

**As Reported by the House Finance and Appropriations
Committee**

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

Sub. H. B. No. 16

**Representatives Calvert, Allen, C. Evans, Flowers, Hartnett, McGregor,
S. Patton, Trakas**

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A B I L L

To amend sections 9.98, 105.41, 123.10, 125.28,	1
126.11, 131.02, 133.01, 145.011, 151.01, 151.04,	2
154.01, 154.02, 154.07, 755.16, 755.18, 2716.11,	3
3305.01, 3307.01, 3318.01, 3318.02, 3318.03,	4
3318.04, 3318.11, 3318.37, 3318.41, 3333.045,	5
3334.01, 3345.04, 3345.12, 3345.17, 3345.31,	6
3345.32, 3345.50, 3345.71, 3350.01, 3350.02,	7
3350.03, 3350.04, 3350.05, 3383.01, 3383.02,	8
3383.07, 3770.073, 5537.01, 5540.01, 5709.61,	9
5709.62, 5709.632, 5709.75, 5709.91, 5733.121, and	10
5747.12, to enact sections 105.42, 122.012,	11
123.17, 131.021, 154.23, 1541.23, 2743.712,	12
3301.21, 3333.072, 3345.51, 5715.70, and 5715.701,	13
and to repeal section 123.023 of the Revised Code	14
and to amend Sections 6 and 31 of Am. Sub. H.B. 95	15
of the 125th General Assembly, to amend Sections	16
89, 89.04, and 89.08 of Am. Sub. H.B. 95 of the	17
125th General Assembly, as amended by Am. Sub.	18
S.B. 189 of the 125th General Assembly, and to	19
amend Sections 18.02, 18.16, 22, 26.10, 26.14,	20
26.19, 26.23, 26.48, and 27 of Am. Sub. S.B. 189	21
of the 125th General Assembly to make capital and	22
other appropriations, to change the name of the	23

Medical College of Ohio at Toledo to the Medical 24
University of Ohio at Toledo, to amend the 25
versions of sections 3305.01 and 3307.01 of the 26
Revised Code that are scheduled to take effect 27
August 1, 2005, to continue the provisions of this 28
act on and after that effective date, and to 29
provide authorization and conditions for the 30
operation of state programs. 31

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

Section 1. That sections 9.98, 105.41, 123.10, 125.28, 32
126.11, 131.02, 133.01, 145.011, 151.01, 151.04, 154.01, 154.02, 33
154.07, 755.16, 755.18, 2716.11, 3305.01, 3307.01, 3318.01, 34
3318.02, 3318.03, 3318.04, 3318.11, 3318.37, 3318.41, 3333.045, 35
3334.01, 3345.04, 3345.12, 3345.17, 3345.31, 3345.32, 3345.50, 36
3345.71, 3350.01, 3350.02, 3350.03, 3350.04, 3350.05, 3383.01, 37
3383.02, 3383.07, 3770.073, 5537.01, 5540.01, 5709.61, 5709.62, 38
5709.632, 5709.75, 5709.91, 5733.121, and 5747.12 be amended and 39
sections 105.42, 122.012, 123.17, 131.021, 154.23, 1541.23, 40
2743.712, 3301.21, 3333.072, 3345.51, 5715.70, and 5715.701 of the 41
Revised Code be enacted to read as follows: 42

Sec. 9.98. As used in sections 9.98 to 9.983 of the Revised 43
Code: 44

(A) "Absolute obligor" means the person, other than the 45
issuer, ultimately responsible under a loan agreement, lease, or 46
sale or installment sale agreement, or other contract with the 47
issuer to make payments necessary to provide adequate moneys to 48
meet the debt service on the bonds, whether or not such payments 49
are also provided for pursuant to a credit facility. 50

(B) "Administrative agent" means a bank, trust company, or 51

other person which has responsibility for authenticating, 52
delivering, or redeeming commercial paper on behalf of the issuer. 53

(C) "Agent" means, as applicable, one or more of the persons 54
who are administrative agents, indexing agents, remarketing 55
agents, or other persons having responsibility for performing 56
functions with respect to floating rate interest structures or put 57
~~arrangements~~ arrangements. 58

(D) "Bonds" means bonds, notes, or other obligations 59
evidencing the borrowing of money, whether or not interest 60
bearing, or in coupon, registered, or book entry form, and 61
includes, as appropriate, coupons or interest, if any, pertaining 62
thereto. 63

