an estimated life or 993  
period of usefulness of five years or more, and includes, but is 994  
not limited to, real estate, buildings, and personal property and 995  
interests in real estate, buildings, and personal property, 996  
equipment, furnishings, and site improvements, and reconstruction, 997  
rehabilitation, renovation, installation, improvement, 998  
enlargement, and extension of property, assets, or improvements so 999  
certified as having an estimated life or period of usefulness of 1000

five years or more. The acquisition of all the stock ownership of  
a corporation is the acquisition of a permanent improvement to the  
extent that the value of that stock is represented by permanent  
improvements. A permanent improvement for parking, highway, road,  
and street purposes includes resurfacing, but does not include  
ordinary repair.

(DD) "Person" has the same meaning as in section 1.59 of the  
Revised Code and also includes any federal, state, interstate,  
regional, or local governmental agency, any subdivision, and any  
combination of those persons.

(EE) "Proceedings" means the legislation, certifications,  
notices, orders, sale proceedings, trust agreement or indenture,  
mortgage, lease, lease-purchase agreement, assignment, credit  
enhancement facility agreements, and other agreements,  
instruments, and documents, as amended and supplemented, and any  
election proceedings, authorizing, or providing for the terms and  
conditions applicable to, or providing for the security or sale or  
award of, public obligations, and includes the provisions set  
forth or incorporated in those public obligations and proceedings.

(FF) "Public issuer" means any of the following that is  
authorized by law to issue securities or enter into public  
obligations:

(1) The state, including an agency, commission, officer,  
institution, board, authority, or other instrumentality of the  
state;

(2) A taxing authority, subdivision, district, or other local  
public or governmental entity, and any combination or consortium,  
or public division, district, commission, authority, department,  
board, officer, or institution, thereof;

(3) Any other body corporate and politic, or other public  
entity.

(GG) "Public obligations" means both of the following:	1032
(1) Securities;	1033
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations bear interest or interest equivalent.	1034 1035 1036
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	1037 1038 1039
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	1040 1041 1042
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	1043 1044 1045
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	1046 1047 1048 1049 1050 1051 1052 1053
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the	1054 1055 1056 1057 1058 1059 1060 1061

fiscal officer to be sufficient to pay the current expenses of 1062  
that operation or of those improvements or enterprise, system, 1063  
project, or categories of improvements and the debt charges 1064  
payable from those receipts on securities issued for the purpose. 1065  
Until such time as the improvements or increases in rates and 1066  
charges have been in operation or effect for a period of at least 1067  
six months, the receipts therefrom, for purposes of this 1068  
definition, shall be those estimated by the fiscal officer, except 1069  
that those receipts may include, without limitation, payments made 1070  
and to be made to the subdivision under leases or agreements in 1071  
effect at the time the estimate is made. In the case of an 1072  
operation, improvements, or enterprise, system, project, or 1073  
category of improvements without at least a six-month history of 1074  
receipts, the estimate of receipts by the fiscal officer, other 1075  
than those to be derived under leases and agreements then in 1076  
effect, shall be confirmed by the taxing authority. 1077

(MM) "Subdivision" means any of the following: 1078

(1) A county, including a county that has adopted a charter 1079  
under Article X, Ohio Constitution; 1080

(2) A municipal corporation, including a municipal 1081  
corporation that has adopted a charter under Article XVIII, Ohio 1082  
Constitution; 1083

(3) A school district; 1084

(4) A regional water and sewer district organized under 1085  
Chapter 6119. of the Revised Code; 1086

(5) A joint township hospital district organized under 1087  
section 513.07 of the Revised Code; 1088

(6) A joint ambulance district organized under section 505.71 1089  
of the Revised Code; 1090

(7) A joint recreation district organized under division (C) 1091

of section 755.14 of the Revised Code;	1092
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	1093 1094 1095 1096
(9) A township police district organized under section 505.48 of the Revised Code;	1097 1098
(10) A township;	1099
(11) A joint fire district organized under section 505.371 of the Revised Code;	1100 1101
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	1102 1103 1104
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	1105 1106
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	1107 1108
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	1109 1110
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	1111 1112
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	1113 1114 1115
(NN) "Taxing authority" means in the case of the following subdivisions:	1116 1117
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter	1118 1119 1120

under Article X, Ohio Constitution, but with respect to such a	1121
library district acting solely as agent for the board of trustees	1122
of that district;	1123
(2) A municipal corporation, the legislative authority;	1124
(3) A school district, the board of education;	1125
(4) A regional water and sewer district, a joint ambulance	1126
district, a joint recreation district, a fire and ambulance	1127
district, or a joint fire district, the board of trustees of the	1128
district;	1129
(5) A joint township hospital district, the joint township	1130
hospital board;	1131
(6) A detention facility district or a district organized	1132
under section 2151.65 of the Revised Code, a combined district	1133
organized under sections 2152.41 and 2151.65 of the Revised Code,	1134
or a joint emergency medical services district, the joint board of	1135
county commissioners;	1136
(7) A township, a fire district organized under division (C)	1137
of section 505.37 of the Revised Code, or a township police	1138
district, the board of township trustees;	1139
(8) A joint solid waste management district organized under	1140
section 343.01 or 343.012 of the Revised Code, the board of	1141
directors of the district;	1142
(9) A subdivision described in division (MM)(17) of this	1143
section, the legislative or governing body or official.	1144
(00) "Tax limitation" means the "ten-mill limitation" as	1145
defined in section 5705.02 of the Revised Code without diminution	1146
by reason of section 5705.313 of the Revised Code or otherwise,	1147
or, in the case of a municipal corporation or county with a	1148
different charter limitation on property taxes levied to pay debt	1149
charges on unvoted securities, that charter limitation. Those	1150

limitations shall be respectively referred to as the "ten-mill  
limitation" and the "charter tax limitation." 1151  
1152

(PP) "Tax valuation" means the aggregate of the valuations of 1153  
property subject to ad valorem property taxation by the 1154  
subdivision on the real property, personal property, and public 1155  
utility property tax lists and duplicates most recently certified 1156  
for collection, and shall be calculated without deductions of the 1157  
valuations of otherwise taxable property exempt in whole or in 1158  
part from taxation by reason of exemptions of certain amounts of 1159  
taxable value under division (C) of section 5709.01 or section 1160  
323.152 of the Revised Code, or similar laws now or in the future 1161  
in effect. 1162

(QQ) "Year" means the calendar year. 1163

(RR) ~~"Interest rate hedge" means any arrangement by which  
either:~~ 1164  
1165

~~(1) The different interest costs or receipts at fixed  
interest rates and at floating interest rates, or at different  
maturities, are exchanged on stated amounts of bonds or  
investments, or on notional amounts;~~ 1166  
1167  
1168  
1169

~~(2) A party will pay interest costs in excess of an agreed  
limitation.~~ 1170  
1171

~~(SS)~~ "Administrative agent," "agent," "commercial paper," 1172  
"floating rate interest structure," "indexing agent," "interest 1173  
rate hedge," "interest rate period," "put arrangement," and 1174  
"remarketing agent" have the same meanings as in section 9.98 of 1175  
the Revised Code. 1176

~~(TT)~~(SS) "Sales tax supported" means obligations to the 1177  
payment of debt charges on which an additional sales tax or 1178  
additional sales taxes have been pledged by the taxing authority 1179  
of a county pursuant to section 133.081 of the Revised Code. 1180

**Sec. 151.01.** (A) As used in sections 151.01 to 151.09 and 1181  
151.40 of the Revised Code and in the applicable bond proceedings 1182  
unless otherwise provided: 1183

(1) "Bond proceedings" means the resolutions, orders, 1184  
agreements, and credit enhancement facilities, and amendments and 1185  
supplements to them, or any one or more or combination of them, 1186  
authorizing, awarding, or providing for the terms and conditions 1187  
applicable to or providing for the security or liquidity of, the 1188  
particular obligations, and the provisions contained in those 1189  
obligations. 1190

(2) "Bond service fund" means the respective bond service 1191  
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 1192  
151.08, 151.09, or 151.40 of the Revised Code, and any accounts in 1193  
that fund, including all moneys and investments, and earnings from 1194  
investments, credited and to be credited to that fund and accounts 1195  
as and to the extent provided in the applicable bond proceedings. 1196

(3) "Capital facilities" means capital facilities or projects 1197  
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 1198  
151.08, 151.09, or 151.40 of the Revised Code. 1199

(4) "Costs of capital facilities" means the costs of 1200  
acquiring, constructing, reconstructing, rehabilitating, 1201  
remodeling, renovating, enlarging, improving, equipping, or 1202  
furnishing capital facilities, and of the financing of those 1203  
costs. "Costs of capital facilities" includes, without limitation, 1204  
and in addition to costs referred to in section 151.03, 151.04, 1205  
151.05, 151.06, 151.07, 151.08, 151.09, or 151.40 of the Revised 1206  
Code, the cost of clearance and preparation of the site and of any 1207  
land to be used in connection with capital facilities, the cost of 1208  
any indemnity and surety bonds and premiums on insurance, all 1209  
related direct administrative expenses and allocable portions of 1210  
direct costs of the issuing authority, costs of engineering and 1211

architectural services, designs, plans, specifications, surveys, 1212  
and estimates of cost, financing costs, interest on obligations 1213  
from their date to the time when interest is to be paid from 1214  
sources other than proceeds of obligations, amounts necessary to 1215  
establish any reserves as required by the bond proceedings, the 1216  
reimbursement of all moneys advanced or applied by or borrowed 1217  
from any person or governmental agency or entity for the payment 1218  
of any item of costs of capital facilities, and all other expenses 1219  
necessary or incident to planning or determining feasibility or 1220  
practicability with respect to capital facilities, and such other 1221  
expenses as may be necessary or incident to the acquisition, 1222  
construction, reconstruction, rehabilitation, remodeling, 1223  
renovation, enlargement, improvement, equipment, and furnishing of 1224  
capital facilities, the financing of those costs, and the placing 1225  
of the capital facilities in use and operation, including any one, 1226  
part of, or combination of those classes of costs and expenses. 1227

(5) "Credit enhancement facilities," "financing costs," and 1228  
"interest" or "interest equivalent" have the same meanings as in 1229  
section 133.01 of the Revised Code. 1230

(6) "Debt service" means principal, including any mandatory 1231  
sinking fund or redemption requirements for retirement of 1232  
obligations, interest and other accreted amounts, interest 1233  
equivalent, and any redemption premium, payable on obligations. If 1234  
not prohibited by the applicable bond proceedings, debt service 1235  
may include costs relating to credit enhancement facilities that 1236  
are related to and represent, or are intended to provide a source 1237  
of payment of or limitation on, other debt service. 1238

(7) "Issuing authority" means the Ohio public facilities 1239  
commission created in section 151.02 of the Revised Code for 1240  
obligations issued under section 151.03, 151.04, 151.05, 151.07, 1241  
151.08, or 151.09 of the Revised Code, or the treasurer of state, 1242  
or the officer who by law performs the functions of that office, 1243

for obligations issued under section 151.06, ~~151.08~~, or 151.40 of 1244  
the Revised Code. 1245

(8) "Net proceeds" means amounts received from the sale of 1246  
obligations, excluding amounts used to refund or retire 1247  
outstanding obligations, amounts required to be deposited into 1248  
special funds pursuant to the applicable bond proceedings, and 1249  
amounts to be used to pay financing costs. 1250

(9) "Obligations" means bonds, notes, or other evidences of 1251  
obligation of the state, including any appertaining interest 1252  
coupons, issued under Section 2k, 2l, 2m, 2n, 2o or 15 of Article 1253  
VIII, Ohio Constitution, and pursuant to sections 151.01 to 151.09 1254  
or 151.40 of the Revised Code or other general assembly 1255  
authorization. 1256

(10) "Principal amount" means the aggregate of the amount as 1257  
stated or provided for in the applicable bond proceedings as the 1258  
amount on which interest or interest equivalent on particular 1259  
obligations is initially calculated. Principal amount does not 1260  
include any premium paid to the state by the initial purchaser of 1261  
the obligations. "Principal amount" of a capital appreciation 1262  
bond, as defined in division (C) of section 3334.01 of the Revised 1263  
Code, means its face amount, and "principal amount" of a zero 1264  
coupon bond, as defined in division (J) of section 3334.01 of the 1265  
Revised Code, means the discounted offering price at which the 1266  
bond is initially sold to the public, disregarding any purchase 1267  
price discount to the original purchaser, if provided for pursuant 1268  
to the bond proceedings. 1269

(11) "Special funds" or "funds," unless the context indicates 1270  
otherwise, means the bond service fund, and any other funds, 1271  
including any reserve funds, created under the bond proceedings 1272  
and stated to be special funds in those proceedings, including 1273  
moneys and investments, and earnings from investments, credited 1274  
and to be credited to the particular fund. Special funds do not 1275

include the school building program assistance fund created by 1276  
section 3318.25 of the Revised Code, the higher education 1277  
improvement fund created by division (F) of section 154.21 of the 1278  
Revised Code, the highway capital improvement bond fund created by 1279  
section 5528.53 of the Revised Code, the state parks and natural 1280  
resources fund created by section 1557.02 of the Revised Code, the 1281  
coal research and development fund created by section 1555.15 of 1282  
the Revised Code, the clean Ohio conservation fund created by 1283  
section 164.27 of the Revised Code, the clean Ohio revitalization 1284  
fund created by section 122.658 of the Revised Code, or other 1285  
funds created by the bond proceedings that are not stated by those 1286  
proceedings to be special funds. 1287

(B) Subject to Section 2l, 2m, 2n, 2o, or 15, and Section 17, 1288  
of Article VIII, Ohio Constitution, the state, by the issuing 1289  
authority, is authorized to issue and sell, as provided in 1290  
sections 151.03 to 151.09 or 151.40 of the Revised Code, and in 1291  
respective aggregate principal amounts as from time to time 1292  
provided or authorized by the general assembly, general 1293  
obligations of this state for the purpose of paying costs of 1294  
capital facilities or projects identified by or pursuant to 1295  
general assembly action. 1296

(C) Each issue of obligations shall be authorized by 1297  
resolution or order of the issuing authority. The bond proceedings 1298  
shall provide for or authorize the manner for determining the 1299  
principal amount or maximum principal amount of obligations of an 1300  
issue, the principal maturity or maturities, the interest rate or 1301  
rates, the date of and the dates of payment of interest on the 1302  
obligations, their denominations, and the place or places of 1303  
payment of debt service which may be within or outside the state. 1304  
Unless otherwise provided by law, the latest principal maturity 1305  
may not be later than the earlier of the thirty-first day of 1306  
December of the twenty-fifth calendar year after the year of 1307

issuance of the particular obligations or of the twenty-fifth 1308  
calendar year after the year in which the original obligation to 1309  
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 1310  
and 9.983 of the Revised Code apply to obligations. The purpose of 1311  
the obligations may be stated in the bond proceedings in general 1312  
terms, such as, as applicable, "financing or assisting in the 1313  
financing of projects as provided in Section 2l of Article VIII, 1314  
Ohio Constitution," "financing or assisting in the financing of 1315  
highway capital improvement projects as provided in Section 2m of 1316  
Article VIII, Ohio Constitution," "paying costs of capital 1317  
facilities for a system of common schools throughout the state as 1318  
authorized by Section 2n of Article VIII, Ohio Constitution," 1319  
"paying costs of capital facilities for state-supported and 1320  
state-assisted institutions of higher education as authorized by 1321  
Section 2n of Article VIII, Ohio Constitution," "paying costs of 1322  
coal research and development as authorized by Section 15 of 1323  
Article VIII, Ohio Constitution," "financing or assisting in the 1324  
financing of local subdivision capital improvement projects as 1325  
authorized by Section 2m of Article VIII, Ohio Constitution," 1326  
"paying costs of conservation projects as authorized by Section 2o 1327  
of Article VIII, Ohio Constitution," or "paying costs of 1328  
revitalization projects as authorized by Section 2o of Article 1329  
VIII, Ohio Constitution." 1330

(D) The issuing authority may appoint or provide for the 1331  
appointment of paying agents, bond registrars, securities 1332  
depositories, clearing corporations, and transfer agents, and may 1333  
without need for any other approval retain or contract for the 1334  
services of underwriters, investment bankers, financial advisers, 1335  
accounting experts, marketing, remarketing, indexing, and 1336  
administrative agents, other consultants, and independent 1337  
contractors, including printing services, as are necessary in the 1338  
judgment of the issuing authority to carry out the issuing 1339

authority's functions under this chapter. When the issuing 1340  
authority is the Ohio public facilities commission, the issuing 1341  
authority also may without need for any other approval retain or 1342  
contract for the services of attorneys and other professionals for 1343  
that purpose. Financing costs are payable, as may be provided in 1344  
the bond proceedings, from the proceeds of the obligations, from 1345  
special funds, or from other moneys available for the purpose. 1346

(E) The bond proceedings may contain additional provisions 1347  
customary or appropriate to the financing or to the obligations or 1348  
to particular obligations including, but not limited to, 1349  
provisions for: 1350

(1) The redemption of obligations prior to maturity at the 1351  
option of the state or of the holder or upon the occurrence of 1352  
certain conditions, and at particular price or prices and under 1353  
particular terms and conditions; 1354

(2) The form of and other terms of the obligations; 1355

(3) The establishment, deposit, investment, and application 1356  
of special funds, and the safeguarding of moneys on hand or on 1357  
deposit, in lieu of the applicability of provisions of Chapter 1358  
131. or 135. of the Revised Code, but subject to any special 1359  
provisions of sections 151.01 to 151.09 or 151.40 of the Revised 1360  
Code with respect to the application of particular funds or 1361  
moneys. Any financial institution that acts as a depository of any 1362  
moneys in special funds or other funds under the bond proceedings 1363  
may furnish indemnifying bonds or pledge securities as required by 1364  
the issuing authority. 1365

(4) Any or every provision of the bond proceedings being 1366  
binding upon the issuing authority and upon such governmental 1367  
agency or entity, officer, board, commission, authority, agency, 1368  
department, institution, district, or other person or body as may 1369  
from time to time be authorized to take actions as may be 1370

necessary to perform all or any part of the duty required by the	1371
provision;	1372
(5) The maintenance of each pledge or instrument comprising	1373
part of the bond proceedings until the state has fully paid or	1374
provided for the payment of the debt service on the obligations or	1375
met other stated conditions;	1376
(6) In the event of default in any payments required to be	1377
made by the bond proceedings, or by any other agreement of the	1378
issuing authority made as part of a contract under which the	1379
obligations were issued or secured, including a credit enhancement	1380
facility, the enforcement of those payments by mandamus, a suit in	1381
equity, an action at law, or any combination of those remedial	1382
actions;	1383
(7) The rights and remedies of the holders or owners of	1384
obligations or of book-entry interests in them, and of third	1385
parties under any credit enhancement facility, and provisions for	1386
protecting and enforcing those rights and remedies, including	1387
limitations on rights of individual holders or owners;	1388
(8) The replacement of mutilated, destroyed, lost, or stolen	1389
obligations;	1390
(9) The funding, refunding, or advance refunding, or other	1391
provision for payment, of obligations that will then no longer be	1392
outstanding for purposes of this section or of the applicable bond	1393
proceedings;	1394
(10) Amendment of the bond proceedings;	1395
(11) Any other or additional agreements with the owners of	1396
obligations, and such other provisions as the issuing authority	1397
determines, including limitations, conditions, or qualifications,	1398
relating to any of the foregoing.	1399
(F) The great seal of the state or a facsimile of it may be	1400

affixed to or printed on the obligations. The obligations 1401  
requiring execution by or for the issuing authority shall be 1402  
signed as provided in the bond proceedings. Any obligations may be 1403  
signed by the individual who on the date of execution is the 1404  
authorized signer although on the date of these obligations that 1405  
individual is not an authorized signer. In case the individual 1406  
whose signature or facsimile signature appears on any obligation 1407  
ceases to be an authorized signer before delivery of the 1408  
obligation, that signature or facsimile is nevertheless valid and 1409  
sufficient for all purposes as if that individual had remained the 1410  
authorized signer until delivery. 1411

(G) Obligations are investment securities under Chapter 1308. 1412  
of the Revised Code. Obligations may be issued in bearer or in 1413  
registered form, registrable as to principal alone or as to both 1414  
principal and interest, or both, or in certificated or 1415  
uncertificated form, as the issuing authority determines. 1416  
Provision may be made for the exchange, conversion, or transfer of 1417  
obligations and for reasonable charges for registration, exchange, 1418  
conversion, and transfer. Pending preparation of final 1419  
obligations, the issuing authority may provide for the issuance of 1420  
interim instruments to be exchanged for the final obligations. 1421

(H) Obligations may be sold at public sale or at private 1422  
sale, in such manner, and at such price at, above or below par, 1423  
all as determined by and provided by the issuing authority in the 1424  
bond proceedings. 1425

(I) Except to the extent that rights are restricted by the 1426  
bond proceedings, any owner of obligations or provider of a credit 1427  
enhancement facility may by any suitable form of legal proceedings 1428  
protect and enforce any rights relating to obligations or that 1429  
facility under the laws of this state or granted by the bond 1430  
proceedings. Those rights include the right to compel the 1431  
performance of all applicable duties of the issuing authority and 1432

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

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

(a) Obligations in the form of bond anticipation notes, and  
may provide for the renewal of those notes from time to time by  
the issuance of new notes. The holders of notes or appertaining  
interest coupons have the right to have debt service on those  
notes paid solely from the moneys and special funds that are or  
may be pledged to that payment, including the proceeds of bonds or  
renewal notes or both, as the issuing authority provides in the  
bond proceedings authorizing the notes. Notes may be additionally  
secured by covenants of the issuing authority to the effect that  
the issuing authority and the state will do all things necessary  
for the issuance of bonds or renewal notes in such principal  
amount and upon such terms as may be necessary to provide moneys  
to pay when due the debt service on the notes, and apply their

proceeds to the extent necessary, to make full and timely payment  
of debt service on the notes as provided in the applicable bond  
proceedings. In the bond proceedings authorizing the issuance of  
bond anticipation notes the issuing authority shall set forth for  
the bonds anticipated an estimated schedule of annual principal  
payments the latest of which shall be no later than provided in  
division (C) of this section. While the notes are outstanding  
there shall be deposited, as shall be provided in the bond  
proceedings for those notes, from the sources authorized for  
payment of debt service on the bonds, amounts sufficient to pay  
the principal of the bonds anticipated as set forth in that  
estimated schedule during the time the notes are outstanding,  
which amounts shall be used solely to pay the principal of those  
notes or of the bonds anticipated.

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

prior obligations were issued. 1497

(2) Except as otherwise provided in sections 151.01 to 151.09 1498  
or 151.40 of the Revised Code, bonds or notes authorized pursuant 1499  
to division (J) of this section are subject to the provisions of 1500  
those sections pertaining to obligations generally. 1501

(3) The principal amount of refunding or renewal obligations 1502  
issued pursuant to division (J) of this section shall be in 1503  
addition to the amount authorized by the general assembly as 1504  
referred to in division (B) of the following sections: section 1505  
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, or 151.40 1506  
of the Revised Code. 1507

(K) Obligations are lawful investments for banks, savings and 1508  
loan associations, credit union share guaranty corporations, trust 1509  
companies, trustees, fiduciaries, insurance companies, including 1510  
domestic for life and domestic not for life, trustees or other 1511  
officers having charge of sinking and bond retirement or other 1512  
special funds of the state and political subdivisions and taxing 1513  
districts of this state, the sinking fund, the administrator of 1514  
workers' compensation subject to the approval of the workers' 1515  
compensation board, the state teachers retirement system, the 1516  
public employees retirement system, the school employees 1517  
retirement system, and the Ohio police and fire pension fund, 1518  
notwithstanding any other provisions of the Revised Code or rules 1519  
adopted pursuant to those provisions by any state agency with 1520  
respect to investments by them, and are also acceptable as 1521  
security for the repayment of the deposit of public moneys. The 1522  
exemptions from taxation in Ohio as provided for in particular 1523  
sections of the Ohio Constitution and section 5709.76 of the 1524  
Revised Code apply to the obligations. 1525

(L)(1) Unless otherwise provided or provided for in any 1526  
applicable bond proceedings, moneys to the credit of or in a 1527

special fund shall be disbursed on the order of the issuing 1528  
authority. No such order is required for the payment, from the 1529  
bond service fund or other special fund, when due of debt service 1530  
or required payments under credit enhancement facilities. 1531

(2) Payments received by the state under interest rate hedges 1532  
entered into as credit enhancement facilities under this chapter 1533  
shall be deposited to the credit of the bond service fund for the 1534  
obligations to which those credit enhancement facilities relate. 1535

(M) The full faith and credit, revenue, and taxing power of 1536  
the state are and shall be pledged to the timely payment of debt 1537  
service on outstanding obligations as it comes due, all in 1538  
accordance with Section 2k, 2l, 2m, 2n, 2o, or 15 of Article VIII, 1539  
Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 1540  
151.07, 151.08, or 151.09 of the Revised Code. Moneys referred to 1541  
in Section 5a of Article XII, Ohio Constitution, may not be 1542  
pledged or used for the payment of debt service except on 1543  
obligations referred to in section 151.06 of the Revised Code. Net 1544  
state lottery proceeds, as provided for and referred to in section 1545  
3770.06 of the Revised Code, may not be pledged or used for the 1546  
payment of debt service except on obligations referred to in 1547  
section 151.03 of the Revised Code. The state covenants, and that 1548  
covenant shall be controlling notwithstanding any other provision 1549  
of law, that the state and the applicable officers and agencies of 1550  
the state, including the general assembly, shall, so long as any 1551  
obligations are outstanding in accordance with their terms, 1552  
maintain statutory authority for and cause to be levied, collected 1553  
and applied sufficient pledged excises, taxes, and revenues of the 1554  
state so that the revenues shall be sufficient in amounts to pay 1555  
debt service when due, to establish and maintain any reserves and 1556  
other requirements, and to pay financing costs, including costs of 1557  
or relating to credit enhancement facilities, all as provided for 1558  
in the bond proceedings. Those excises, taxes, and revenues are 1559

and shall be deemed to be levied and collected, in addition to the 1560  
purposes otherwise provided for by law, to provide for the payment 1561  
of debt service and financing costs in accordance with sections 1562  
151.01 to 151.09 of the Revised Code and the bond proceedings. 1563

(N) The general assembly may from time to time repeal or 1564  
reduce any excise, tax, or other source of revenue pledged to the 1565  
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 1566  
2o, or 15 of Article VIII, Ohio Constitution, and sections 151.01 1567  
to 151.09 or 151.40 of the Revised Code, and may levy, collect and 1568  
apply any new or increased excise, tax, or revenue to meet the 1569  
pledge, to the payment of debt service on outstanding obligations, 1570  
of the state's full faith and credit, revenue and taxing power, or 1571  
of designated revenues and receipts, except fees, excises or taxes 1572  
referred to in Section 5a of Article XII, Ohio Constitution, for 1573  
other than obligations referred to in section 151.06 of the 1574  
Revised Code and except net state lottery proceeds for other than 1575  
obligations referred to in section 151.03 of the Revised Code. 1576  
Nothing in division (N) of this section authorizes any impairment 1577  
of the obligation of this state to levy and collect sufficient 1578  
excises, taxes, and revenues to pay debt service on obligations 1579  
outstanding in accordance with their terms. 1580

(O) Each bond service fund is a trust fund and is hereby 1581  
pledged to the payment of debt service on the applicable 1582  
obligations. Payment of that debt service shall be made or 1583  
provided for by the issuing authority in accordance with the bond 1584  
proceedings without necessity for any act of appropriation. The 1585  
bond proceedings may provide for the establishment of separate 1586  
accounts in the bond service fund and for the application of those 1587  
accounts only to debt service on specific obligations, and for 1588  
other accounts in the bond service fund within the general 1589  
purposes of that fund. 1590

(P) Subject to the bond proceedings pertaining to any 1591

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

(Q) The issuing authority shall by the fifteenth day of July  
of each fiscal year, certify or cause to be certified to the  
office of budget and management the total amount of moneys  
required during the current fiscal year to meet in full all debt  
service on the respective obligations and any related financing  
costs payable from the applicable bond service fund and not from  
the proceeds of refunding or renewal obligations. The issuing  
authority shall make or cause to be made supplemental  
certifications to the office of budget and management for each  
debt service payment date and at such other times during each  
fiscal year as may be provided in the bond proceedings or  
requested by that office. Debt service, costs of credit  
enhancement facilities, and other financing costs shall be set  
forth separately in each certification. If and so long as the  
moneys to the credit of the bond service fund, together with any  
other moneys available for the purpose, are insufficient to meet  
in full all payments when due of the amount required as stated in  
the certificate or otherwise, the office of budget and management  
shall at the times as provided in the bond proceedings, and  
consistent with any particular provisions in sections 151.03 to  
151.09 and 151.40 of the Revised Code, transfer a sufficient  
amount to the bond service fund from the pledged revenues in the  
case of obligations issued pursuant to section 151.40 of the  
Revised Code, and in the case of other obligations from the  
revenues derived from excises, taxes, and other revenues,  
including net state lottery proceeds in the case of obligations

referred to in section 151.03 of the Revised Code. 1624

(R) Unless otherwise provided in any applicable bond 1625  
proceedings, moneys to the credit of special funds may be invested 1626  
by or on behalf of the state only in one or more of the following: 1627

(1) Notes, bonds, or other direct obligations of the United 1628  
States or of any agency or instrumentality of the United States, 1629  
or in no-front-end-load money market mutual funds consisting 1630  
exclusively of those obligations, or in repurchase agreements, 1631  
including those issued by any fiduciary, secured by those 1632  
obligations, or in collective investment funds consisting 1633  
exclusively of those obligations; 1634

(2) Obligations of this state or any political subdivision of 1635  
this state; 1636

(3) Certificates of deposit of any national bank located in 1637  
this state and any bank, as defined in section 1101.01 of the 1638  
Revised Code, subject to inspection by the superintendent of 1639  
financial institutions; 1640

(4) The treasurer of state's pooled investment program under 1641  
section 135.45 of the Revised Code. 1642

The income from investments referred to in division (R) of 1643  
this section shall, unless otherwise provided in sections 151.01 1644  
to 151.09 or 151.40 of the Revised Code, be credited to special 1645  
funds or otherwise as the issuing authority determines in the bond 1646  
proceedings. Those investments may be sold or exchanged at times 1647  
as the issuing authority determines, provides for, or authorizes. 1648

(S) The treasurer of state shall have responsibility for 1649  
keeping records, making reports, and making payments, relating to 1650  
any arbitrage rebate requirements under the applicable bond 1651  
proceedings. 1652

**Sec. 154.01.** As used in ~~Chapter 154. of the Revised Code~~ this 1653

<u>chapter:</u>	1654
(A) "Commission" means the Ohio public facilities commission created in section 151.02 of the Revised Code.	1655 1656
(B) "Obligations" means bonds, notes, or other evidences of obligation, including interest coupons pertaining thereto, issued pursuant to Chapter 154. of the Revised Code.	1657 1658 1659
(C) "Bond proceedings" means the order or orders, resolution or resolutions, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security of, obligations issued pursuant to Chapter 154. of the Revised Code, and the provisions contained in such obligations.	1660 1661 1662 1663 1664 1665 1666
(D) "State agencies" means the state of Ohio and officers, boards, commissions, departments, divisions, or other units or agencies of the state.	1667 1668 1669
(E) "Governmental agency" means state agencies, state supported and assisted institutions of higher education, municipal corporations, counties, townships, school districts, and any other political subdivision or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United States or any department, division, or agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.	1670 1671 1672 1673 1674 1675 1676 1677 1678
(F) "Institutions of higher education" and "state supported or state assisted institutions of higher education" means the state universities identified in section 3345.011 of the Revised Code, the medical college of Ohio at Toledo, the northeastern Ohio universities college of medicine, state universities or colleges at any time created, community college districts, university	1679 1680 1681 1682 1683 1684

branch districts, and technical college districts at any time 1685  
established or operating under Chapter 3354., 3355., or 3357. of 1686  
the Revised Code, and other institutions for education, including 1687  
technical education, beyond the high school, receiving state 1688  
support or assistance for their expenses of operation. 1689

(G) "Governing body" means: 1690

(1) In the case of institutions of higher education, the 1691  
board of trustees, board of directors, commission, or other body 1692  
vested by law with the general management, conduct, and control of 1693  
one or more institutions of higher education; 1694

(2) In the case of a county, the board of county 1695  
commissioners or other legislative body; in the case of a 1696  
municipal corporation, the council or other legislative body; in 1697  
the case of a township, the board of township trustees; in the 1698  
case of a school district, the board of education; 1699

(3) In the case of any other governmental agency, the 1700  
officer, board, commission, authority or other body having the 1701  
general management thereof or having jurisdiction or authority in 1702  
the particular circumstances. 1703

(H) "Person" means any person, firm, partnership, 1704  
association, or corporation. 1705

(I) "Bond service charges" means principal, including 1706  
mandatory sinking fund requirements for retirement of obligations, 1707  
and interest, and redemption premium, if any, required to be paid 1708  
by the state on obligations. If not prohibited by the applicable 1709  
bond proceedings, bond service charges may include costs relating 1710  
to credit enhancement facilities that are related to and 1711  
represent, or are intended to provide a source of payment of or 1712  
limitation on, other bond service charges. 1713

(J) "Capital facilities" means buildings, structures, and 1714

other improvements, and equipment, real estate, and interests in 1715  
real estate therefor, within the state, and any one, part of, or 1716  
combination of the foregoing, to serve the general purposes for 1717  
which the issuing authority is authorized to issue obligations 1718  
pursuant to Chapter 154. of the Revised Code, including, but not 1719  
limited to, drives, roadways, parking facilities, walks, lighting, 1720  
machinery, furnishings, utilities, landscaping, wharves, docks, 1721  
piers, reservoirs, dams, tunnels, bridges, retaining walls, 1722  
riprap, culverts, ditches, channels, watercourses, retention 1723  
basins, standpipes and water storage facilities, waste treatment 1724  
and disposal facilities, heating, air conditioning and 1725  
communications facilities, inns, lodges, cabins, camping sites, 1726  
golf courses, boat and bathing facilities, athletic and 1727  
recreational facilities, and site improvements. 1728

(K) "Costs of capital facilities" means the costs of 1729  
acquiring, constructing, reconstructing, rehabilitating, 1730  
remodeling, renovating, enlarging, improving, equipping, or 1731  
furnishing capital facilities, and the financing thereof, 1732  
including the cost of clearance and preparation of the site and of 1733  
any land to be used in connection with capital facilities, the 1734  
cost of any indemnity and surety bonds and premiums on insurance, 1735  
all related direct administrative expenses and allocable portions 1736  
of direct costs of the commission or issuing authority and 1737  
department of administrative services, or other designees of the 1738  
commission under section 154.17 of the Revised Code, cost of 1739  
engineering and architectural services, designs, plans, 1740  
specifications, surveys, and estimates of cost, legal fees, fees 1741  
and expenses of trustees, depositories, and paying agents for the 1742  
obligations, cost of issuance of the obligations and financing 1743  
charges and fees and expenses of financial advisers and 1744  
consultants in connection therewith, interest on obligations from 1745  
the date thereof to the time when interest is to be covered from 1746

sources other than proceeds of obligations, amounts necessary to 1747  
establish reserves as required by the bond proceedings, costs of 1748  
audits, the reimbursement of all moneys advanced or applied by or 1749  
borrowed from any governmental agency, whether to or by the 1750  
commission or others, from whatever source provided, for the 1751  
payment of any item or items of cost of the capital facilities, 1752  
any share of the cost undertaken by the commission pursuant to 1753  
arrangements made with governmental agencies under division (H) of 1754  
section 154.06 of the Revised Code, and all other expenses 1755  
necessary or incident to planning or determining feasibility or 1756  
practicability with respect to capital facilities, and such other 1757  
expenses as may be necessary or incident to the acquisition, 1758  
construction, reconstruction, rehabilitation, remodeling, 1759  
renovation, enlargement, improvement, equipment, and furnishing of 1760  
capital facilities, the financing thereof and the placing of the 1761  
same in use and operation, including any one, part of, or 1762  
combination of such classes of costs and expenses. 1763

(L) "Public service facilities" means inns, lodges, hotels, 1764  
cabins, camping sites, scenic trails, picnic sites, restaurants, 1765  
commissaries, golf courses, boating and bathing facilities and 1766  
other similar facilities in state parks. 1767

(M) "State parks" means: 1768

(1) State reservoirs described and identified in section 1769  
1541.06 of the Revised Code; 1770

(2) All lands or interests therein of the state identified as 1771  
administered by the division of parks and recreation in the 1772  
"inventory of state owned lands administered by the department of 1773  
natural resources as of June 1, 1963," as recorded in the journal 1774  
of the director, which inventory was prepared by the real estate 1775  
section of the department and is supported by maps now on file in 1776  
said real estate section; 1777

(3) All lands or interests in lands of the state designated 1778  
after June 1, 1963, as state parks in the journal of the director 1779  
with the approval of the recreation and resources council. 1780

State parks do not include any lands or interest in lands of 1781  
the state administered jointly by two or more divisions of the 1782  
department of natural resources. The designation of lands as state 1783  
parks under divisions (M)(1) to (3) of this section is conclusive 1784  
and such lands shall be under the control of and administered by 1785  
the division of parks and recreation. No order or proceeding 1786  
designating lands as state parks or park purchase areas is subject 1787  
to any appeal or review by any officer, board, commission, or 1788  
court. 1789

(N) "Bond service fund" means the applicable fund created for 1790  
and pledged to the payment of bond service charges under section 1791  
154.20, 154.21, ~~or 154.22~~, or 154.23 of the Revised Code, 1792  
including all moneys and investments, and earnings from 1793  
investments, credited and to be credited thereto. 1794

(O) "Improvement fund" means the applicable fund created for 1795  
the payment of costs of capital facilities under section 154.20, 1796  
154.21, ~~or 154.22~~, or 3383.09 of the Revised Code, including all 1797  
moneys and investments, and earnings from investments, credited 1798  
and to be credited thereto. 1799

(P) "Special funds" or "funds" means, except where the 1800  
context does not permit, the bond service funds, the improvements 1801  
funds, and any other funds for similar or different purposes 1802  
created under bond proceedings, including all moneys and 1803  
investments, and earnings from investments, credited and to be 1804  
credited thereto. 1805

(Q) "Year" unless the context indicates a different meaning 1806  
or intent, means a calendar year beginning on the first day of 1807  
January and ending on the thirty-first day of December. 1808

(R) "Fiscal year" means the period of twelve months beginning 1809  
on the first day of July and ending on the thirtieth day of June. 1810

(S) "Issuing authority" means the treasurer of state or the 1811  
officer or employee who by law performs the functions of that 1812  
office. 1813

(T) "Credit enhancement facilities" has the same meaning as 1814  
in section 133.01 of the Revised Code. 1815

(U) "Ohio cultural facility" and "Ohio sports facility" have 1816  
the same meanings as in section 3383.01 of the Revised Code. 1817

**Sec. 154.02.** (A) Pursuant to the provisions of Chapter 154. 1818  
of the Revised Code, the issuing authority may issue obligations 1819  
as from time to time authorized by or pursuant to act or 1820  
resolution of the general assembly, consistent with such 1821  
limitations thereon, subject to section 154.12 of the Revised 1822  
Code, as the general assembly may thereby prescribe as to 1823  
principal amount, bond service charges, or otherwise, and shall 1824  
cause the proceeds thereof to be applied to those capital 1825  
facilities designated by or pursuant to act of the general 1826  
assembly for mental hygiene and retardation, state supported and 1827  
assisted institutions of higher education, including technical 1828  
education, ~~and~~ and parks and recreation, Ohio cultural facilities, and 1829  
Ohio sports facilities. 1830

(B) The authority provided by Chapter 154. of the Revised 1831  
Code is in addition to any other authority provided by law for the 1832  
same or similar purposes, except as may otherwise specifically be 1833  
provided in Chapter 154. of the Revised Code. In case any section 1834  
or provision of Chapter 154. of the Revised Code or in case any 1835  
covenant, stipulation, obligation, resolution, trust agreement, 1836  
indenture, lease agreement, act, or action, or part thereof, made, 1837  
assumed, entered into, or taken under Chapter 154. of the Revised 1838

Code, or any application thereof, is for any reason held to be 1839  
illegal or invalid, such illegality or invalidity shall not affect 1840  
the remainder thereof or any other section or provision of Chapter 1841  
154. of the Revised Code or any other covenant, stipulation, 1842  
obligation, resolution, trust agreement, indenture, lease, 1843  
agreement, act, or action, or part thereof, made, assumed, entered 1844  
into, or taken under such chapter, which shall be construed and 1845  
enforced as if such illegal or invalid portion were not contained 1846  
therein, nor shall such illegality or invalidity or any 1847  
application thereof affect any legal and valid application 1848  
thereof, and each such section, provision, covenant, stipulation, 1849  
obligation, resolution, trust agreement, indenture, lease, 1850  
agreement, act, or action, or part thereof, shall be deemed to be 1851  
effective, operative, made, entered into or taken in the manner 1852  
and to the full extent permitted by law. 1853

**Sec. 154.07.** For the respective purposes provided in sections 1854  
154.20, 154.21, ~~and~~ 154.22, and 154.23 of the Revised Code, the 1855  
issuing authority may issue obligations of the state of Ohio as 1856  
provided in Chapter 154. of the Revised Code, provided that the 1857  
holders or owners of obligations shall have no right to have 1858  
excises or taxes levied by the general assembly for the payment of 1859  
the bond service charges. The right of holders and owners to 1860  
payment of bond service charges shall be limited to the revenues 1861  
or receipts and funds pledged thereto in accordance with Chapter 1862  
154. of the Revised Code, and each obligation shall bear on its 1863  
face a statement to that effect. Chapter 154. of the Revised Code 1864  
does not permit, and no provision of that chapter shall be applied 1865  
to authorize or grant, a pledge of charges for the treatment or 1866  
care of mental hygiene and retardation patients to bond service 1867  
charges on obligations other than those issued for capital 1868  
facilities for mental hygiene and retardation, or a pledge of any 1869  
receipts of or on behalf of state supported or state assisted 1870

institutions of higher education to bond service charges on 1871  
obligations other than those issued for capital facilities for 1872  
state supported or state assisted institutions of higher 1873  
education, or a pledge of receipts with respect to parks and 1874  
recreation to bond service charges on obligations other than those 1875  
issued for capital facilities for parks and recreation, or a 1876  
pledge of revenues or receipts received by or on behalf of any 1877  
state agency to bond service charges on obligations other than 1878  
those issued for capital facilities which are in whole or in part 1879  
useful to, constructed by, or financed by the state agency that 1880  
receives the revenues or receipts so pledged. 1881

Sec. 154.23. (A) Subject to authorization by the general 1882  
assembly under section 154.02 of the Revised Code, the issuing 1883  
authority may issue obligations pursuant to this chapter to pay 1884  
costs of capital facilities for Ohio cultural facilities and Ohio 1885  
sports facilities. 1886

(B) The Ohio public facilities commission may lease any 1887  
capital facilities for Ohio cultural facilities or Ohio sports 1888  
facilities to, and make or provide for other agreements with 1889  
respect to the use or purchase of such capital facilities with, 1890  
the Ohio cultural facilities commission and, with the Ohio 1891  
cultural facilities commission's approval, any governmental agency 1892  
having authority under law to operate such capital facilities. Any 1893  
lease or agreement shall be subject to Chapter 3383. of the 1894  
Revised Code. 1895

(C) For purposes of this section, "available receipts" means 1896  
any revenues or receipts derived by the Ohio public facilities 1897  
commission from the operation, leasing, or other disposition of 1898  
capital facilities financed under this section, the proceeds of 1899  
obligations issued under this section and section 154.11 or 154.12 1900  
of the Revised Code, and also means any gifts, grants, donations, 1901

and pledges, and receipts thereon, available for the payment of 1902  
bond service charges on obligations issued under this section. The 1903  
issuing authority may pledge all, or such portion as it 1904  
determines, of the available receipts to the payment of bond 1905  
service charges on obligations issued under this section and 1906  
section 154.11 or 154.12 of the Revised Code and for the 1907  
establishment and maintenance of any reserves, as provided in the 1908  
bond proceedings, and make other provisions therein with respect 1909  
to such available receipts as authorized by this chapter, which 1910  
provisions shall be controlling notwithstanding any other 1911  
provision of law pertaining thereto. 1912

(D) There is hereby created one or more funds, as determined 1913  
by the issuing authority in the bond proceedings, designated as 1914  
the "Ohio cultural facilities commission bond service fund" with, 1915  
if more than one such fund, such further identifying name as the 1916  
issuing authority determines, which shall be in the custody of the 1917  
treasurer of state but shall be separate and apart from and not a 1918  
part of the state treasury. All money received by or on account of 1919  
the issuing authority or the Ohio cultural facilities commission 1920  
and required by the applicable bond proceedings to be deposited, 1921  
transferred, or credited to the Ohio cultural facilities 1922  
commission bond service fund, and all other money transferred or 1923  
allocated to or received for the purposes of that fund shall be 1924  
deposited with the treasurer of state and credited to the 1925  
applicable fund, subject to applicable provisions of the bond 1926  
proceedings, but without necessity of any act or appropriation. 1927  
The Ohio cultural facilities commission bond service funds are 1928  
trust funds and are hereby pledged to the payment of bond service 1929  
charges on the applicable obligations issued pursuant to this 1930  
section and section 154.11 or 154.12 of the Revised Code to the 1931  
extent provided in the applicable bond proceedings, and payment 1932  
thereof from such funds shall be made or provided for by the 1933

treasurer of state in accordance with the applicable bond 1934  
proceedings without necessity for any act or appropriation. 1935

(E) This section is to be applied with other applicable 1936  
provisions of this chapter. 1937

**Sec. 755.16.** (A) Any municipal corporation, township, 1938  
township park district, county, or school district, jointly with 1939  
one or more other municipal corporations, townships, township park 1940  
districts, counties, or school districts or with an educational 1941  
service center, in any combination, and a joint recreation 1942  
district, may acquire property for, construct, operate, and 1943  
maintain any parks, playgrounds, playfields, gymnasiums, public 1944  
baths, swimming pools, indoor recreation centers, or community 1945  
centers, ~~and any.~~ Any school district or educational service 1946  
center may provide by the erection of any school or educational 1947  
service center building or ~~school~~ premises, or by the enlargement 1948  
of, addition to, or reconstruction or improvement of any school or 1949  
educational service center building or ~~school~~ premises, for the 1950  
inclusion of any such parks, recreational facilities, and 1951  
community centers to be jointly acquired, constructed, operated, 1952  
and maintained. Any municipal corporation, township, township park 1953  
district, county, or school district, jointly with one or more 1954  
other municipal corporations, townships, township park districts, 1955  
counties, or school districts or with an educational service 1956  
center, in any combination, and a joint recreation district, may 1957  
equip, operate, and maintain ~~such~~ those parks, recreational 1958  
facilities, and community centers and may appropriate money for 1959  
them. An educational service center also may appropriate money for 1960  
purposes of equipping, operating, and maintaining those parks, 1961  
recreational facilities, and community centers. 1962

Any municipal corporation, township, township park district, 1963  
county, ~~or~~ school district, or educational service center agreeing 1964

to jointly acquire, construct, operate, or maintain parks, 1965  
recreational facilities, and community centers pursuant to this 1966  
section may contribute lands, money, other personal property, or 1967  
services to the joint venture, as may be agreed upon. Any 1968  
agreement shall specify the rights of the parties in any lands or 1969  
personal property contributed. 1970

Any lands acquired by a township park district pursuant to 1971  
Chapter 511. of the Revised Code and established as a public park 1972  
or parks may be contributed to a joint venture authorized by this 1973  
section. Fees may be charged in connection with the use of any 1974  
recreational facilities and community centers that may be 1975  
constructed on those lands. 1976

(B) Any township may, jointly with a private land owner, 1977  
construct, operate, equip, and maintain free public playgrounds 1978  
and playfields. Any equipment provided by a township pursuant to 1979  
this division shall remain township property and shall be used 1980  
subject to a right of removal by the township. 1981

(C) As used in this section and in sections 755.17 and 755.18 1982  
of the Revised Code, ~~"community:~~ 1983

(1) "Community centers" means facilities characterized by all 1984  
of the following: 1985

~~(1)(a)~~ They are acquired, constructed, operated, or 1986  
maintained by political subdivisions, ~~school districts,~~ or a ~~joint~~ 1987  
~~recreation district~~ an educational service center pursuant to 1988  
division (A) of this section. 1989

~~(2)(b)~~ They may be used for governmental, civic, or 1990  
educational operations or recreational activities. 1991

~~(3)(c)~~ They may be used only by the entities that acquire, 1992  
construct, operate, or maintain them or by any other person upon 1993  
terms and conditions determined by those entities. 1994

(2) "Educational service center" has the same meaning as in 1995  
division (A) of section 3311.05 of the Revised Code. 1996

**Sec. 755.18.** All expenses incurred in the operation of parks, 1997  
playgrounds, playfields, gymnasiums, swimming pools, public baths, 1998  
indoor recreation centers, and community centers, established as 1999  
provided by sections 755.12 to 755.17 of the Revised Code, shall 2000  
be payable from the treasury of the municipal corporation, 2001  
township, township park district, county, or school district, or 2002  
in the case of a joint recreational district or an educational 2003  
service center, from its general fund. The local authorities of 2004  
~~such a~~ municipal corporation, county, township, township park 2005  
district, or school district, ~~having power to appropriate money~~ 2006  
~~therein,~~ may annually appropriate and cause to be raised by 2007  
taxation an amount for the purpose of maintaining and operating 2008  
~~such~~ those parks, recreational facilities, and community centers. 2009

A joint recreation district may levy a tax, subject to 2011  
Chapter 5705. of the Revised Code, to acquire, maintain, and 2012  
operate recreational facilities and community centers. 2013

**Sec. 1541.23.** There is hereby created in the state treasury 2014  
the parks capital expenses fund. The fund shall consist of moneys 2015  
transferred to it from the parks and recreation improvement fund 2016  
created in section 154.22 of the Revised Code. The parks capital 2017  
expenses fund shall be used to pay design, engineering, and 2018  
planning costs that are incurred by the department of natural 2019  
resources for parks-related capital projects. 2020

**Sec. 2716.11.** A proceeding for garnishment of property, other 2021  
than personal earnings, may be commenced after a judgment has been 2022  
obtained by a judgment creditor by the filing of an affidavit in 2023  
writing made by the judgment creditor or the judgment creditor's 2024

attorney setting forth all of the following: 2025

(A) The name of the judgment debtor whose property, other 2026  
than personal earnings, the judgment creditor seeks to garnish; 2027

(B) That the affiant has ~~good reason~~ a reasonable basis to 2028  
believe ~~and does believe~~ that the person named in the affidavit as 2029  
the garnishee may have property, other than personal earnings, of 2030  
the judgment debtor that is not exempt under the law of this state 2031  
or the United States; 2032

(C) A description of the property. 2033

**Sec. 2743.712.** (A) The attorney general, before taking any 2034  
action regarding enforcement of the reparations fund's right of 2035  
repayment, reimbursement, recovery, and subrogation pursuant to 2036  
section 2743.72 of the Revised Code, or before taking any other 2037  
action pursuant to that section, may investigate the need for that 2038  
action. 2039

(B)(1) For the purpose of determining whether action is 2040  
necessary under section 2743.72 of the Revised Code, the attorney 2041  
general may issue subpoenas and subpoenas duces tecum to compel 2042  
any person or entity to provide any information regarding 2043  
overpayments from the reparations fund or that the attorney 2044  
general determines would impact whether action should be taken 2045  
under section 2743.72 of the Revised Code. 2046

(2) If the attorney general issues a subpoena or subpoena 2047  
duces tecum under this section and if the materials required to be 2048  
produced are located outside this state, the attorney general may 2049  
designate one or more representatives, including officials of the 2050  
state in which the materials are located, to inspect the materials 2051  
on the attorney general's behalf, and the attorney general may 2052  
respond to similar requests from officials of other states. The 2053  
person or entity may make the materials available to the attorney 2054

general at a convenient location within the state.

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(3) At any time before the return day specified in the subpoena or subpoena duces tecum issued under this section or within twenty days after the subpoena or subpoena duces tecum has been served, whichever period is shorter, the person or entity subpoenaed may file with the court of common pleas of Franklin county a petition to extend the return day or to modify or quash the subpoena or subpoena duces tecum. The petition shall state good cause.

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(4) A person or entity who is subpoenaed under this section shall comply with the terms of the subpoena or subpoena duces tecum unless otherwise provided by an order of the court of common pleas of Franklin county entered prior to the day for return contained in the subpoena or as extended by the court. In the event a person or entity fails to comply with a subpoena or subpoena duces tecum issued under this section, that failure shall be contempt of court under division (C) of section 2705.02 of the Revised Code. The attorney general may file a charge of contempt of court under section 2705.03 of the Revised Code in the court of common pleas of Franklin county for that failure and may obtain an order adjudging the person or entity in contempt of court under section 2705.05 of the Revised Code.

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**Sec. 3301.21.** There is hereby created in the state treasury the state action for education leadership fund. Money received by the department of education from the Wallace foundation shall be deposited into the fund. All investment earnings of the fund shall be credited to the fund. The department shall use the money in the fund for the following purposes:

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(A) To develop leadership training programs for the big eight school districts, as defined in section 3314.02 of the Revised Code;

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<u>(B) To target training to teacher-leaders, principals, and union leaders;</u>	2086
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<u>(C) To increase administrators' and teachers' skills in using student assessment data to improve instructional decisions;</u>	2088
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<u>(D) To align district and building budget allocations with student performance data.</u>	2090
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<b>Sec. 3318.01.</b> As used in sections 3318.01 to 3318.20 of the Revised Code:	2092
	2093
(A) "Ohio school facilities commission" means the commission created pursuant to section 3318.30 of the Revised Code.	2094
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(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and may include space within which a child day-care facility or a community resource center is housed. "Classroom facilities" includes any space necessary for the operation of a vocational education program for secondary students in any school district that operates such a program.	2096
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(C) "Project" means a project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities, to be used for housing the applicable school district and its functions.	2106
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(D) "School district" means a local, exempted village, or city school district as such districts are defined in Chapter 3311. of the Revised Code, acting as an agency of state government, performing essential governmental functions of state government pursuant to sections 3318.01 <del>and</del> <u>to</u> 3318.20 of the Revised Code.	2110
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For purposes of assistance provided under sections 3318.40 to 2116  
3318.45 of the Revised Code, the term "school district" as used in 2117  
this section and in divisions (A), (C), and (D) of section 3318.03 2118  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 2119  
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 2120  
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 2121  
Code means a joint vocational school district established pursuant 2122  
to section 3311.18 of the Revised Code. 2123

(E) "School district board" means the board of education of a 2124  
school district. 2125

(F) "Net bonded indebtedness" means the difference between 2126  
the sum of the par value of all outstanding and unpaid bonds and 2127  
notes which a school district board is obligated to pay, and any 2128  
amounts the school district is obligated to pay under 2129  
lease-purchase agreements entered into under section 3313.375 of 2130  
the Revised Code, ~~and the par value of bonds authorized by the~~ 2131  
~~electors but not yet issued, the proceeds of which can lawfully be~~ 2132  
~~used for the project,~~ and the amount held in the sinking fund and 2133  
other indebtedness retirement funds for their redemption. Notes 2134  
issued for school buses in accordance with section 3327.08 of the 2135  
Revised Code, notes issued in anticipation of the collection of 2136  
current revenues, and bonds issued to pay final judgments shall 2137  
not be considered in calculating the net bonded indebtedness. 2138

"Net bonded indebtedness" does not include indebtedness 2139  
arising from the acquisition of land to provide a site for 2140  
classroom facilities constructed, acquired, or added to pursuant 2141  
to sections 3318.01 to 3318.20 of the Revised Code or the par 2142  
value of bonds that have been authorized by the electors and the 2143  
proceeds of which will be used by the district to provide any part 2144  
of its portion of the basic project cost. 2145

(G) "Board of elections" means the board of elections of the 2146

county containing the most populous portion of the school district. 2147  
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(H) "County auditor" means the auditor of the county in which the greatest value of taxable property of such school district is located. 2149  
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(I) "Tax duplicates" means the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code. 2152  
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(J) "Required level of indebtedness" means: 2155

(1) In the case of school districts in the first percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code. 2156  
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(2) In the case of school districts ranked in a subsequent percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project minus one)]. 2160  
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(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the school district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project. 2168  
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(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities commission. The basic project cost calculation shall take into consideration the square footage 2173  
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and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing classroom facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a school district may have to pay to undertake a classroom facilities project.

For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, the basic project cost calculation for a project under those sections shall also take into account the types of laboratory spaces and program square footages needed for the vocational education programs for high school students offered by the school district.

(M)(1) Except for a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the Revised Code.

(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code.

(N) "Child day-care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other

than the parent or guardian of such children for any part of the 2208  
day, including persons not employed by the school district 2209  
operating such classroom facility. 2210

(O) "Community resource center" means space within a 2211  
classroom facility in which comprehensive services that support 2212  
the needs of families and children are provided by community-based 2213  
social service providers. 2214

(P) "Valuation" means the total value of all property in the 2215  
school district as listed and assessed for taxation on the tax 2216  
duplicates. 2217

(Q) "Percentile" means the percentile in which the school 2218  
district is ranked pursuant to division (D) of section 3318.011 of 2219  
the Revised Code. 2220

(R) "Installation of site utilities" means the installation 2221  
of a site domestic water system, site fire protection system, site 2222  
gas distribution system, site sanitary system, site storm drainage 2223  
system, and site telephone and data system. 2224

(S) "Site preparation" means the earthwork necessary for 2225  
preparation of the building foundation system, the paved 2226  
pedestrian and vehicular circulation system, playgrounds on the 2227  
project site, and lawn and planting on the project site. 2228

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to 3318.33 2229  
of the Revised Code, the Ohio school facilities commission shall 2230  
periodically perform an assessment of the classroom facility needs 2231  
in the state to identify school districts in need of additional 2232  
classroom facilities, or replacement or reconstruction of existent 2233  
classroom facilities, and the cost to each such district of 2234  
constructing or acquiring such additional facilities or making 2235  
such renovations. 2236

(B) Based upon the most recent assessment conducted pursuant 2237

to division (A) of this section, the commission shall conduct 2238  
on-site visits to school districts identified as having classroom 2239  
facility needs to confirm the findings of the periodic assessment 2240  
and further evaluate the classroom facility needs of the district. 2241  
The evaluation shall assess the district's need to construct or 2242  
acquire new classroom facilities and may include an assessment of 2243  
the district's need for building additions or for the 2244  
reconstruction of existent buildings in lieu of constructing or 2245  
acquiring replacement buildings. 2246

(C)(1) Except as provided in division (C)(2) of this section, 2247  
on-site visits performed on or after May 20, 1997, shall be 2248  
performed in the order specified in this division. The first round 2249  
of on-site visits first succeeding the effective date of this 2250  
amendment, May 20, 1997, shall be limited to the school districts 2251  
in the first through fifth percentiles, excluding districts that 2252  
are ineligible for funding under this chapter pursuant to section 2253  
3318.04 of the Revised Code. The second round of on-site visits 2254  
shall be limited to the school districts in the first through 2255  
tenth percentiles, excluding districts that are ineligible for 2256  
funding under this chapter pursuant to section 3318.04 of the 2257  
Revised Code. Each succeeding round of on-site visits shall be 2258  
limited to the percentiles included in the immediately preceding 2259  
round of on-site visits plus the next five percentiles. Except for 2260  
the first round of on-site visits, no round of on-site visits 2261  
shall commence unless eighty per cent of the districts for which 2262  
on-site visits were performed during the immediately preceding 2263  
round, have had projects approved under section 3318.04 of the 2264  
Revised Code. 2265

(2) Notwithstanding division (C)(1) of this section, the 2266  
commission may perform on-site visits for school districts in the 2267  
next highest percentile to the percentiles included in the current 2268  
round of on-site visits, and then to succeeding percentiles one at 2269

a time, not to exceed the twenty-fifth percentile, if all of the following apply:

(a) Less than eighty per cent of the districts for which on-site visits were performed in the current round, and in any percentiles for which on-site visits were performed in addition to the current round pursuant to this division, have had projects approved under section 3318.04 of the Revised Code;

(b) There are funds appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code that are not reserved and encumbered for projects pursuant to section 3318.04 of the Revised Code;

(c) The commission makes a finding that such available funds would be more thoroughly utilized if on-site visits were extended to the next highest percentile.

(D) Notwithstanding divisions (B) and (C) of this section, in any ~~biennium~~ fiscal year, the commission may limit the number of districts for which it conducts on-site visits based upon its projections of the moneys available and moneys necessary to undertake projects under sections 3318.01 to 3318.33 of the Revised Code for ~~the current biennium~~ that year.

**Sec. 3318.03.** (A) Before conducting an on-site evaluation of a school district under section 3318.02 of the Revised Code, at the request of the district board of education, the Ohio school facilities commission shall examine any classroom facilities needs assessment that has been conducted by the district and any master plan developed for meeting the facility needs of the district.

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

(1) The needs of the school district for additional classroom

facilities;	2300
(2) The number of classroom facilities to be included in a project and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility;	2301 2302 2303
(3) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project and by the issuance of bonds under section 3318.05 of the Revised Code;	2304 2305 2306 2307 2308
(4) The remaining amount of such cost that shall be supplied by the state;	2309 2310
(5) The amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal <del>bienniums</del> <u>years</u> from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code.	2311 2312 2313 2314
(C) The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable.	2315 2316 2317 2318 2319 2320 2321 2322 2323 2324
If the school district board determines that an existing facility has historical value or for other good cause determines that an existing facility should be renovated in lieu of acquiring a comparable facility by new construction, the commission may approve the expenditure of project funds for the renovation of that facility up to but not exceeding one hundred per cent of the	2325 2326 2327 2328 2329 2330

estimated cost of acquiring a comparable facility by new 2331  
construction, as long as the commission determines that the 2332  
facility when renovated can be operationally efficient, will be 2333  
adequate for the future needs of the district, and will comply 2334  
with the other provisions of this division. 2335

(D) Sections 125.81 and 153.04 of the Revised Code shall not 2336  
apply to classroom facilities constructed under either sections 2337  
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 2338  
Code. 2339

**Sec. 3318.04.** (A) If the Ohio school facilities commission 2340  
makes a determination under section 3318.03 of the Revised Code in 2341  
favor of constructing, acquiring, reconstructing, or making 2342  
additions to a classroom facility, the project shall be 2343  
conditionally approved. Such conditional approval shall be 2344  
submitted to the controlling board for approval thereof. The 2345  
controlling board shall forthwith approve or reject the 2346  
commission's determination, conditional approval, the amount of 2347  
the state's portion of the basic project cost, and, the amount of 2348  
the state's portion to be encumbered in the current fiscal 2349  
~~biennium~~ year. In the event of approval thereof by the controlling 2350  
board, the commission shall certify such conditional approval to 2351  
the school district board and shall encumber from the total funds 2352  
appropriated for the purpose of sections 3318.01 to 3318.20 of the 2353  
Revised Code the amount approved under this section to be 2354  
encumbered in the current fiscal ~~biennium~~ year. 2355

The basic project cost for a project approved under this 2356  
section shall not exceed the cost that would otherwise have to be 2357  
incurred if the classroom facilities to be constructed, acquired, 2358  
or reconstructed, or the additions to be made to classroom 2359  
facilities, under such project meet, but do not exceed, the 2360  
specifications for plans and materials for classroom facilities 2361

adopted by the commission.

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

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

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The commission may provide assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to this division to no more than five school districts per fiscal year until all eligible school districts have received the additional assistance authorized under this division. The commission shall establish application procedures, deadlines, and priorities for funding projects under this division.

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

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

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

**Sec. 3318.11.** For any project undertaken with financial assistance from the state under this chapter, the amount of state appropriations to be encumbered for the project in each fiscal ~~biennium~~ year shall be determined by the Ohio school facilities commission based on the project's estimated construction schedule for that ~~biennium~~ year. In each fiscal ~~biennium~~ year subsequent to the first ~~biennium~~ year in which state appropriations are

encumbered for the project, the project has priority for state 2424  
funds over projects for which initial state funding is sought. 2425

**Sec. 3318.37.** (A)(1) As used in this section: 2426

(a) "Large land area school district" means a school district 2427  
with a territory of greater than three hundred square miles in any 2428  
percentile as determined under section 3318.011 of the Revised 2429  
Code. 2430

(b) "Low wealth school district" means a school district in 2431  
the first through fiftieth percentiles as determined under section 2432  
3318.011 of the Revised Code. 2433

(c) A "school district with an exceptional need for immediate 2434  
classroom facilities assistance" means a low wealth or large land 2435  
area school district with an exceptional need for new facilities 2436  
in order to protect the health and safety of all or a portion of 2437  
its students. 2438

(2) ~~School districts~~ No school district reasonably expected 2439  
to be eligible for state assistance under sections 3318.01 to 2440  
3318.20 of the Revised Code within three fiscal years after the 2441  
year of the application for assistance under this section ~~and~~ 2442  
~~school districts that participate in the school building~~ 2443  
~~assistance expedited local partnership program under section~~ 2444  
~~3318.36 of the Revised Code, except for such districts described~~ 2445  
~~in division (A)(3) of this section,~~ shall not be eligible for 2446  
assistance under this section, unless the district's entire 2447  
classroom facilities plan consists of only a single building 2448  
designed to house grades kindergarten through twelve and the 2449  
district satisfies the conditions prescribed in divisions 2450  
(A)(3)(a) and (b) of this section. 2451

(3) ~~School districts that participate~~ No school district that 2452  
participates in the school building assistance expedited local 2453

partnership program under section 3318.36 of the Revised Code ~~may~~ 2454  
shall receive assistance under the program established under this 2455  
section ~~only if~~ unless the following conditions are satisfied: 2456

(a) The district board adopted a resolution certifying its 2457  
intent to participate in the school building assistance expedited 2458  
local partnership program under section 3318.36 of the Revised 2459  
Code prior to September 14, 2000. 2460

(b) The district was selected by the Ohio school facilities 2461  
commission for participation in the school building assistance 2462  
expedited local partnership program under section 3318.36 of the 2463  
Revised Code in the manner prescribed by the commission under that 2464  
section as it existed prior to September 14, 2000. 2465

(B)(1) There is hereby established the exceptional needs 2466  
school facilities assistance program. Under the program, the Ohio 2467  
school facilities commission may set aside from the moneys 2468  
annually appropriated to it for classroom facilities assistance 2469  
projects up to twenty-five per cent for assistance to school 2470  
districts with exceptional needs for immediate classroom 2471  
facilities assistance. 2472

(2)(a) After consulting with education and construction 2473  
experts, the commission shall adopt guidelines for identifying 2474  
school districts with an exceptional need for immediate classroom 2475  
facilities assistance. 2476

(b) The guidelines shall include application forms and 2477  
instructions for school districts to use in applying for 2478  
assistance under this section. 2479

(3) The commission shall evaluate the classroom facilities, 2480  
and the need for replacement classroom facilities from the 2481  
applications received under this section. The commission, 2482  
utilizing the guidelines adopted under division (B)(2)(a) of this 2483  
section, shall prioritize the school districts to be assessed. 2484

Notwithstanding section 3318.02 of the Revised Code, the  
commission may conduct on-site evaluation of the school districts  
prioritized under this section and approve and award funds until  
such time as all funds set aside under division (B)(1) of this  
section have been encumbered. However, the commission need not  
conduct the evaluation of facilities if the commission determines  
that a district's assessment conducted under section 3318.36 of  
the Revised Code is sufficient for purposes of this section.

(4) Notwithstanding division (A) of section 3318.05 of the  
Revised Code, the school district's portion of the basic project  
cost under this section shall be the "required percentage of the  
basic project costs," as defined in division (K) of section  
3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any  
project undertaken with assistance under this section shall comply  
with all provisions of sections 3318.01 to 3318.20 of the Revised  
Code. A school district may receive assistance under sections  
3318.01 to 3318.20 of the Revised Code for the remainder of the  
district's classroom facilities needs as assessed under this  
section when the district is eligible for such assistance pursuant  
to section 3318.02 of the Revised Code, but any classroom facility  
constructed with assistance under this section shall not be  
included in a district's project at that time unless the  
commission determines the district has experienced the increased  
enrollment specified in division (B)(1) of section 3318.04 of the  
Revised Code.

(C) No school district shall receive assistance under this  
section for a classroom facility that has been included in the  
discrete part of the district's classroom facilities needs  
identified and addressed in the district's project pursuant to an  
agreement entered into under section 3318.36 of the Revised Code,  
unless the district's entire classroom facilities plan consists of

only a single building designed to house grades kindergarten 2517  
through twelve. 2518

**Sec. 3318.41.** (A)(1) The Ohio school facilities commission 2519  
annually shall assess the classroom facilities needs of the number 2520  
of joint vocational school districts that the commission 2521  
reasonably expects to be able to provide assistance to in a fiscal 2522  
year, based on the amount set aside for that fiscal year under 2523  
division (B) of section 3318.40 of the Revised Code and the order 2524  
of priority prescribed in division (B) of section 3318.42 of the 2525  
Revised Code, except that in fiscal year 2004 the commission shall 2526  
conduct at least the five assessments prescribed in division (E) 2527  
of section 3318.40 of the Revised Code. 2528

Upon conducting an assessment of the classroom facilities 2529  
needs of a school district, the commission shall make a 2530  
determination of all of the following: 2531

(a) The number of classroom facilities to be included in a 2532  
project and the basic project cost of acquiring the classroom 2533  
facilities included in the project. The number of facilities and 2534  
basic project cost shall be determined in accordance with the 2535  
specifications adopted under section 3318.311 of the Revised Code 2536  
except to the extent that compliance with such specifications is 2537  
waived by the commission pursuant to the rule of the commission 2538  
adopted under division (F) of section 3318.40 of the Revised Code. 2539

(b) The school district's portion of the basic project cost 2540  
as determined under division (C) of section 3318.42 of the Revised 2541  
Code; 2542

(c) The remaining portion of the basic project cost that 2543  
shall be supplied by the state; 2544

(d) The amount of the state's portion of the basic project 2545  
cost to be encumbered in accordance with section 3318.11 of the 2546

Revised Code in the current and subsequent fiscal ~~bienniums~~ years 2547  
from funds set aside under division (B) of section 3318.40 of the 2548  
Revised Code. 2549

(2) Divisions (A), (C), and (D) of section 3318.03 of the 2550  
Revised Code apply to any project under sections 3318.40 to 2551  
3318.45 of the Revised Code. 2552

(B)(1) If the commission makes a determination under division 2553  
(A) of this section in favor of the acquisition of classroom 2554  
facilities for a project under sections 3318.40 to 3318.45 of the 2555  
Revised Code, such project shall be conditionally approved. Such 2556  
conditional approval shall be submitted to the controlling board 2557  
for approval. The controlling board shall immediately approve or 2558  
reject the commission's determination, conditional approval, the 2559  
amount of the state's portion of the basic project cost, and the 2560  
amount of the state's portion of the basic project cost to be 2561  
encumbered in the current fiscal ~~biennium~~ year. In the event of 2562  
approval by the controlling board, the commission shall certify 2563  
the conditional approval to the joint vocational school district 2564  
board of education and shall encumber the approved funds for the 2565  
current fiscal year. 2566

(2) No school district that receives assistance under 2567  
sections 3318.40 to 3318.45 of the Revised Code shall have another 2568  
such project conditionally approved until the expiration of twenty 2569  
years after the school district's prior project was conditionally 2570  
approved, unless the school district board demonstrates to the 2571  
satisfaction of the commission that the school district has 2572  
experienced since conditional approval of its prior project an 2573  
exceptional increase in enrollment or program requirements 2574  
significantly above the school district's design capacity under 2575  
that prior project as determined by rule of the commission. Any 2576  
rule adopted by the commission to implement this division shall be 2577  
tailored to address the classroom facilities needs of joint 2578

vocational school districts. 2579

(C) In addition to generating the amount of the school 2580  
district's portion of the basic project cost as determined under 2581  
division (C) of section 3318.42 of the Revised Code, in order for 2582  
a school district to receive assistance under sections 3318.40 to 2583  
3318.45 of the Revised Code, the school district board shall set 2584  
aside school district moneys for the maintenance of the classroom 2585  
facilities included in the school district's project in the amount 2586  
and manner prescribed in section 3318.43 of the Revised Code. 2587

(D)(1) The conditional approval for a project certified under 2588  
division (B)(1) of this section shall lapse and the amount 2589  
reserved and encumbered for such project shall be released unless 2590  
both of the following conditions are satisfied: 2591

(a) Within one hundred twenty days following the date of 2592  
certification of the conditional approval to the joint vocational 2593  
school district board, the school district board accepts the 2594  
conditional approval and certifies to the commission the school 2595  
district board's plan to generate the school district's portion of 2596  
the basic project cost, as determined under division (C) of 2597  
section 3318.42 of the Revised Code, and to set aside moneys for 2598  
maintenance of the classroom facilities acquired under the 2599  
project, as prescribed in section 3318.43 of the Revised Code. 2600

(b) Within one year following the date of certification of 2601  
the conditional approval to the school district board, the 2602  
electors of the school district vote favorably on any ballot 2603  
measures proposed by the school district board to generate the 2604  
school district's portion of the basic project cost. 2605

(2) If the school district board or electors fail to satisfy 2606  
the conditions prescribed in division (D)(1) of this section and 2607  
the amount reserved and encumbered for the school district's 2608  
project is released, the school district shall be given first 2609

priority over other joint vocational school districts for project 2610  
funding under sections 3318.40 to 3318.45 of the Revised Code as 2611  
such funds become available. 2612

(E) If the conditions prescribed in division (D)(1) of this 2613  
section are satisfied, the commission and the school district 2614  
board shall enter into an agreement as prescribed in section 2615  
3318.08 of the Revised Code and shall proceed with the development 2616  
of plans, cost estimates, designs, drawings, and specifications as 2617  
prescribed in section 3318.091 of the Revised Code. 2618

(F) Costs in excess of those approved by the commission under 2619  
section 3318.091 of the Revised Code shall be payable only as 2620  
provided in sections 3318.042 and 3318.083 of the Revised Code. 2621

(G) Advertisement for bids and the award of contracts for 2622  
construction of any project under sections 3318.40 to 3318.45 of 2623  
the Revised Code shall be conducted in accordance with section 2624  
3318.10 of the Revised Code. 2625

(H) The state funds reserved and encumbered and the funds 2626  
provided by the school district to pay the basic project cost of a 2627  
project under sections 3318.40 to 3318.45 of the Revised Code 2628  
shall be spent simultaneously in proportion to the state's and the 2629  
school district's respective portions of that basic project cost. 2630

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 2631  
Code apply to projects under sections 3318.40 to 3318.45 of the 2632  
Revised Code. 2633

Sec. 3333.072. The Ohio board of regents, after consulting 2634  
with the state colleges and universities and with the office of 2635  
budget and management, shall adopt rules in accordance with 2636  
Chapter 119. of the Revised Code to govern the allocation of state 2637  
capital appropriations to state colleges and universities. In 2638  
drafting the rules, the board shall incorporate the 2639

recommendations of the final report of the commission to study 2640  
higher education debt service, issued June 28, 1994, as these 2641  
recommendations have been utilized and modified in procedures 2642  
developed by the board and the office of budget and management 2643  
since the report was issued. 2644

**Sec. 3345.50.** Notwithstanding anything to the contrary in 2645  
sections 123.01 and 123.15 of the Revised Code, a state 2646  
university, the medical college of Ohio at Toledo, a state 2647  
community college, or the northeastern Ohio universities college 2648  
of medicine not certified pursuant to section 123.17 of the 2649  
Revised Code may administer any capital facilities project for the 2650  
construction, reconstruction, improvement, renovation, 2651  
enlargement, or alteration of a public improvement under its 2652  
jurisdiction for which the total amount of funds expected to be 2653  
appropriated by the general assembly does not exceed four million 2654  
dollars without the supervision, control, or approval of the 2655  
department of administrative services as specified in those 2656  
sections, if both of the following occur: 2657

(A) Within sixty days after the effective date of the section 2658  
of an act in which the general assembly initially makes an 2659  
appropriation for the project, the board of trustees of the 2660  
institution notifies the Ohio board of regents in writing of its 2661  
intent to administer the capital facilities project; 2662

(B) The board of trustees complies with the guidelines 2663  
established pursuant to section 153.16 of the Revised Code and all 2664  
laws that govern the selection of consultants, preparation and 2665  
approval of contract documents, receipt of bids, and award of 2666  
contracts with respect to the project. 2667

The board of regents shall adopt rules in accordance with 2668  
Chapter 119. of the Revised Code that establish criteria for the 2669

administration by any such institution of higher education of a capital facilities project for which the total amount of funds expected to be appropriated by the general assembly exceeds four million dollars. The criteria, to be developed with the department of administrative services and higher education representatives selected by the board of regents, shall include such matters as the adequacy of the staffing levels and expertise needed for the institution to administer the project, past performance of the institution in administering such projects, and the amount of institutional or other nonstate money to be used in financing the project. The board of regents and the department of administrative services shall approve the request of any such institution of higher education that seeks to administer any such capital facilities project and meets the criteria set forth in the rules and in the requirements of division (B) of this section.