(E) "Bond proceedings" means resolutions, ordinances, orders, 64
trust agreements, indentures, and bonds, loan, sale, or 65
installment sale agreements, agreements with administrative, 66
indexing, or remarketing agents, and agreements pertaining to 67
credit facilities, interest rate hedges, and put arrangements, 68
which authorize or provide for the terms, security, liquidity, 69
issuance, marketing, remarketing, delivery, carrying, redemption, 70
or payment of bonds issued or previously authorized to be issued, 71
or the investment of moneys pertaining to those bonds. 72

(F) "Commercial paper" means bonds with one or more 73
maturities of three hundred sixty-five days or less which, under 74
the bond proceedings, are expected to be funded by the issuance of 75
additional bonds with maturities of three hundred sixty-five days 76
or less, whether or not ultimately to be funded with long term 77
bonds. 78

(G) "Credit facility" means letters of credit, lines of 79
credit, stand-by, contingent, or firm bond purchase agreements, 80
insurance or surety arrangements, and guarantees, and other 81
arrangements which provide for direct payment of debt service on 82

bonds, for security or for additional security in the event of 83
nonpayment or default in respect of bonds, or for making payment 84
to bondholders under put arrangements, or for otherwise supporting 85
the credit or liquidity of the bonds, and includes credit, 86
reimbursement, subrogation, and other agreements and arrangements 87
for reimbursement, and security for the reimbursement, of the 88
person providing the credit facility. 89

(H) "Debt service" means the principal, interest, and 90
redemption premium payments, and any deposits pertaining thereto, 91
required with respect to bonds. 92

(I) "Floating rate interest structure" means provisions in 93
the bond proceedings whereby the interest rate or rates payable on 94
the bonds, or upon successive series of commercial paper, vary 95
from time to time pursuant to or in relation to an index provided 96
by an indexing agent or otherwise established, a formula, base, 97
publicly announced rate, yields on other obligations, 98
determinations of an agent, or any one or combination of the 99
foregoing, with or without approval or consent of the absolute 100
obligor or issuer as provided in the bond proceedings. 101

(J) "Indexing agent" means a person with responsibility for 102
establishing, adjusting and maintaining an index of interest rates 103
or yields for purposes of a floating rate interest structure. 104

(K) "Interest rate period" means that period of time during 105
which an interest rate or rates established under a floating rate 106
interest structure will pertain, which periods may be altered or 107
become fixed pursuant to the bond proceedings upon stated 108
occurrences or upon determination of the absolute obligor or 109
issuer. 110

(L) "Interest rate hedge" means any arrangement ~~by:~~ 111

(1) By which either: 112

~~(1)(a)~~ The different interest costs or receipts at, between, 113
or among fixed interest rates and at or floating interest rates, 114
~~or~~ including at different ~~maturities~~ floating interest rates, are 115
exchanged on stated amounts of bonds or investments, or on 116
notional amounts; or 117

~~(2)(b)~~ A party will pay interest costs in excess of an agreed 118
limitation; and 119

(2) Which also include a requirement for the issuer to 120
issue bonds at a future date. This requirement shall be deemed to 121
be part of the bond proceedings at the time the interest rate 122
hedge is entered into. Issuance of bonds at a future date shall 123
not require further legislative action, but shall be a ministerial 124
act. 125

(M) "Issuer" means the state, political subdivision, 126
authority, commission, agency, officer, or other entity having 127
authority to issue bonds referred to in section 9.981 of the 128
Revised Code, and includes the body and officers authorized to act 129
for the issuer in the matter. 130

(N) "Put arrangement" means provisions in the bond 131
proceedings under which holders of the applicable bonds may 132
exercise an option, or are required, to surrender the bonds or 133
their ownership for an amount of payment previously established in 134
or pursuant to the bond proceedings, at times, which may, but need 135
not be, consistent with the ends of interest rate periods and 136
which may be altered with or without the approval or consent, or 137
upon the direction of, the absolute obligor or the issuer, as 138
provided for in the bond proceedings. 139