Sec. 3345.51. (A) Notwithstanding anything to the contrary in sections 123.01 and 123.15 of the Revised Code, a state university, the medical college of Ohio at Toledo, the northeastern Ohio universities college of medicine, or a state community college may administer any capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction for which funds are appropriated by the general assembly without the supervision, control, or approval of the department of administrative services as specified in those sections, if all of the following occur:

(1) The institution is certified by the state architect under section 123.17 of the Revised Code;

(2) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the

institution notifies the Ohio board of regents in writing of its 2701  
request to administer the capital facilities project and the board 2702  
of regents approves that request pursuant to division (B) of this 2703  
section; 2704

(3) The board of trustees passes a resolution stating its 2705  
intent to comply with section 153.13 of the Revised Code and the 2706  
guidelines established pursuant to section 153.16 of the Revised 2707  
Code and all laws that govern the selection of consultants, 2708  
preparation and approval of contract documents, receipt of bids, 2709  
and award of contracts with respect to the project. 2710

(B) The board of regents shall adopt rules in accordance with 2711  
Chapter 119. of the Revised Code that establish criteria for the 2712  
administration by any such institution of higher education of a 2713  
capital facilities project for which the general assembly 2714  
appropriates funds. The criteria, to be developed with the 2715  
department of administrative services and higher education 2716  
representatives selected by the board of regents, shall include 2717  
such matters as the adequacy of the staffing levels and expertise 2718  
needed for the institution to administer the project, past 2719  
performance of the institution in administering such projects, and 2720  
the amount of institutional or other nonstate money to be used in 2721  
financing the project. The board of regents shall approve the 2722  
request of any such institution of higher education that seeks to 2723  
administer any such capital facilities project and meets the 2724  
criteria set forth in the rules and the requirements of division 2725  
(A) of this section. 2726

(C) Any institution that administers a capital facilities 2727  
project under this section shall conduct biennial audits for the 2728  
duration of the project to ensure that the institution is 2729  
complying with Chapters 9., 123., and 153. of the Revised Code and 2730  
that the institution is using its certification issued under 2731  
section 123.17 of the Revised Code appropriately. The board of 2732

regents, in consultation with higher education representatives 2733  
selected by the board, shall adopt rules in accordance with 2734  
Chapter 119. of the Revised Code that establish criteria for the 2735  
conduct of the audits. The criteria shall include documentation 2736  
necessary to determine compliance with Chapters 9., 123., and 153. 2737  
of the Revised Code and a method to determine whether an 2738  
institution is using its certification issued under section 123.17 2739  
of the Revised Code appropriately. 2740

(D) The board of regents, in consultation with higher 2741  
education representatives selected by the board, shall adopt rules 2742  
in accordance with Chapter 119. of the Revised Code establishing 2743  
criteria for monitoring capital facilities projects administered 2744  
by institutions under this section. The criteria shall include the 2745  
following: 2746

(1) Conditions under which the board of regents may revoke 2747  
the authority of an institution to administer a capital facilities 2748  
project under this section, including the failure of an 2749  
institution to maintain a sufficient number of employees who have 2750  
successfully completed the certification program under section 2751  
123.17 of the Revised Code; 2752

(2) A process for institutions to remedy any problems found 2753  
by an audit conducted pursuant to division (C) of this section, 2754  
including the improper use of state funds or violations of Chapter 2755  
9., 123., or 153. of the Revised Code. 2756

(E) If the board of regents revokes an institution's 2757  
authority to administer a capital facilities project, the 2758  
department of administrative services shall administer the capital 2759  
facilities project. The board of regents also may require an 2760  
institution, for which the board revoked authority to administer a 2761  
capital facilities project, to acquire a new local administration 2762  
competency certification pursuant to section 123.17 of the Revised 2763

<u>Code.</u>	2764
<b>Sec. 3383.01.</b> As used in this chapter:	2765
(A) "Culture" means any of the following:	2766
(1) Visual, musical, dramatic, graphic, design, and other arts, including, but not limited to, architecture, dance, literature, motion pictures, music, painting, photography, sculpture, and theater, and the provision of training or education in these arts;	2767 2768 2769 2770 2771
(2) The presentation or making available, in museums or other indoor or outdoor facilities, of principles of science and their development, use, or application in business, industry, or commerce or of the history, heritage, development, presentation, and uses of the arts described in division (A)(1) of this section and of transportation;	2772 2773 2774 2775 2776 2777
(3) The preservation, presentation, or making available of features of archaeological, architectural, environmental, or historical interest or significance in a state historical facility or a local historical facility.	2778 2779 2780 2781
(B) "Cultural organization" means either of the following:	2782
(1) A governmental agency or Ohio nonprofit corporation that provides programs or activities in areas directly concerned with culture;	2783 2784 2785
(2) A regional arts and cultural district as defined in section 3381.01 of the Revised Code.	2786 2787
(C) "Cultural project" means all or any portion of an Ohio cultural facility for which the general assembly has specifically authorized the spending of money, or made an appropriation, pursuant to division (D)(3) or (E) of section 3383.07 of the Revised Code.	2788 2789 2790 2791 2792

(D) "Cooperative contract" means a contract between the Ohio cultural facilities commission and a cultural organization providing the terms and conditions of the cooperative use of an Ohio cultural facility.

(E) "Costs of operation" means amounts required to manage an Ohio cultural facility that are incurred following the completion of construction of its cultural project, provided that both of the following apply:

(1) Those amounts either:

(a) Have been committed to a fund dedicated to that purpose;

(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.

(2) The commission and the cultural organization have executed an agreement with respect to either of those funds.

(F) "General building services" means general building services for an Ohio cultural facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

(G) "Governmental agency" means a state agency, a state-supported or state-assisted institution of higher education, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.

(H) "Local contributions" means the value of an asset 2823  
provided by or on behalf of a cultural organization from sources 2824  
other than the state, the value and nature of which shall be 2825  
approved by the Ohio cultural facilities commission, in its sole 2826  
discretion. "Local contributions" may include the value of the 2827  
site where a cultural project is to be constructed. All "local 2828  
contributions," except a contribution attributable to such a site, 2829  
shall be for the costs of construction of a cultural project or 2830  
the creation or expansion of an endowment for the costs of 2831  
operation of a cultural facility. 2832

(I) "Local historical facility" means a site or facility, 2833  
other than a state historical facility, of archaeological, 2834  
architectural, environmental, or historical interest or 2835  
significance, or a facility, including a storage facility, 2836  
appurtenant to the operations of such a site or facility, that is 2837  
owned by a cultural organization, provided the facility meets the 2838  
requirements of division (K)(2)(b) of this section, is managed by 2839  
or pursuant to a contract with the Ohio cultural facilities 2840  
commission, and is used for or in connection with the activities 2841  
of the commission, including the presentation or making available 2842  
of culture to the public. 2843

(J) "Manage," "operate," or "management" means the provision 2844  
of, or the exercise of control over the provision of, activities: 2845

(1) Relating to culture for an Ohio cultural facility, 2846  
including as applicable, but not limited to, providing for 2847  
displays, exhibitions, specimens, and models; booking of artists, 2848  
performances, or presentations; scheduling; and hiring or 2849  
contracting for directors, curators, technical and scientific 2850  
staff, ushers, stage managers, and others directly related to the 2851  
cultural activities in the facility; but not including general 2852  
building services; 2853

(2) Relating to sports and athletic events for an Ohio sports facility, including as applicable, but not limited to, providing for booking of athletes, teams, and events; scheduling; and hiring or contracting for staff, ushers, managers, and others directly related to the sports and athletic events in the facility; but not including general building services.

(K) "Ohio cultural facility" means any of the following:

(1) The theaters located in the state office tower at 77 South High street in Columbus;

(2) Any capital facility in this state to which both of the following apply:

(a) The construction of a cultural project related to the facility was authorized or funded by the general assembly pursuant to division (D)(3) of section 3383.07 of the Revised Code and proceeds of state bonds are used for costs of the cultural project.

(b) The facility is managed directly by, or is subject to a cooperative or management contract with, the Ohio cultural facilities commission, and is used for or in connection with the activities of the commission, including the presentation or making available of culture to the public and the provision of training or education in culture.

(3) A state historical facility or a local historical facility.

(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies.

(M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site

improvements, and related equipping and furnishing.

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(N) "State historical facility" means a site or facility of  
archaeological, architectural, environmental, or historical  
interest or significance, or a facility, including a storage  
facility, appurtenant to the operations of such a site or  
facility, that is owned by or is located on real property owned by  
the state or by a cultural organization, so long as the real  
property of the cultural organization is contiguous to state owned  
real property that is in the care, custody, and control of a  
cultural organization, and that has all of the following  
characteristics:

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(1) It is created, supervised, operated, protected,  
maintained, and promoted by the Ohio historical society pursuant  
to the society's performance of public functions under sections  
149.30 and 149.302 of the Revised Code.

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(2) Its title must reside wholly or in part with the state,  
the society, or both the state and the society.

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(3) It is managed directly by or is subject to a cooperative  
or management contract with the Ohio cultural facilities  
commission and is used for or in connection with the activities of  
the commission, including the presentation or making available of  
culture to the public.

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(O) "Ohio sports facility" means all or a portion of a  
stadium, arena, motorsports complex, or other capital facility in  
this state, a primary purpose of which is to provide a site or  
venue for the presentation to the public of either motorsports  
events or events of one or more major or minor league professional  
athletic or sports teams that are associated with the state or  
with a city or region of the state, which facility is, in the case  
of a motorsports complex, owned by the state or governmental  
agency, or in all other instances, is owned by or is located on

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real property owned by the state or a governmental agency, and 2915  
including all parking facilities, walkways, and other auxiliary 2916  
facilities, equipment, furnishings, and real and personal property 2917  
and interests and rights therein, that may be appropriate for or 2918  
used for or in connection with the facility or its operation, for 2919  
capital costs of which state funds are spent pursuant to this 2920  
chapter. A facility constructed as an Ohio sports facility may be 2921  
both an Ohio cultural facility and an Ohio sports facility. 2922

(P) "Motorsports" means sporting events in which motor 2923  
vehicles are driven on a clearly demarcated tracked surface. 2924

**Sec. 3383.02.** (A) There is hereby created the Ohio cultural 2925  
facilities commission. ~~Notwithstanding any provision to the~~ 2926  
~~contrary contained in Chapter 152. of the Revised Code, the~~ The 2927  
commission shall engage in and provide for the development, 2928  
performance, and presentation or making available of culture and 2929  
professional sports and athletics to the public in this state, and 2930  
the provision of training or education in culture, by the exercise 2931  
of its powers under this chapter, including the provision, 2932  
operation, management, and cooperative use of Ohio cultural 2933  
facilities and Ohio sports facilities. The commission is a body 2934  
corporate and politic, an agency of state government and an 2935  
instrumentality of the state, performing essential governmental 2936  
functions of this state. The carrying out of the purposes and the 2937  
exercise by the commission of its powers conferred by this chapter 2938  
are essential public functions and public purposes of the state 2939  
and of state government. The commission may, in its own name, sue 2940  
and be sued, enter into contracts, and perform all the powers and 2941  
duties given to it by this chapter; however, it does not have and 2942  
shall not exercise the power of eminent domain. 2943

(B) The commission shall consist of ten members, seven of 2944  
whom shall be voting members and three of whom shall be nonvoting 2945

members. The seven voting members shall be appointed by the  
governor, with the advice and consent of the senate, from  
different geographical regions of the state. In addition, one of  
the voting members shall represent the state architect. Not more  
than four of the members appointed by the governor shall be  
affiliated with the same political party. The nonvoting members  
shall be the staff director of the Ohio arts council, a member of  
the senate appointed by the president of the senate, and a member  
of the house of representatives appointed by the speaker of the  
house.

(C) Of the five initial appointments made by the governor,  
one shall be for a term expiring December 31, 1989, two shall be  
for terms expiring December 31, 1990, and two shall be for terms  
expiring December 31, 1991. Of the initial appointments of the  
sixth and seventh voting members made by the governor, one shall  
be for a term expiring December 31, 2003, and one shall be for a  
term expiring December 31, 2004. Thereafter, each such term shall  
be for three years, commencing on the first day of January and  
ending on the thirty-first day of December. Each appointment by  
the president of the senate and by the speaker of the house of  
representatives shall be for the balance of the then legislative  
biennium. Each member shall hold office from the date of the  
member's appointment until the end of the term for which the  
member was appointed. Any member appointed to fill a vacancy  
occurring prior to the expiration of the term for which the  
member's predecessor was appointed shall hold office for the  
remainder of such term. Any member shall continue in office  
subsequent to the expiration date of the member's term until the  
member's successor takes office, or until a period of sixty days  
has elapsed, whichever occurs first.

(D) Members of the commission shall serve without  
compensation.

(E) Organizational meetings of the commission shall be held 2978  
at the first meeting of each calendar year. At each organizational 2979  
meeting, the commission shall elect from among its voting members 2980  
a chairperson, a vice-chairperson, and a secretary-treasurer, who 2981  
shall serve until the next annual meeting. The commission shall 2982  
adopt rules pursuant to section 111.15 of the Revised Code for the 2983  
conduct of its internal business and shall keep a journal of its 2984  
proceedings. 2985

(F) Four voting members of the commission constitute a 2986  
quorum, and the affirmative vote of four members is necessary for 2987  
approval of any action taken by the commission. A vacancy in the 2988  
membership of the commission does not impair a quorum from 2989  
exercising all the rights and performing all the duties of the 2990  
commission. Meetings of the commission may be held anywhere in the 2991  
state, and shall be held in compliance with section 121.22 of the 2992  
Revised Code. 2993

(G) All expenses incurred in carrying out this chapter are 2994  
payable solely from money accrued under this chapter or 2995  
appropriated for these purposes by the general assembly, and the 2996  
commission shall incur no liability or obligation beyond such 2997  
money. 2998

(H) The commission shall file an annual report of its 2999  
activities and finances with the governor, director of budget and 3000  
management, speaker of the house of representatives, president of 3001  
the senate, and chairpersons of the house and senate finance 3002  
committees. 3003

(I) There is hereby established in the state treasury the 3004  
Ohio cultural facilities commission administration fund. All 3005  
revenues of the commission shall be credited to that fund and to 3006  
any accounts created in the fund with the commission's approval. 3007  
All expenses of the commission, including reimbursement of, or 3008

payment to, any other fund or any governmental agency for advances 3009  
made or services rendered to or on behalf of the commission, shall 3010  
be paid from the Ohio cultural facilities commission 3011  
administration fund as determined by or pursuant to directions of 3012  
the commission. All investment earnings of the administration fund 3013  
shall be credited to the fund and shall be allocated among any 3014  
accounts created in the fund in the manner determined by the 3015  
commission. 3016

(J) Title to all real property and lesser interests in real 3017  
property acquired by the commission, including leasehold and other 3018  
interests, pursuant to this chapter shall be taken in the name of 3019  
the state and shall be held for the use and benefit of the 3020  
commission. The commission shall not mortgage such real property 3021  
and interests in real property. Title to other property and 3022  
interests in it acquired by the commission pursuant to this 3023  
chapter shall be taken in its name. 3024

**Sec. 3383.07.** (A) The department of administrative services 3025  
shall provide for the construction of a cultural project in 3026  
conformity with Chapter 153. of the Revised Code, except as 3027  
follows: 3028

~~(1) For a cultural project that has an estimated construction 3029  
cost, excluding the cost of acquisition, of twenty five million 3030  
dollars or more, and that is financed by the Ohio building 3031  
authority, construction services may be provided by the authority 3032  
if the authority determines it should provide those services. 3033~~

~~(2)~~ For a cultural project other than a state historical 3034  
facility, construction services may be provided on behalf of the 3035  
state by the Ohio cultural facilities commission, or by a 3036  
governmental agency or a cultural organization that occupies, will 3037  
occupy, or is responsible for the Ohio cultural facility, as 3038  
determined by the commission. Construction services to be provided 3039

by a governmental agency or a cultural organization shall be 3040  
specified in an agreement between the commission and the 3041  
governmental agency or cultural organization. The agreement, or 3042  
any actions taken under it, are not subject to Chapter 123. or 3043  
153. of the Revised Code, except for sections 123.081 and 153.011 3044  
of the Revised Code, and shall be subject to Chapter 4115. of the 3045  
Revised Code. 3046

~~+3~~(2) For a cultural project that is a state historical 3047  
facility, construction services may be provided by the Ohio 3048  
cultural facilities commission or by a cultural organization that 3049  
occupies, will occupy, or is responsible for the facility, as 3050  
determined by the commission. The construction services to be 3051  
provided by the cultural organization shall be specified in an 3052  
agreement between the commission and the cultural organization. 3053  
That agreement, and any actions taken under it, are not subject to 3054  
Chapter 123., 153., or 4115. of the Revised Code. 3055

(B) For an Ohio sports facility that is financed in part by 3056  
~~the Ohio building authority obligations issued pursuant to Chapter~~ 3057  
~~154. of the Revised Code~~, construction services shall be provided 3058  
on behalf of the state by or at the direction of the governmental 3059  
agency or nonprofit corporation that will own or be responsible 3060  
for the management of the facility, all as determined by the Ohio 3061  
cultural facilities commission. Any construction services to be 3062  
provided by a governmental agency or nonprofit corporation shall 3063  
be specified in an agreement between the commission and the 3064  
governmental agency or nonprofit corporation. That agreement, and 3065  
any actions taken under it, are not subject to Chapter 123. or 3066  
153. of the Revised Code, except for sections 123.081 and 153.011 3067  
of the Revised Code, and shall be subject to Chapter 4115. of the 3068  
Revised Code. 3069

(C) General building services for an Ohio cultural facility 3070  
shall be provided by the Ohio cultural facilities commission or by 3071

a cultural organization that occupies, will occupy, or is responsible for the facility, as determined by the commission, except that the Ohio building authority may elect to provide those services for Ohio cultural facilities financed with proceeds of state bonds issued by the authority. The costs of management and general building services shall be paid by the cultural organization that occupies, will occupy, or is responsible for the facility as provided in an agreement between the commission and the cultural organization, except that the state may pay for general building services for state-owned cultural facilities constructed on state-owned land.

General building services for an Ohio sports facility shall be provided by or at the direction of the governmental agency or nonprofit corporation that will be responsible for the management of the facility, all as determined by the commission. Any general building services to be provided by a governmental agency or nonprofit corporation for an Ohio sports facility shall be specified in an agreement between the commission and the governmental agency or nonprofit corporation. That agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.081 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

(D) This division does not apply to a state historical facility. No state funds, including any state bond proceeds, shall be spent on the construction of any cultural project under this chapter unless, with respect to the cultural project and to the Ohio cultural facility related to the project, all of the following apply:

(1) The Ohio cultural facilities commission has determined that there is a need for the cultural project and the Ohio cultural facility related to the project in the region of the

state in which the Ohio cultural facility is located or for which 3104  
the facility is proposed. 3105

(2) The commission has determined that, as an indication of 3106  
substantial regional support for the cultural project, the 3107  
cultural organization has made provision satisfactory to the 3108  
commission, in its sole discretion, for local contributions 3109  
amounting to not less than fifty per cent of the total state 3110  
funding for the cultural project. 3111

(3) The general assembly has specifically authorized the 3112  
spending of money on, or made an appropriation for, the 3113  
construction of the cultural project, or for rental payments 3114  
relating to the financing of the construction of the cultural 3115  
project. Authorization to spend money, or an appropriation, for 3116  
planning the cultural project does not constitute authorization to 3117  
spend money on, or an appropriation for, construction of the 3118  
cultural project. 3119

(E) No state funds, including any state bond proceeds, shall 3120  
be spent on the construction of any state historical facility 3121  
under this chapter unless the general assembly has specifically 3122  
authorized the spending of money on, or made an appropriation for, 3123  
the construction of the state historical project related to the 3124  
facility, or for rental payments relating to the financing of the 3125  
construction of the state historical project. Authorization to 3126  
spend money, or an appropriation, for planning the state 3127  
historical project does not constitute authorization to spend 3128  
money on, or an appropriation for, the construction of the state 3129  
historical project. 3130

(F) State funds shall not be used to pay or reimburse more 3131  
than fifteen per cent of the initial estimated construction cost 3132  
of an Ohio sports facility, excluding any site acquisition cost, 3133  
and no state funds, including any state bond proceeds, shall be 3134

spent on any Ohio sports facility under this chapter unless, with  
respect to that facility, all of the following apply:

(1) The Ohio cultural facilities commission has determined  
that there is a need for the facility in the region of the state  
for which the facility is proposed to provide the function of an  
Ohio sports facility as provided for in this chapter.

(2) As an indication of substantial local support for the  
facility, the commission has received a financial and development  
plan satisfactory to it, and provision has been made, by agreement  
or otherwise, satisfactory to the commission, for a contribution  
amounting to not less than eighty-five per cent of the total  
estimated construction cost of the facility, excluding any site  
acquisition cost, from sources other than the state.

(3) The general assembly has specifically authorized the  
spending of money on, or made an appropriation for, the  
construction of the facility, or for rental payments relating to  
state financing of all or a portion of the costs of constructing  
the facility. Authorization to spend money, or an appropriation,  
for planning or determining the feasibility of or need for the  
facility does not constitute authorization to spend money on, or  
an appropriation for, costs of constructing the facility.

(4) If state bond proceeds are being used for the Ohio sports  
facility, the state or a governmental agency owns or has  
sufficient property interests in the facility or in the site of  
the facility or in the portion or portions of the facility  
financed from proceeds of state bonds, which may include, but is  
not limited to, the right to use or to require the use of the  
facility for the presentation of sport and athletic events to the  
public at the facility.

(G) In addition to the requirements of division (F) of this  
section, no state funds, including any state bond proceeds, shall

be spent on any Ohio sports facility that is a motorsports 3166  
complex, unless, with respect to that facility, both of the 3167  
following apply: 3168

(1) Motorsports events shall be presented at the facility 3169  
pursuant to a lease entered into with the owner of the facility. 3170  
The term of the lease shall be for a period of not less than the 3171  
greater of the useful life of the portion of the facility financed 3172  
from proceeds of state bonds as determined using the guidelines 3173  
for maximum maturities as provided under divisions (B) and (C) of 3174  
section 133.20 of the Revised Code, or the period of time 3175  
remaining to the date of payment or provision for payment of 3176  
outstanding state bonds allocable to costs of the facility, all as 3177  
determined by the director of budget and management and certified 3178  
by the director to the Ohio cultural facilities commission and to 3179  
the ~~Ohio building authority~~ treasurer of state. 3180

(2) Any motorsports organization that commits to using the 3181  
facility for an established period of time shall give the 3182  
political subdivision in which the facility is located not less 3183  
than six months' advance notice if the organization intends to 3184  
cease utilizing the facility prior to the expiration of that 3185  
established period. Such a motorsports organization shall be 3186  
liable to the state for any state funds used on the construction 3187  
costs of the facility. 3188

**Sec. 3770.073.** (A) If a person is entitled to a lottery prize 3189  
award and is indebted to the state for the payment of any tax, 3190  
workers' compensation premium, unemployment contribution, payment 3191  
in lieu of unemployment contribution, certified claim under 3192  
section 131.02 or 131.021 of the Revised Code, or charge, penalty, 3193  
or interest arising from these debts and the amount of the prize 3194  
money or the cost of goods or services awarded as a lottery prize 3195  
award is five thousand dollars or more, the director of the state 3196

lottery commission, or the director's designee, shall do either of 3197  
the following: 3198

(1) If the prize award will be paid in a lump sum, deduct 3199  
from the prize award and pay to the attorney general an amount in 3200  
satisfaction of the debt and pay any remainder to that person. If 3201  
the amount of the prize award is less than the amount of the debt, 3202  
the entire amount of the prize award shall be deducted and paid in 3203  
partial satisfaction of the debt. 3204

(2) If the prize award will be paid in annual installments, 3205  
on the date the initial installment payment is due, deduct from 3206  
that installment and pay to the attorney general an amount in 3207  
satisfaction of the debt and, if necessary to collect the full 3208  
amount of the debt, do the same for any subsequent annual 3209  
installments, at the time the installments become due and owing to 3210  
the person, until the debt is fully satisfied. 3211

(B) If a person entitled to a lottery prize award owes more 3212  
than one debt, any debt subject to section 5739.33 or division (G) 3213  
of section 5747.07 of the Revised Code shall be satisfied first. 3214

(C) ~~This~~ Except as provided in section 131.021 of the Revised 3215  
Code, this section applies only to debts that have become final. 3216

**Sec. 5537.01.** As used in this chapter: 3217

(A) "Commission" means the Ohio turnpike commission created 3218  
by section 5537.02 of the Revised Code or, if that commission is 3219  
abolished, the board, body, officer, or commission succeeding to 3220  
the principal functions thereof or to which the powers given by 3221  
this chapter to the commission are given by law. 3222

(B) "Project" or "turnpike project" means any express or 3223  
limited access highway, super highway, or motorway constructed, 3224  
operated, or improved, under the jurisdiction of the commission 3225  
and pursuant to this chapter, at a location or locations reviewed 3226

by the turnpike oversight committee and approved by the governor, 3227  
including all bridges, tunnels, overpasses, underpasses, 3228  
interchanges, entrance plazas, approaches, those portions of 3229  
connecting public roads that serve interchanges and are determined 3230  
by the commission and the director of transportation to be 3231  
necessary for the safe merging of traffic between the turnpike 3232  
project and those public roads, toll booths, service facilities, 3233  
and administration, storage, and other buildings, property, and 3234  
facilities that the commission considers necessary for the 3235  
operation or policing of the project, together with all property 3236  
and rights which may be acquired by the commission for the 3237  
construction, maintenance, or operation of the project, and 3238  
includes any sections or extensions of a turnpike project 3239  
designated by the commission as such for the particular purpose. 3240  
Each turnpike project shall be separately designated, by name or 3241  
number, and may be constructed, improved, or extended in such 3242  
sections as the commission may from time to time determine. 3243  
Construction includes the improvement and renovation of a 3244  
previously constructed project, including additional interchanges, 3245  
whether or not the project was initially constructed by the 3246  
commission. 3247

(C) "Cost," as applied to construction of a turnpike project, 3248  
includes the cost of construction, including bridges over or under 3249  
existing highways and railroads, acquisition of all property 3250  
acquired by the commission for the construction, demolishing or 3251  
removing any buildings or structures on land so acquired, 3252  
including the cost of acquiring any lands to which the buildings 3253  
or structures may be moved, site clearance, improvement, and 3254  
preparation, diverting public roads, interchanges with public 3255  
roads, access roads to private property, including the cost of 3256  
land or easements therefor, all machinery, furnishings, and 3257  
equipment, communications facilities, financing expenses, interest 3258

prior to and during construction and for one year after completion 3259  
of construction, traffic estimates, indemnity and surety bonds and 3260  
premiums on insurance, title work and title commitments, 3261  
insurance, and guarantees, engineering, feasibility studies, and 3262  
legal expenses, plans, specifications, surveys, estimates of cost 3263  
and revenues, other expenses necessary or incident to determining 3264  
the feasibility or practicability of constructing or operating a 3265  
project, administrative expenses, and any other expense that may 3266  
be necessary or incident to the construction of the project, the 3267  
financing of the construction, and the placing of the project in 3268  
operation. Any obligation or expense incurred by the department of 3269  
transportation with the approval of the commission for surveys, 3270  
borings, preparation of plans and specifications, and other 3271  
engineering services in connection with the construction of a 3272  
project, or by the federal government with the approval of the 3273  
commission for any public road projects which must be reimbursed 3274  
as a condition to the exercise of any of the powers of the 3275  
commission under this chapter, shall be regarded as a part of the 3276  
cost of the project and shall be reimbursed to the state or the 3277  
federal government, as the case may be, from revenues, state 3278  
taxes, or the proceeds of bonds as authorized by this chapter. 3279

(D) "Owner" includes all persons having any title or interest 3280  
in any property authorized to be acquired by the commission under 3281  
this chapter. 3282

(E) "Revenues" means all tolls, service revenues, investment 3283  
income on special funds, rentals, gifts, grants, and all other 3284  
moneys coming into the possession of or under the control of the 3285  
commission by virtue of this chapter, except the proceeds from the 3286  
sale of bonds. "Revenues" does not include state taxes. 3287

(F) "Public roads" means all public highways, roads, and 3288  
streets in the state, whether maintained by a state agency or any 3289  
other governmental agency. 3290

(G) "Public utility facilities" means tracks, pipes, mains, 3291  
conduits, cables, wires, towers, poles, and other equipment and 3292  
appliances of any public utility. 3293

(H) "Financing expenses" means all costs and expenses 3294  
relating to the authorization, issuance, sale, delivery, 3295  
authentication, deposit, custody, clearing, registration, 3296  
transfer, exchange, fractionalization, replacement, payment, and 3297  
servicing of bonds including, without limitation, costs and 3298  
expenses for or relating to publication and printing, postage, 3299  
delivery, preliminary and final official statements, offering 3300  
circulars, and informational statements, travel and 3301  
transportation, underwriters, placement agents, investment 3302  
bankers, paying agents, registrars, authenticating agents, 3303  
remarketing agents, custodians, clearing agencies or corporations, 3304  
securities depositories, financial advisory services, 3305  
certifications, audits, federal or state regulatory agencies, 3306  
accounting and computation services, legal services and obtaining 3307  
approving legal opinions and other legal opinions, credit ratings, 3308  
redemption premiums, and credit enhancement facilities. 3309

(I) "Bond proceedings" means the resolutions, trust 3310  
agreements, certifications, notices, sale proceedings, leases, 3311  
lease-purchase agreements, assignments, credit enhancement 3312  
facility agreements, and other agreements, instruments, and 3313  
documents, as amended and supplemented, or any one or more or any 3314  
combination thereof, authorizing, or authorizing or providing for 3315  
the terms and conditions applicable to, or providing for the 3316  
security or sale or award or liquidity of, bonds, and includes the 3317  
provisions set forth or incorporated in those bonds and bond 3318  
proceedings. 3319

(J) "Bond service charges" means principal, including any 3320  
mandatory sinking fund or mandatory redemption requirements for 3321  
the retirement of bonds, and interest and any redemption premium 3322

payable on bonds, as those payments come due and are payable to 3323  
the bondholder or to a person making payment under a credit 3324  
enhancement facility of those bond service charges to a 3325  
bondholder. 3326

(K) "Bond service fund" means the applicable fund created by 3327  
the bond proceedings for and pledged to the payment of bond 3328  
service charges on bonds provided for by those proceedings, 3329  
including all moneys and investments, and earnings from 3330  
investments, credited and to be credited to that fund as provided 3331  
in the bond proceedings. 3332

(L) "Bonds" means bonds, notes, including notes anticipating 3333  
bonds or other notes, commercial paper, certificates of 3334  
participation, or other evidences of obligation, including any 3335  
interest coupons pertaining thereto, issued by the commission 3336  
pursuant to this chapter. 3337

(M) "Net revenues" means revenues lawfully available to pay 3338  
both current operating expenses of the commission and bond service 3339  
charges in any fiscal year or other specified period, less current 3340  
operating expenses of the commission and any amount necessary to 3341  
maintain a working capital reserve for that period. 3342

(N) "Pledged revenues" means net revenues, moneys and 3343  
investments, and earnings on those investments, in the applicable 3344  
bond service fund and any other special funds, and the proceeds of 3345  
any bonds issued for the purpose of refunding prior bonds, all as 3346  
lawfully available and by resolution of the commission committed 3347  
for application as pledged revenues to the payment of bond service 3348  
charges on particular issues of bonds. 3349

(O) "Service facilities" means service stations, restaurants, 3350  
and other facilities for food service, roadside parks and rest 3351  
areas, parking, camping, tenting, rest, and sleeping facilities, 3352  
hotels or motels, and all similar and other facilities providing 3353

services to the traveling public in connection with the use of a 3354  
turnpike project and owned, leased, licensed, or operated by the 3355  
commission. 3356

(P) "Service revenues" means those revenues of the commission 3357  
derived from its ownership, leasing, licensing, or operation of 3358  
service facilities. 3359

(Q) "Special funds" means the applicable bond service fund 3360  
and any accounts and subaccounts in that fund, any other funds or 3361  
accounts permitted by and established under, and identified as a 3362  
"special fund" or "special account" in, the bond proceedings, 3363  
including any special fund or account established for purposes of 3364  
rebate or other requirements under federal income tax laws. 3365

(R) "State agencies" means the state, officers of the state, 3366  
and boards, departments, branches, divisions, or other units or 3367  
agencies of the state. 3368

(S) "State taxes" means receipts of the commission from the 3369  
proceeds of state taxes or excises levied and collected, or 3370  
appropriated by the general assembly to the commission, for the 3371  
purposes and functions of the commission. State taxes do not 3372  
include tolls, or investment earnings on state taxes except on 3373  
those state taxes referred to in Section 5a of Article XII, Ohio 3374  
Constitution. 3375

(T) "Tolls" means tolls, special fees or permit fees, or 3376  
other charges by the commission to the owners, lessors, lessees, 3377  
or operators of motor vehicles for the operation of or the right 3378  
to operate those vehicles on a turnpike project. 3379

(U) "Credit enhancement facilities" means letters of credit, 3380  
lines of credit, standby, contingent, or firm securities purchase 3381  
agreements, insurance, or surety arrangements, guarantees, and 3382  
other arrangements that provide for direct or contingent payment 3383  
of bond service charges, for security or additional security in 3384

the event of nonpayment or default in respect of bonds, or for 3385  
making payment of bond service charges and at the option and on 3386  
demand of bondholders or at the option of the commission or upon 3387  
certain conditions occurring under put or similar arrangements, or 3388  
for otherwise supporting the credit or liquidity of the bonds, and 3389  
includes credit, reimbursement, marketing, remarketing, indexing, 3390  
carrying, interest rate hedge ~~as defined in section 133.01 of the~~ 3391  
~~Revised Code~~, and subrogation agreements, and other agreements and 3392  
arrangements for payment and reimbursement of the person providing 3393  
the credit enhancement facility and the security for that payment 3394  
and reimbursement. 3395

(V) "Person" has the same meaning as in section 1.59 of the 3396  
Revised Code and, unless the context otherwise provides, also 3397  
includes any governmental agency and any combination of those 3398  
persons. 3399

(W) "Refund" means to fund and retire outstanding bonds, 3400  
including advance refunding with or without payment or redemption 3401  
prior to stated maturity. 3402

(X) "Governmental agency" means any state agency, federal 3403  
agency, political subdivision, or other local, interstate, or 3404  
regional governmental agency, and any combination of those 3405  
agencies. 3406

(Y) "Property" has the same meaning as in section 1.59 of the 3407  
Revised Code, and includes interests in property. 3408

(Z) "Administrative agent," "agent," "commercial paper," 3409  
"floating rate interest structure," "indexing agent," "interest 3410  
rate hedge," "interest rate period," "put arrangement," and 3411  
"remarketing agent" have the same meanings as in section 9.98 of 3412  
the Revised Code. 3413

(AA) "Outstanding," as applied to bonds, means outstanding in 3414  
accordance with the terms of the bonds and the applicable bond 3415

proceedings.	3416
(BB) "Ohio turnpike system" or "system" means all existing	3417
and future turnpike projects constructed, operated, and maintained	3418
under the jurisdiction of the commission.	3419
<b>Sec. 5540.01.</b> As used in this chapter:	3420
(A) "Transportation improvement district" or "district" means	3421
a transportation improvement district designated pursuant to	3422
section 5540.02 of the Revised Code.	3423
(B) "Governmental agency" means a department, division, or	3424
other unit of state government; a county, township, or municipal	3425
corporation or other political subdivision; a regional transit	3426
authority or regional transit commission created pursuant to	3427
Chapter 306. of the Revised Code; a port authority created	3428
pursuant to Chapter 4582. of the Revised Code; and the United	3429
States or any agency thereof.	3430
(C) "Project" means a street, highway, or other	3431
transportation project constructed or improved under this chapter	3432
and includes all bridges, tunnels, overpasses, underpasses,	3433
interchanges, approaches, those portions of connecting streets or	3434
highways that serve interchanges and are determined by the	3435
district to be necessary for the safe merging of traffic between	3436
the project and those streets or highways, service facilities, and	3437
administration, storage, and other buildings, property, and	3438
facilities, that the district considers necessary for the	3439
operation of the project, together with all property and rights	3440
that must be acquired by the district for the construction,	3441
maintenance, or operation of the project.	3442
(D) "Cost," as applied to the construction of a project,	3443
includes the cost of construction, including bridges over or under	3444
existing highways and railroads, acquisition of all property	3445

acquired by the district for such construction, demolishing or 3446  
removing any buildings or structures on land so acquired, 3447  
including the cost of acquiring any lands to which such buildings 3448  
or structures may be moved, site clearance, improvement, and 3449  
preparation, diverting streets or highways, interchanges with 3450  
streets or highways, access roads to private property, including 3451  
the cost of land or easements therefor, all machinery, 3452  
furnishings, and equipment, communications facilities, financing 3453  
expenses, interest prior to and during construction and for one 3454  
year after completion of construction, traffic estimates, 3455  
indemnity and surety bonds and premiums on insurance, and 3456  
guarantees, engineering, feasibility studies, and legal expenses, 3457  
plans, specifications, surveys, estimates of cost and revenues, 3458  
other expenses necessary or incidental to determining the 3459  
feasibility or practicability of constructing a project, and such 3460  
other expense as may be necessary or incident to the construction 3461  
of the project and the financing of such construction. Any 3462  
obligation or expense incurred by any governmental agency or 3463  
person for surveys, borings, preparation of plans and 3464  
specifications, and other engineering services, or any other cost 3465  
described above, in connection with the construction of a project 3466  
may be regarded as part of the cost of the project and reimbursed 3467  
from revenues, taxes, or the proceeds of bonds as authorized by 3468  
this chapter. 3469

(E) "Owner" includes any person having any title or interest 3470  
in any property authorized to be acquired by a district under this 3471  
chapter. 3472

(F) "Revenues" means all moneys received by a district with 3473  
respect to the lease, sublease, or sale, including installment 3474  
sale, conditional sale, or sale under a lease-purchase agreement, 3475  
of a project, any gift or grant received with respect to a 3476  
project, tolls, proceeds of bonds to the extent the use thereof 3477

for payment of principal or of premium, if any, or interest on the 3478  
bonds is authorized by the district, proceeds from any insurance, 3479  
condemnation, or guaranty pertaining to a project or property 3480  
mortgaged to secure bonds or pertaining to the financing of a 3481  
project, and income and profit from the investment of the proceeds 3482  
of bonds or of any revenues. 3483

(G) "Street or highway" has the same meaning as in section 3484  
4511.01 of the Revised Code. 3485

(H) "Financing expenses" means all costs and expenses 3486  
relating to the authorization, issuance, sale, delivery, 3487  
authentication, deposit, custody, clearing, registration, 3488  
transfer, exchange, fractionalization, replacement, payment, and 3489  
servicing of bonds including, without limitation, costs and 3490  
expenses for or relating to publication and printing, postage, 3491  
delivery, preliminary and final official statements, offering 3492  
circulars, and informational statements, travel and 3493  
transportation, underwriters, placement agents, investment 3494  
bankers, paying agents, registrars, authenticating agents, 3495  
remarketing agents, custodians, clearing agencies or corporations, 3496  
securities depositories, financial advisory services, 3497  
certifications, audits, federal or state regulatory agencies, 3498  
accounting and computation services, legal services and obtaining 3499  
approving legal opinions and other legal opinions, credit ratings, 3500  
redemption premiums, and credit enhancement facilities. 3501

(I) "Bond proceedings" means the resolutions, trust 3502  
agreements, certifications, notices, sale proceedings, leases, 3503  
lease-purchase agreements, assignments, credit enhancement 3504  
facility agreements, and other agreements, instruments, and 3505  
documents, as amended and supplemented, or any one or more of 3506  
combination thereof, authorizing, or authorizing or providing for 3507  
the terms and conditions applicable to, or providing for the 3508  
security or sale or award or liquidity of, bonds, and includes the 3509

provisions set forth or incorporated in those bonds and bond 3510  
proceedings. 3511

(J) "Bond service charges" means principal, including any 3512  
mandatory sinking fund or mandatory redemption requirements for 3513  
retirement of bonds, and interest and any redemption premium 3514  
payable on bonds, as those payments come due and are payable to 3515  
the bondholder or to a person making payment under a credit 3516  
enhancement facility of those bond service charges to a 3517  
bondholder. 3518

(K) "Bond service fund" means the applicable fund created by 3519  
the bond proceedings for and pledged to the payment of bond 3520  
service charges on bonds provided for by those proceedings, 3521  
including all moneys and investments, and earnings from 3522  
investments, credited and to be credited to that fund as provided 3523  
in the bond proceedings. 3524

(L) "Bonds" means bonds, notes, including notes anticipating 3525  
bonds or other notes, commercial paper, certificates of 3526  
participation, or other evidences of obligation, including any 3527  
interest coupons pertaining thereto, issued pursuant to this 3528  
chapter. 3529

(M) "Net revenues" means revenues lawfully available to pay 3530  
both current operating expenses of a district and bond service 3531  
charges in any fiscal year or other specified period, less current 3532  
operating expenses of the district and any amount necessary to 3533  
maintain a working capital reserve for that period. 3534

(N) "Pledged revenues" means net revenues, moneys and 3535  
investments, and earnings on those investments, in the applicable 3536  
bond service fund and any other special funds, and the proceeds of 3537  
any bonds issued for the purpose of refunding prior bonds, all as 3538  
lawfully available and by resolution of the district committed for 3539  
application as pledged revenues to the payment of bond service 3540

charges on particular issues of bonds. 3541

(O) "Special funds" means the applicable bond service fund 3542  
and any accounts and subaccounts in that fund, any other funds or 3543  
accounts permitted by and established under, and identified as a 3544  
special fund or special account in, the bond proceedings, 3545  
including any special fund or account established for purposes of 3546  
rebate or other requirements under federal income tax laws. 3547

(P) "Credit enhancement facilities" means letters of credit, 3548  
lines of credit, standby, contingent, or firm securities purchase 3549  
agreements, insurance, or surety arrangements, guarantees, and 3550  
other arrangements that provide for direct or contingent payment 3551  
of bond service charges, for security or additional security in 3552  
the event of nonpayment or default in respect of bonds, or for 3553  
making payment of bond service charges and at the option and on 3554  
demand of bondholders or at the option of the district or upon 3555  
certain conditions occurring under put or similar arrangements, or 3556  
for otherwise supporting the credit or liquidity of the bonds, and 3557  
includes credit, reimbursement, marketing, remarketing, indexing, 3558  
carrying, interest rate hedge ~~as defined in section 133.01 of the~~ 3559  
~~Revised Code~~, and subrogation agreements, and other agreements and 3560  
arrangements for payment and reimbursement of the person providing 3561  
the credit enhancement facility and the security for that payment 3562  
and reimbursement. 3563

(Q) "Refund" means to fund and retire outstanding bonds, 3564  
including advance refunding with or without payment or redemption 3565  
prior to stated maturity. 3566

(R) "Property" includes interests in property. 3567

(S) "Administrative agent," "agent," "commercial paper," 3568  
"floating rate interest structure," "indexing agent," "interest 3569  
rate hedge," "interest rate period," "put arrangement," and 3570  
"remarketing agent" have the same meanings as in section 9.98 of 3571

the Revised Code.	3572
(T) "Outstanding" as applied to bonds means outstanding in accordance with the terms of the bonds and the applicable bond proceedings.	3573 3574 3575
(U) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	3576 3577
<b>Sec. 5709.61.</b> As used in sections 5709.61 to 5709.69 of the Revised Code:	3578 3579
(A) "Enterprise zone" or "zone" means any of the following:	3580
(1) An area with a single continuous boundary designated in the manner set forth in section 5709.62 or 5709.63 of the Revised Code and certified by the director of development as having a population of at least four thousand according to the best and most recent data available to the director and having at least two of the following characteristics:	3581 3582 3583 3584 3585 3586
(a) It is located in a municipal corporation defined by the United States office of management and budget as a principal city of a metropolitan statistical area <del>or in a city designated as an urban cluster in a rural statistical area;</del>	3587 3588 3589 3590
(b) It is located in a county designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended;	3591 3592 3593
(c) Its average rate of unemployment, during the most recent twelve-month period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the state of Ohio for the same period;	3594 3595 3596 3597
(d) There is a prevalence of commercial or industrial structures in the area that are vacant or demolished, or are vacant and the taxes charged thereon are delinquent, and certification of the area as an enterprise zone would likely	3598 3599 3600 3601

result in the reduction of the rate of vacant or demolished  
structures or the rate of tax delinquency in the area;

(e) The population of all census tracts in the area,  
according to the federal census of 2000, decreased by at least ten  
per cent between the years 1980 and 2000;

(f) At least fifty-one per cent of the residents of the area  
have incomes of less than eighty per cent of the median income of  
residents of the municipal corporation or municipal corporations  
in which the area is located, as determined in the same manner  
specified under section 119(b) of the "Housing and Community  
Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as  
amended;

(g) The area contains structures previously used for  
industrial purposes, but currently not so used due to age,  
obsolescence, deterioration, relocation of the former occupant's  
operations, or cessation of operations resulting from unfavorable  
economic conditions either generally or in a specific economic  
sector;

(h) It is located within one or more adjacent city, local, or  
exempted village school districts, the income-weighted tax  
capacity of each of which is less than seventy per cent of the  
average of the income-weighted tax capacity of all city, local, or  
exempted village school districts in the state according to the  
most recent data available to the director from the department of  
taxation.

The director of development shall adopt rules in accordance  
with Chapter 119. of the Revised Code establishing conditions  
constituting the characteristics described in divisions (A)(1)(d),  
(g), and (h) of this section.

If an area could not be certified as an enterprise zone  
unless it satisfied division (A)(1)(g) of this section, the

legislative authority may enter into agreements in that zone under 3633  
section 5709.62, 5709.63, or 5709.632 of the Revised Code only if 3634  
such agreements result in the development of the facilities 3635  
described in that division, the parcel of land on which such 3636  
facilities are situated, or adjacent parcels. The director of 3637  
development annually shall review all agreements in such zones to 3638  
determine whether the agreements have resulted in such 3639  
development; if the director determines that the agreements have 3640  
not resulted in such development, the director immediately shall 3641  
revoke certification of the zone and notify the legislative 3642  
authority of such revocation. Any agreements entered into prior to 3643  
revocation under this paragraph shall continue in effect for the 3644  
period provided in the agreement. 3645

(2) An area with a single continuous boundary designated in 3646  
the manner set forth in section 5709.63 of the Revised Code and 3647  
certified by the director of development as: 3648

(a) Being located within a county that contains a population 3649  
of three hundred thousand or less; 3650

(b) Having a population of at least one thousand according to 3651  
the best and most recent data available to the director; 3652

(c) Having at least two of the characteristics described in 3653  
divisions (A)(1)(b) to (h) of this section. 3654

(3) An area with a single continuous boundary designated in 3655  
the manner set forth under division (A)(1) of section 5709.632 of 3656  
the Revised Code and certified by the director of development as 3657  
having a population of at least four thousand, or under division 3658  
(A)(2) of that section and certified as having a population of at 3659  
least one thousand, according to the best and most recent data 3660  
available to the director. 3661

(B) "Enterprise" means any form of business organization 3662  
including, but not limited to, any partnership, sole 3663

proprietorship, or corporation, including an S corporation as 3664  
defined in section 1361 of the Internal Revenue Code and any 3665  
corporation that is majority work-owned either directly through 3666  
the ownership of stock or indirectly through participation in an 3667  
employee stock ownership plan. 3668

(C) "Facility" means an enterprise's place of business in a 3669  
zone, including land, buildings, machinery, equipment, and other 3670  
materials, except inventory, used in business. "Facility" includes 3671  
land, buildings, machinery, production and station equipment, 3672  
other equipment, and other materials, except inventory, used in 3673  
business to generate electricity, provided that, for purposes of 3674  
sections 5709.61 to 5709.69 of the Revised Code, the value of the 3675  
property at such a facility shall be reduced by the value, if any, 3676  
that is not apportioned under section 5727.15 of the Revised Code 3677  
to the taxing district in which the facility is physically 3678  
located. In the case of such a facility that is physically located 3679  
in two adjacent taxing districts, the property located in each 3680  
taxing district constitutes a separate facility. 3681

"Facility" does not include any portion of an enterprise's 3682  
place of business used primarily for making retail sales, unless 3683  
the place of business is located in an impacted city as defined in 3684  
section 1728.01 of the Revised Code. 3685

(D) "Vacant facility" means a facility that has been vacant 3686  
for at least ninety days immediately preceding the date on which 3687  
an agreement is entered into under section 5709.62 or 5709.63 of 3688  
the Revised Code. 3689

(E) "Expand" means to make expenditures to add land, 3690  
buildings, machinery, equipment, or other materials, except 3691  
inventory, to a facility that equal at least ten per cent of the 3692  
market value of the facility prior to such expenditures, as 3693  
determined for the purposes of local property taxation. 3694

(F) "Renovate" means to make expenditures to alter or repair a facility that equal at least fifty per cent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

(G) "Occupy" means to make expenditures to alter or repair a vacant facility equal to at least twenty per cent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

(H) "Project site" means all or any part of a facility that is newly constructed, expanded, renovated, or occupied by an enterprise.

(I) "Project" means any undertaking by an enterprise to establish a facility or to improve a project site by expansion, renovation, or occupancy.

(J) "Position" means the position of one full-time employee performing a particular set of tasks and duties.

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

(L) "New employee" means a full-time employee first employed by an enterprise at a facility that is a project site after the enterprise enters an agreement under section 5709.62 or 5709.63 of the Revised Code. "New employee" does not include an employee if, immediately prior to being employed by the enterprise, the employee was employed by an enterprise that is a related member or predecessor enterprise of that enterprise.

(M) "Unemployed person" means any person who is totally unemployed in this state, as that term is defined in division (M)

of section 4141.01 of the Revised Code, for at least ten 3725  
consecutive weeks immediately preceding that person's employment 3726  
at a facility that is a project site, or who is so unemployed for 3727  
at least twenty-six of the fifty-two weeks immediately preceding 3728  
that person's employment at such a facility. 3729

(N) "JTPA eligible employee" means any individual who is 3730  
eligible for employment or training under the "Job Training 3731  
Partnership Act," 96 Stat. 1324 (1982), 29 U.S.C. 1501, as 3732  
amended. 3733

(O) "First used in business" means that the property referred 3734  
to has not been used in business in this state by the enterprise 3735  
that owns it, or by an enterprise that is a related member or 3736  
predecessor enterprise of such an enterprise, other than as 3737  
inventory, prior to being used in business at a facility as the 3738  
result of a project. 3739

(P) "Training program" means any noncredit training program 3740  
or course of study that is offered by any state college or 3741  
university; university branch district; community college; 3742  
technical college; nonprofit college or university certified under 3743  
section 1713.02 of the Revised Code; school district; joint 3744  
vocational school district; school registered and authorized to 3745  
offer programs under section 3332.05 of the Revised Code; an 3746  
entity administering any federal, state, or local adult education 3747  
and training program; or any enterprise; and that meets all of the 3748  
following requirements: 3749

(1) It is approved by the director of development; 3750

(2) It is established or operated to satisfy the need of a 3751  
particular industry or enterprise for skilled or semi-skilled 3752  
employees; 3753

(3) An individual is required to complete the course or 3754  
program before filling a position at a project site. 3755

(Q) "Development" means to engage in the process of clearing 3756  
and grading land, making, installing, or constructing water 3757  
distribution systems, sewers, sewage collection systems, steam, 3758  
gas, and electric lines, roads, curbs, gutters, sidewalks, storm 3759  
drainage facilities, and construction of other facilities or 3760  
buildings equal to at least fifty per cent of the market value of 3761  
the facility prior to the expenditures, as determined for the 3762  
purposes of local property taxation. 3763

(R) "Large manufacturing facility" means a single Ohio 3764  
facility that employed an average of at least one thousand 3765  
individuals during the five calendar years preceding an agreement 3766  
authorized under division (C)(3) of section 5709.62 or division 3767  
(B)(2) of section 5709.63 of the Revised Code. For purposes of 3768  
this division, both of the following apply: 3769

(1) A single Ohio manufacturing facility employed an average 3770  
of at least one thousand individuals during the five calendar 3771  
years preceding entering into such an agreement if one-fifth of 3772  
the sum of the number of employees employed on the highest 3773  
employment day during each of the five calendar years equals or 3774  
exceeds one thousand. 3775

(2) The highest employment day is the day or days during a 3776  
calendar year on which the number of employees employed at a 3777  
single Ohio manufacturing facility was greater than on any other 3778  
day during the calendar year. 3779

(S) "Business cycle" means the cycle of business activity 3780  
usually regarded as passing through alternating stages of 3781  
prosperity and depression. 3782

(T) "Making retail sales" means the effecting of 3783  
point-of-final-purchase transactions at a facility open to the 3784  
consuming public, wherein one party is obligated to pay the price 3785  
and the other party is obligated to provide a service or to 3786

transfer title to or possession of the item sold. 3787

(U) "Environmentally contaminated" means that hazardous 3788  
substances exist at a facility under conditions that have caused 3789  
or would cause the facility to be identified as contaminated by 3790  
the state or federal environmental protection agency. These may 3791  
include facilities located at sites identified in the master sites 3792  
list or similar database maintained by the state environmental 3793  
protection agency if the sites have been investigated by the 3794  
agency and found to be contaminated. 3795

(V) "Remediate" means to make expenditures to clean up an 3796  
environmentally contaminated facility so that it is no longer 3797  
environmentally contaminated that equal at least ten per cent of 3798  
the real property market value of the facility prior to such 3799  
expenditures as determined for the purposes of property taxation. 3800

(W) "Related member" has the same meaning as defined in 3801  
section 5733.042 of the Revised Code without regard to division 3802  
(B) of that section, except that it is used with respect to an 3803  
enterprise rather than a taxpayer. 3804

(X) "Predecessor enterprise" means an enterprise from which 3805  
the assets or equity of another enterprise has been transferred, 3806  
which transfer resulted in the full or partial nonrecognition of 3807  
gain or loss, or resulted in a carryover basis, both as determined 3808  
by rule adopted by the tax commissioner. 3809

(Y) "Successor enterprise" means an enterprise to which the 3810  
assets or equity of another enterprise has been transferred, which 3811  
transfer resulted in the full or partial nonrecognition of gain or 3812  
loss, or resulted in a carryover basis, both as determined by rule 3813  
adopted by the tax commissioner. 3814

**Sec. 5709.62.** (A) In any municipal corporation that is 3815  
defined by the United States office of management and budget as a 3816

principal city of a metropolitan statistical area, ~~or in a city~~ 3817  
~~designated as an urban cluster in a rural statistical area,~~ the 3818  
legislative authority of the municipal corporation may designate 3819  
one or more areas within its municipal corporation as proposed 3820  
enterprise zones. Upon designating an area, the legislative 3821  
authority shall petition the director of development for 3822  
certification of the area as having the characteristics set forth 3823  
in division (A)(1) of section 5709.61 of the Revised Code as 3824  
amended by Substitute Senate Bill No. 19 of the 120th general 3825  
assembly. Except as otherwise provided in division (E) of this 3826  
section, on and after July 1, 1994, legislative authorities shall 3827  
not enter into agreements under this section unless the 3828  
legislative authority has petitioned the director and the director 3829  
has certified the zone under this section as amended by that act; 3830  
however, all agreements entered into under this section as it 3831  
existed prior to July 1, 1994, and the incentives granted under 3832  
those agreements shall remain in effect for the period agreed to 3833  
under those agreements. Within sixty days after receiving such a 3834  
petition, the director shall determine whether the area has the 3835  
characteristics set forth in division (A)(1) of section 5709.61 of 3836  
the Revised Code, and shall forward the findings to the 3837  
legislative authority of the municipal corporation. If the 3838  
director certifies the area as having those characteristics, and 3839  
thereby certifies it as a zone, the legislative authority may 3840  
enter into an agreement with an enterprise under division (C) of 3841  
this section. 3842

(B) Any enterprise that wishes to enter into an agreement 3843  
with a municipal corporation under division (C) of this section 3844  
shall submit a proposal to the legislative authority of the 3845  
municipal corporation on a form prescribed by the director of 3846  
development, together with the application fee established under 3847  
section 5709.68 of the Revised Code. The form shall require the 3848  
following information: 3849

(1) An estimate of the number of new employees whom the enterprise intends to hire, or of the number of employees whom the enterprise intends to retain, within the zone at a facility that is a project site, and an estimate of the amount of payroll of the enterprise attributable to these employees;

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority, on or before October 15, 2009, may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a

facility and hire new employees, or preserve employment 3881  
opportunities for existing employees, in return for one or more of 3882  
the following incentives: 3883

(a) Exemption for a specified number of years, not to exceed 3884  
fifteen, of a specified portion, up to seventy-five per cent, of 3885  
the assessed value of tangible personal property first used in 3886  
business at the project site as a result of the agreement. If an 3887  
exemption for inventory is specifically granted in the agreement 3888  
pursuant to this division, the exemption applies to inventory 3889  
required to be listed pursuant to sections 5711.15 and 5711.16 of 3890  
the Revised Code, except that, in the instance of an expansion or 3891  
other situations in which an enterprise was in business at the 3892  
facility prior to the establishment of the zone, the inventory 3893  
that is exempt is that amount or value of inventory in excess of 3894  
the amount or value of inventory required to be listed in the 3895  
personal property tax return of the enterprise in the return for 3896  
the tax year in which the agreement is entered into. 3897

(b) Exemption for a specified number of years, not to exceed 3898  
fifteen, of a specified portion, up to seventy-five per cent, of 3899  
the increase in the assessed valuation of real property 3900  
constituting the project site subsequent to formal approval of the 3901  
agreement by the legislative authority; 3902

(c) Provision for a specified number of years, not to exceed 3903  
fifteen, of any optional services or assistance that the municipal 3904  
corporation is authorized to provide with regard to the project 3905  
site. 3906

(2) Enter into an agreement under which the enterprise agrees 3907  
to remediate an environmentally contaminated facility, to spend an 3908  
amount equal to at least two hundred fifty per cent of the true 3909  
value in money of the real property of the facility prior to 3910  
remediation as determined for the purposes of property taxation to 3911

establish, expand, renovate, or occupy the remediated facility, 3912  
and to hire new employees or preserve employment opportunities for 3913  
existing employees at the remediated facility, in return for one 3914  
or more of the following incentives: 3915

(a) Exemption for a specified number of years, not to exceed 3916  
fifteen, of a specified portion, not to exceed fifty per cent, of 3917  
the assessed valuation of the real property of the facility prior 3918  
to remediation; 3919

(b) Exemption for a specified number of years, not to exceed 3920  
fifteen, of a specified portion, not to exceed one hundred per 3921  
cent, of the increase in the assessed valuation of the real 3922  
property of the facility during or after remediation; 3923

(c) The incentive under division (C)(1)(a) of this section, 3924  
except that the percentage of the assessed value of such property 3925  
exempted from taxation shall not exceed one hundred per cent; 3926

(d) The incentive under division (C)(1)(c) of this section. 3927

(3) Enter into an agreement with an enterprise that plans to 3928  
purchase and operate a large manufacturing facility that has 3929  
ceased operation or announced its intention to cease operation, in 3930  
return for exemption for a specified number of years, not to 3931  
exceed fifteen, of a specified portion, up to one hundred per 3932  
cent, of the assessed value of tangible personal property used in 3933  
business at the project site as a result of the agreement, or of 3934  
the assessed valuation of real property constituting the project 3935  
site, or both. 3936

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 3937  
section, the portion of the assessed value of tangible personal 3938  
property or of the increase in the assessed valuation of real 3939  
property exempted from taxation under those divisions may exceed 3940  
seventy-five per cent in any year for which that portion is 3941  
exempted if the average percentage exempted for all years in which 3942

the agreement is in effect does not exceed sixty per cent, or if  
the board of education of the city, local, or exempted village  
school district within the territory of which the property is or  
will be located approves a percentage in excess of seventy-five  
per cent.

(2) Notwithstanding any provision of the Revised Code to the  
contrary, the exemptions described in divisions (C)(1)(a), (b),  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may  
be for up to fifteen years if the board of education of the city,  
local, or exempted village school district within the territory of  
which the property is or will be located approves a number of  
years in excess of ten.

(3) For the purpose of obtaining the approval of a city,  
local, or exempted village school district under division (D)(1)  
or (2) of this section, the legislative authority shall deliver to  
the board of education a notice not later than forty-five days  
prior to approving the agreement, excluding Saturdays, Sundays,  
and legal holidays as defined in section 1.14 of the Revised Code.  
The notice shall state the percentage to be exempted, an estimate  
of the true value of the property to be exempted, and the number  
of years the property is to be exempted. The board of education,  
by resolution adopted by a majority of the board, shall approve or  
disapprove the agreement and certify a copy of the resolution to  
the legislative authority not later than fourteen days prior to  
the date stipulated by the legislative authority as the date upon  
which approval of the agreement is to be formally considered by  
the legislative authority. The board of education may include in  
the resolution conditions under which the board would approve the  
agreement, including the execution of an agreement to compensate  
the school district under division (B) of section 5709.82 of the  
Revised Code. The legislative authority may approve the agreement  
at any time after the board of education certifies its resolution

approving the agreement to the legislative authority, or, if the  
board approves the agreement conditionally, at any time after the  
conditions are agreed to by the board and the legislative  
authority.

If a board of education has adopted a resolution waiving its  
right to approve agreements and the resolution remains in effect,  
approval of an agreement by the board is not required under this  
division. If a board of education has adopted a resolution  
allowing a legislative authority to deliver the notice required  
under this division fewer than forty-five business days prior to  
the legislative authority's approval of the agreement, the  
legislative authority shall deliver the notice to the board not  
later than the number of days prior to such approval as prescribed  
by the board in its resolution. If a board of education adopts a  
resolution waiving its right to approve agreements or shortening  
the notification period, the board shall certify a copy of the  
resolution to the legislative authority. If the board of education  
rescinds such a resolution, it shall certify notice of the  
rescission to the legislative authority.

(4) The legislative authority shall comply with section  
5709.83 of the Revised Code unless the board of education has  
adopted a resolution under that section waiving its right to  
receive such notice.

(E) This division applies to zones certified by the director  
of development under this section prior to July 22, 1994.

On or before October 15, 2009, the legislative authority that  
designated a zone to which this division applies may enter into an  
agreement with an enterprise if the legislative authority finds  
that the enterprise satisfies one of the criteria described in  
divisions (E)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state

and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (C) of this section.

(F) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement is entered into under this section, if the legislative authority revokes its designation of a zone, or if the director of development revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(G) Except as otherwise provided in this division, an 4036  
agreement entered into under this section shall require that the 4037  
enterprise pay an annual fee equal to the greater of one per cent 4038  
of the dollar value of incentives offered under the agreement or 4039  
five hundred dollars; provided, however, that if the value of the 4040  
incentives exceeds two hundred fifty thousand dollars, the fee 4041  
shall not exceed two thousand five hundred dollars. The fee shall 4042  
be payable to the legislative authority once per year for each 4043  
year the agreement is effective on the days and in the form 4044  
specified in the agreement. Fees paid shall be deposited in a 4045  
special fund created for such purpose by the legislative authority 4046  
and shall be used by the legislative authority exclusively for the 4047  
purpose of complying with section 5709.68 of the Revised Code and 4048  
by the tax incentive review council created under section 5709.85 4049  
of the Revised Code exclusively for the purposes of performing the 4050  
duties prescribed under that section. The legislative authority 4051  
may waive or reduce the amount of the fee charged against an 4052  
enterprise, but such a waiver or reduction does not affect the 4053  
obligations of the legislative authority or the tax incentive 4054  
review council to comply with section 5709.68 or 5709.85 of the 4055  
Revised Code. 4056

(H) When an agreement is entered into pursuant to this 4057  
section, the legislative authority authorizing the agreement shall 4058  
forward a copy of the agreement to the director of development and 4059  
to the tax commissioner within fifteen days after the agreement is 4060  
entered into. If any agreement includes terms not provided for in 4061  
section 5709.631 of the Revised Code affecting the revenue of a 4062  
city, local, or exempted village school district or causing 4063  
revenue to be foregone by the district, including any compensation 4064  
to be paid to the school district pursuant to section 5709.82 of 4065  
the Revised Code, those terms also shall be forwarded in writing 4066  
to the director of development along with the copy of the 4067

agreement forwarded under this division. 4068

(I) After an agreement is entered into, the enterprise shall 4069  
file with each personal property tax return required to be filed, 4070  
or annual report required to be filed under section 5727.08 of the 4071  
Revised Code, while the agreement is in effect, an informational 4072  
return, on a form prescribed by the tax commissioner for that 4073  
purpose, setting forth separately the property, and related costs 4074  
and values, exempted from taxation under the agreement. 4075

(J) Enterprises may agree to give preference to residents of 4076  
the zone within which the agreement applies relative to residents 4077  
of this state who do not reside in the zone when hiring new 4078  
employees under the agreement. 4079

(K) An agreement entered into under this section may include 4080  
a provision requiring the enterprise to create one or more 4081  
temporary internship positions for students enrolled in a course 4082  
of study at a school or other educational institution in the 4083  
vicinity, and to create a scholarship or provide another form of 4084  
educational financial assistance for students holding such a 4085  
position in exchange for the student's commitment to work for the 4086  
enterprise at the completion of the internship. 4087

(L) The tax commissioner's authority in determining the 4088  
accuracy of any exemption granted by an agreement entered into 4089  
under this section is limited to divisions (C)(1)(a) and (b), 4090  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 4091  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 4092  
and, as authorized by law, to enforcing any modification to, or 4093  
revocation of, that agreement by the legislative authority of a 4094  
municipal corporation or the director of development. 4095

**Sec. 5709.632.** (A)(1) The legislative authority of a 4096  
municipal corporation defined by the United States office of 4097

management and budget as a principal city of a metropolitan 4098  
statistical area ~~or designated as an urban cluster in a rural~~ 4099  
~~statistical area~~ may, in the manner set forth in section 5709.62 4100  
of the Revised Code, designate one or more areas in the municipal 4101  
corporation as a proposed enterprise zone. 4102

(2) With the consent of the legislative authority of each 4103  
affected municipal corporation or of a board of township trustees, 4104  
a board of county commissioners may, in the manner set forth in 4105  
section 5709.62 of the Revised Code, designate one or more areas 4106  
in one or more municipal corporations or in unincorporated areas 4107  
of the county as proposed urban jobs and enterprise zones, except 4108  
that a board of county commissioners may designate no more than 4109  
one area within a township, or within adjacent townships, as a 4110  
proposed urban jobs and enterprise zone. 4111

(3)~~(a)~~ The legislative authority or board of county 4112  
commissioners may petition the director of development for 4113  
certification of the area as having the characteristics set forth 4114  
in division (A)(3) of section 5709.61 of the Revised Code. Within 4115  
sixty days after receiving such a petition, the director shall 4116  
determine whether the area has the characteristics set forth in 4117  
that division and forward the findings to the legislative 4118  
authority or board of county commissioners. If the director 4119  
certifies the area as having those characteristics and thereby 4120  
certifies it as a zone, the legislative authority or board may 4121  
enter into agreements with enterprises under division (B) of this 4122  
section. Any enterprise wishing to enter into an agreement with a 4123  
legislative authority or board of county commissioners under this 4124  
section and satisfying one of the criteria described in divisions 4125  
(B)(1) to (5) of this section shall submit a proposal to the 4126  
legislative authority or board on the form prescribed under 4127  
division (B) of section 5709.62 of the Revised Code and shall 4128  
review and update the estimates and listings required by the form 4129

in the manner required under that division. The legislative 4130  
authority or board may, on a separate form and at any time, 4131  
require any additional information necessary to determine whether 4132  
an enterprise is in compliance with an agreement and to collect 4133  
the information required to be reported under section 5709.68 of 4134  
the Revised Code. 4135

~~(b) The legislative authority of a city designated as an 4136  
urban cluster in a rural statistical area that has, pursuant to 4137  
this section, as amended by Am. Sub. H.B. 95 of the 125th general 4138  
assembly, designated one or more areas in the city as a proposed 4139  
enterprise zone, shall not enter into an agreement under this 4140  
section unless it has petitioned the director and the director has 4141  
certified the proposed enterprise zone under division (A)(3)(a) of 4142  
this section. 4143~~

(B) Prior to entering into an agreement with an enterprise, 4144  
the legislative authority or board of county commissioners shall 4145  
determine whether the enterprise submitting the proposal is 4146  
qualified by financial responsibility and business experience to 4147  
create and preserve employment opportunities in the zone and to 4148  
improve the economic climate of the municipal corporation or 4149  
municipal corporations or the unincorporated areas in which the 4150  
zone is located and to which the proposal applies, and whether the 4151  
enterprise satisfies one of the following criteria: 4152

(1) The enterprise currently has no operations in this state 4153  
and, subject to approval of the agreement, intends to establish 4154  
operations in the zone; 4155

(2) The enterprise currently has operations in this state 4156  
and, subject to approval of the agreement, intends to establish 4157  
operations at a new location in the zone that would not result in 4158  
a reduction in the number of employee positions at any of the 4159  
enterprise's other locations in this state; 4160

(3) The enterprise, subject to approval of the agreement, 4161  
intends to relocate operations, currently located in another 4162  
state, to the zone; 4163

(4) The enterprise, subject to approval of the agreement, 4164  
intends to expand operations at an existing site in the zone that 4165  
the enterprise currently operates; 4166

(5) The enterprise, subject to approval of the agreement, 4167  
intends to relocate operations, currently located in this state, 4168  
to the zone, and the director of development has issued a waiver 4169  
for the enterprise under division (B) of section 5709.633 of the 4170  
Revised Code. 4171

(C) If the legislative authority or board determines that the 4172  
enterprise is so qualified and satisfies one of the criteria 4173  
described in divisions (B)(1) to (5) of this section, the 4174  
legislative authority or board may, after complying with section 4175  
5709.83 of the Revised Code and on or before October 15, 2009, 4176  
and, in the case of a board of commissioners, with the consent of 4177  
the legislative authority of each affected municipal corporation 4178  
or of the board of township trustees, enter into an agreement with 4179  
the enterprise under which the enterprise agrees to establish, 4180  
expand, renovate, or occupy a facility in the zone and hire new 4181  
employees, or preserve employment opportunities for existing 4182  
employees, in return for the following incentives: 4183

(1) When the facility is located in a municipal corporation, 4184  
a legislative authority or board of commissioners may enter into 4185  
an agreement for one or more of the incentives provided in 4186  
division (C) of section 5709.62 of the Revised Code, subject to 4187  
division (D) of that section; 4188

(2) When the facility is located in an unincorporated area, a 4189  
board of commissioners may enter into an agreement for one or more 4190  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 4191

(B)(3) of section 5709.63 of the Revised Code, subject to division 4192  
(C) of that section. 4193

(D) All agreements entered into under this section shall be 4194  
in the form prescribed under section 5709.631 of the Revised Code. 4195  
After an agreement under this section is entered into, if the 4196  
legislative authority or board of county commissioners revokes its 4197  
designation of the zone, or if the director of development revokes 4198  
the zone's certification, any entitlements granted under the 4199  
agreement shall continue for the number of years specified in the 4200  
agreement. 4201

(E) Except as otherwise provided in this division, an 4202  
agreement entered into under this section shall require that the 4203  
enterprise pay an annual fee equal to the greater of one per cent 4204  
of the dollar value of incentives offered under the agreement or 4205  
five hundred dollars; provided, however, that if the value of the 4206  
incentives exceeds two hundred fifty thousand dollars, the fee 4207  
shall not exceed two thousand five hundred dollars. The fee shall 4208  
be payable to the legislative authority or board of commissioners 4209  
once per year for each year the agreement is effective on the days 4210  
and in the form specified in the agreement. Fees paid shall be 4211  
deposited in a special fund created for such purpose by the 4212  
legislative authority or board and shall be used by the 4213  
legislative authority or board exclusively for the purpose of 4214  
complying with section 5709.68 of the Revised Code and by the tax 4215  
incentive review council created under section 5709.85 of the 4216  
Revised Code exclusively for the purposes of performing the duties 4217  
prescribed under that section. The legislative authority or board 4218  
may waive or reduce the amount of the fee charged against an 4219  
enterprise, but such waiver or reduction does not affect the 4220  
obligations of the legislative authority or board or the tax 4221  
incentive review council to comply with section 5709.68 or 5709.85 4222  
of the Revised Code, respectively. 4223

(F) With the approval of the legislative authority of a 4224  
municipal corporation or the board of township trustees of a 4225  
township in which a zone is designated under division (A)(2) of 4226  
this section, the board of county commissioners may delegate to 4227  
that legislative authority or board any powers and duties of the 4228  
board to negotiate and administer agreements with regard to that 4229  
zone under this section. 4230

(G) When an agreement is entered into pursuant to this 4231  
section, the legislative authority or board of commissioners 4232  
authorizing the agreement shall forward a copy of the agreement to 4233  
the director of development and to the tax commissioner within 4234  
fifteen days after the agreement is entered into. If any agreement 4235  
includes terms not provided for in section 5709.631 of the Revised 4236  
Code affecting the revenue of a city, local, or exempted village 4237  
school district or causing revenue to be foregone by the district, 4238  
including any compensation to be paid to the school district 4239  
pursuant to section 5709.82 of the Revised Code, those terms also 4240  
shall be forwarded in writing to the director of development along 4241  
with the copy of the agreement forwarded under this division. 4242

(H) After an agreement is entered into, the enterprise shall 4243  
file with each personal property tax return required to be filed 4244  
while the agreement is in effect, an informational return, on a 4245  
form prescribed by the tax commissioner for that purpose, setting 4246  
forth separately the property, and related costs and values, 4247  
exempted from taxation under the agreement. 4248

(I) An agreement entered into under this section may include 4249  
a provision requiring the enterprise to create one or more 4250  
temporary internship positions for students enrolled in a course 4251  
of study at a school or other educational institution in the 4252  
vicinity, and to create a scholarship or provide another form of 4253  
educational financial assistance for students holding such a 4254  
position in exchange for the student's commitment to work for the 4255

enterprise at the completion of the internship.

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**Sec. 5709.75.** (A) Any township that receives service payments  
in lieu of taxes under section 5709.74 of the Revised Code shall  
establish a township public improvement tax increment equivalent  
fund into which those payments shall be deposited. If the board of  
township trustees has adopted a resolution under division (C) of  
section 5709.73 of the Revised Code, the township shall establish  
at least one account in that fund with respect to resolutions  
adopted under division (B) of that section, and one account with  
respect to each district created by a resolution adopted under  
division (C) of that section. If a resolution adopted under  
division (C) of section 5709.73 of the Revised Code also  
authorizes the use of service payments for housing renovations  
within the district, the township shall establish separate  
accounts for the service payments designated for public  
infrastructure improvements and for the service payments  
authorized for the purpose of housing renovations. ~~Moneys~~

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(B) Except as otherwise provided in division (C) or (D) of  
this section, money deposited in an account of ~~that~~ the township  
public improvement tax increment equivalent fund shall be used by  
the township to pay the costs of public infrastructure  
improvements designated in or the housing renovations authorized  
by the resolution with respect to which the account is  
established, including any interest on and principal of the notes;  
in the case of an account established with respect to a resolution  
adopted under division (C) of that section, money in the account  
shall be used to finance the public infrastructure improvements  
designated, or the housing renovations authorized, for each  
district created in the resolution. Money in an account shall not  
be used to finance or support housing renovations that take place  
after the district has expired. ~~The~~

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(C) A township may also distribute money in such an account 4287  
to any school district in which the exempt property is located in 4288  
an amount not to exceed the amount of real property taxes that 4289  
such school district would have received from the improvement if 4290  
it were not exempt from taxation. The resolution establishing the 4291  
fund shall set forth the percentage of such maximum amount that 4292  
will be distributed to any affected school district. ~~Any~~ 4293

(D) On or before January 1, 2007, a board of township 4294  
trustees that adopted a resolution under division (B) of section 4295  
5709.73 of the Revised Code before January 1, 1995, and that, with 4296  
respect to property exempted under such a resolution, is party to 4297  
a hold-harmless agreement, may appropriate and expend unencumbered 4298  
money in the fund to pay current public safety expenses of the 4299  
township. A township appropriating and expending money under this 4300  
division shall reimburse the fund for the sum so appropriated and 4301  
expended not later than the day the exemption granted under the 4302  
resolution expires. For the purposes of this division, a 4303  
"hold-harmless agreement" is an agreement with the board of 4304  
education of a city, local, or exempted village school district 4305  
under which the board of township trustees agrees to compensate 4306  
the school district for one hundred per cent of the tax revenue 4307  
the school district would have received from improvements to 4308  
parcels designated in the resolution were it not for the exemption 4309  
granted by the resolution. 4310

(E) Any incidental surplus remaining in the township public 4311  
improvement tax increment equivalent fund or an account of that 4312  
fund upon dissolution of the account or fund shall be transferred 4313  
to the general fund of the township. 4314

**Sec. 5709.91.** Service payments in lieu of taxes required 4315  
under sections 725.04, 5709.42, 5709.74, and 5709.79 of the 4316  
Revised Code, minimum service payment obligations, and service 4317

charges in lieu of taxes required under sections 1728.11 and 4318  
1728.111 of the Revised Code, shall be treated in the same manner 4319  
as taxes for all purposes of the lien described in section 323.11 4320  
of the Revised Code, including, but not limited to, the priority 4321  
and enforcement of the lien and the collection of the service 4322  
payments, minimum service payment obligations, or service charges 4323  
secured by the lien. For the purposes of this section, a "minimum 4324  
service payment obligation" is an obligation, including a 4325  
contingent obligation, for a person to make a payment to a county, 4326  
township, or municipal corporation to ensure sufficient funds to 4327  
finance public infrastructure improvements or, if applicable, 4328  
housing renovations, pursuant to an agreement between that person 4329  
and the county, township, or municipal corporation for the 4330  
purposes of sections 5709.40 to 5709.43, 5709.73 to 5709.75, or 4331  
5709.77 to 5709.81 of the Revised Code. 4332

**Sec. 5715.70.** (A) A county board of revision may release a 4333  
lien imposed on real property situated within the county if all 4334  
the following apply: 4335

(1) The lien has been in existence for at least five years. 4336

(2) The lien is for a debt resulting from the cost of 4337  
environmental cleanup of the property paid from state or local 4338  
government funds. 4339

(3) The amount of the lien is equal to or greater than twelve 4340  
times the fair market value of the property. 4341

(4) The board determines the debt is uncollectible. 4342

(B) The board shall reduce a release given pursuant to this 4343  
section to writing and the county treasurer shall sign and deliver 4344  
it to the owner of the property. 4345

**Sec. 5715.701.** The county recorder shall discharge a lien 4346

described in section 5715.70 of the Revised Code when the release 4347  
described in that section is presented to the county recorder. In 4348  
addition to the discharge on the records by the recorder, the 4349  
release shall be recorded in a book kept for that purpose by the 4350  
recorder. The recorder is entitled to the fees for such recording 4351  
as provided by section 317.32 of the Revised Code for recording 4352  
deeds. 4353

**Sec. 5733.121.** If a corporation entitled to a refund under 4354  
section 5733.11 or 5733.12 of the Revised Code is indebted to this 4355  
state for any tax, workers' compensation premium due under section 4356  
4123.35 of the Revised Code, unemployment compensation 4357  
contribution due under section 4141.25 of the Revised Code, ~~or~~ 4358  
unemployment compensation payment in lieu of contribution under 4359  
section 4141.241 of the Revised Code, certified claim under 4360  
section 131.02 or 131.021 of the Revised Code, or fee that is paid 4361  
to the state or to the clerk of courts pursuant to section 4505.06 4362  
of the Revised Code, or any charge, penalty, or interest arising 4363  
from such a tax, workers' compensation premium, unemployment 4364  
compensation contribution, ~~or~~ unemployment compensation payment in 4365  
lieu of contribution under section 4141.241 of the Revised Code, 4366  
certified claim, or fee, the amount refundable may be applied in 4367  
satisfaction of the debt. If the amount refundable is less than 4368  
the amount of the debt, it may be applied in partial satisfaction 4369  
of the debt. If the amount refundable is greater than the amount 4370  
of the debt, the amount remaining after satisfaction of the debt 4371  
shall be refunded. If the corporation has more than one such debt, 4372  
any debt subject to section 5739.33 or division (G) of section 4373  
5747.07 of the Revised Code shall be satisfied first. ~~This Except~~ 4374  
as provided in section 131.021 of the Revised Code, this section 4375  
applies only to debts that have become final. 4376

The tax commissioner may charge each respective agency of the 4377

state for the commissioner's cost in applying refunds to debts due 4378  
to the state and may charge the attorney general for the 4379  
commissioner's cost in applying refunds to certified claims. The 4380  
commissioner may promulgate rules to implement this section. 4381

The tax commissioner may, with the consent of the taxpayer, 4382  
provide for the crediting, against tax due for any tax year, of 4383  
the amount of any refund due the taxpayer under this chapter for a 4384  
preceding tax year. 4385

**Sec. 5747.12.** If a person entitled to a refund under section 4386  
5747.11 or 5747.13 of the Revised Code is indebted to this state 4387  
for any tax, workers' compensation premium due under section 4388  
4123.35 of the Revised Code, unemployment compensation 4389  
contribution due under section 4141.25 of the Revised Code, 4390  
certified claim under section 131.02 or 131.021 of the Revised 4391  
Code, or fee that is paid to the state or to the clerk of courts 4392  
pursuant to section 4505.06 of the Revised Code, or any charge, 4393  
penalty, or interest arising from such a tax, workers' 4394  
compensation premium, unemployment compensation contribution, 4395  
certified claim, or fee, the amount refundable may be applied in 4396  
satisfaction of the debt. If the amount refundable is less than 4397  
the amount of the debt, it may be applied in partial satisfaction 4398  
of the debt. If the amount refundable is greater than the amount 4399  
of the debt, the amount remaining after satisfaction of the debt 4400  
shall be refunded. If the person has more than one such debt, any 4401  
debt subject to section 5739.33 or division (G) of section 5747.07 4402  
of the Revised Code shall be satisfied first. ~~This~~ Except as 4403  
provided in section 131.021 of the Revised Code, this section 4404  
applies only to debts that have become final. 4405