(O) "Remarketing agent" means the person having 140
responsibility for marketing or remarketing commercial paper or 141
bonds with put arrangements, which may include responsibility for 142
making recommendations or determinations as to prices or interest 143

rates.	144
Sec. 105.41. (A) There is hereby created the capitol square	145
review and advisory board, consisting of eleven <u>thirteen</u> members	146
as follows:	147
(1) Two members of the senate, appointed by the president of	148
the senate, both of whom shall not be members of the same	149
political party;	150
(2) Two members of the house of representatives, appointed by	151
the speaker of the house of representatives, both of whom shall	152
not be members of the same political party;	153
(3) Five members appointed by the governor, with the advice	154
and consent of the senate, not more than three of whom shall be	155
members of the same political party, one of whom shall represent	156
the office of the state architect and engineer, one of whom shall	157
represent the Ohio arts council, one of whom shall represent the	158
Ohio historical society, one of whom shall represent the Ohio	159
building authority, and one of whom shall represent the public at	160
large;	161
(4) One member, who shall be a former president of the	162
senate, appointed by the current president of the senate. If the	163
current president of the senate, in the current president's	164
discretion, decides for any reason not to make the appointment or	165
if no person is eligible or available to serve, the seat shall	166
remain vacant.	167
(5) One member, who shall be a former speaker of the house of	168
representatives, appointed by the current speaker of the house of	169
representatives. If the current speaker of the house of	170
representatives, in the current speaker's discretion, decides for	171
any reason not to make the appointment or if no person is eligible	172
or available to serve, the seat shall remain vacant.	173

(6) The clerk of the senate and the clerk of the house of 174
representatives. 175

(B) Terms of office of each appointed member of the board 176
shall be for three years, except that members of the general 177
assembly appointed to the board shall be members of the board only 178
so long as they are members of the general assembly. Each member 179
shall hold office from the date of the member's appointment until 180
the end of the term for which the member was appointed. In case of 181
a vacancy occurring on the board, the president of the senate, the 182
speaker of the house of representatives, or the governor, as the 183
case may be, shall in the same manner prescribed for the regular 184
appointment to the commission, fill the vacancy by appointing a 185
member. Any member appointed to fill a vacancy occurring prior to 186
the expiration of the term for which the member's predecessor was 187
appointed shall hold office for the remainder of the term. Any 188
appointed member shall continue in office subsequent to the 189
expiration date of the member's term until the member's successor 190
takes office, or until a period of sixty days has elapsed, 191
whichever occurs first. 192

(C) The board shall hold meetings in a manner and at times 193
prescribed by the rules adopted by the board. A majority of the 194
board constitutes a quorum, and no action shall be taken by the 195
board unless approved by at least ~~five voting~~ six members or by at 196
least ~~six voting~~ seven members if a person is appointed under 197
division (A)(4) or (5) of this section. At its first meeting, the 198
board shall adopt rules for the conduct of its business and the 199
election of its officers, and shall organize by selecting a 200
chairperson and other officers as it considers necessary. Board 201
members shall serve without compensation but shall be reimbursed 202
for actual and necessary expenses incurred in the performance of 203
their duties. 204

(D) The board may do any of the following: 205

(1) Employ or hire on a consulting basis professional,	206
technical, and clerical employees as are necessary for the	207
performance of its duties;	208
(2) Hold public hearings at times and places as determined by	209
the board;	210
(3) Adopt, amend, or rescind rules necessary to accomplish	211
the duties of the board as set forth in this section;	212
(4) Sponsor, conduct, and support such social events as the	213
board may authorize and consider appropriate for the employees of	214
the board, employees and members of the general assembly,	215
employees of persons under contract with the board or otherwise	216
engaged to perform services on the premises of capitol square, or	217
other persons as the board may consider appropriate. Subject to	218
the requirements of Chapter 4303. of the Revised Code, the board	219
may provide beer, wine, and intoxicating liquor, with or without	220
charge, for those events and may use funds only from the sale of	221
goods and services fund to purchase the beer, wine, and	222
intoxicating liquor the board provides.	223
(E) The board shall do all of the following:	224
(1) Have sole authority to coordinate and approve any	225
improvements, additions, and renovations that are made to the	226
capitol square. The improvements shall include, but not be limited	227
to, the placement of monuments and sculpture on the capitol	228
grounds.	229
(2) Subject to section 3353.07 of the Revised Code, operate	230
the capitol square, and have sole authority to regulate all uses	231
of the capitol square. The uses shall include, but not be limited	232
to, the casual and recreational use of the capitol square.	233
(3) Employ, fix the compensation of, and prescribe the duties	234
of the executive director of the board and other employees the	235