The tax commissioner may charge each respective agency of the 4406  
state for the commissioner's cost in applying refunds to debts due 4407  
to the state and may charge the attorney general for the 4408

commissioner's cost in applying refunds to certified claims. The 4409  
commissioner may promulgate rules to implement this section. The 4410  
rules may address, among other things, situations such as those 4411  
where persons may jointly be entitled to a refund but do not 4412  
jointly owe a debt or certified claim. 4413

The tax commissioner may, with the consent of the taxpayer, 4414  
provide for the crediting, against tax imposed under this chapter 4415  
or Chapter 5748. of the Revised Code and due for any taxable year, 4416  
of the amount of any refund due the taxpayer under this chapter or 4417  
Chapter 5748. of the Revised Code, as appropriate, for a preceding 4418  
taxable year. 4419

**Section 2.** That existing sections 9.98, 105.41, 123.10, 4420  
125.28, 126.11, 131.02, 133.01, 151.01, 154.01, 154.02, 154.07, 4421  
755.16, 755.18, 2716.11, 3318.01, 3318.02, 3318.03, 3318.04, 4422  
3318.11, 3318.37, 3318.41, 3345.50, 3383.01, 3383.02, 3383.07, 4423  
3770.073, 5537.01, 5540.01, 5709.61, 5709.62, 5709.632, 5709.75, 4424  
5709.91, 5733.121, and 5747.12 and section 123.023 of the Revised 4425  
Code are hereby repealed. 4426

**Section 3.01.** The items set forth in this section are hereby 4427  
appropriated out of any moneys in the state treasury to the credit 4428  
of the Wildlife Fund (Fund 015), that are not otherwise 4429  
appropriated. 4430

		Appropriations		
DNR DEPARTMENT OF NATURAL RESOURCES				4431
CAP-702	UST Removal/Replacement	\$	50,000	4432
CAP-703	Cap Abandoned Water Wells	\$	10,000	4433
CAP-995	Boundary Protection	\$	50,000	4434
Total Department of Natural Resources		\$	110,000	4435
TOTAL Wildlife Fund		\$	110,000	4436

**Section 4.01.** The items set forth in this section are hereby 4438

appropriated out of any moneys in the state treasury to the credit 4439  
of the Public School Building Fund (Fund 021), that are not 4440  
otherwise appropriated. 4441

Appropriations

SFC SCHOOL FACILITIES COMMISSION		4442
CAP-622 Public School Buildings	\$ 3,000,000	4443
Total School Facilities Commission	\$ 3,000,000	4444
TOTAL Public School Building Fund	\$ 3,000,000	4445

**Section 4.02. PUBLIC SCHOOL BUILDING FUND** 4447

The Controlling Board, when requested to do so by the 4448  
Executive Director of the Ohio School Facilities Commission, may 4449  
increase appropriations in the Public School Building Fund (Fund 4450  
021), based on revenues received by the fund, including cash 4451  
transfers and interest that may accrue to the fund. 4452

**Section 5.01.** The items set forth in this section are hereby 4453  
appropriated out of any moneys in the state treasury to the credit 4454  
of the Highway Safety Fund (Fund 036), that are not otherwise 4455  
appropriated. 4456

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY		4457
CAP-072 OSHP Academy Infrastructure Phase II	\$ 750,000	4458
CAP-079 Ironton Patrol Post	\$ 1,900,000	4459
Total Department of Public Safety	\$ 2,650,000	4460
TOTAL Highway Safety Fund	\$ 2,650,000	4461

**Section 6.01.** All items set forth in this section are hereby 4463  
appropriated out of any moneys in the state treasury to the credit 4464  
of the State Capital Improvements Revolving Loan Fund (Fund 040). 4465  
Revenues to the State Capital Improvements Revolving Loan Fund 4466  
shall consist of all repayments of loans made to local 4467

subdivisions for capital improvements, investment earnings on 4468  
moneys in the fund, and moneys obtained from federal or private 4469  
grants or from other sources for the purpose of making loans for 4470  
the purpose of financing or assisting in the financing of the cost 4471  
of capital improvement projects of local subdivisions. 4472

Appropriations

PWC PUBLIC WORKS COMMISSION 4473  
CAP-151 Revolving Loan \$ 16,750,000 4474  
Total Public Works Commission \$ 16,750,000 4475  
TOTAL State Capital Improvements Revolving Loan \$ 16,750,000 4476  
Fund

The foregoing appropriation item CAP-151, Revolving Loan, 4477  
shall be used in accordance with sections 164.01 to 164.12 of the 4478  
Revised Code. 4479

**Section 7.01.** All items set forth in this section are hereby 4480  
appropriated out of any moneys in the state treasury to the credit 4481  
of the Waterways Safety Fund (Fund 086), that are not otherwise 4482  
appropriated. 4483

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 4484  
CAP-324 Cooperative Funding for Boating \$ 7,600,000 4485  
Facilities  
CAP-934 Operations Facilities Development \$ 890,000 4486  
Total Department of Natural Resources \$ 8,490,000 4487  
TOTAL Waterways Safety Fund \$ 8,490,000 4488

**Section 8.01.** All items set forth in this section are hereby 4490  
appropriated out of any moneys in the state treasury to the credit 4491  
of the Nursing Home-Federal Fund (Fund 319) that are not otherwise 4492  
appropriated. 4493

Appropriations

	OVH OHIO VETERANS' HOME AGENCY		4494
430-776	Mechanical Systems Upgrade	\$ 1,560,000	4495
430-777	Secrest Kitchen Improvements	\$ 260,000	4496
430-778	Corridor Renovations	\$ 325,000	4497
430-781	Secrest/Veterans' Hall Roof Replacement	\$ 552,500	4498
	Total Ohio Veterans' Home Agency	\$ 2,697,500	4499
	TOTAL Nursing Home-Federal Fund	\$ 2,697,500	4500

**Section 9.01.** All items set forth in this section are hereby 4502  
appropriated out of any moneys in the state treasury to the credit 4503  
of the Army National Guard Service Contract Fund (Fund 342) that 4504  
are not otherwise appropriated. 4505

Appropriations

	ADJ ADJUTANT GENERAL		4506
CAP-065	Armory Construction-Federal	\$ 6,649,000	4507
	Total Adjutant General	\$ 6,649,000	4508
	Total Army National Guard Service Contract	\$ 6,649,000	4509

**Section 10.01.** All items set forth in this section are hereby 4511  
appropriated out of any moneys in the state treasury to the credit 4512  
of the Special Administrative Fund (Fund 4A9) that are not 4513  
otherwise appropriated. 4514

Appropriations

	JFS DEPARTMENT OF JOB AND FAMILY SERVICES		4515
CAP-027	Various Renovations - Local Offices	\$ 2,076,956	4516
	Total Department of Job and Family Services	\$ 2,076,956	4517
	TOTAL Special Administrative Fund	\$ 2,076,956	4518

**Section 11.01.** The items set forth in this section are hereby 4520  
appropriated out of any moneys in the state treasury to the credit 4521  
of the State Fire Marshal Fund (Fund 546), that are not otherwise 4522  
appropriated. 4523

Appropriations

	COM DEPARTMENT OF COMMERCE		4524
CAP-014	Office and Dorm Addition	\$ 8,190,000	4525
CAP-016	MARCS Radio Communications	\$ 400,000	4526
	Total Department of Commerce	\$ 8,590,000	4527
	TOTAL State Fire Marshal Fund	\$ 8,590,000	4528

**Section 12.01.** The items set forth in this section are hereby 4530  
appropriated out of any moneys in the state treasury to the credit 4531  
of the Community Match Armories Fund (Fund 5U8) that are not 4532  
otherwise appropriated. 4533

Appropriations

	ADJ ADJUTANT GENERAL		4534
CAP-066	Armory Construction - Local	\$ 3,000,000	4535
	Total Adjutant General	\$ 3,000,000	4536
	TOTAL Community Match Armories	\$ 3,000,000	4537

**Section 13.01.** The items set forth in this section are hereby 4539  
appropriated out of any moneys in the state treasury to the credit 4540  
of the Veterans' Home Improvement Fund (Fund 604) that are not 4541  
otherwise appropriated. 4542

Appropriations

	OVH OHIO VETERANS' HOME AGENCY		4543
CAP-776	Mechanical Systems Upgrade	\$ 840,000	4544
CAP-777	Secrest Kitchen Improvements	\$ 140,000	4545
CAP-778	Corridor Renovations	\$ 175,000	4546
CAP-779	Service Building	\$ 75,000	4547
CAP-780	Site Work	\$ 25,000	4548
CAP-781	Secrest/Veterans' Hall Roof Replacement	\$ 297,500	4549
CAP-782	HVAC Controls Upgrade	\$ 135,000	4550
CAP-783	Resident Security Upgrade	\$ 50,000	4551
CAP-784	Multipurpose Room/Employee Locker Room	\$ 254,000	4552
	Total Ohio Veterans' Home Agency	\$ 1,991,500	4553
	TOTAL Veterans' Home Improvement Fund	\$ 1,991,500	4554

**Section 14.01.** All items set forth in this section are hereby 4556  
appropriated out of any moneys in the state treasury to the credit 4557  
of the Clean Ohio Revitalization Fund (Fund 003) that are not 4558  
otherwise appropriated. 4559

Appropriations

	DEV DEPARTMENT OF DEVELOPMENT		4560
CAP-001	Clean Ohio Revitalization	\$ 40,000,000	4561
CAP-002	Clean Ohio Assistance	\$ 10,000,000	4562
	Total Department of Development	\$ 50,000,000	4563
	TOTAL Clean Ohio Revitalization Fund	\$ 50,000,000	4564

**Section 14.02.** The Treasurer of State is hereby authorized to 4566  
issue and sell, in accordance with Section 20 of Article VIII, 4567  
Ohio Constitution, and pursuant to sections 151.01 and 151.40 of 4568  
the Revised Code, original obligations in an aggregate principal 4569  
amount not to exceed \$50,000,000, in addition to the original 4570  
issuance of obligations heretofore authorized by prior acts of the 4571  
General Assembly. These authorized obligations shall be issued, 4572  
subject to applicable constitutional and statutory limitations, as 4573  
needed to ensure sufficient moneys to the credit of the Clean Ohio 4574  
Revitalization Fund (Fund 003) to pay costs of revitalization 4575  
projects as referred to in sections 151.01 and 151.40 of the 4576  
Revised Code. 4577

**Section 15.01.** All items set forth in this section are hereby 4578  
appropriated out of any moneys in the state treasury to the credit 4579  
of the Highway Safety Building Fund (Fund 025) that are not 4580  
otherwise appropriated. 4581

Appropriations

	DHS DEPARTMENT OF PUBLIC SAFETY		4582
CAP-080	Repeaters and Portable Radios	\$ 2,500,000	4583
	Total Department of Public Safety	\$ 2,500,000	4584

TOTAL Highway Safety Building Fund \$ 2,500,000 4585

**Section 16.01.** All items set forth in Sections 16.02 to 16.10 4587  
of this act are hereby appropriated out of any moneys in the state 4588  
treasury to the credit of the Administrative Building Fund (Fund 4589  
026) that are not otherwise appropriated. 4590

Appropriations

**Section 16.02.** ADJ ADJUTANT GENERAL 4591

CAP-036 Roof Replacement - Various \$ 180,000 4592

CAP-038 Electrical Systems - Various \$ 180,000 4593

CAP-039 Camp Perry Facility Improvements \$ 200,000 4594

CAP-044 Replace Windows/Doors - Various \$ 160,000 4595

CAP-045 Plumbing Renovations - Various \$ 200,000 4596

CAP-046 Paving Renovations - Various \$ 280,000 4597

CAP-050 HVAC Systems - Various \$ 320,000 4598

CAP-056 Masonry Repairs/Renovations - Various \$ 180,000 4599

CAP-060 Facility Protections Measures \$ 300,000 4600

CAP-061 Repair/Renovate Waste Water System \$ 200,000 4601

CAP-063 Rickenbacker International Airport \$ 5,000,000 4602

CAP-065 Construct Marysville Armory/Community 4603  
Center

CAP-068 Norwalk Armory Storage Facility \$ 15,000 4604

Total Adjutant General \$ 10,209,000 4605

Appropriations

**Section 16.03.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 4607

CAP-773 Governor's Residence Renovations \$ 160,032 4608

CAP-826 Surface Road Building Renovations \$ 200,000 4609

CAP-834 Capital Improvements Tracking System \$ 750,000 4610

CAP-838 SOCC Renovations \$ 532,042 4611

CAP-852 North High Building Complex \$ 10,375,000 4612

CAP-855 Office Space Planning \$ 5,274,502 4613

CAP-859	eSecure Ohio	\$	1,750,000	4614
CAP-864	eGovernment Infrastructure	\$	250,000	4615
CAP-865	DAS Building Security	\$	140,000	4616
CAP-866	OH*1 Network	\$	4,000,000	4617
CAP-867	Lausche Building Connector	\$	500,000	4618
CAP-868	Riversouth Development	\$	9,500,000	4619
Total Department of Administrative Services		\$	33,431,576	4620

Appropriations

**Section 16.04. AGR DEPARTMENT OF AGRICULTURE** 4622

CAP-039	Renovate Weights/Measures Building	\$	307,655	4623
CAP-042	Reynoldsburg Complex Security Improvements	\$	110,000	4624
CAP-043	Building and Grounds Renovation	\$	500,000	4625
CAP-049	Consumer Analytical Laboratory	\$	110,000	4626
CAP-050	Plant Industries Building Planning	\$	650,000	4627
Total Department of Agriculture		\$	1,677,655	4628

Appropriations

**Section 16.05. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD** 4630

CAP-010	Rotunda Renovation	\$	1,400,000	4631
CAP-015	Sound System Upgrades	\$	400,000	4632
CAP-018	HVAC Improvements	\$	476,750	4633
Total Capitol Square Review and Advisory Board		\$	2,276,750	4634

**SOUND SYSTEM UPGRADES** 4635

The foregoing appropriation item CAP-015, Sound System Upgrades, shall be used by Ohio Governmental Television to administer the statehouse sound system upgrade project.

Appropriations

**Section 16.06. EXP EXPOSITIONS COMMISSION** 4639

CAP-037	Electrical Upgrades	\$	2,400,000	4640
CAP-056	Building Renovations	\$	1,600,000	4641

CAP-072	Emergency Renovations and Equipment Replacement	\$	1,000,000	4642
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Total Expositions Commission		\$	5,000,000	4643
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Appropriations

**Section 16.07. DNR DEPARTMENT OF NATURAL RESOURCES** 4645

CAP-742	Fountain Square Building and Telephone System Improvements	\$	500,000	4646
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CAP-744	Multi-Agency Radio Communications Equipment - MARCS	\$	3,100,059	4647
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CAP-747	DNR Fairgrounds Areas - General Upgrading	\$	500,000	4648
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Total Department of Natural Resources		\$	4,100,059	4649
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Appropriations

**Section 16.08. DHS DEPARTMENT OF PUBLIC SAFETY** 4651

CAP-078	Upgrade/Replacement of State EOC Equipment/System	\$	525,000	4652
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CAP-081	NOAA National Weather Radio Coverage	\$	219,900	4653
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Total Department of Public Safety		\$	744,900	4654
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Appropriations

**Section 16.09. OSB SCHOOL FOR THE BLIND** 4655

CAP-774	Glass Windows/E Wall of Natatorium	\$	63,726	4656
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CAP-775	Renovation of Science Lab Greenhouse	\$	58,850	4657
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CAP-776	Renovating Recreation Area	\$	213,900	4658
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CAP-777	New Classrooms for Secondary MH Program	\$	880,407	4659
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CAP-778	Renovation of Student Health Service Area	\$	144,375	4660
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CAP-779	Replacement of Cottage Windows	\$	208,725	4661
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CAP-780	New School Lighting	\$	184,500	4662
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CAP-781	Food Prep. Area Air Conditioning	\$	67,250	4663
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Total School for the Blind		\$	1,821,733	4664
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Appropriations

<b>Section 16.10.</b> OSD SCHOOL FOR THE DEAF			4665
CAP-777	Boilers, Blowers, and Controls for the School Complex	\$ 841,469	4666
CAP-778	Central Warehouse	\$ 706,194	4667
CAP-779	Storage Barn	\$ 330,850	4668
Total School for the Deaf			4669
TOTAL Administrative Building Fund			4670

**Section 16.11.** The Ohio Building Authority is hereby 4671  
authorized to issue and sell, in accordance with Section 2i of 4672  
Article VIII, Ohio Constitution, and Chapter 152. and other 4673  
applicable sections of the Revised Code, original obligations in 4674  
an aggregate principal amount not to exceed \$65,000,000 in 4675  
addition to the original issuance of obligations heretofore 4676  
authorized by prior acts of the General Assembly. The authorized 4677  
obligations shall be issued, subject to applicable constitutional 4678  
and statutory limitations, to pay costs associated with previously 4679  
authorized capital facilities and the capital facilities referred 4680  
to in Sections 16.02 to 16.10 of this act. 4681

**Section 17.01.** All items set forth in this section are hereby 4682  
appropriated out of any moneys in the state treasury to the credit 4683  
of the Adult Correctional Building Fund (Fund 027) that are not 4684  
otherwise appropriated. 4685

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION			4686
STATEWIDE AND CENTRAL OFFICE PROJECTS			4687
CAP-007	Asbestos/Hazardous Waste Removal	\$ 1,000,000	4688
CAP-017	Security Improvements - Statewide	\$ 5,000,000	4689
CAP-111	General Building Renovations	\$ 31,550,000	4690
CAP-141	Multi-Agency Radio Communications System	\$ 1,900,000	4691

	Equipment			
CAP-187	Mandown Alert Communication System -	\$	2,650,000	4692
	Statewide			
	Total Statewide and Central Office Projects	\$	42,100,000	4693
	TOTAL Department of Rehabilitation and Correction	\$	42,100,000	4694
	TOTAL ADULT CORRECTIONAL BUILDING FUND	\$	42,100,000	4695

**Section 17.02.** The Ohio Building Authority is hereby 4697  
 authorized to issue and sell, in accordance with Section 2i of 4698  
 Article VIII, Ohio Constitution, and Chapter 152. and section 4699  
 307.021 of the Revised Code, original obligations in an aggregate 4700  
 principal amount not to exceed \$12,000,000 in addition to the 4701  
 original issuance of obligations heretofore authorized by prior 4702  
 acts of the General Assembly. The authorized obligations shall be 4703  
 issued subject to applicable constitutional and statutory 4704  
 limitations, to pay costs associated with previously authorized 4705  
 capital facilities and the capital facilities referred to in 4706  
 Section 17.01 of this act for the Department of Rehabilitation and 4707  
 Correction. 4708

**Section 18.01.** All items set forth in this section are hereby 4709  
 appropriated out of any moneys in the state treasury to the credit 4710  
 of the Juvenile Correctional Building Fund (Fund 028) that are not 4711  
 otherwise appropriated. 4712

			Appropriations	
	DYS DEPARTMENT OF YOUTH SERVICES			4713
CAP-801	Fire Suppression/Safety/Security	\$	2,081,447	4714
CAP-803	General Institutional Renovations	\$	3,806,860	4715
CAP-837	Sanitary Safety & Other Renovations -	\$	3,641,875	4716
	Indian River			
CAP-838	Education and Programming Expansion -	\$	1,400,000	4717
	ORV			
	Total Department of Youth Services	\$	10,930,182	4718



CAP-069	Cleveland Institute of Art	\$	250,000	4748
CAP-071	Cleveland Institute of Music	\$	750,000	4749
CAP-073	Marina District/Ice Arena Development	\$	3,500,000	4750
CAP-074	Stan Hywet Hall & Gardens - West Vista Restoration	\$	750,000	4751
CAP-745	Emergency Repairs	\$	838,560	4752
CAP-769	Rankin House State Memorial	\$	192,000	4753
CAP-781	Archives and Library Automation	\$	624,000	4754
CAP-784	Center Rehabilitation	\$	960,000	4755
CAP-806	Grant Boyhood Home Improvements	\$	480,000	4756
CAP-812	Schuster Arts Center	\$	5,500,000	4757
CAP-823	Marion Palace Theatre	\$	750,000	4758
CAP-826	Renaissance Theatre	\$	750,000	4759
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	4760
CAP-835	Jamestown Opera House	\$	125,000	4761
CAP-844	Charles A. Eulett Education Center/Edge of Appalachia Museum Center	\$	1,850,000	4762
CAP-845	Lima Historic Athletic Field	\$	100,000	4763
CAP-846	Butler Palace Theatre	\$	100,000	4764
CAP-847	Voice of America Museum	\$	275,000	4765
CAP-848	Oxford Arts Center ADA Project	\$	72,000	4766
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	4767
CAP-850	Westcott House Historic Site	\$	75,000	4768
CAP-851	General Lytle Homestead - Harmony Hill	\$	50,000	4769
CAP-852	Miami Township Community Amphitheatre	\$	50,000	4770
CAP-853	Western Reserve Historical Society	\$	1,000,000	4771
CAP-854	Steamship Mather Museum	\$	100,000	4772
CAP-855	Rock and Roll Hall of Fame	\$	250,000	4773
CAP-856	Friendly Inn Settlement House Historic Site	\$	250,000	4774
CAP-857	Merrick House Historic Site	\$	250,000	4775

CAP-858	Strongsville Historic Building	\$	100,000	4776
CAP-859	Arts Castle	\$	100,000	4777
CAP-860	Great Lakes Historical Society	\$	325,000	4778
CAP-861	Ohio Glass Museum	\$	250,000	4779
CAP-862	Goll Wood Homestead	\$	50,000	4780
CAP-863	Ariel Theatre	\$	100,000	4781
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	4782
CAP-865	Kennedy Stone House	\$	15,000	4783
CAP-866	Sports Facilities Improvements - Cincinnati	\$	4,350,000	4784
CAP-867	Ensemble Theatre	\$	450,000	4785
CAP-868	Taft Museum	\$	500,000	4786
CAP-869	Art Academy of Cincinnati	\$	100,000	4787
CAP-870	Riverbend Pavilion Improvements	\$	250,000	4788
CAP-871	Cincinnati Art & Technology Academy - Longworth Hall	\$	100,000	4789
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	4790
CAP-873	John Bloomfield Home Restoration	\$	115,000	4791
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	4792
CAP-875	Hocking County Historical Society - Schempp House	\$	10,000	4793
CAP-876	Art Deco Markay Theater	\$	200,000	4794
CAP-877	Harvey Wells House	\$	100,000	4795
CAP-878	Bryn Du	\$	250,000	4796
CAP-879	Broad Street Historical Renovation	\$	300,000	4797
CAP-880	Amherst Historical Society	\$	35,000	4798
CAP-881	COSI - Toledo	\$	1,900,000	4799
CAP-882	Ohio Theatre - Toledo	\$	100,000	4800
CAP-883	Chester Academy Historic Site Renovations	\$	25,000	4801
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	4802
CAP-885	Montgomery County Historical Society	\$	100,000	4803

	Archives			
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	4804
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	4805
CAP-888	Preble County Historical Society	\$	100,000	4806
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	4807
CAP-890	Pro Football Hall of Fame	\$	400,000	4808
CAP-891	MAPS Air Museum	\$	15,000	4809
CAP-892	Foundation Community Theatre	\$	50,000	4810
CAP-893	William McKinley Library Restoration	\$	250,000	4811
CAP-894	Hale Farm & Village	\$	250,000	4812
CAP-895	Blossom Music Center	\$	2,512,500	4813
CAP-896	Richard Howe House	\$	100,000	4814
CAP-897	Ward-Thomas Museum	\$	30,000	4815
CAP-898	Packard Music Hall Renovation Project	\$	100,000	4816
CAP-899	Holland Theatre	\$	100,000	4817
CAP-900	Van Wert Historical Society	\$	32,000	4818
CAP-901	Warren County Historical Society	\$	225,000	4819
CAP-902	Marietta Colony Theatre	\$	335,000	4820
CAP-903	West Salem Village Opera House	\$	92,000	4821
CAP-904	Beavercreek Community Theater	\$	100,000	4822
CAP-905	Smith Orr Homestead	\$	100,000	4823
	Total Cultural Facilities Commission	\$	43,592,560	4824
	TOTAL Cultural and Sports Facilities Building Fund	\$	43,592,560	4825

**Section 19.02.** The Treasurer of State is hereby authorized to 4827  
issue and sell, in accordance with Section 2i of Article VIII, 4828  
Ohio Constitution, and Chapter 154., as amended by this act, and 4829  
other applicable sections of the Revised Code, original 4830  
obligations in an aggregate principal amount not to exceed 4831  
\$35,000,000 in addition to the original issuance of obligations 4832  
heretofore authorized by prior acts of the General Assembly. The 4833  
authorized obligations shall be issued, subject to applicable 4834  
constitutional and statutory limitations, to pay costs of capital 4835

facilities as defined in section 154.01 of the Revised Code, 4836  
including construction as defined in division (H) of section 4837  
3383.01 of the Revised Code, of the Ohio cultural facilities 4838  
designated in Section 19.01 of this act. 4839

**Section 20.01.** All items set forth in this section are hereby 4840  
appropriated out of any moneys in the state treasury to the credit 4841  
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 4842  
not otherwise appropriated. 4843

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 4844

STATEWIDE AND LOCAL PROJECTS 4845

CAP-012	Land Acquisition	\$	750,000	4846
CAP-051	Buck Creek State Park - Camp/Dock Renovations	\$	25,000	4847
CAP-060	East Fork State Park Renovation	\$	50,000	4848
CAP-080	Atwood Lake Conservancy District	\$	75,000	4849
CAP-081	Riversedge/Flats Erosion Control	\$	200,000	4850
CAP-083	John Bryan State Park Shelter Construction	\$	30,000	4851
CAP-084	Findley State Park General Improvements	\$	12,500	4852
CAP-085	The Wilds Carnivore Center	\$	1,000,000	4853
CAP-086	Scippo Creek Conservation	\$	75,000	4854
CAP-087	Belpre City Swimming Pool	\$	125,000	4855
CAP-705	Ohio-Erie Canal Tuscarawas River Logjam Removal	\$	25,000	4856
CAP-748	Local Parks Projects - Statewide	\$	2,511,079	4857
CAP-753	Project Planning	\$	1,144,316	4858
CAP-881	Dam Rehabilitation	\$	5,000,000	4859
CAP-931	Wastewater/Water Systems Upgrades	\$	2,900,000	4860
Total Statewide and Local Projects		\$	13,922,895	4861
Total Department of Natural Resources		\$	13,922,895	4862



of the School Building Program Assistance Fund (Fund 032) that are 4894  
not otherwise appropriated. 4895

Appropriations

SFC SCHOOL FACILITIES COMMISSION 4896  
CAP-770 School Building Program Assistance \$ 541,600,000 4897  
Total School Facilities Commission \$ 541,600,000 4898  
TOTAL School Building Program Assistance Fund \$ 541,600,000 4899

SCHOOL BUILDING PROGRAM ASSISTANCE 4900

The foregoing appropriation item CAP-770, School Building 4901  
Program Assistance, shall be used by the School Facilities 4902  
Commission to provide funding to school districts that receive 4903  
conditional approval from the Commission pursuant to Chapter 3318. 4904  
of the Revised Code. 4905

**Section 21.02.** The Ohio Public Facilities Commission is 4906  
hereby authorized to issue and sell, in accordance with Section 2n 4907  
of Article VIII, Ohio Constitution, and Chapter 151. and 4908  
particularly sections 151.01 and 151.03 of the Revised Code, 4909  
original obligations in an aggregate principal amount not to 4910  
exceed \$530,000,000, in addition to the original issuance of 4911  
obligations heretofore authorized by prior acts of the General 4912  
Assembly. The authorized obligations shall be issued, subject to 4913  
applicable constitutional and statutory limitations, to pay the 4914  
costs to the state of constructing classroom facilities pursuant 4915  
to sections 3318.01 to 3318.35 of the Revised Code. 4916

**Section 22.01.** All items set forth in Sections 22.02 to 22.05 4917  
are hereby appropriated out of any moneys in the state treasury to 4918  
the credit of the Mental Health Facilities Improvement Fund (Fund 4919  
033) that are not otherwise appropriated. 4920

**Section 22.02.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 4921

SERVICES			4922
CAP-002	Community Assistance Projects	\$ 100,000	4923
Total Department of Alcohol and Drug Addiction		\$ 100,000	4924
Services			
COMMUNITY ASSISTANCE PROJECTS			4925
Of the foregoing appropriation item CAP-002, Community			4926
Assistance Projects, \$100,000 shall be used for the Stella Maris			4927
Community Recovery Center.			4928
		Appropriations	
<b>Section 22.03.</b> DMH DEPARTMENT OF MENTAL HEALTH			4929
CAP-479	Community Assistance Projects	\$ 1,700,000	4930
CAP-978	Infrastructure Improvements	\$ 8,050,000	4931
Total Department of Mental Health		\$ 9,750,000	4932
COMMUNITY ASSISTANCE PROJECTS			4933
Of the foregoing appropriation item CAP-479, Community			4934
Assistance Projects, \$200,000 shall be used for the Center for			4935
Families and Children.			4936
		Appropriations	
<b>Section 22.04.</b> DMR DEPARTMENT OF MENTAL RETARDATION AND			4937
DEVELOPMENTAL DISABILITIES			4938
STATEWIDE AND CENTRAL OFFICE PROJECTS			4939
CAP-480	Community Assistance Projects	\$ 9,475,000	4940
CAP-955	Statewide Development Centers	\$ 3,257,257	4941
Total Statewide and Central Office Projects		\$ 12,732,257	4942
TOTAL Department of Mental Retardation and		\$ 12,732,257	4943
Developmental Disabilities			
TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND		\$ 22,582,257	4944
COMMUNITY ASSISTANCE PROJECTS			4945
The foregoing appropriation item CAP-480, Community			4946

Assistance Projects, may be used to provide community assistance 4947  
funds for the development, purchase, construction, or renovation 4948  
of facilities for day programs or residential programs that 4949  
provide services to persons eligible for services from the 4950  
Department of Mental Retardation and Developmental Disabilities or 4951  
county boards of mental retardation and developmental 4952  
disabilities. Any funds provided to nonprofit agencies for the 4953  
construction or renovation of facilities for persons eligible for 4954  
services from the Department of Mental Retardation and 4955  
Developmental Disabilities and county boards of mental retardation 4956  
and developmental disabilities shall be governed by the prevailing 4957  
wage provisions in section 176.05 of the Revised Code. 4958

Of the foregoing appropriation item CAP-480, \$200,000 shall 4959  
be used for the Achievement Centers for Children; \$250,000 shall 4960  
be used for Bellefaire Jewish Children's Bureau; \$250,000 shall be 4961  
used for the Julie Billart facility; and \$75,000 shall be used for 4962  
the Hanson Home. 4963

**Section 22.05.** The foregoing appropriations for the 4964  
Department of Mental Health, CAP-479, Community Assistance 4965  
Projects; and Department of Mental Retardation and Developmental 4966  
Disabilities, CAP-480, Community Assistance Projects, may be used 4967  
on facilities constructed or to be constructed pursuant to Chapter 4968  
340., 3793., 5119., 5123., or 5126. of the Revised Code or the 4969  
authority granted by section 154.20 of the Revised Code and the 4970  
rules issued pursuant to those chapters and shall be distributed 4971  
by the Department of Mental Health and the Department of Mental 4972  
Retardation and Developmental Disabilities, all subject to 4973  
Controlling Board approval. 4974

**Section 22.06.** (A) No capital improvement appropriations made 4975  
in Sections 22.01 to 22.05 of this act shall be released for 4976

planning or for improvement, renovation, or construction or 4977  
acquisition of capital facilities if a governmental agency, as 4978  
defined in section 154.01 of the Revised Code, does not own the 4979  
real property that constitutes the capital facilities or on which 4980  
the capital facilities are or will be located. This restriction 4981  
shall not apply in any of the following circumstances: 4982

(1) The governmental agency has a long-term (at least fifteen 4983  
years) lease of, or other interest (such as an easement) in, the 4984  
real property. 4985

(2) In the case of an appropriation for capital facilities 4986  
that, because of their unique nature or location, will be owned or 4987  
be part of facilities owned by a separate nonprofit organization 4988  
and made available to the governmental agency for its use or 4989  
operated by the nonprofit organization under contract with the 4990  
governmental agency, the nonprofit organization either owns or has 4991  
a long-term (at least fifteen years) lease of the real property or 4992  
other capital facility to be improved, renovated, constructed, or 4993  
acquired and has entered into a joint or cooperative use 4994  
agreement, approved by the Department of Mental Health or the 4995  
Department of Mental Retardation and Developmental Disabilities, 4996  
whichever is applicable, with the governmental agency for that 4997  
agency's use of and right to use the capital facilities to be 4998  
financed and, if applicable, improved, the value of such use or 4999  
right to use being, as determined by the parties, reasonably 5000  
related to the amount of the appropriation. 5001

(B) In the case of capital facilities referred to in division 5002  
(A)(2) of this section, the joint or cooperative use agreement 5003  
shall include, as a minimum, provisions that: 5004

(1) Specify the extent and nature of that joint or 5005  
cooperative use, extending for not fewer than fifteen years, with 5006  
the value of such use or right to use to be, as determined by the 5007

parties and approved by the approving department, reasonably 5008  
related to the amount of the appropriation; 5009

(2) Provide for pro rata reimbursement to the state should 5010  
the arrangement for joint or cooperative use by a governmental 5011  
agency be terminated; 5012

(3) Provide that procedures to be followed during the capital 5013  
improvement process will comply with appropriate applicable state 5014  
laws and rules, including provisions of this act. 5015

**Section 22.07.** The Treasurer of State is hereby authorized to 5016  
issue and sell in accordance with Section 2i of Article VIII, Ohio 5017  
Constitution, and Chapter 154. of the Revised Code, particularly 5018  
section 154.20 of the Revised Code, original obligations in an 5019  
aggregate principal amount not to exceed \$20,000,000 in addition 5020  
to the original issuance of obligations heretofore authorized by 5021  
prior acts of the General Assembly. The authorized obligations 5022  
shall be issued, subject to applicable constitutional and 5023  
statutory limitations, to pay costs of capital facilities as 5024  
defined in section 154.01 of the Revised Code for mental hygiene 5025  
and retardation. 5026

**Section 23.01.** All items set forth in Sections 23.02 to 23.45 5027  
are hereby appropriated out of any moneys in the state treasury to 5028  
the credit of the Higher Education Improvement Fund (Fund 034) 5029  
that are not otherwise appropriated. 5030

Appropriations

**Section 23.02.** OEB OHIO EDUCATIONAL TELECOMMUNICATIONS 5031  
NETWORK COMMISSION 5032  
5033  
CAP-001 Educational TV and Radio Equipment \$ 1,027,038 5034  
Total Ohio Educational Telecommunications 5035

Network Commission \$ 1,027,038 5036

Appropriations

**Section 23.03.** BOARD OF REGENTS AND STATE INSTITUTIONS OF HIGHER EDUCATION 5038  
5039

BOR BOARD OF REGENTS 5040

CAP-025 Instructional and Data Processing \$ 28,268,395 5041  
Equipment

CAP-029 Ohio Library and Information Network \$ 8,100,000 5042

CAP-030 Ohio Supercomputer Center Expansion \$ 6,750,000 5043

CAP-032 Research Facility Action and Investment \$ 5,000,000 5044  
Funds

CAP-064 Eminent Scholars Capital Grants \$ 900,000 5045

CAP-068 Third Frontier \$ 50,000,000 5046

CAP-070 Dark Fiber \$ 4,500,000 5047

CAP-072 Cleveland Clinic Heart Center \$ 5,000,000 5048  
Infrastructure Project

CAP-076 OSU Agricultural Building \$ 1,500,000 5049

CAP-077 Center for Structural Biology at Case \$ 1,000,000 5050  
Western Reserve University

CAP-078 One Cleveland Broadband Network \$ 500,000 5051

CAP-079 Central Ohio Technology Corridor - \$ 500,000 5052  
Dublin

CAP-080 Ohio State University Supercomputer \$ 50,000 5053  
Center Aerospace & Defense Initiative

Total Board of Regents \$ 112,068,395 5054

**Section 23.04.** RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 5056

The foregoing appropriation item CAP-032, Research Facility 5057  
Action and Investment Funds, shall be used for a program of grants 5058  
to be administered by the Board of Regents to provide timely 5059  
availability of capital facilities for research programs and 5060  
research-oriented instructional programs at or involving 5061

state-supported and state-assisted institutions of higher 5062  
education. 5063

The Board of Regents shall adopt rules under Chapter 119. of 5064  
the Revised Code relative to the application for and approval of 5065  
projects funded from appropriation item CAP-032, Research Facility 5066  
Action and Investment Funds. The rules shall be reviewed and 5067  
approved by the Legislative Committee on Education Oversight. The 5068  
Board of Regents shall inform the President of the Senate and the 5069  
Speaker of the House of Representatives of each project 5070  
application for funding received. Each project receiving a 5071  
commitment for funding by the Board of Regents under the rules 5072  
shall be reported to the President of the Senate and the Speaker 5073  
of the House of Representatives. 5074

**Section 23.05. EMINENT SCHOLARS CAPITAL GRANTS** 5075

The foregoing appropriation item CAP-064, Eminent Scholars 5076  
Capital Grants, shall be used by the Ohio Board of Regents to make 5077  
grants to state colleges and universities and nonprofit Ohio 5078  
institutions of higher education holding certificates of 5079  
authorization issued under section 1713.02 of the Revised Code 5080  
that receive endowment grants from appropriation item 235-451, 5081  
Eminent Scholars. The capital grants shall be used to acquire, 5082  
renovate, rehabilitate, or construct facilities and purchase 5083  
equipment to be used by an Eminent Scholar in the conduct of 5084  
research, and shall require a 50 per cent match from recipient 5085  
campuses. 5086

The Board of Regents shall convene an Eminent Scholars 5087  
Advisory Panel, which shall make recommendations for the 5088  
administration of the Eminent Scholars program, including the 5089  
award of capital grants. The panel's recommendations for capital 5090  
awards from appropriation item CAP-064, Eminent Scholars Capital 5091  
Grants, shall require the approval of the Board of Regents. 5092

**Section 23.06.** THIRD FRONTIER 5093

The foregoing appropriation item CAP-068, Third Frontier, 5094  
shall be used to acquire, renovate, or construct facilities and 5095  
purchase equipment for research programs, technology development, 5096  
product development, and commercialization programs at or 5097  
involving state-supported and state-assisted institutions of 5098  
higher education. The funds shall be used to make grants awarded 5099  
on a competitive basis, and shall be administered by the Third 5100  
Frontier Commission. Expenditure of these funds shall comply with 5101  
Section 2n of Article VIII, Ohio Constitution, and sections 151.01 5102  
and 151.04 of the Revised Code for the period beginning July 1, 5103  
2004, and ending June 30, 2006. 5104

The Third Frontier Commission shall develop guidelines 5105  
relative to the application for and selection of projects funded 5106  
from appropriation item CAP-068, Third Frontier. The commission 5107  
may develop these guidelines in consultation with other interested 5108  
parties. The Board of Regents and all state-assisted and 5109  
state-supported institutions of higher education shall take all 5110  
actions necessary to implement grants awarded by the Third 5111  
Frontier Commission. 5112

The foregoing appropriation item CAP-068, Third Frontier, for 5113  
which an appropriation is made from the Higher Education 5114  
Improvement Fund (Fund 034), is determined to consist of capital 5115  
improvements and capital facilities for state-supported and 5116  
state-assisted institutions of higher education, and is designated 5117  
for the capital facilities to which proceeds of obligations in the 5118  
Higher Education Improvement Fund (Fund 034) are to be applied. 5119

**Section 23.07.** REIMBURSEMENT FOR PROJECT COSTS 5120

Appropriations made in Sections 23.08 to 23.45 of this act 5121  
for purposes of costs of capital facilities for the interim 5122

financing of which the particular institution has previously 5123  
 issued its own obligations anticipating the possibility of future 5124  
 state appropriations to pay all or a portion of such costs, as 5125  
 contemplated in division (B) of section 3345.12 of the Revised 5126  
 Code, shall be paid directly to the institution or the paying 5127  
 agent for those outstanding obligations in the full principal 5128  
 amount of those obligations then to be paid from the anticipated 5129  
 appropriation, and shall be timely applied to the retirement of a 5130  
 like principal amount of the institution's obligations. 5131

Appropriations made in Sections 23.08 to 23.45 of this act 5132  
 for purposes of costs of capital facilities, all or a portion of 5133  
 which costs the particular institution has paid from the 5134  
 institution's moneys that were temporarily available and which 5135  
 expenditures were reasonably expected at the time of the advance 5136  
 by the institution to be reimbursed from the proceeds of 5137  
 obligations issued by the state, shall be directly paid to the 5138  
 institution in the full amounts of those payments, and shall be 5139  
 timely applied to the reimbursement of those temporarily available 5140  
 moneys. All reimbursements are subject to review and approval 5141  
 through the capital release process. 5142

Appropriations

<b>Section 23.08. UAK UNIVERSITY OF AKRON</b>			5143
CAP-008	Basic Renovations	\$ 3,673,967	5144
CAP-047	Polsky Building	\$ 2,800,918	5145
CAP-049	Basic Renovations-Wayne	\$ 122,466	5146
CAP-054	Auburn West Tower Rehabilitation Phase	\$ 8,316,562	5147
	II		
CAP-077	Leigh Hall Phase II	\$ 1,680,000	5148
CAP-113	Student & Administrative Services	\$ 905,464	5149
	Building Phase II		
CAP-114	Facilities Enhancement Building H Phase	\$ 628,277	5150

II

CAP-115	Medina County University Center	\$	1,000,000	5151
Total University of Akron		\$	19,127,654	5152

Appropriations

**Section 23.09. BGU BOWLING GREEN STATE UNIVERSITY** 5154

CAP-009	Basic Renovations	\$	3,319,413	5155
CAP-060	Basic Renovations-Firelands	\$	191,849	5156
CAP-112	Biology Laboratory Building Phase II	\$	11,334,113	5157
CAP-126	Re-Roof East, West, and North Bldgs	\$	600,000	5158
CAP-127	Instructional Laboratory Phase I	\$	123,735	5159
CAP-128	Perrysburg Heights Multipurpose Facility	\$	500,000	5160
CAP-129	Wood County Senior Kitchen Project	\$	500,000	5161
Total Bowling Green University		\$	16,569,110	5162

Appropriations

**Section 23.10. CSU CENTRAL STATE UNIVERSITY** 5164

CAP-022	Basic Renovations	\$	739,133	5165
CAP-084	Academic Facility-Phase II	\$	3,734,139	5166
Total Central State University		\$	4,473,272	5167

Appropriations

**Section 23.11. UCN UNIVERSITY OF CINCINNATI** 5168

CAP-009	Basic Renovations	\$	7,022,622	5169
CAP-018	Basic Renovations-Clermont	\$	198,926	5170
CAP-054	Basic Renovations-Walters	\$	336,439	5171
CAP-131	Cinergy Convention Center	\$	2,500,000	5172
CAP-174	Classroom/Teaching Laboratory	\$	3,280,000	5173
	Renovations			
CAP-176	Network Expansion	\$	1,820,000	5174
CAP-205	Medical Science Building	\$	5,870,374	5175
CAP-209	Library Renovations	\$	1,450,000	5176
CAP-224	Van Wormer Administrative Building	\$	2,632,000	5177

	Rehabilitation			
CAP-263	Swift Rehabilitation	\$	9,000,000	5178
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	619,579	5179
CAP-269	Raymond Walters Veterinary College	\$	1,244,131	5180
CAP-313	Expand Clermont	\$	657,770	5181
CAP-329	Uptown Consortium Renovation of Turner Place	\$	250,000	5182
	Total University of Cincinnati	\$	36,881,841	5183

Appropriations

	<b>Section 23.12. CLS CLEVELAND STATE UNIVERSITY</b>			5185
CAP-023	Basic Renovations	\$	3,267,875	5186
CAP-125	College of Education Building	\$	8,057,262	5187
CAP-130	WVIZ Technology Center/Playhouse Square	\$	750,000	5188
CAP-152	Rhodes Tower-Data Center Relocation	\$	1,000,000	5189
CAP-153	University Annex-Vacation and Demolition	\$	49,390	5190
CAP-154	Main Classroom Stair Tower & Entry	\$	1,500,000	5191
CAP-155	Cleveland Playhouse	\$	250,000	5192
CAP-156	Physical Education Building	\$	1,000,000	5193
	Rehabilitation			
	Total Cleveland State University	\$	15,874,527	5194

Appropriations

	<b>Section 23.13. KSU KENT STATE UNIVERSITY</b>			5196
CAP-022	Basic Renovations	\$	3,573,078	5197
CAP-105	Basic Renovations-East Liverpool	\$	151,408	5198
CAP-106	Basic Renovations-Geauga	\$	45,607	5199
CAP-107	Basic Renovations-Salem	\$	105,640	5200
CAP-108	Basic Renovations-Stark	\$	325,358	5201
CAP-110	Basic Renovations-Ashtabula	\$	177,801	5202
CAP-111	Basic Renovations-Trumbull	\$	347,695	5203
CAP-112	Basic Renovations-Tuscarawas	\$	171,699	5204
CAP-212	Health Science Building, Planning	\$	705,720	5205

CAP-235	Rehabilitation of Franklin Hall	\$	13,923,684	5206
CAP-260	Land Acquisitions & Improvements-East Liverpool	\$	638,419	5207
CAP-261	Addition/Renovation of Classrooms-Geauga	\$	246,878	5208
CAP-262	Gym Renovation Planning-Salem	\$	490,213	5209
CAP-263	Parking Lot & Roadway Paving-Stark	\$	162,076	5210
CAP-264	Fine Arts Building & New Campus Center-Stark	\$	1,000,000	5211
CAP-265	Science Lab Addition-Trumbull	\$	991,786	5212
CAP-266	Fine & Performing Arts Center - Tuscarawas	\$	844,655	5213
CAP-267	Columbiana County Port Authority	\$	875,000	5214
CAP-268	Canton Convention Center	\$	735,000	5215
Total Kent State University		\$	25,511,717	5216

Appropriations

<b>Section 23.14. MUN MIAMI UNIVERSITY</b>				5218
CAP-018	Basic Renovations	\$	3,361,718	5219
CAP-066	Basic Renovations - Hamilton	\$	338,149	5220
CAP-069	Basic Renovations - Middletown	\$	342,582	5221
CAP-113	Academic/Administrative Renovation Projects - Hamilton	\$	561,504	5222
CAP-127	Campus Steam Loop Connections	\$	1,457,000	5223
CAP-142	Engineering & Applied Science Facility	\$	3,200,000	5224
CAP-145	Campus Chilled Water Efficiency Upgrade	\$	725,000	5225
CAP-146	Information Technology Systems Upgrade	\$	1,201,284	5226
CAP-150	Student & Community Center	\$	2,530,865	5227
CAP-157	Presser Hall Rehabilitation	\$	3,015,740	5228
CAP-158	Psychology & Animal Care Facility	\$	2,500,000	5229
Total Miami University		\$	19,233,842	5230

Appropriations

<b>Section 23.15. OSU OHIO STATE UNIVERSITY</b>				5232
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CAP-074	Basic Renovations	\$	16,087,255	5233
CAP-149	Basic Renovations - Regional Campuses	\$	1,364,700	5234
CAP-255	Supplemental Renovations - OARDC	\$	1,563,997	5235
CAP-427	Morrill Hall - 1st Floor Rehabilitation	\$	603,137	5236
CAP-486	Larkins Hall Addition and Rehabilitation	\$	6,417,109	5237
CAP-487	Robinson Laboratory Replacement	\$	24,200,000	5238
CAP-531	Plant & Animal Agrosecurity Research Facility	\$	4,830,718	5239
CAP-534	Main Library Rehabilitation/Expansion	\$	8,000,000	5240
CAP-535	Psychology Building	\$	13,600,000	5241
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	5242
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	5243
CAP-704	Warner Library and Student Center	\$	1,070,766	5244
CAP-705	Hopewell Hall Science Suite	\$	508,408	5245
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	5246
Total Ohio State University		\$	83,280,090	5247

Appropriations

<b>Section 23.16. OHU OHIO UNIVERSITY</b>				5249
CAP-020	Basic Renovations	\$	4,359,577	5250
CAP-095	Basic Renovations - Eastern	\$	161,266	5251
CAP-098	Basic Renovations - Lancaster	\$	220,122	5252
CAP-099	Basic Renovations - Zanesville	\$	208,065	5253
CAP-113	Basic Renovations - Chillicothe	\$	191,356	5254
CAP-114	Basic Renovations - Ironton	\$	109,277	5255
CAP-115	Bennett Hall Interior Renovation Phase II	\$	101,793	5256
CAP-155	Brasee Hall Interior Renovations	\$	835,520	5257
CAP-172	Elson Hall Renovation Phase III	\$	909,284	5258
CAP-203	Classroom Improvements	\$	50,000	5259
CAP-214	Science/Fine Arts Renovation Phase II	\$	305,000	5260
CAP-216	Proctorville Planning and Site Improvements	\$	448,831	5261

CAP-222	Clippinger Lab Planning	\$	112,709	5262
CAP-223	Alden Library Planning	\$	150,000	5263
CAP-224	University Center Replacement	\$	11,390,000	5264
CAP-225	Lausche Heating Plant	\$	4,800,000	5265
CAP-226	New Grounds Maintenance Building	\$	259,064	5266
CAP-227	Chillicothe Parking & Roadway	\$	480,000	5267
CAP-228	Shoemaker Center Air Conditioning	\$	271,000	5268
CAP-230	Kettering Medical Center - Nixon Research Facility	\$	450,000	5269
CAP-231	Supplemental Renovations - Ironton	\$	100,000	5270
Total Ohio University		\$	25,912,864	5271

Appropriations

**Section 23.17. SSC SHAWNEE STATE UNIVERSITY** 5273

CAP-004	Basic Renovations	\$	792,535	5274
CAP-044	Land Acquisition	\$	227,681	5275
CAP-051	Rhodes Center Rehabilitation	\$	1,315,586	5276
Total Shawnee State University		\$	2,335,802	5277

Appropriations

**Section 23.18. UTO UNIVERSITY OF TOLEDO** 5279

CAP-010	Basic Renovations	\$	3,762,792	5280
CAP-105	Gillham Hall Rehabilitation	\$	2,000,000	5281
CAP-122	Bowman-Oddy Instructional Labs	\$	6,000,000	5282
CAP-123	Classrooms, Instructional & Research Labs, Program & Design	\$	5,206,304	5283
Total University of Toledo		\$	16,969,096	5284

Appropriations

**Section 23.19. WSU WRIGHT STATE UNIVERSITY** 5286

CAP-015	Basic Renovations	\$	2,752,255	5287
CAP-064	Basic Renovations - Lake	\$	91,232	5288
CAP-115	Russ Engineering Expansion	\$	369,000	5289

CAP-116	Rike Hall Renovation	\$	2,000,000	5290
CAP-119	Science Lab Renovations (Planning)	\$	5,720,940	5291
CAP-120	Lake Campus University Center	\$	1,420,709	5292
CAP-127	Rehabilitate Festival Playhouse	\$	1,000,000	5293
CAP-128	Glenn Helen Preserve Eco Art Classroom	\$	25,000	5294
Total Wright State University		\$	13,379,136	5295

Appropriations

<b>Section 23.20. YSU YOUNGSTOWN STATE UNIVERSITY</b>				5297
CAP-014	Basic Renovations	\$	2,355,915	5298
CAP-108	Youngstown Convocation Center	\$	2,000,000	5299
CAP-113	Campus Development	\$	2,095,731	5300
CAP-114	Steam Distribution & Central Utility Plant Upgrade	\$	500,000	5301
CAP-125	Campus-wide Building Systems Upgrades	\$	743,040	5302
CAP-126	Technology Upgrades	\$	2,267,081	5303
CAP-127	Recreation and Wellness Center	\$	1,000,000	5304
CAP-128	Youngstown Market Ready Incubator	\$	750,000	5305
CAP-131	Masonry Restoration	\$	619,200	5306
Total Youngstown State University		\$	12,330,967	5307

Appropriations

<b>Section 23.21. MCO MEDICAL COLLEGE OF OHIO</b>				5309
CAP-010	Basic Renovations	\$	1,197,170	5310
CAP-066	Core Research Facility	\$	2,000,000	5311
CAP-076	Supplemental Renovations	\$	863,287	5312
CAP-078	Clinical Academic Renovation	\$	585,949	5313
Total Medical College of Ohio		\$	4,646,406	5314

Appropriations

<b>Section 23.22. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF</b>				5316
MEDICINE				5317
CAP-018	Basic Renovations	\$	426,790	5318

CAP-048	Rehabilitation of Multi-Disciplinary Laboratories	\$	1,346,879	5319
Total Northeastern Ohio Universities College of Medicine		\$	1,773,669	5320

Appropriations

**Section 23.23. CTC CINCINNATI STATE COMMUNITY COLLEGE** 5322

CAP-013	Basic Renovations	\$	747,037	5323
CAP-030	Student Life and Education Center	\$	2,865,422	5324
CAP-037	Classroom Technology Enhancements	\$	792,372	5325
Total Cincinnati State Community College		\$	4,404,831	5326

Appropriations

**Section 23.24. CLT CLARK STATE COMMUNITY COLLEGE** 5327

CAP-006	Basic Renovations	\$	396,136	5328
CAP-039	Clark State Health and Education Center	\$	100,000	5329
CAP-041	Student/Technology Center	\$	1,270,607	5330
CAP-042	Springfield Second Harvest Foodbank Building	\$	100,000	5331
CAP-043	Tecumseh Health and Education Center	\$	100,000	5332
Total Clark State Community College		\$	1,966,743	5333

Appropriations

**Section 23.25. CTI COLUMBUS STATE COMMUNITY COLLEGE** 5335

CAP-006	Basic Renovations	\$	1,126,207	5336
CAP-052	Building E Construction	\$	19,732,839	5337
Total Columbus State Community College		\$	20,859,046	5338

Appropriations

**Section 23.26. CCC CUYAHOGA COMMUNITY COLLEGE** 5339

CAP-031	Basic Renovations	\$	2,428,960	5340
CAP-079	Cleveland Art Museum Improvements	\$	3,000,000	5341
CAP-094	Collegewide Wayfinding Signage System	\$	1,067,510	5342

CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$	1,491,522	5343
CAP-096	Health Care Technology Building - Eastern	\$	6,050,264	5344
Total Cuyahoga Community College		\$	14,038,256	5345

Appropriations

<b>Section 23.27. ESC EDISON STATE COMMUNITY COLLEGE</b>				5346
CAP-006	Basic Renovations	\$	268,039	5347
Total Edison State Community College		\$	268,039	5348

Appropriations

<b>Section 23.28. JTC JEFFERSON COMMUNITY COLLEGE</b>				5350
CAP-022	Basic Renovations	\$	210,806	5351
CAP-043	Replacement of Administrative Hardware and Software System	\$	320,860	5352
Total Jefferson Community College		\$	531,666	5353

Appropriations

<b>Section 23.29. LCC LAKELAND COMMUNITY COLLEGE</b>				5355
CAP-006	Basic Renovations	\$	827,053	5356
CAP-045	Instructional Use Building	\$	2,433,264	5357
Total Lakeland Community College		\$	3,260,317	5358

Appropriations

<b>Section 23.30. LOR LORAIN COUNTY COMMUNITY COLLEGE</b>				5360
CAP-005	Basic Renovations	\$	937,172	5361
CAP-044	Learning Technology Center	\$	8,857,919	5362
Total Lorain County Community College		\$	9,795,091	5363

Appropriations

<b>Section 23.31. NTC NORTHWEST STATE COMMUNITY COLLEGE</b>				5365
CAP-003	Basic Renovations	\$	255,977	5366

CAP-022	Branch Campus Facility	\$	400,000	5367
Total Northwest State Community College		\$	655,977	5368

Appropriations

**Section 23.32. OTC OWENS COMMUNITY COLLEGE** 5370

CAP-019	Basic Renovations	\$	1,231,693	5371
CAP-039	Academic Services Building, Phase II - Findlay	\$	3,160,268	5372
CAP-040	Fire and Police Training Site for Homeland Security, Phase II	\$	1,000,000	5373
Total Owens Community College		\$	5,391,961	5374

Appropriations

**Section 23.33. RGC RIO GRANDE COMMUNITY COLLEGE** 5376

CAP-005	Basic Renovations	\$	341,403	5377
CAP-025	Student Center	\$	125,000	5378
CAP-026	Supplemental Renovations	\$	200,000	5379
Total Rio Grande Community College		\$	666,403	5380

Appropriations

**Section 23.34. SCC SINCLAIR COMMUNITY COLLEGE** 5382

CAP-007	Basic Renovations	\$	1,860,925	5383
CAP-059	National Composite Center	\$	2,000,000	5384
Total Sinclair Community College		\$	3,860,925	5385

Appropriations

**Section 23.35. SOC SOUTHERN STATE COMMUNITY COLLEGE** 5387

CAP-010	Basic Renovations	\$	250,644	5388
CAP-011	Supplemental Renovations	\$	100,000	5389
Total Southern State Community College		\$	350,644	5390

Appropriations

**Section 23.36. TTC TERRA STATE COMMUNITY COLLEGE** 5392

CAP-009	Basic Renovations	\$	287,915	5393
CAP-020	New Health and Science Building	\$	2,967,947	5394
Total Terra State Community College		\$	3,255,862	5395

Appropriations

**Section 23.37. WTC WASHINGTON STATE COMMUNITY COLLEGE** 5397

CAP-006	Basic Renovations	\$	231,224	5398
Total Washington State Community College		\$	231,224	5399

Appropriations

**Section 23.38. BTC BELMONT TECHNICAL COLLEGE** 5401

CAP-008	Basic Renovations	\$	194,718	5402
Total Belmont Technical College		\$	194,718	5403

Appropriations

**Section 23.39. COT CENTRAL OHIO TECHNICAL COLLEGE** 5405

CAP-003	Basic Renovations	\$	165,714	5406
CAP-012	Warner Library and Student Center	\$	718,558	5407
CAP-013	Hopewell Hall Science Suite	\$	354,765	5408
CAP-014	Founders Hopewell Halls	\$	5,158	5409
Total Central Ohio Technical College		\$	1,244,195	5410

Appropriations

**Section 23.40. HTC HOCKING TECHNICAL COLLEGE** 5412

CAP-019	Basic Renovations	\$	425,525	5413
CAP-042	McClenaghan Center for Hospitality Training	\$	1,283,437	5414
CAP-044	Hocking College Fire and Emergency Training Center	\$	250,000	5415
Total Hocking Technical College		\$	1,958,962	5416

Appropriations

**Section 23.41. LTC JAMES RHODES STATE COLLEGE** 5418

CAP-004	Basic Renovations	\$	271,100	5419
Total James Rhodes State College		\$	271,100	5420
Appropriations				
<b>Section 23.42. MTC MARION TECHNICAL COLLEGE</b>				5422
CAP-004	Basic Renovations	\$	103,485	5423
Total Marion Technical College		\$	103,485	5424
Appropriations				
<b>Section 23.43. MAT ZANE STATE COLLEGE</b>				5426
CAP-007	Basic Renovations	\$	253,769	5427
CAP-021	Lighting/HVAC Replacement	\$	547,039	5428
CAP-022	Improve Campus Entrance	\$	175,000	5429
Total Zane State College		\$	975,808	5430
Appropriations				
<b>Section 23.44. NCC NORTH CENTRAL TECHNICAL COLLEGE</b>				5432
CAP-003	Basic Renovations	\$	384,097	5433
CAP-014	Kee Hall Roof Rehabilitation	\$	509,000	5434
CAP-015	Richland/Braintree Incubator	\$	250,000	5435
CAP-018	Fallerius Renovation Phase II	\$	480,073	5436
Total North Central Technical College		\$	1,623,170	5437
Appropriations				
<b>Section 23.45. STC STARK TECHNICAL COLLEGE</b>				5439
CAP-004	Basic Renovations	\$	438,295	5440
CAP-035	Business Technologies Addition Rehabilitation	\$	1,378,892	5441
CAP-037	Fuel Cell Initiative	\$	250,000	5442
Total Stark Technical College		\$	2,067,187	5443
Total Board of Regents and State				5444
Institutions of Higher Education		\$	488,343,998	5445
TOTAL Higher Education Improvement Fund		\$	489,371,036	5446

**Section 23.46.** DEBT SERVICE FORMULA ALLOCATION 5448

Based on the foregoing appropriations in Sections 23.08 to 5449  
23.45 of this act, from Fund 034, Higher Education Improvement 5450  
Fund, the following higher education institutions shall be 5451  
responsible for the specified amounts as part of the debt service 5452  
component of the instructional subsidy beginning in fiscal year 5453  
2006: 5454

INSTITUTION	AMOUNT	
University of Akron	\$ 13,702,944	5456
University of Akron - Wayne	\$ 628,277	5457
Bowling Green State University	\$ 11,334,113	5458
Bowling Green State University - Firelands	\$ 723,735	5459
Central State University	\$ 1,734,139	5460
University of Cincinnati	\$ 24,671,953	5461
University of Cincinnati - Clermont	\$ 657,770	5462
University of Cincinnati - Walters	\$ 1,244,131	5463
Cleveland State University	\$ 11,606,653	5464
Kent State University	\$ 13,923,684	5465
Kent State University - Ashtabula	\$ 705,720	5466
Kent State University - East Liverpool	\$ 638,419	5467
Kent State University - Geauga	\$ 246,878	5468
Kent State University - Salem	\$ 490,213	5469
Kent State University - Stark	\$ 1,162,076	5470
Kent State University - Trumbull	\$ 991,786	5471
Kent State University - Tuscarawas	\$ 844,655	5472
Miami University	\$ 12,099,024	5473
Miami University - Hamilton	\$ 561,504	5474
Miami University - Middletown	\$ 2,530,865	5475
Ohio State University	\$ 57,017,109	5476
Ohio State University - Marion	\$ 603,137	5477
Ohio State University - Newark	\$ 1,579,174	5478
Ohio State University - OARDC	\$ 4,830,718	5479

Ohio University	\$	16,502,709	5480
Ohio University - Eastern	\$	564,064	5481
Ohio University - Chillicothe	\$	852,793	5482
Ohio University - Southern	\$	448,831	5483
Ohio University - Lancaster	\$	835,520	5484
Ohio University - Zanesville	\$	909,284	5485
Shawnee State University	\$	1,543,267	5486
University of Toledo	\$	13,206,304	5487
Wright State University	\$	9,089,940	5488
Wright State University - Lake	\$	1,420,709	5489
Youngstown State University	\$	7,225,052	5490
Medical College of Ohio	\$	3,449,236	5491
Northeastern Ohio Universities College of Medicine	\$	1,346,879	5492
Cincinnati State Community College	\$	3,657,795	5493
Clark State Community College	\$	1,270,607	5494
Columbus State Community College	\$	5,360,556	5495
Cuyahoga Community College	\$	8,609,295	5496
Jefferson Community College	\$	320,860	5497
Lakeland Community College	\$	2,433,264	5498
Lorain County Community College	\$	8,857,919	5499
Owens Community College	\$	4,160,268	5500
Terra State Community College	\$	2,967,947	5501
Central Ohio Technical College	\$	1,078,481	5502
Hocking Technical College	\$	1,283,437	5503
Zane State College	\$	722,040	5504
North Central Technical College	\$	989,073	5505
Stark Technical College	\$	1,378,892	5506

Institutions not listed above shall not have a debt service obligation as a result of these appropriations. 5507  
5508

Within sixty days after the effective date of this section, any institution of higher education may notify the Board of 5509  
5510

Regents of its intention not to proceed with any project 5511  
appropriated in this act. Upon receiving such notification, the 5512  
Board of Regents may release the institution from its debt service 5513  
obligation for the specific project. 5514

**Section 23.47.** For all of the foregoing appropriation items 5515  
from the Higher Education Improvement Fund (Fund 034) that require 5516  
local funds to be contributed by any state-supported or 5517  
state-assisted institution of higher education, the Ohio Board of 5518  
Regents shall not recommend that any funds be released until the 5519  
recipient institution demonstrates to the Board of Regents and the 5520  
Office of Budget and Management that the local funds contribution 5521  
requirement has been secured or satisfied. The local funds shall 5522  
be in addition to the foregoing appropriations. 5523

**Section 23.48.** The Ohio Public Facilities Commission is 5524  
hereby authorized to issue and sell, in accordance with Section 2n 5525  
of Article VIII, Ohio Constitution, Chapter 151. and particularly 5526  
sections 151.01 and 151.04 of the Revised Code, original 5527  
obligations in an aggregate principal amount not to exceed 5528  
\$476,000,000, in addition to the original issuance of obligations 5529  
heretofore authorized by prior acts of the General Assembly. The 5530  
authorized obligations shall be issued, subject to applicable 5531  
constitutional and statutory limitations, to pay costs of capital 5532  
facilities as defined in sections 151.01 and 151.04 of the Revised 5533  
Code for state-supported and state-assisted institutions of higher 5534  
education. 5535

**Section 23.49.** None of the foregoing capital improvements 5536  
appropriations for state-supported or state-assisted institutions 5537  
of higher education shall be expended until the particular 5538  
appropriation has been recommended for release by the Ohio Board 5539  
of Regents and released by the Director of Budget and Management 5540

or the Controlling Board. Either the institution concerned, or the 5541  
Ohio Board of Regents with the concurrence of the institution 5542  
concerned, may initiate the request to the Director of Budget and 5543  
Management or the Controlling Board for the release of the 5544  
particular appropriations. 5545

**Section 23.50.** (A) No capital improvement appropriations made 5546  
in Sections 23.02 to 23.45 of this act shall be released for 5547  
planning or for improvement, renovation, construction, or 5548  
acquisition of capital facilities if the institution of higher 5549  
education or the state does not own the real property on which the 5550  
capital facilities are or will be located. This restriction does 5551  
not apply in any of the following circumstances: 5552

(1) The institution has a long-term (at least fifteen years) 5553  
lease of, or other interest (such as an easement) in, the real 5554  
property. 5555

(2) The Ohio Board of Regents certifies to the Controlling 5556  
Board that undue delay will occur if planning does not proceed 5557  
while the property or property interest acquisition process 5558  
continues. In this case, funds may be released upon approval of 5559  
the Controlling Board to pay for planning through the development 5560  
of schematic drawings only. 5561

(3) In the case of an appropriation for capital facilities 5562  
that, because of their unique nature or location, will be owned or 5563  
will be part of facilities owned by a separate nonprofit 5564  
organization or public body and will be made available to the 5565  
institution of higher education for its use, the nonprofit 5566  
organization or public body either owns or has a long-term (at 5567  
least fifteen years) lease of the real property or other capital 5568  
facility to be improved, renovated, constructed, or acquired and 5569  
has entered into a joint or cooperative use agreement with the 5570

institution of higher education that meets the requirements of 5571  
division (C) of this section. 5572

(B) Any foregoing appropriations which require cooperation 5573  
between a technical college and a branch campus of a university 5574  
may be released by the Controlling Board upon recommendation by 5575  
the Ohio Board of Regents that the facilities proposed by the 5576  
institutions are: 5577

(1) The result of a joint planning effort by the university 5578  
and the technical college, satisfactory to the Ohio Board of 5579  
Regents; 5580

(2) Facilities that will meet the needs of the region in 5581  
terms of technical and general education, taking into 5582  
consideration the totality of facilities which will be available 5583  
after the completion of these projects; 5584

(3) Planned to permit maximum joint use by the university and 5585  
technical college of the totality of facilities which will be 5586  
available upon their completion; and 5587

(4) To be located on or adjacent to the branch campus of the 5588  
university. 5589

(C) The Ohio Board of Regents shall adopt rules regarding the 5590  
release of moneys from all the foregoing appropriations for 5591  
capital facilities for all state-supported or state-assisted 5592  
institutions of higher education. In the case of capital 5593  
facilities referred to in division (A)(3) of this section, the 5594  
joint or cooperative use agreements shall include, as a minimum, 5595  
provisions that: 5596

(1) Specify the extent and nature of that joint or 5597  
cooperative use, extending for not fewer than fifteen years, with 5598  
the value of such use or right to use to be, as to be determined 5599  
by the parties and approved by the Board of Regents, reasonably 5600

related to the amount of the appropriations; 5601

(2) Provide for pro rata reimbursement to the state should 5602  
the arrangement for joint or cooperative use be terminated; 5603

(3) Provide that procedures to be followed during the capital 5604  
improvement process will comply with appropriate applicable state 5605  
laws and rules, including provisions of this act; and 5606

(4) Provide for payment or reimbursement to the institution 5607  
of its administrative costs incurred as a result of the facilities 5608  
project, not to exceed 1.5 per cent of the appropriated amount. 5609

(D) Upon the recommendation of the Ohio Board of Regents, the 5610  
Controlling Board may approve the transfer of appropriations for 5611  
projects requiring cooperation between institutions from one 5612  
institution to another institution with the approval of both 5613  
institutions. 5614

(E) Notwithstanding section 127.14 of the Revised Code, the 5615  
Controlling Board, upon the recommendation of the Ohio Board of 5616  
Regents, may transfer amounts appropriated to the Ohio Board of 5617  
Regents to accounts of state-supported or state-assisted 5618  
institutions created for that same purpose. 5619

**Section 23.51.** The requirements of Chapters 123. and 153. of 5620  
the Revised Code, with respect to the powers and duties of the 5621  
Director of Administrative Services, and the requirements of 5622  
section 127.16 of the Revised Code, with respect to the 5623  
Controlling Board, shall not apply to projects of community 5624  
college districts, which include Cuyahoga Community College, 5625  
Jefferson Community College, Lakeland Community College, Lorain 5626  
County Community College, Rio Grande Community College, and 5627  
Sinclair Community College; and technical college districts which 5628  
include Belmont Technical College, Central Ohio Technical College, 5629  
Hocking Technical College, James Rhodes State College, Marion 5630

Technical College, Zane State College, North Central Technical College, and Stark Technical College. 5631  
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**Section 23.52.** Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may: 5633  
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(A) Establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when such charges are in excess of 1.5 per cent of the total construction budget. 5636  
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(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for such capital projects. Acceptable charges shall be limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost. 5642  
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**Section 24.01.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035) that are not otherwise appropriated. 5652  
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Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			5656
CAP-004	Burr Oak Lodge	\$ 150,000	5657
CAP-012	Land Acquisition	\$ 243,663	5658
CAP-088	Muskingum River Lock and Dam	\$ 250,000	5659

CAP-234	State Park Campgrounds, Cabins, and Lodges	\$	2,712,500	5660
CAP-331	Park Boating Facilities	\$	7,588,383	5661
CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$	4,000,000	5662
CAP-718	Grand Lake St. Mary's State Park Erosion Control Project	\$	450,000	5663
CAP-748	Local Park Projects	\$	2,715,000	5664
CAP-753	Project Planning	\$	175,000	5665
CAP-848	Hazardous Dam Repair - Statewide	\$	1,325,000	5666
CAP-876	Statewide Trails	\$	1,101,500	5667
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$	2,500,000	5668
	Total Department of Natural Resources	\$	23,211,046	5669
	TOTAL Parks and Recreation Improvement Fund	\$	23,211,046	5670

FEDERAL REIMBURSEMENT 5671

All reimbursements received from the federal government for 5672  
any expenditures made pursuant to this section shall be deposited 5673  
in the state treasury to the credit of the Parks and Recreation 5674  
Improvement Fund (Fund 035). 5675

LOCAL PARKS PROJECTS 5676

Of the foregoing appropriation item CAP-748, Local Parks 5677  
Projects, \$75,000 shall be used for the Springfield Arts Veterans' 5678  
Park; \$50,000 shall be used for the Village of Bentleyville Park; 5679  
\$25,000 shall be used for the Cleveland Police and Firefighters 5680  
Memorial Park; \$100,000 shall be used for the Parma Heights 5681  
Greenbriar Park; \$125,000 shall be used for the Fairborn Park 5682  
Entrance Project; \$250,000 shall be used for the Greene County 5683  
Soccer Park; \$750,000 shall be used for the Banks Park; \$400,000 5684  
shall be used for the Colerain Township Park Improvements; 5685  
\$200,000 shall be used for the Colerain Township Heritage Park; 5686  
\$75,000 shall be used for the London Park Project; \$50,000 shall 5687

be used for Somerset Park Improvements; \$50,000 shall be used for 5688  
Meadowbrook Park; \$25,000 shall be used for Early Hill Park; 5689  
\$25,000 shall be used for the Wright-Flyer Aviation Park; \$200,000 5690  
shall be used for Madison Township Park; \$10,000 shall be used for 5691  
the Wellington Soccer Field Park; \$10,000 shall be used for the 5692  
Greenwich Township Baseball Field Park Improvements; \$20,000 shall 5693  
be used for the City of London Sports Park; \$25,000 shall be used 5694  
for the Pleasant Hill Park Ball Field Project; and \$250,000 shall 5695  
be used for the Education Gateway at Sippo Lake Park. 5696

STATEWIDE TRAILS PROGRAM 5697

Of the foregoing appropriation item CAP-876, Statewide 5698  
Trails, \$85,000 shall be used for the Williamsburg-Batavia 5699  
hike/bike trail; \$16,500 shall be used for the South Milford Road 5700  
Bike Trail Project; \$125,000 shall be used for the Tri-County 5701  
Triangle Trail in Fayette county; \$100,00 shall be used for the 5702  
Tri-County Triangle Trail in Highland County; \$125,000 shall be 5703  
used for the Tri-County Triangle Trail in Ross county; \$550,000 5704  
shall be used for the Camp Chase Ohio to Erie Trail; and \$100,000 5705  
shall be used for the Holmes County Park District - Rails to 5706  
Trails. 5707

**Section 24.02.** For the appropriations in Section 24.01 of 5708  
this act, the Department of Natural Resources shall periodically 5709  
prepare and submit to the Director of Budget and Management the 5710  
estimated design, planning, and engineering costs of 5711  
capital-related work to be done by the Department of Natural 5712  
Resources for each project. Based on the estimates, the Director 5713  
of Budget and Management may release appropriations from the 5714  
foregoing appropriation item CAP-753, Project Planning, within the 5715  
Parks and Recreation Improvement Fund (Fund 035), to pay for 5716  
design, planning, and engineering costs incurred by the Department 5717  
of Natural Resources for the projects. Upon release of the 5718

appropriations by the Director of Budget and Management, the 5719  
Department of Natural Resources shall pay for these expenses from 5720  
the Parks Capital Expenses Fund (Fund 227), and be reimbursed by 5721  
the Parks and Recreation Improvement Fund (Fund 035) using an 5722  
intrastate voucher. 5723

**Section 24.03.** The Treasurer of State is hereby authorized to 5724  
issue and sell, in accordance with Section 2i of Article VIII, 5725  
Ohio Constitution, and Chapter 154. of the Revised Code, 5726  
particularly section 154.22 of the Revised Code, original 5727  
obligations in an aggregate principal amount not to exceed 5728  
\$22,000,000, in addition to the original issuance of obligations 5729  
heretofore authorized by prior acts of the General Assembly. The 5730  
authorized obligations shall be issued, subject to applicable 5731  
constitutional and statutory limitations, to pay the costs of 5732  
capital facilities for parks and recreation as defined in section 5733  
154.01 of the Revised Code. 5734

**Section 24.04.** (A) No capital improvement appropriations made 5735  
in Section 24.01 of this act shall be released for planning or for 5736  
improvement, renovation, or construction or acquisition of capital 5737  
facilities if a governmental agency, as defined in section 154.01 5738  
of the Revised Code, does not own the real property that 5739  
constitutes the capital facilities or on which the capital 5740  
facilities are or will be located. This restriction does not apply 5741  
in any of the following circumstances: 5742

(1) The governmental agency has a long-term (at least fifteen 5743  
years) lease of, or other interest (such as an easement) in, the 5744  
real property. 5745

(2) In the case of an appropriation for capital facilities 5746  
for parks and recreation that, because of their unique nature or 5747  
location, will be owned or be part of facilities owned by a 5748

separate nonprofit organization and made available to the 5749  
governmental agency for its use or operated by the nonprofit 5750  
organization under contract with the governmental agency, the 5751  
nonprofit organization either owns or has a long-term (at least 5752  
fifteen years) lease of the real property or other capital 5753  
facility to be improved, renovated, constructed, or acquired and 5754  
has entered into a joint or cooperative use agreement, approved by 5755  
the Department of Natural Resources, with the governmental agency 5756  
for that agency's use of and right to use the capital facilities 5757  
to be financed and, if applicable, improved, the value of such use 5758  
or right to use being, as determined by the parties, reasonably 5759  
related to the amount of the appropriation. 5760

(B) In the case of capital facilities referred to in division 5761  
(A)(2) of this section, the joint or cooperative use agreement 5762  
shall include, as a minimum, provisions that: 5763

(1) Specify the extent and nature of that joint or 5764  
cooperative use, extending for not fewer than fifteen years, with 5765  
the value of such use or right to use to be, as determined by the 5766  
parties and approved by the approving department, reasonably 5767  
related to the amount of the appropriation; 5768

(2) Provide for pro rata reimbursement to the state should 5769  
the arrangement for joint or cooperative use by a governmental 5770  
agency be terminated; and 5771

(3) Provide that procedures to be followed during the capital 5772  
improvement process will comply with appropriate applicable state 5773  
laws and rules, including provisions of this act. 5774

**Section 25.01.** All items set forth in this section are hereby 5775  
appropriated out of any moneys in the state treasury to the credit 5776  
of the State Capital Improvements Fund (Fund 038) that are not 5777  
otherwise appropriated. 5778

	Appropriations	
PWC PUBLIC WORKS COMMISSION		5779
CAP-150 Local Public Infrastructure	\$ 120,000,000	5780
Total Public Works Commission	\$ 120,000,000	5781
TOTAL State Capital Improvements Fund	\$ 120,000,000	5782

The foregoing appropriation item CAP-150, Local Public Infrastructure, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

**Section 25.02.** The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and sections 151.01, as amended by this act, and 151.08 of the Revised Code, original obligations of the state, in an aggregate principal amount not to exceed \$120,000,000, in addition to the original obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the State Capital Improvements Fund (Fund 038) to pay costs charged to that fund, as estimated by the Director of Budget and Management.

**Section 26.01.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 056) that are not otherwise appropriated.

	Appropriations	
PWC PUBLIC WORKS COMMISSION		5809
CAP-152 Clean Ohio Conservation	\$ 37,500,000	5810
Total Public Works Commission	\$ 37,500,000	5811
TOTAL Clean Ohio Conservation Fund	\$ 37,500,000	5812

The foregoing appropriation item CAP-152, Clean Ohio Conservation, shall be used in accordance with sections 164.20 to 164.27 of the Revised Code. If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that project refunds are available to support additional appropriations, such amounts are hereby appropriated.

**Section 26.02.** The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 20 of Article VIII, Ohio Constitution, and sections 151.01 and 151.09 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$50,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) to pay costs of conservation projects as defined in sections 151.01 and 151.09 of the Revised Code.

**Section 26.03.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Agricultural Easement Fund (Fund 057) that are

not otherwise appropriated. 5839

Appropriations

AGR DEPARTMENT OF AGRICULTURE 5840

CAP-047 Clean Ohio Agricultural Easement \$ 6,250,000 5841

Total Department of Agriculture \$ 6,250,000 5842

TOTAL Clean Ohio Agricultural Easement Fund \$ 6,250,000 5843

**Section 26.04.** All items set forth in this section are hereby 5845  
appropriated out of any moneys in the state treasury to the credit 5846  
of the Clean Ohio Trail Fund (Fund 061), that are not otherwise 5847  
appropriated. 5848

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 5849

CAP-014 Clean Ohio Trail \$ 6,250,000 5850

Total Department of Natural Resources \$ 6,250,000 5851

TOTAL Clean Ohio Trail Fund \$ 6,250,000 5852

**Section 27.01.** CERTIFICATION OF RENTAL PAYMENTS 5854

Each request for release of appropriations for any and all 5855  
capital improvements and capital facilities for which 5856  
appropriations are made in this act from the proceeds of 5857  
obligations in the Administrative Building Fund (Fund 026), the 5858  
Adult Correctional Building Fund (Fund 027), the Juvenile 5859  
Correctional Building Fund (Fund 028), the Cultural and Sports 5860  
Facilities Building Fund (Fund 030), the Natural Resources 5861  
Projects Fund (Fund 031), the School Building Program Assistance 5862  
Fund (Fund 032), the Mental Health Facilities Improvement Fund 5863  
(Fund 033), the Higher Education Improvement Fund (Fund 034), and 5864  
the Parks and Recreation Improvements Fund (Fund 035) shall have 5865  
the certification of the Director of Budget and Management that 5866  
sufficient General Revenue Fund moneys are appropriated for and 5867  
will be available for rental payments to the Ohio Public 5868

Facilities Commission, the Treasurer of State, and the Ohio 5869  
Building Authority in the then-current fiscal biennium relating to 5870  
obligations or portions of obligations issued or to be issued in 5871  
that fiscal biennium to fund, in the then-current fiscal biennium, 5872  
anticipated expenditures from these funds associated with the 5873  
request. 5874

**Section 27.02. HIGHWAY SAFETY FUND CERTIFICATION OF RENTAL 5875**  
PAYMENTS 5876

No money shall be encumbered for any capital improvements and 5877  
capital facilities for which appropriations are made in excess of 5878  
the cash balances from the proceeds of obligations in the Highway 5879  
Safety Building Fund (Fund 025) unless the Director of Budget and 5880  
Management certifies that sufficient Highway Safety Fund moneys 5881  
are appropriated and available for rental payments to the Ohio 5882  
Building Authority for debt service payments by the state in the 5883  
then-current fiscal biennium relating to obligations or portions 5884  
of obligations issued or to be issued in that fiscal biennium to 5885  
fund, in the then-current fiscal biennium, anticipated 5886  
expenditures from these funds associated with related 5887  
encumbrances. 5888

**Section 28.01. CERTIFICATION OF AVAILABILITY OF MONEYS 5889**

No moneys that require release may be expended from any 5890  
appropriation contained in this act without certification of the 5891  
Director of Budget and Management that there are sufficient moneys 5892  
in the state treasury in the fund from which the appropriation is 5893  
made. Such certification shall be based on estimates of revenue, 5894  
receipts, and expenses. Nothing herein shall be construed as a 5895  
limitation on the authority of the Director of Budget and 5896  
Management under section 126.07 of the Revised Code. 5897

**Section 28.02.** LIMITATIONS ON CAPITAL APPROPRIATIONS 5898

The appropriations made in this act excluding those made to 5899  
the State Capital Improvement Fund (Fund 038) and the State 5900  
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 5901  
or structures, including remodeling and renovations, are limited 5902  
to: 5903

(A) Acquisition of real property or interest in real 5904  
property; 5905

(B) Buildings and structures, which includes construction, 5906  
demolition, lighting and lighting fixtures, and all necessary 5907  
utilities, heating and ventilating, plumbing, sprinkling, and 5908  
sewer systems, when such systems are authorized or necessary; 5909

(C) Architectural, engineering, and professional services 5910  
expenses directly related to the projects; 5911

(D) Machinery that is a part of buildings and structures at 5912  
the time of initial acquisition or construction; 5913

(E) Acquisition, development, and deployment of new computer 5914  
systems, including the redevelopment or integration of existing 5915  
and new computer systems, but excluding regular or ongoing 5916  
maintenance or support agreements; 5917

(F) Equipment that meets all the following criteria: 5918

(1) The equipment is essential in bringing the facility up to 5919  
its intended use. 5920

(2) The unit cost of the equipment, and not the individual 5921  
parts of a unit, is approximately \$100 or more. 5922

(3) The equipment has a useful life of five years or more. 5923

(4) The equipment is necessary for the functioning of the 5924  
particular facility or project. 5925

No equipment shall be paid for from these appropriations that 5926  
is not an integral part of or directly related to the basic 5927  
purpose or function of a facility or project for which moneys are 5928  
appropriated. This does not apply to line items for equipment. 5929

**Section 28.03.** CONTINGENCY RESERVE REQUIREMENT 5930

Any request for release of capital appropriations by the 5931  
Director of Budget and Management or the Controlling Board of 5932  
capital appropriations for projects, the contracts for which are 5933  
awarded by the Department of Administrative Services, shall 5934  
contain a contingency reserve, the amount of which shall be 5935  
determined by the Department of Administrative Services, for 5936  
payment of unanticipated project expenses. Any amount deducted 5937  
from the encumbrance for a contractor's contract as an assessment 5938  
for liquidated damages shall be added to the encumbrance for the 5939  
contingency reserve. Contingency reserve funds shall be used to 5940  
pay costs resulting from unanticipated job conditions, to comply 5941  
with rulings regarding building and other codes, to pay costs 5942  
related to errors or omissions in contract documents, to pay costs 5943  
associated with changes in the scope of work, and to pay the cost 5944  
of settlements and judgments related to the project. 5945

Any funds remaining upon completion of a project may, upon 5946  
approval of the Controlling Board, be released for the use of the 5947  
institution to which the appropriation was made for other capital 5948  
facilities projects. 5949

**Section 28.04.** AGENCY ADMINISTRATION OF CAPITAL FACILITIES 5950  
PROJECTS 5951

Notwithstanding sections 123.01 and 123.15 of the Revised 5952  
Code, the Director of Administrative Services may authorize the 5953  
Departments of Mental Health, Mental Retardation and Developmental 5954  
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 5955

Job and Family Services, Rehabilitation and Correction, Youth 5956  
Services, Public Safety and Transportation, the Ohio Veterans' 5957  
Home, and the Rehabilitation Services Commission to administer any 5958  
capital facilities projects the estimated cost of which, including 5959  
design fees, construction, equipment, and contingency amounts, is 5960  
less than \$1,500,000. Requests for authorization to administer 5961  
capital facilities projects shall be made in writing to the 5962  
Director of Administrative Services by the applicable state agency 5963  
within sixty days after the effective date of the act in which the 5964  
General Assembly initially makes an appropriation for the project. 5965  
Upon the release of funds for such projects by the Controlling 5966  
Board or the Director of Budget and Management, the agency may 5967  
administer the capital project or projects for which agency 5968  
administration has been authorized without the supervision, 5969  
control, or approval of the Director of Administrative Services. 5970

The state agency authorized by the Director of Administrative 5971  
Services to administer capital facilities projects pursuant to 5972  
this section shall comply with the applicable procedures and 5973  
guidelines established in Chapter 153. of the Revised Code. 5974

**Section 28.05. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 5975  
**AGAINST THE STATE** 5976

Except as otherwise provided in this section, an 5977  
appropriation in this act or any other act may be used for the 5978  
purpose of satisfying judgments, settlements, or administrative 5979  
awards ordered or approved by the Court of Claims or by any other 5980  
court of competent jurisdiction in connection with civil actions 5981  
against the state. This authorization does not apply to 5982  
appropriations to be applied to or used for payment of guarantees 5983  
by or on behalf of the state, or for payments under lease 5984  
agreements relating to or debt service on bonds, notes, or other 5985  
obligations of the state. Notwithstanding any other section of law 5986

to the contrary, this authorization includes appropriations from 5987  
funds into which proceeds or direct obligations of the state are 5988  
deposited only to the extent that the judgment, settlement, or 5989  
administrative award is for or represents capital costs for which 5990  
the appropriation may otherwise be used and is consistent with the 5991  
purpose for which any related obligations were issued or entered 5992  
into. Nothing contained in this section is intended to subject the 5993  
state to suit in any forum in which it is not otherwise subject to 5994  
suit, and it is not intended to waive or compromise any defense or 5995  
right available to the state in any suit against it. 5996

**Section 28.06. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND 5997**  
MANAGEMENT 5998

Notwithstanding section 126.14 of the Revised Code, 5999  
appropriations for appropriation items CAP-002, Local Jails, and 6000  
CAP-003, Community-Based Correctional Facilities, appropriated 6001  
from the Adult Correctional Building Fund (Fund 027) to the 6002  
Department of Rehabilitation and Correction shall be released upon 6003  
the written approval of the Director of Budget and Management. The 6004  
appropriations from the Public School Building Fund (Fund 021) and 6005  
the School Building Program Assistance Fund (Fund 032) to the 6006  
School Facilities Commission, from the Clean Ohio Conservation 6007  
Fund (Fund 056), the State Capital Improvement Fund (Fund 038), 6008  
and the State Capital Improvements Revolving Loan Fund (Fund 040) 6009  
to the Public Works Commission, shall be released upon 6010  
presentation of a request to release the funds, by the agency to 6011  
which the appropriation has been made, to the Director of Budget 6012  
and Management. 6013

**Section 28.07. PREVAILING WAGE REQUIREMENT 6014**

Except as provided in section 4115.04 of the Revised Code, no 6015  
moneys appropriated or reappropriated by the 126th General 6016

Assembly shall be used for the construction of public  
improvements, as defined in section 4115.03 of the Revised Code,  
unless the mechanics, laborers, or workers engaged therein are  
paid the prevailing rate of wages as prescribed in section 4115.04  
of the Revised Code. Nothing in this section shall affect the  
wages and salaries established for state employees under the  
provisions of Chapter 124. of the Revised Code, or collective  
bargaining agreements entered into by the state pursuant to  
Chapter 4117. of the Revised Code, while engaged on force account  
work, nor shall this section interfere with the use of inmate and  
patient labor by the state.

**Section 28.08. CAPITAL FACILITIES LEASES**

Capital facilities for which appropriations are made from the  
Administrative Building Fund (Fund 026), the Adult Correctional  
Building Fund (Fund 027), and the Juvenile Correctional Building  
Fund (Fund 028) may be leased by the Ohio Building Authority to  
the Departments of Youth Services, Administrative Services, or  
Rehabilitation and Correction. Other agreements may be made by the  
Ohio Building Authority and those departments with respect to the  
use or purchase of such capital facilities. Subject to the  
approval of the director of the department or the commission, the  
Ohio Building Authority may lease such capital facilities to, and  
make other agreements with respect to their use or purchase with,  
any governmental agency or nonprofit corporation having authority  
under law to own, lease, or operate such capital facilities. The  
department or the commission may sublease such capital facilities  
to, and make other agreements with respect to their use or  
purchase with, any such governmental agency or nonprofit  
corporation, which may include provisions for transmittal of  
receipts of that agency or nonprofit corporation of any charges  
for the use of such facilities, all upon such terms and conditions

as the parties may agree upon and any other provision of law 6048  
affecting the leasing, acquisition, or disposition of capital 6049  
facilities by such parties. 6050

**Section 28.09.** APPROVAL OF EXPENDITURES BY THE DIRECTOR OF 6051  
BUDGET AND MANAGEMENT 6052

The Director of Budget and Management shall review the 6053  
initial release of moneys for projects from the funds into which 6054  
proceeds of direct obligations of the state are deposited, and 6055  
authorize the expenditure or encumbrance of moneys from those 6056  
funds only after determining to the director's satisfaction that 6057  
either of the following apply: 6058

(A) The application of such moneys to the particular project 6059  
will not negatively affect any exemption or exclusion from federal 6060  
income tax of the interest or interest equivalent on obligations, 6061  
issued to provide moneys to the particular fund. 6062

(B) Moneys for the project will come from the proceeds of 6063  
obligations, the interest on which is not so excluded or exempt 6064  
and which have been authorized as "taxable obligations" by the 6065  
issuing authority. 6066

The director shall report any nonrelease of moneys pursuant 6067  
to this section to the Governor, the presiding officer of each 6068  
house of the General Assembly, and the agency for the use of which 6069  
the project is intended. 6070

**Section 28.10.** SCHOOL FACILITIES ENCUMBRANCES AND 6071  
REAPPROPRIATION 6072

At the request of the Executive Director of the Ohio School 6073  
Facilities Commission, the Director of Budget and Management may 6074  
cancel encumbrances for school district projects from a previous 6075  
biennium if the district has not raised its local share of project 6076

costs within one year of receiving Controlling Board approval in 6077  
accordance with section 3318.05 of the Revised Code. The Executive 6078  
Director of the Ohio School Facilities Commission shall certify 6079  
the amounts of these canceled encumbrances to the Director of 6080  
Budget and Management on a quarterly basis. The amounts of the 6081  
canceled encumbrances are hereby appropriated. 6082

**Section 28.11. OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK 6083**  
COMMISSION REAPPROPRIATION 6084

The Director of Ohio Educational Telecommunications Network 6085  
Commission shall certify and receive approval from the Director of 6086  
the Office of Budget and Management an amount necessary to 6087  
complete the Ohio Educational Telecommunications Network 6088  
Commission's previously approved and funded projects. This amount 6089  
is hereby appropriated to CAP-001, Educational TV & Radio 6090  
Equipment. 6091

**Section 28.12. CERTIFICATE OF NEED REQUIREMENT 6092**

No appropriation for a health care facility authorized under 6093  
this act may be released until the requirements of sections 6094  
3702.51 to 3702.68 of the Revised Code have been met. 6095

**Section 28.13. DISTRIBUTION OF PROCEEDS FROM ASBESTOS 6096**  
ABATEMENT LITIGATION 6097

All proceeds received by the state as a result of litigation, 6098  
judgments, settlements, or claims, filed by or on behalf of any 6099  
state agency as defined by section 1.60 of the Revised Code or 6100  
state-supported or state-assisted institution of higher education, 6101  
for damages or costs resulting from the use, removal, or hazard 6102  
abatement of asbestos materials shall be deposited in the Asbestos 6103  
Abatement Distribution Fund (Fund 674). All funds deposited into 6104  
the Asbestos Abatement Distribution Fund are hereby appropriated 6105

to the Attorney General. To the extent practicable, the proceeds  
placed in the Asbestos Abatement Distribution Fund shall be  
divided among the state agencies and state-supported or  
state-assisted institutions of higher education in accordance with  
the general provisions of the litigation regarding the percentage  
of recovery. Distribution of the proceeds to each state agency or  
state-supported or state-assisted institution of higher education  
shall be made in accordance with the Asbestos Abatement  
Distribution Plan to be developed by the Attorney General, the  
General Services Division within the Department of Administrative  
Services, and the Office of Budget and Management.

In those circumstances where asbestos litigation proceeds are  
for reimbursement of expenditures made with funds outside the  
state treasury or damages to buildings not constructed with state  
appropriations, direct payments shall be made to the affected  
institutions of higher education. Any proceeds received for  
reimbursement of expenditures made with funds within the state  
treasury or damages to buildings occupied by state agencies shall  
be distributed to the affected agencies with an intrastate  
transfer voucher to the funds identified in the Asbestos Abatement  
Distribution Plan.

Such proceeds shall be used for additional asbestos abatement  
or encapsulation projects, or for other capital improvements,  
except that proceeds distributed to the General Revenue Fund and  
other funds that are not bond improvement funds may be used for  
any purpose. The Controlling Board may, for bond improvement  
funds, create appropriation items or increase appropriation  
authority in existing appropriation items equaling the amount of  
such proceeds. Such amounts approved by the Controlling Board are  
hereby appropriated. Such proceeds deposited in bond improvement  
funds shall not be expended until released by the Controlling  
Board, which shall require certification by the Director of Budget

and Management that such proceeds are sufficient and available to 6138  
fund the additional anticipated expenditures. 6139

**Section 29.01.** OBLIGATIONS ISSUED UNDER ORC CHAPTER 151. 6140

The capital improvements for which appropriations are made in 6141  
this act from the Ohio Parks and Natural Resources Fund (Fund 6142  
031), the School Building Program Assistance Fund (Fund 032), the 6143  
Higher Education Improvement Fund (Fund 034), the State Capital 6144  
Improvements Fund (Fund 038), the Clean Ohio Conservation Fund 6145  
(Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), 6146  
and the Clean Ohio Trail Fund (Fund 061) are determined to be 6147  
capital improvements and capital facilities for natural resources, 6148  
a statewide system of common schools, state-supported and 6149  
state-assisted institutions of higher education, local subdivision 6150  
capital improvement projects, and conservation purposes (under the 6151  
Clean Ohio program) and are designated as capital facilities to 6152  
which proceeds of obligations issued under Chapter 151. of the 6153  
Revised Code are to be applied. 6154

**Section 29.02.** OBLIGATIONS ISSUED UNDER ORC CHAPTER 152. 6155

The capital improvements for which appropriations are made in 6156  
this act from the Highway Safety Building Fund (Fund 025), the 6157  
Administrative Building Fund (Fund 026), the Adult Correctional 6158  
Building Fund (Fund 027), and the Juvenile Correctional Building 6159  
Fund (Fund 028) are determined to be capital improvements and 6160  
capital facilities for housing state agencies and branches of 6161  
state government and their functions and are designated as capital 6162  
facilities to which proceeds of obligations issued under Chapter 6163  
152. of the Revised Code are to be applied. 6164

The owners or holders of obligations issued under Chapter 6165  
152. of the Revised Code have no right to have excises or taxes 6166  
levied by the General Assembly for the payment of interest or 6167

principal thereon. 6168

**Section 29.03.** OBLIGATIONS ISSUED UNDER ORC CHAPTER 154. 6169

The capital improvements for which appropriations are made in 6170  
this act from the Cultural and Sports Facilities Building Fund 6171  
(Fund 030), the Mental Health Facilities Improvement Fund (Fund 6172  
033), and the Parks and Recreation Improvement Fund (Fund 035) are 6173  
determined to be capital improvements and capital facilities for 6174  
housing state agencies and branches of government, mental hygiene 6175  
and retardation, and parks and recreation and are designated as 6176  
capital facilities to which proceeds of obligations issued under 6177  
Chapter 154. of the Revised Code are to be applied. 6178

The owners or holders of obligations issued under Chapter 6179  
154. of the Revised Code have no right to have excises or taxes 6180  
levied by the General Assembly for the payment of principal or 6181  
interest thereon. 6182

**Section 30.01.** TRANSFER OF OPEN ENCUMBRANCES 6183

Upon the request of the agency to which a capital project 6184  
appropriation item is appropriated, the Director of Budget and 6185  
Management may transfer open encumbrance amounts between separate 6186  
encumbrances for the project appropriation item to the extent that 6187  
any reductions in encumbrances are agreed to by the contracting 6188  
vendor and the agency. 6189

**Section 31.01.** LITIGATION PROCEEDS TO THE ADMINISTRATIVE 6190  
BUILDING FUND 6191

Any proceeds received by the State of Ohio as the result of 6192  
litigation or a settlement agreement related to any liability for 6193  
the planning, design, engineering, construction, or construction 6194  
management of such facilities operated by the Department of 6195  
Administrative Services shall be deposited into the Administrative 6196

Building Fund (Fund 026). 6197

**Section 32.01.** COAL RESEARCH AND DEVELOPMENT BONDS 6198

The Ohio Public Facilities Commission, upon the request of 6199  
the Director of the Ohio Coal Development Office with the advice 6200  
of the Technical Advisory Committee created in section 1551.35 of 6201  
the Revised Code and the approval of the Director of the Air 6202  
Quality Development Authority, is hereby authorized to issue and 6203  
sell, in accordance with Section 15 of Article VIII, Ohio 6204  
Constitution, and Chapter 151., and particularly sections 151.01 6205  
and 151.07 and other applicable sections of the Revised Code, 6206  
bonds or other obligations of the State of Ohio heretofore 6207  
authorized by prior acts of the General Assembly. The obligations 6208  
shall be issued, subject to applicable constitutional and 6209  
statutory limitations, to provide sufficient moneys to the credit 6210  
of the Coal Research and Development Fund created in section 6211  
1555.15 of the Revised Code to pay costs charged to such fund when 6212  
due as estimated by the Director of the Ohio Coal Development 6213  
Office. 6214

**Section 33.01.** OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 6215

The Ohio Administrative Knowledge System (OAKS) will be an 6216  
enterprise resource planning system that will replace the state's 6217  
central services infrastructure systems, including the Central 6218  
Accounting System, the Human Resources/Payroll System, the Capital 6219  
Improvements Projects Tracking System, the Fixed Assets Management 6220  
System, and the Procurement System. The Department of 6221  
Administrative Services, in conjunction with the Office of Budget 6222  
and Management, may acquire the system, including, but not limited 6223  
to, the enterprise resource planning software and installation and 6224  
implementation thereof pursuant to Chapter 125. of the Revised 6225  
Code. Any lease-purchase arrangement utilized under Chapter 125. 6226

of the Revised Code, including any fractionalized interest herein 6227  
as defined in division (N) of section 133.01 of the Revised Code, 6228  
shall provide at the end of the lease period that OAKS shall 6229  
become the property of the state. 6230

**Section 34.01.** PUBLIC ASSISTANCE RECONCILIATION FUND 6231

There is hereby created in the state treasury the Public 6232  
Assistance Reconciliation Fund (Fund 5AX). The fund, a state 6233  
special revenue fund, shall be used by the Department of Job and 6234  
Family Services to reimburse Ohio's federal TANF block grant 6235  
according to the process agreed to by the department and the 6236  
federal government. If both the Director of Job and Family 6237  
Services and the Director of Budget and Management determine that 6238  
sufficient cash is available in the fund, the fund also may be 6239  
used to provide cash in fiscal year 2005 for income maintenance to 6240  
the counties. Notwithstanding any state law restrictions to the 6241  
contrary, the Director of Budget and Management may, at the 6242  
request of the Director of Job and Family Services, transfer cash 6243  
either into or out of the Public Assistance Reconciliation Fund to 6244  
or from any other fund appropriated to the department. The amounts 6245  
are hereby appropriated and the Director of Budget and Management 6246  
shall establish a new appropriation item for the appropriation. 6247

Notwithstanding Section 145 of Am. Sub. H.B. 95 of the 125th 6248  
General Assembly as amended by Section 64 of Am. Sub. S.B. 189 of 6249  
the 125th General Assembly, the Director of Budget and Management 6250  
may, at the request of the Director of Job and Family Services, 6251  
transfer up to \$76,500,000 from the Federal Fiscal Relief Fund 6252  
(Fund 5Y9) to the Public Assistance Reconciliation Fund (Fund 6253  
5AX). Such amounts are hereby appropriated. Any federal funds 6254  
reimbursed to the Department as a result of this transfer shall be 6255  
deposited to the Federal Fiscal Relief Fund. 6256

Notwithstanding Section 2 of Am. Sub. S.B. 170 of the 124th 6257

General Assembly, the Director of Budget and Management may, at 6258  
the request of the Director of Job and Family Services, transfer 6259  
cash from the Child Support Special Payment Fund (Fund 5T2) to the 6260  
Public Assistance Reconciliation Fund (Fund 5AX). The amounts 6261  
shall not exceed the cash balance in the fund and are hereby 6262  
appropriated. 6263

This section is not subject to the referendum. Therefore, 6264  
under Ohio Constitution, Article II, Section 1d and section 1.471 6265  
of the Revised Code, this section goes into immediate effect when 6266  
this act becomes law. 6267

**Section 35.01.** Sections 3.01 to 32.01 of this act shall 6268  
remain in full force and effect commencing on July 1, 2004, and 6269  
terminating on June 30, 2006, for the purpose of drawing money 6270  
from the state treasury in payment of liabilities lawfully 6271  
incurred hereunder, and on June 30, 2006, and not before, the 6272  
moneys hereby appropriated shall lapse into the funds from which 6273  
they are severally appropriated. Because if, under Section 1c of 6274  
Article II, Ohio Constitution, Sections 3.01 to 32.01 of this act 6275  
do not take effect until after July 1, 2004, Sections 3.01 to 6276  
32.01 of this act shall be and remain in full force and effect 6277  
commencing on that later effective date. 6278

**Section 36.01.** That Sections 18.02, 18.16, 22, 26.10, 26.14, 6279  
26.19, 26.48, and 27 of Am. Sub. S.B. 189 of the 125th General 6280  
Assembly be amended to read as follows: 6281

<b>Sec. 18.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>			6282
CAP-773	Governor's Residence Renovations	\$ 4,705	6283
CAP-809	Hazardous Substance Abatement	\$ 1,688,120	6284
CAP-811	Health/EPA Laboratory Facilities	\$ 20,840,003	6285
CAP-813	Heer Building Renovation	\$ 1,500,000	6286
CAP-822	Americans with Disabilities Act	\$ 1,535,675	6287

CAP-826	Office Services Building Renovation	\$	1,250,000	6288
CAP-827	Statewide Communications System	\$	72,787,285	6289
CAP-834	Capital Improvements Tracking System	\$	407,600	6290
CAP-835	Energy Conservation Projects	\$	1,817,260	6291
CAP-837	Major Computer Purchases	\$	1,824,884	6292
CAP-838	SOCC Renovations	\$	2,148,691	6293
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	6294
CAP-848	ODOT Building Boiler Replacement	\$	155,981	6295
CAP-849	Facility Planning and Development	\$	4,445,184	6296
CAP-850	Education Building Renovations	\$	308,482	6297
CAP-852	North High Building Complex Renovations	\$	2,689,102	6298
CAP-855	Office Space Planning	\$	70,300	6299
CAP-859	eSecure Ohio	\$	2,500,000	6300
CAP-860	Structured Cabling	\$	397,155	6301
CAP-864	eGovernment Infrastructure	\$	1,047,000	6302
CAP-865	DAS Building Security	\$	78,100	6303
CAP-867	Lausche Building Connector	\$	963,200	6304
<u>CAP-868</u>	<u>Riversouth Development</u>	<u>\$</u>	<u>9,000,000</u>	6305
Total Department of Administrative Services		\$	<del>118,516,627</del> <u>127,516,627</u>	6306

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 6307

The foregoing appropriation item CAP-809, Hazardous Substance Abatement, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities. 6308  
6309  
6310

Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through 6311  
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existing capital and operating appropriations, the department may  
request the release of funds for such projects by the Controlling  
Board. State agencies intending to fund asbestos abatement or  
other toxic materials removal through existing capital and  
operating appropriations shall notify the Director of  
Administrative Services of the nature and scope prior to  
commencing the project.

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

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT

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

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

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

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM

There is hereby continued a Multi-Agency Radio Communications  
System (MARCS) Steering Committee consisting of the designees of

the Directors of Administrative Services, Public Safety, Natural  
Resources, Transportation, Rehabilitation and Correction, and  
Budget and Management. The Director of Administrative Services or  
the director's designee shall chair the committee. The committee  
shall provide assistance to the Director of Administrative  
Services for effective and efficient implementation of the MARCS  
system as well as develop policies for the ongoing management of  
the system. Upon dates prescribed by the Directors of  
Administrative Services and Budget and Management, the MARCS  
Steering Committee shall report to the directors on the progress  
of MARCS implementation and the development of policies related to  
the system.

The foregoing appropriation item CAP-827, Statewide  
Communications System, shall be used to purchase or construct the  
components of MARCS that are not specific to any one agency. The  
equipment may include, but is not limited to, multi-agency  
equipment at the Emergency Operations Center/Joint Dispatch  
Facility, computer and telecommunication equipment used for the  
functioning and integration of the system, communications towers,  
tower sites, tower equipment, and linkages among towers and  
between towers and the State of Ohio Network for Integrated  
Communication (SONIC) system. The Director of Administrative  
Services shall, with the concurrence of the MARCS Steering  
Committee, determine the specific use of funds.

Spending from this appropriation item shall not be subject to  
Chapters 123. and 153. of the Revised Code.

**ENERGY CONSERVATION PROJECTS**

The foregoing appropriation item CAP-835, Energy Conservation  
Projects, shall be used to perform energy conservation  
renovations, including the United States Environmental Protection  
Agency's Energy Star Program, in state-owned facilities. Prior to

the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

RIVERSOUTH DEVELOPMENT

The amount reappropriated for the foregoing appropriation item CAP-868, Riversouth Development, is \$9,000,000.

**Sec. 18.16. SOS SECRETARY OF STATE**

CAP-002	Voting Machines	\$	5,800,000
Total	Secretary of State	\$	5,800,000
TOTAL	Administrative Building Fund	\$	<del>163,084,591</del> <u>172,084,591</u>

VOTING MACHINES

The foregoing appropriation item CAP-002, Voting Machines, shall be used to purchase upgraded voting equipment. Appropriation item CAP-002, Voting Machines, shall match federal funds provided through the Help America Vote Act of 2002.

**Sec. 22.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the ~~Arts~~ Cultural and Sports Facilities Building Fund (Fund 030) that are not otherwise appropriated:

Reappropriations

AFC ~~ARTS AND SPORTS~~ CULTURAL FACILITIES COMMISSION

CAP-003	Center of Science and Industry - Toledo	\$	12,268
CAP-004	Valentine Theatre	\$	1,111
CAP-005	Center of Science and Industry - Columbus	\$	181,636

CAP-010	Sandusky State Theatre Improvements	\$	1,000,000	6406
CAP-017	Zion Center of the National Afro-American Museum	\$	488,232	6407
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$	2,395	6408
CAP-033	Woodward Opera House Renovation	\$	1,050,000	6409
CAP-037	Canton Palace Theatre Renovations	\$	1,066,126	6410
CAP-038	Center Exhibit Replacement	\$	750,000	6411
<del>CAP-041</del>	<del>Cleveland Playhouse</del>	<del>\$</del>	<del>500,000</del>	6412
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	625,000	6413
CAP-043	Statewide Site Repairs	\$	454,000	6414
CAP-046	Cincinnati Museum Center Improvements	\$	500,000	6415
CAP-052	Akron Art Museum	\$	6,634,666	6416
CAP-053	Powers Auditorium Improvements	\$	200,000	6417
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	6418
CAP-057	Comprehensive Master Plan	\$	180,000	6419
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	6420
CAP-061	Statewide Arts Facilities Planning	\$	35,931	6421
CAP-063	Robins Theatre Renovations	\$	1,000,000	6422
CAP-064	Bramley Historic House	\$	75,000	6423
CAP-066	Delaware County Cultural Arts Center	\$	40,000	6424
CAP-068	Perry County Historical Society	\$	100,000	6425
CAP-069	Cleveland Institute of Art	\$	750,000	6426
CAP-071	Cleveland Institute of Music	\$	750,000	6427
CAP-072	West Side Arts Consortium	\$	138,000	6428
CAP-074	Stan Hywet Hall & Gardens	\$	250,000	6429
CAP-075	McKinley Museum Improvements	\$	125,000	6430
CAP-076	Spring Hill Historic Home	\$	125,000	6431
CAP-077	Western Reserve Ballet Improvements	\$	100,000	6432
CAP-078	Midland Theatre	\$	175,000	6433
CAP-079	Lorain Palace Civic Theatre	\$	200,000	6434

CAP-080	Great Lakes Historical Society	\$	150,000	6435
CAP-734	Hayes Presidential Center	\$	75,000	6436
CAP-745	Historic Sites and Museums	\$	750,000	6437
CAP-753	Buffington Island State Memorial	\$	91,500	6438
CAP-770	Serpent Mound State Memorial	\$	295,000	6439
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	6440
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	6441
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	6442
CAP-791	Harrison Tomb and Site Renovations	\$	149,500	6443
CAP-796	Moundbuilders State Memorial	\$	530,000	6444
CAP-806	Grant Boyhood Home Improvements	\$	68,333	6445
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	6446
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	6447
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	6448
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	6449
CAP-821	Lorain County Historical Society	\$	300,000	6450
CAP-822	Madison County Historic Schoolhouse	\$	40,000	6451
CAP-823	Marion Palace Theatre	\$	825,000	6452
CAP-824	McConnellsville Opera House	\$	75,000	6453
CAP-825	Secrest Auditorium	\$	75,000	6454
CAP-826	Renaissance Theatre	\$	50,000	6455
CAP-827	Trumpet in the Land	\$	100,000	6456
CAP-828	Becky Thatcher Showboat	\$	30,000	6457
CAP-829	Mid Ohio Valley Players	\$	50,000	6458
CAP-830	The Anchorage	\$	50,000	6459
CAP-831	Wayne County Historical Society	\$	300,000	6460
CAP-833	Promont House Museum	\$	200,000	6461
CAP-836	Fairfield Outdoor Theatre	\$	100,000	6462
CAP-837	Lake County Historical Society	\$	250,000	6463
CAP-839	Hancock Historical Society	\$	75,000	6464

CAP-840	Riversouth Development	\$	<del>10,000,000</del>	6465
			<u>1,000,000</u>	6466
CAP-841	Ft. Piqua Hotel	\$	200,000	6467
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	6468
Total <del>Arts and Sports</del> <u>Cultural</u> Facilities		\$	<del>43,970,114</del>	6469
Commission			<u>34,470,114</u>	
TOTAL <del>Arts</del> <u>CULTURAL</u> and Sports Facilities Building		\$	<del>43,970,114</del>	6470
Fund			<u>34,470,114</u>	

COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT 6471

CONTRACTS 6472

Notwithstanding division (A) of section 3383.07 of the 6473  
 Revised Code, the Ohio ~~Arts and Sports~~ Cultural Facilities 6474  
 Commission, with respect to the foregoing appropriation item 6475  
 CAP-005, Center of Science and Industry - Columbus, may administer 6476  
 all or part of capital facilities project contracts involving 6477  
 exhibit fabrication and installation as determined by the 6478  
 Department of Administrative Services, the Center of Science and 6479  
 Industry - Columbus, and the Ohio ~~Arts and Sports~~ Cultural 6480  
 Facilities Commission in review of the project plans. The Ohio 6481  
~~Arts and Sports~~ Cultural Facilities Commission shall enter into a 6482  
 contract with the Center of Science and Industry - Columbus to 6483  
 administer the exhibit fabrication and installation contracts and 6484  
 such contracts are not subject to Chapter 123. or 153. of the 6485  
 Revised Code. 6486

SPORTS FACILITIES IMPROVEMENTS - AKRON 6487

The amount reappropriated to the ~~Arts~~ Cultural and Sports 6488  
 Facilities Building Fund (Fund 030), CAP-024, Sports Facilities 6489  
 Improvements - Akron, is the unallotted and unencumbered balance 6490  
 in the Sports Facilities Building Fund (Fund 024), CAP-024, Sports 6491  
 Facilities Improvements - Akron. 6492

REDS HALL OF FAME 6493

The amount reappropriated to the ~~Arts Cultural~~ and Sports 6494  
Facilities Building Fund (Fund 030), CAP-025, Reds Hall of Fame, 6495  
is the unallotted and unencumbered balance in the Sports 6496  
Facilities Building Fund (Fund 024), CAP-025, Reds Hall of Fame. 6497

AKRON ART MUSEUM 6498

The amount reappropriated for the foregoing appropriation 6499  
item CAP-052, Akron Art Museum, is the unencumbered and unallotted 6500  
balance as of June 30, 2004, in appropriation item CAP-052, Akron 6501  
Art Museum, plus \$1,634,666. 6502

RIVERSOUTH DEVELOPMENT 6503

The amount reappropriated for the foregoing appropriation 6504  
item CAP-840, Riversouth Development, is the unencumbered and 6505  
unallotted balance as of June 30, 2004, in appropriation item 6506  
CAP-840, Riversouth Development, minus \$9,000,000. 6507

MARINA DISTRICT/ICE ARENA DEVELOPMENT 6508

The amount reappropriated to the ~~Arts Cultural~~ and Sports 6509  
Facilities Building Fund (Fund 030), CAP-843, Marina District/Ice 6510  
Arena Development, is the unallotted and unencumbered balance in 6511  
the Sports Facilities Building Fund (Fund 024), CAP-073, Marina 6512  
District/Ice Arena Development. 6513

Reappropriations

**Sec. 26.10. UAK UNIVERSITY OF AKRON** 6514

CAP-008	Basic Renovations	\$	3,394,867	6515
CAP-047	Polsky Building Renovation	\$	577,185	6516
CAP-049	Basic Renovations - Wayne	\$	270,316	6517
CAP-054	Auburn Science/Whitby Rehabilitation	\$	4,099,600	6518
CAP-061	Asbestos Abatement	\$	29,650	6519
CAP-063	Child Care Facility	\$	149,998	6520
CAP-075	Infrastructure Materials/Rehabilitation	\$	102,932	6521
CAP-076	Supercritical Fluid Technology	\$	17,500	6522

CAP-080	UAK/Medina Technology Link	\$	43,307	6523
CAP-081	Classroom/Office Building - Arts/Sciences	\$	21,710	6524
CAP-091	Student Affairs Building	\$	1,235,626	6525
CAP-095	Online Math	\$	29,305	6526
CAP-097	Ohio NMR Consortium	\$	96,500	6527
CAP-098	Guzzetta Hall Addition	\$	7,784,808	6528
CAP-099	D Wing Expansion	\$	243,750	6529
CAP-100	Classroom Office Addition-Design	\$	120,120	6530
CAP-101	National Polymer Processing Center	\$	1,000,000	6531
CAP-102	Scanning Raman Spectrometer	\$	635	6532
CAP-104	Nanoscale Polymers Manufacturing	\$	237,500	6533
CAP-105	Hydrogen Production and Storage	\$	169,000	6534
CAP-107	Stan Hywet Hall and Gardens	\$	500,000	6535
CAP-108	Weathervane Theatre, Akron	\$	100,000	6536
CAP-109	Case Barlow Farm, Hudson	\$	100,000	6537
CAP-110	Springfield HS/UAK Distance Learning Project	\$	382,000	6538
Total University of Akron		\$	20,706,309	6539

STAN HYWET HALL AND GARDENS 6540

The amount reappropriated for the foregoing appropriation 6541  
item CAP-107, Stan Hywet Hall and Gardens, is the unencumbered and 6542  
unallotted balance as of June 30, 2004, in appropriation item 6543  
CAP-107, Stan Hywet Hall and Gardens, plus \$500,000. 6544

WEATHERVANE THEATRE, AKRON 6545

The amount reappropriated for the foregoing appropriation 6546  
item CAP-108, Weathervane Theatre, Akron, is the unencumbered and 6547  
unallotted balance as of June 30, 2004, in appropriation item 6548  
CAP-108, Weathervane Theatre, Akron, plus \$100,000. 6549

CASE BARLOW FARM, HUDSON 6550

The amount reappropriated for the foregoing appropriation 6551

item CAP-109, Case Barlow Farm, Hudson, is the unencumbered and 6552  
unallotted balance as of June 30, 2004, in appropriation item 6553  
CAP-109, Case Barlow Farm, Hudson, plus \$100,000. 6554

SPRINGFIELD HS/UAK DISTANCE LEARNING PROJECT 6555

The amount reappropriated for the foregoing appropriation 6556  
item CAP-110, Springfield HS/UAK Distance Learning Project, is the 6557  
unencumbered and unallotted balance as of June 30, 2004, in 6558  
appropriation item CAP-110, Springfield HS/UAK Distance Learning 6559  
Project, plus \$382,000. 6560

Reappropriations

**Sec. 26.14. CLS CLEVELAND STATE UNIVERSITY** 6561

CAP-007	Stilwell Hall Completion	\$	25,160	6562
CAP-023	Basic Renovations	\$	4,173,262	6563
CAP-067	17th - 18th Street Block	\$	164,026	6564
CAP-069	Great Lakes Museum for Science, Environment, and Technology	\$	200,000	6565
CAP-088	Asbestos Abatement	\$	1,636,687	6566
CAP-092	Handicapped Requirements	\$	17,148	6567
CAP-101	Classroom Building Conversion	\$	50,000	6568
CAP-109	Classroom Upgrade	\$	533,031	6569
CAP-112	Land Acquisitions	\$	16,803	6570
CAP-114	Geographic Information Systems	\$	77,738	6571
CAP-117	Landscaping/Sidewalks/Stairs	\$	29,350	6572
CAP-118	Structural Concrete Rehabilitation	\$	36,893	6573
CAP-125	College of Education Building	\$	9,386,384	6574
CAP-126	Electrical System Upgrades Phase 2	\$	1,072,619	6575
CAP-127	Fire Alarm System Upgrade	\$	400,000	6576
CAP-128	Property Acquisition	\$	2,886,556	6577
CAP-130	WVIZ Technology Center	\$	1,000,000	6578
CAP-135	Law Building Stair Renovation	\$	6,669	6579
CAP-136	University Center HVAC Phase 1	\$	3,843	6580

CAP-137	University Center Elevator Upgrades	\$	26,545	6581
CAP-138	Student Services	\$	142,174	6582
CAP-139	Landscape, Sidewalk Replacement	\$	5,845	6583
CAP-142	Rhodes Tower Library Roof Replacement	\$	1,170,372	6584
CAP-143	Cleveland Food Bank	\$	500,000	6585
CAP-144	Rhodes Tower Plaza Renovation Phase 2	\$	1,300,000	6586
CAP-145	Cleveland Manufactures Technology Complex	\$	500,000	6587
CAP-146	Rhodes Tower Exterior Renovation	\$	56,709	6588
<u>CAP-155</u>	<u>Cleveland Playhouse</u>	<u>\$</u>	<u>500,000</u>	6589
Total Cleveland State University		\$	<del>25,417,813</del>	6590
			<u>25,917,813</u>	

BASIC RENOVATIONS 6591

The amount reappropriated for the foregoing appropriation 6592  
item CAP-023, Basic Renovations, is the unencumbered and 6593  
unallotted balance as of June 30, 2004, in appropriation item 6594  
CAP-023, Basic Renovations, plus \$9,122. 6595

CLEVELAND PLAYHOUSE 6596

The amount reappropriated for the foregoing appropriation 6597  
item CAP-155, Cleveland Playhouse, is the unencumbered and 6598  
unallotted balance as of June 30, 2004, in appropriation item 6599  
CAP-155, Cleveland Playhouse, plus \$500,000. 6600

Reappropriations

**Sec. 26.19. SSC SHAWNEE STATE UNIVERSITY** 6601

CAP-004	Basic Renovations	\$	1,468,735	6602
CAP-008	Massie Hall Renovation	\$	54,541	6603
CAP-010	Land Acquisition	\$	116,917	6604
CAP-016	Library Building	\$	10,777	6605
CAP-017	Math/Science Building	\$	17,061	6606
CAP-029	Fine Arts Class and Lab Building	\$	108,704	6607
CAP-030	Utilities and Landscaping	\$	4,679	6608

CAP-037	ADA Modifications	\$	53,188	6609
CAP-039	Central Heating Plant Replacement	\$	5,215	6610
CAP-040	Chiller Replacement	\$	12,054	6611
CAP-041	Kricker Hall Renovation	\$	1,932	6612
CAP-042	Sidewalk/Plaza Replacement	\$	250,276	6613
CAP-043	Communication/Data Upgrade	\$	23,079	6614
CAP-044	Land Acquisition	\$	343,830	6615
CAP-045	Rehabilitation of Health Sciences Building Phase I	\$	1,681,974	6616
CAP-046	Digital Infrastructure	\$	81,153	6617
CAP-047	Natatorium Rehabilitation	\$	450,000	6618
CAP-048	Facilities Building Renovation	\$	242,120	6619
Total Shawnee State University		\$	4,926,235	6620

BASIC RENOVATIONS

6621

The amount reappropriated for the foregoing appropriation 6622  
item CAP-004, Basic Renovations, shall be \$53,917 plus the 6623  
unencumbered and unallotted balance as of June 30, 2004. 6624

Reappropriations

<b>Sec. 26.48. STC STARK TECHNICAL COLLEGE</b>				6625
CAP-004	Basic Renovations	\$	537,874	6626
CAP-015	Loop Road Property Acquisition/Development	\$	629	6627
CAP-024	Phase 2 Renovations	\$	252	6628
CAP-027	Information Technology Learning Center	\$	10,000	6629
CAP-030	Northside Development Parking Lot - Phase II	\$	77,423	6630
CAP-031	Student Services	\$	31,087	6631
CAP-032	Automotive Technology Building Addition	\$	1,719,554	6632
Total Stark Technical College		\$	2,376,819	6633
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	<del>576,230,916</del>	6634
			<u>576,730,916</u>	

Sec. 27. All items set forth in this section are hereby 6636  
 appropriated out of any moneys in the state treasury to the credit 6637  
 of the Parks and Recreation Improvement Fund (Fund 035) that are 6638  
 not otherwise appropriated: 6639

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 6640

CAP-005	Cowan Lake State Park	\$	23,445	6641
CAP-008	Delaware State Park	\$	56,223	6642
CAP-011	Findley State Park	\$	22,856	6643
CAP-012	Land Acquisition	\$	6,800,000	6644
CAP-016	Hueston Woods State Park	\$	23,258	6645
CAP-017	Indian Lake State Park	\$	130,288	6646
CAP-019	Lake Hope State Park	\$	6,776	6647
CAP-025	Punderson State Park	\$	1,163	6648
CAP-029	Salt Fork State Park	\$	127,555	6649
CAP-032	West Branch State Park	\$	200,895	6650
CAP-045	Mary J. Thurston State Park Marina/Dock	\$	300,000	6651
CAP-051	Buck Creek State Park	\$	250	6652
CAP-064	Geneva State Park	\$	4,182	6653
CAP-069	Hocking Hills State Park	\$	87,756	6654
CAP-070	Lake Logan State Park	\$	600	6655
CAP-093	Portage Lakes State Park	\$	13,373	6656
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	6657
CAP-119	Forked Run State Park	\$	27,747	6658
CAP-162	Shawnee State Park	\$	760	6659
CAP-205	Deer Creek State Park	\$	19,051	6660
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	5,494,293	6661
CAP-331	Park Boating Facilities	\$	2,688,216	6662
CAP-390	State Park Maintenance Facility Development	\$	1,656,339	6663

CAP-701	Buckeye Lake Dam Rehabilitation	\$	427,756	6664
CAP-702	Upgrade Underground Storage Tanks	\$	234,134	6665
CAP-703	Cap Abandoned Water Wells	\$	78,000	6666
CAP-718	Grand Lake St. Mary's State Park	\$	251,882	6667
CAP-719	Indian Lake State Park	\$	1,000	6668
CAP-727	Riverfront Improvements	\$	1,275,000	6669
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000	6670
CAP-748	Local Parks Projects	\$	3,269,000	6671
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000	6672
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000	6673
CAP-836	State Parks Renovation/Upgrading	\$	350	6674
CAP-876	Statewide Trails Program	\$	1,168,398	6675
CAP-927	Mohican State Park	\$	96,816	6676
CAP-928	Handicapped Accessibility	\$	472,555	6677
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383	6678
CAP-931	Wastewater/Water Systems Upgrade	\$	2,804,375	6679
Total Department of Natural Resources		\$	30,102,675	6680
TOTAL Parks and Recreation Improvement Fund		\$	30,102,675	6681

CUYAHOGA VALLEY SCENIC RAILROAD 6682

The amount reappropriated for the foregoing appropriation 6683  
item CAP-827, Cuyahoga Valley Scenic Railroad, is the unencumbered 6684  
and unallotted balance as of June 30, 2004, in appropriation item 6685  
CAP-827, Cuyahoga Valley Scenic Railroad, minus \$2,716,666. 6686

**Section 36.02.** That existing Sections 18.02, 18.16, 22, 6687  
26.10, 26.14, 26.19, 26.48, and 27 of Am. Sub. S.B. 189 of the 6688  
125th General Assembly are hereby repealed. 6689

**Section 37.01.** That Sections 6 and 31 of Am. Sub. H.B. 95 of 6690  
the 125th General Assembly be amended to read as follows: 6691

<b>Sec. 6. PAY ACCRUED LEAVE LIABILITY</b>				6692	
Accrued Leave Liability Fund Group				6693	
806 995-666 Accrued Leave Fund	\$	70,783,792	\$	78,296,200	6694
807 995-667 Disability Fund	\$	47,269,465	\$	50,098,308	6695
TOTAL ALF Accrued Leave Liability				6696	
Fund Group	\$	118,053,257	\$	128,394,508	6697
Agency Fund Group				6698	
808 995-668 State Employee Health	\$	312,724,593	\$	371,450,611	6699
Benefit Fund					
809 995-669 Dependent Care	\$	3,691,169	\$	4,060,286	6700
Spending Account					
810 995-670 Life Insurance	\$	1,925,110	\$	1,992,489	6701
Investment Fund					
811 995-671 Parental Leave Benefit	\$	4,350,302	\$	4,785,332	6702
Fund					
<u>813 995-672 Health Care Spending</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u>	6703
<u>Account</u>					
TOTAL AGY Agency Fund Group	\$	322,691,174	\$	<del>382,288,718</del>	6704
				<u>384,288,718</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	440,744,431	\$	<del>510,683,226</del>	6705
				<u>512,683,226</u>	
ACCRUED LEAVE LIABILITY FUND				6706	
The foregoing appropriation item 995-666, Accrued Leave Fund,				6707	
shall be used to make payments from the Accrued Leave Liability				6708	
Fund (Fund 806), pursuant to section 125.211 of the Revised Code.				6709	
If it is determined by the Director of Budget and Management that				6710	
additional amounts are necessary, the amounts are appropriated.				6711	
STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND				6712	
The foregoing appropriation item 995-667, Disability Fund,				6713	
shall be used to make payments from the State Employee Disability				6714	

Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

The foregoing appropriation item 995-668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 808), pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

At the request of the Director of Administrative Services, the Director of Budget and Management shall transfer up to \$250,000 in cash from the State Employee Health Benefit Fund (Fund 808) to the Health Care Spending Account Fund (Fund 813) during fiscal year 2005. This cash shall be transferred as needed to provide an initial operating cash balance for the Health Care Spending Account Fund and to assure adequate cash flow for the Health Care Spending Account Fund during fiscal year 2005. Not later than January 15, 2005, the Director of Administrative Services shall submit a plan to the Director of Budget and Management that provides for the repayment during fiscal year 2006 and fiscal year 2007 of all cash transfers made from the State Employee Health Benefit Fund (Fund 808) to the Health Care Spending Account Fund (Fund 813) during fiscal year 2005.

DEPENDENT CARE SPENDING ACCOUNT

The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary,

the amounts are appropriated. 6746

LIFE INSURANCE INVESTMENT FUND 6747

The foregoing appropriation item 995-670, Life Insurance 6748  
Investment Fund, shall be used to make payments from the Life 6749  
Insurance Investment Fund (Fund 810) for the costs and expenses of 6750  
the state's life insurance benefit program pursuant to section 6751  
125.212 of the Revised Code. If it is determined by the Director 6752  
of Budget and Management that additional amounts are necessary, 6753  
the amounts are appropriated. 6754

PARENTAL LEAVE BENEFIT FUND 6755

The foregoing appropriation item 995-671, Parental Leave 6756  
Benefit Fund, shall be used to make payments from the Parental 6757  
Leave Benefit Fund (Fund 811) to employees eligible for parental 6758  
leave benefits pursuant to section 124.137 of the Revised Code. If 6759  
it is determined by the Director of Budget and Management that 6760  
additional amounts are necessary, the amounts are appropriated. 6761

HEALTH CARE SPENDING ACCOUNT 6762

There is hereby established in the state treasury the Health 6763  
Care Spending Account Fund (Fund 813). The foregoing appropriation 6764  
item 995-672, Health Care Spending Account, shall be used to make 6765  
payments from the fund. The fund shall be under the supervision of 6766  
the Department of Administrative Services and shall be used to 6767  
make payments pursuant to state employees' participation in a 6768  
flexible spending account for non-insured health care expenses 6769  
pursuant to Section 125 of the Internal Revenue Code. All income 6770  
derived from investment of the fund shall accrue to the fund. 6771

If it is determined by the Director of Administrative 6772  
Services that additional appropriation amounts are necessary, the 6773  
Director of Administrative Services may request that the Director 6774  
of Budget and Management increase such amounts. Such amounts are 6775

hereby appropriated. 6776

**Sec. 31. CEB CONTROLLING BOARD** 6777

General Revenue Fund 6778

GRF 911-401 Emergency \$ 5,000,000 \$ ~~5,000,000~~ 6779

Purposes/Contingencies 7,500,000

GRF 911-404 Mandate Assistance \$ 1,462,500 \$ 1,462,500 6780

GRF 911-441 Ballot Advertising \$ 887,500 \$ 487,500 6781

Costs

TOTAL GRF General Revenue Fund \$ 7,350,000 \$ ~~6,950,000~~ 6782  
9,450,000

State Special Revenue Fund Group 6783

5E2 911-601 Disaster Services \$ 4,000,000 \$ 0 6784

TOTAL SSR State Special 6785

Revenue Fund Group \$ 4,000,000 \$ 0 6786

TOTAL ALL BUDGET FUND GROUPS \$ 11,350,000 \$ ~~6,950,000~~ 6787  
9,450,000

FEDERAL SHARE 6788

In transferring appropriations to or from appropriation items 6789  
that have federal shares identified in this act, the Controlling 6790  
Board shall add or subtract corresponding amounts of federal 6791  
matching funds at the percentages indicated by the state and 6792  
federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 6793  
95 of the 125th General Assembly. Such changes are hereby 6794  
appropriated. 6795

DISASTER ASSISTANCE 6796

Pursuant to requests submitted by the Department of Public 6797  
Safety, the Controlling Board may approve transfers from the 6798  
Emergency Purposes Fund to a Department of Public Safety General 6799  
Revenue Fund appropriation item to provide funding for assistance 6800  
to political subdivisions made necessary by natural disasters or 6801

emergencies. Such transfers may be requested and approved prior to 6802  
the occurrence of any specific natural disasters or emergencies in 6803  
order to facilitate the provision of timely assistance. 6804

SOUTHERN OHIO CORRECTIONAL FACILITY COST 6805

The Office of Criminal Justice Services and the Public 6806  
Defender Commission may each request, upon approval of the 6807  
Director of Budget and Management, additional funds from the 6808  
Emergency Purposes Fund for costs related to the disturbance that 6809  
occurred on April 11, 1993, at the Southern Ohio Correctional 6810  
Facility in Lucasville, Ohio. 6811

DISASTER SERVICES 6812

Pursuant to requests submitted by the Department of Public 6813  
Safety, the Controlling Board may approve transfers from the 6814  
foregoing appropriation item 911-601, Disaster Services, to a 6815  
Department of Public Safety General Revenue Fund appropriation 6816  
item to provide for assistance to political subdivisions made 6817  
necessary by natural disasters or emergencies. These transfers may 6818  
be requested and approved prior to the occurrence of any specific 6819  
natural disasters or emergencies in order to facilitate the 6820  
provision of timely assistance. The Emergency Management Agency of 6821  
the Department of Public Safety shall use the funding for disaster 6822  
aid requests that meet the Emergency Management Agency's criteria 6823  
for assistance. 6824

The foregoing appropriation item 911-601, Disaster Services, 6825  
shall be used by the Controlling Board, pursuant to requests 6826  
submitted by state agencies, to transfer cash and appropriation 6827  
authority to any fund and appropriation item for the payment of 6828  
state agency program expenses as follows: 6829

- (A) The southern Ohio flooding, referred to as 6830  
FEMA-DR-1164-OH; 6831

(B) The flood/storm disaster referred to as FEMA-DR-1227-OH;	6832
(C) The Southern Ohio flooding, referred to as FEMA-DR-1321-OH;	6833 6834
(D) The flooding referred to as FEMA-DR-1339-OH;	6835
(E) The tornado/storms referred to as FEMA-DR-1343-OH;	6836
(F) Other disasters declared by the Governor, if the Director of Budget and Management determines that sufficient funds exist beyond the expected program costs of these disasters.	6837 6838 6839
The unencumbered balance of appropriation item 911-601, Disaster Services, at the end of fiscal year 2004 is transferred to fiscal year 2005 for use under the same appropriation item.	6840 6841 6842
MANDATE ASSISTANCE	6843
(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government, school districts, and fire departments for the cost of the following three unfunded state mandates:	6844 6845 6846 6847
(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;	6848 6849 6850 6851
(2) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear;	6852 6853
(3) The cost to school districts of in-service training for child abuse detection.	6854 6855
(B) The Department of Commerce, the Office of Criminal Justice Services, and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative	6856 6857 6858 6859 6860

responsibility are listed below, as well as the estimated annual  
amounts that may be used for each program of state financial  
assistance.

PROGRAM	ADMINISTERING AGENCY	ESTIMATED ANNUAL AMOUNT	
Prosecution Costs	Office of Criminal Justice Services	\$146,500	6864 6865 6866 6867
Firefighter Training Costs	Department of Commerce	\$731,000	6868
Child Abuse Detection Training Costs	Department of Education	\$585,000	6869

(C) Subject to the total amount appropriated in each fiscal  
year for appropriation item 911-404, Mandate Assistance, the  
Department of Commerce, the Office of Criminal Justice Services,  
and the Department of Education may request from the Controlling  
Board that amounts smaller or larger than these estimated annual  
amounts be transferred to each program.

(D) In addition to making the initial transfers requested by  
the Department of Commerce, the Office of Criminal Justice  
Services, and the Department of Education, the Controlling Board  
may transfer appropriations received by a state agency under this  
section back to appropriation item 911-404, Mandate Assistance, or  
to one or more of the other programs of state financial assistance  
identified under this section.

(E) It is expected that not all costs incurred by local units  
of government, school districts, and fire departments under each  
of the three programs of state financial assistance identified  
under this section will be fully reimbursed by the state.  
Reimbursement levels may vary by program and shall be based on:  
the relationship between the appropriation transfers requested by  
the Department of Commerce, the Office of Criminal Justice  
Services, and the Department of Education and provided by the

Controlling Board for each of the programs; the rules and 6891  
procedures established for each program by the administering state 6892  
agency; and the actual costs incurred by local units of 6893  
government, school districts, and fire departments. 6894

(F) Each of these programs of state financial assistance 6895  
shall be carried out as follows: 6896

(1) PROSECUTION COSTS 6897

(a) Appropriations may be transferred to the Office of 6898  
Criminal Justice Services to cover local prosecution costs for 6899  
aggravated murder, murder, felonies of the first degree, and 6900  
felonies of the second degree that occur on the grounds of 6901  
institutions operated by the Department of Rehabilitation and 6902  
Correction and the Department of Youth Services. 6903

(b) Upon a delinquency filing in juvenile court or the return 6904  
of an indictment for aggravated murder, murder, or any felony of 6905  
the first or second degree that was committed at a Department of 6906  
Youth Services or a Department of Rehabilitation and Correction 6907  
institution, the affected county may, in accordance with rules 6908  
that the Office of Criminal Justice Services shall adopt, apply to 6909  
the Office of Criminal Justice Services for a grant to cover all 6910  
documented costs that are incurred by the county prosecutor's 6911  
office. 6912

(c) Twice each year, the Office of Criminal Justice Services 6913  
shall designate counties to receive grants from those counties 6914  
that have submitted one or more applications in compliance with 6915  
the rules that have been adopted by the Office of Criminal Justice 6916  
Services for the receipt of such grants. In each year's first 6917  
round of grant awards, if sufficient appropriations have been 6918  
made, up to a total of \$100,000 may be awarded. In each year's 6919  
second round of grant awards, the remaining appropriations 6920  
available for this purpose may be awarded. 6921

(d) If for a given round of grants there are insufficient 6922  
appropriations to make grant awards to all the eligible counties, 6923  
the first priority shall be given to counties with cases involving 6924  
aggravated murder and murder; second priority shall be given to 6925  
cases involving a felony of the first degree; and third priority 6926  
shall be given to cases involving a felony of the second degree. 6927  
Within these priorities, the grant awards shall be based on the 6928  
order in which the applications were received, except that 6929  
applications for cases involving a felony of the first or second 6930  
degree shall not be considered in more than two consecutive rounds 6931  
of grant awards. 6932

(2) FIREFIGHTER TRAINING COSTS 6933

Appropriations may be transferred to the Department of 6934  
Commerce for use as full or partial reimbursement to local units 6935  
of government and fire departments for the cost of firefighter 6936  
training and equipment or gear. In accordance with rules that the 6937  
department shall adopt, a local unit of government or fire 6938  
department may apply to the department for a grant to cover all 6939  
documented costs that are incurred to provide firefighter training 6940  
and equipment or gear. The department shall make grants within the 6941  
limits of the funding provided, with priority given to fire 6942  
departments that serve small villages and townships. 6943

(3) CHILD ABUSE DETECTION TRAINING COSTS 6944

Appropriations may be transferred to the Department of 6945  
Education for disbursement to local school districts as full or 6946  
partial reimbursement for the cost of providing in-service 6947  
training for child abuse detection. In accordance with rules that 6948  
the department shall adopt, a local school district may apply to 6949  
the department for a grant to cover all documented costs that are 6950  
incurred to provide in-service training for child abuse detection. 6951  
The department shall make grants within the limits of the funding 6952

provided. 6953

(G) Any moneys allocated within appropriation item 911-404, 6954  
Mandate Assistance, not fully utilized may, upon application of 6955  
the Ohio Public Defender Commission, and with the approval of the 6956  
Controlling Board, be disbursed to boards of county commissioners 6957  
to provide additional reimbursement for the costs incurred by 6958  
counties in providing defense to indigent defendants pursuant to 6959  
Chapter 120. of the Revised Code. 6960

The amount to be disbursed to each county shall be allocated 6961  
proportionately on the basis of the total amount of reimbursement 6962  
paid to each county as a percentage of the amount of reimbursement 6963  
paid to all of the counties during the most recent state fiscal 6964  
year for which data is available and as calculated by the Ohio 6965  
Public Defender Commission. 6966

BALLOT ADVERTISING COSTS 6967

Pursuant to requests submitted by the Ohio Ballot Board, the 6968  
Controlling Board shall approve transfers from the foregoing 6969  
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 6970  
Ballot Board appropriation item in order to reimburse county 6971  
boards of elections for the cost of public notices associated with 6972  
statewide ballot initiatives. 6973

Of the foregoing appropriation item 911-441, Ballot 6974  
Advertising Costs, the Director of Budget and Management shall 6975  
transfer any amounts that are not needed for the purpose of 6976  
reimbursing county boards of elections for the cost of public 6977  
notices associated with statewide ballot initiatives to 6978  
appropriation item 911-404, Mandate Assistance. 6979

**Section 37.02.** That existing Sections 6 and 31 of Am. Sub. 6980  
H.B. 95 of the 125th General Assembly are hereby repealed. 6981

**Section 37.03.** The amendments by this act of Sections 6 and 6982  
31 of Am. Sub. H.B. 95 of the 125th General Assembly are not 6983  
subject to the referendum. Therefore, under Ohio Constitution, 6984  
Article II, Section 1d and section 1.471 of the Revised Code, the 6985  
amendments go into immediate effect when this act becomes law. 6986

**Section 38.01.** Notwithstanding sections 101.02 and 101.27 of 6987  
the Revised Code, the term of office of the members of the Senate 6988  
elected majority floor leader, assistant majority floor leader, 6989  
and assistant majority whip shall be deemed to begin on the 6990  
effective date of this section. Each such member shall receive, 6991  
during the remainder of calendar year 2005, salary payments equal 6992  
to the amounts paid under section 101.27 of the Revised Code to 6993  
the members of the House of Representatives elected majority floor 6994  
leader, assistant majority floor leader, and assistant majority 6995  
whip, respectively, during the remainder of calendar year 2005. 6996  
For calendar year 2006, they shall receive an annual salary that 6997  
is equal to the annual salary prescribed under section 101.27 of 6998  
the Revised Code for the members of the House of Representatives 6999  
elected majority floor leader, assistant majority floor leader, 7000  
and assistant majority whip, respectively. 7001

This section is not subject to the referendum. Therefore, 7002  
under Ohio Constitution, Article II, Section 1d and section 1.471 7003  
of the Revised Code, this section goes into immediate effect when 7004  
this act becomes law. 7005

**Section 39.01.** Sections 151.01, 154.01, 154.02, 154.07, 7006  
154.23, 3383.02, and 3383.07 of the Revised Code, as amended or 7007  
enacted by this act, and Sections 39.02, 39.03, and 39.04 of this 7008  
act take effect on July 1, 2005. 7009

**Section 39.02.** (A) All with respect to bonds of the state 7010

previously authorized and issued by the Treasurer of State to 7011  
finance all or a portion of the costs of local subdivision capital 7012  
improvement projects as provided for in Sections 2k and 2m of 7013  
Article VIII, Ohio Constitution, and Chapter 151. of the Revised 7014  
Code, including particularly Sections 151.01, 151.02, and 151.08 7015  
thereof, and prior authorizations in Chapter 164. of the Revised 7016  
Code (referred to in this section as "superseded matters"), on the 7017  
effective date of this section: 7018

(1) The Ohio Public Facilities Commission shall succeed to 7019  
and have and perform all the duties, powers, obligations, and 7020  
functions, and have all the rights, of the Treasurer of State or 7021  
that officer's employees as provided in or pursuant to orders 7022  
relating to those bonds and those bonds themselves. All 7023  
appropriations previously made to or for the purposes of the 7024  
performance of those duties, powers, obligations, and functions 7025  
and exercise of those rights, to the extent of remaining 7026  
unexpended or unencumbered balances, are hereby transferred to and 7027  
made available for use and expenditure by the Commission for 7028  
purposes of performing the same duties, powers, obligations, and 7029  
functions and exercising the same rights for which originally 7030  
appropriated or reappropriated. 7031

(2) All related agreements and covenants of the Treasurer of 7032  
State and the basic instruments and bonds, shall be and be 7033  
considered as agreements and covenants of and binding upon the 7034  
Commission. 7035

(3) The transfer and supersession provided for in this act 7036  
does not affect the validity of any agreement or covenant, or 7037  
resolution or order, or bonds, or related documents, authorized, 7038  
entered into or issued by the Treasurer of State under the 7039  
superseded matters, and nothing in this section or in the 7040  
amendment by this act of division (A)(7) of section 151.01 of the 7041  
Revised Code shall be applied or be considered as impairing their 7042

validity or the obligations or rights under them. 7043

(4) All basic instruments, documents, books, papers and 7044  
records of the Treasurer of State relating to those outstanding 7045  
bonds shall be transferred to the Commission. 7046

(5) Whenever the Treasurer of State, or any of that officer's 7047  
employees or authorized representatives, is referred to in any 7048  
contract or other document relating to those outstanding bonds, 7049  
the reference shall be considered to be to the Commission or its 7050  
appropriate officers. 7051

(B) The amendment in Section 1 of this act to division (A)(7) 7052  
of section 151.01 of the Revised Code applies to any proceedings 7053  
commenced after its effective date and, so far as its provisions 7054  
support the actions taken, also applies to any proceedings that on 7055  
its effective date are pending, in progress, or completed, and to 7056  
the securities authorized or issued or obligations entered into 7057  
under or pursuant to those proceedings, notwithstanding the 7058  
applicable law previously in effect or any provision to the 7059  
contrary in a prior resolution, order, notice, or other 7060  
proceeding. Any proceedings pending or in progress on the 7061  
effective date of the amendment, and securities sold, issued, and 7062  
delivered, or obligations entered into under or pursuant to those 7063  
proceedings, shall be deemed to have been taken, and authorized, 7064  
sold, issued, delivered, and entered into, in conformity with the 7065  
amendment. The provisions of the Revised Code so amended by this 7066  
act shall, except as otherwise provided in division (A) of this 7067  
section, be deemed to remain applicable to securities issued or 7068  
obligations entered into under or pursuant to or in reliance on 7069  
them prior to the effective date of the amendment. 7070

**Section 39.03.** (A) Except as otherwise provided in section 7071  
154.23 of the Revised Code, as enacted by this act, with respect 7072  
to the functions of the Ohio Public Facilities Commission, the 7073

Treasurer of State shall, on the effective date of this section 7074  
and as provided for in this section, supersede and replace the 7075  
Ohio Building Authority (referred to in this section as the 7076  
"Authority") as the issuing authority in all matters relating to 7077  
the issuance of obligations for the financing of Ohio cultural 7078  
facilities and Ohio sports facilities, as those terms are defined 7079  
in section 3383.01 of the Revised Code, for housing branches and 7080  
agencies of state government (all referred to in this section as 7081  
"cultural and sports capital purposes") as provided for in section 7082  
154.23 of the Revised Code, as enacted by this act (all referred 7083  
to in this section as "superseded matters". 7084

(B)(1) With respect to superseded matters and cultural and 7085  
sports capital purposes, the Treasurer of State shall: 7086

(a) Succeed to and have and perform all of the duties, 7087  
powers, obligations, and functions of the Authority and its 7088  
members and officers provided for by law or rule relating to the 7089  
issuance of bonds, notes, or other obligations for the purpose of 7090  
paying costs of cultural and sports capital purposes; 7091

(b) Succeed to and have and perform all of the duties, 7092  
powers, obligations, and functions, and have all of the rights, of 7093  
the Authority and its members and officers provided for in or 7094  
pursuant to resolutions, rules, agreements, trust agreements, and 7095  
supplemental trust agreements (all referred to collectively in 7096  
this section as "basic instruments"), and bonds, notes, and other 7097  
obligations (all referred to collectively in this section as 7098  
"financing obligations"), previously authorized, entered into, or 7099  
issued by the Authority for cultural and sports capital purposes, 7100  
which financing obligations shall be, and shall be deemed to be, 7101  
obligations issued by and of the Treasurer of State; 7102

(c) Be bound by all agreements and covenants of the 7103  
Authority, and basic instruments, relating to financing 7104

obligations. 7105

(2) The transfer of superseded matters to the Treasurer of State pursuant to this section does not affect the validity of any agreement or covenant, basic instrument, or financing obligation, or any related document, authorized, entered into, or issued by the Authority under Chapter 152. of the Revised Code or other laws, and nothing in this section shall be applied or considered as impairing the obligations or rights under them. 7106  
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(3) The Treasurer of State shall not issue any additional financing obligations pursuant to any basic instrument of the Authority, including financing obligations to refund financing obligations previously issued by the Authority. 7113  
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(C) With respect to proceedings relating to superseded matters affected by this section: 7117  
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(1) This section applies to any proceedings that are commenced after the effective date of this section, and to any proceedings that are pending, in progress, or completed on that date, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior basic instrument, notice, or other proceeding. 7119  
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(2) Any proceedings of the Authority that are pending on the effective date of this section shall be pursued and completed by and in the name of the Treasurer of State, and any financing obligations that are sold, issued, and delivered pursuant to those proceedings shall be deemed to have been authorized, sold, issued, and delivered in conformity with this section. 7125  
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(3) Notwithstanding division (C)(1) and (2) of this section, the Authority may, subsequent to the effective date of this section, meet for the purpose of better accomplishing the transfer of superseded matters. At any such meeting the Authority may take necessary or appropriate actions to effect an orderly transition 7131  
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relating to the issuance of financing obligations, such that all 7136  
duties, powers, obligations, and functions of the Authority and 7137  
its members and officers with respect to the superseded matters or 7138  
under any leases and agreements between the Authority and the Ohio 7139  
Cultural Facilities Commission shall terminate and be of no 7140  
further force and effect as to the Authority. 7141

(D) The Authority shall prepare any necessary amendments of 7142  
or supplements to documents or basic instruments pertaining to the 7143  
duties, powers, obligations, functions, and rights relating to 7144  
superseded matters to which the Treasurer of State succeeds 7145  
pursuant to this section. The authorization by the Authority in 7146  
its basic instruments relating to superseded matters for its 7147  
officers to act in any manner on behalf of the Authority shall, on 7148  
and after the effective date of this section, be authorization for 7149  
the Treasurer of State, or the Treasurer of State's staff or 7150  
employees to whom the Treasurer of State may delegate the 7151  
function, to act in the circumstances, without necessity for 7152  
amendment of or supplement to any such documents or basic 7153  
instruments. 7154

(E) No pending judicial or administrative action or 7155  
proceeding in which the Authority, or its members or officers as 7156  
such, are a party that pertains to superseded matters shall be 7157  
affected by their transfer, but shall be prosecuted or defended in 7158  
the name of the Treasurer of State and in any such action or 7159  
proceeding the Treasurer of State, upon application to the court, 7160  
shall be substituted as a party. 7161

(F) In connection with the duties, powers, obligations, 7162  
functions, and rights relating to superseded matters and provided 7163  
for in this section, on the effective date of this section: 7164

(1) Copies of all basic instruments, documents, books, 7165  
papers, and records of the Authority shall be transferred to the 7166

Treasurer of State upon request, without necessity for assignment, 7167  
conveyance, or other action by the Authority. 7168

(2) All appropriations previously made to or for the 7169  
Authority for the purposes of the performance of the duties, 7170  
powers, obligations, functions, and exercise of rights relating to 7171  
superseded matters, to the extent of remaining unexpended or 7172  
unencumbered balances, are hereby transferred to and made 7173  
available for use and expenditure by the Treasurer of State for 7174  
performing the same duties, powers, obligations, and functions and 7175  
exercising the same rights for which originally appropriated, and 7176  
payments for administrative expenses previously incurred in 7177  
connection with them shall be made from the applicable 7178  
administrative service fund on vouchers approved by the Treasurer 7179  
of State. 7180

(3) All leases and agreements between the Authority and the 7181  
Ohio Cultural Facilities Commission made under Chapter 152. of the 7182  
Revised Code shall, and shall be considered to, continue to bind 7183  
the Ohio Cultural Facilities Commission. Nothing in this act shall 7184  
be considered as impairing the obligations of the Ohio Cultural 7185  
Facilities Commission under those leases and agreements. 7186

(4) Any lease, grant, or conveyance made to the Authority 7187  
pursuant to section 152.06 of the Revised Code shall be, and shall 7188  
be deemed to be, made to the Ohio Public Facilities Commission 7189  
pursuant to section 154.16 of the Revised Code, and the Ohio 7190  
Public Facilities Commission shall succeed to and have and perform 7191  
all of the duties, powers, obligations, and functions, and have 7192  
all of the rights, of the Authority and its members and officers 7193  
provided for in or pursuant to that lease, grant, or conveyance. 7194

(G) Whenever the Authority, or any of its members or 7195  
officers, is referred to in any contract or other document 7196  
relating to those outstanding financing obligations, the reference 7197

shall be considered to be, as applicable, to the Ohio Public 7198  
Facilities Commission or its appropriate officers or to the 7199  
Treasurer of State or the appropriate staff of the Treasurer of 7200  
State. 7201

**Section 39.04.** (A) Sections 154.01, 154.02, 154.07, 154.23, 7202  
3383.02, and 3383.07 of the Revised Code, as amended or enacted by 7203  
this act, apply to any proceedings commenced after the effective 7204  
date of this section and, so far as their provisions support the 7205  
actions taken, also apply to any proceedings that are pending, in 7206  
progress, or completed on that date, and to the securities 7207  
authorized or issued or obligations entered into under or pursuant 7208  
to those proceedings, notwithstanding the applicable law 7209  
previously in effect or any provision to the contrary in a prior 7210  
resolution, order, notice, or other proceeding. Any proceedings 7211  
pending or in progress on the effective date of this section, and 7212  
securities sold, issued, and delivered, or obligations entered 7213  
into under or pursuant to those proceedings, shall be deemed to 7214  
have been taken, and authorized, sold, issued, delivered, and 7215  
entered into, in conformity with those sections, as amended or 7216  
enacted by this act. 7217

(B) Sections 154.01, 154.02, 154.07, 3383.02, and 3383.07 of 7218  
the Revised Code shall, except as otherwise provided in division 7219  
(A) of this section, be deemed to remain applicable to securities 7220  
issued or obligations entered into under, pursuant to, or in 7221  
reliance on those sections, as they existed prior to the effective 7222  
date of this section, or Chapter 152. of the Revised Code. 7223

**Section 40.01.** (A) As used in this section, "eligible county" 7224  
means a county that has a population of less than sixty-four 7225  
thousand according to the most recent federal decennial census. 7226

(B) Notwithstanding section 321.261 of the Revised Code, if, 7227

within sixty days after the effective date of this section, the  
county treasurer and the county prosecuting attorney of an  
eligible county that has a balance in its delinquent tax and  
assessment collection fund greater than six hundred fifty thousand  
dollars determine that not all of the money in the fund is needed  
by them for the purposes of collecting delinquent taxes and  
assessments, they shall notify the board of county commissioners  
of that determination, in writing. Upon receiving the notice, and  
after consulting with the legislative authority of each taxing  
unit in the eligible county, the board of county commissioners may  
adopt a resolution directing the county auditor to distribute  
money in the fund to each of the taxing units in the eligible  
county. The total amount of money distributed by an eligible  
county under a resolution adopted under this section shall not  
exceed the total amount of money credited to the eligible county's  
delinquent tax and assessment collection fund during calendar  
years 2001, 2002, 2003, and 2004. Moneys distributed to taxing  
units under a resolution adopted under this section shall be  
distributed among the taxing units in the eligible county in the  
same proportions and amounts as if levied and collected as taxes.

This section provides for or is essential to the  
implementation of a tax levy. Therefore, under Ohio Constitution,  
Article II, Section 1d, this section is not subject to the  
referendum and goes into immediate effect when this act becomes  
law.

**Section 41.01.** The amendment by this act of sections 5709.61,  
5709.62, and 5709.632 of the Revised Code shall not affect any  
area in a city designated as an urban cluster in a rural  
statistical area that was certified by the Director of Development  
as an enterprise zone, if the Director certified such area as a  
zone on or after June 26, 2003, but before the effective date of

this section. For an enterprise zone that meets the requirements 7259  
of this section, the legislative authority of a city designated as 7260  
an urban cluster in a rural statistical area may enter into 7261  
agreements with enterprises in accordance with section 5709.62 or 7262  
5709.632 of the Revised Code. On and after the effective date of 7263  
this section, no legislative authority of a city designated as an 7264  
urban cluster in a rural statistical area may designate one or 7265  
more areas within the city as proposed enterprise zones. 7266

**Section 42.01.** If any item of law that constitutes the whole 7267  
or part of a codified or uncodified section of law contained in 7268  
this act, or if any application of any item of law that 7269  
constitutes the whole or part of a codified or uncodified section 7270  
of law contained in this act, is held invalid, the invalidity does 7271  
not affect other items of law or applications of items of law that 7272  
can be given effect without the invalid item of law or 7273  
application. To this end, the items of law of which the codified 7274  
and uncodified sections contained in this act are composed, and 7275  
their applications, are independent and severable. 7276

**Section 43.01.** Except as otherwise specifically provided in 7277  
this act, the amendment or enactment by this act of codified and 7278  
uncodified sections of law, and the items of which the amendments 7279  
and enactments are composed, are subject to the referendum. 7280  
Therefore, under Ohio Constitution, Article II, Section 1c and 7281  
section 1.471 of the Revised Code, the amendments and enactments, 7282  
and the items of which they are composed, except as otherwise 7283  
specifically provided in this act, take effect on the ninety-first 7284  
day after this act is filed with the Secretary of State. If, 7285  
however, a referendum petition is filed against an amendment or 7286  
enactment, or against an item it contains, the amendment or 7287  
enactment, or item, unless rejected at the referendum, takes 7288  
effect at the earliest time permitted by law. 7289

**Section 44.01.** The enactment by this act of section 3301.21 7290  
of the Revised Code, and the items of which the section is are 7291  
composed, are not subject to the referendum. Therefore, under Ohio 7292  
Constitution, Article II, Section 1d and section 1.471 of the 7293  
Revised Code, the section, and the items of which it is composed, 7294  
go into immediate effect when this act becomes law. 7295

**Section 45.01.** Section 151.01 of the Revised Code is 7296  
presented in this act as a composite of the section as amended by 7297  
both Sub. H.B. 522 and H.B. 675 of the 124th General Assembly. The 7298  
General Assembly, applying the principle stated in division (B) of 7299  
section 1.52 of the Revised Code that amendments are to be 7300  
harmonized if reasonably capable of simultaneous operation, finds 7301  
that the composite is the resulting version of the section in 7302  
effect prior to the effective date of the section as presented in 7303  
this act. 7304