board considers necessary for the performance of its powers and	236
duties;	237
(4) Establish and maintain the capitol collection trust. The	238
capitol collection trust shall consist of furniture, antiques, and	239
other items of personal property that the board shall store in	240
suitable facilities until they are ready to be placed in the	241
capitol square.	242
(5) Perform repair, construction, contracting, purchasing,	243
maintenance, supervisory, and operating activities the board	244
determines are necessary for the operation and maintenance of the	245
capitol square;	246
(6) Maintain and preserve the capitol square, in accordance	247
with guidelines issued by the United States secretary of the	248
interior for application of the secretary's standards for	249
rehabilitation adopted in 36 C.F.R. part 67.	250
(F)(1) The board shall lease capital facilities improved or	251
financed by the Ohio building authority pursuant to Chapter 152.	252
of the Revised Code for the use of the board, and may enter into	253
any other agreements with the authority ancillary to improvement,	254
financing, or leasing of those capital facilities, including, but	255
not limited to, any agreement required by the applicable bond	256
proceedings authorized by Chapter 152. of the Revised Code. Any	257
lease of capital facilities authorized by this section shall be	258
governed by division (D) of section 152.24 of the Revised Code.	259
(2) Fees, receipts, and revenues received by the board from	260
the state underground parking garage constitute available receipts	261
as defined in section 152.09 of the Revised Code, and may be	262
pledged to the payment of bond service charges on obligations	263
issued by the Ohio building authority pursuant to Chapter 152. of	264
the Revised Code to improve or finance capital facilities useful	265
to the board. The authority may, with the consent of the board,	266

provide in the bond proceedings for a pledge of all or a portion 267
of those fees, receipts, and revenues as the authority determines. 268
The authority may provide in the bond proceedings or by separate 269
agreement with the board for the transfer of those fees, receipts, 270
and revenues to the appropriate bond service fund or bond service 271
reserve fund as required to pay the bond service charges when due, 272
and any such provision for the transfer of those fees, receipts, 273
and revenues shall be controlling notwithstanding any other 274
provision of law pertaining to those fees, receipts, and revenues. 275

(3) All moneys received by the treasurer of state on account 276
of the board and required by the applicable bond proceedings or by 277
separate agreement with the board to be deposited, transferred, or 278
credited to the bond service fund or bond service reserve fund 279
established by the bond proceedings shall be transferred by the 280
treasurer of state to such fund, whether or not it is in the 281
custody of the treasurer of state, without necessity for further 282
appropriation, upon receipt of notice from the Ohio building 283
authority as prescribed in the bond proceedings. 284

(G) All fees, receipts, and revenues received by the board 285
from the state underground parking garage shall be deposited into 286
the state treasury to the credit of the underground parking garage 287
operating fund, which is hereby created, to be used for the 288
purposes specified in division (F) of this section and for the 289
operation and maintenance of the garage. All investment earnings 290
of the fund shall be credited to the fund. 291

(H) All donations received by the board shall be deposited 292
into the state treasury to the credit of the capitol square 293
renovation gift fund, which is hereby created. The fund shall be 294
used by the board as follows: 295

(1) To provide part or all of the funding related to 296
construction, goods, or services for the renovation of the capitol 297

square; 298

(2) To purchase art, antiques, and artifacts for display at 299
the capitol square; 300

(3) To award contracts or make grants to organizations for 301
educating the public regarding the historical background and 302
governmental functions of the capitol square. Chapters 125., 127., 303
and 153. and section 3517.13 of the Revised Code do not apply to 304
purchases made exclusively from the fund, notwithstanding anything 305
to the contrary in those chapters or that section. All investment 306
earnings of the fund shall be credited to the fund. 307

(I) Except as provided in divisions (G), (H), and (J) of this 308
section, all fees, receipts, and revenues received by the board 309
shall be deposited into the state treasury to the credit of the 310
sale of goods and services fund, which is hereby created. Money 311
credited to the fund shall be used solely to pay costs of the 312
board other than those specified in divisions (F) and (G) of this 313
section. All investment earnings of the fund shall be credited to 314
the fund. 315

(J) There is hereby created in the state treasury the capitol 316
square improvement fund, to be used by the board to pay 317
construction, renovation, and other costs related to the capitol 318
square for which money is not otherwise available to the board. 319
Whenever the board determines that there is a need to incur those 320
costs and that the unencumbered, unobligated balance to the credit 321
of the underground parking garage operating fund exceeds the 322
amount needed for the purposes specified in division (F) of this 323
section and for the operation and maintenance of the garage, the 324
board may request the director of budget and management to 325
transfer from the underground parking garage operating fund to the 326
capitol square improvement fund the amount needed to pay such 327
construction, renovation, or other costs. The director then shall 328

transfer the amount needed from the excess balance of the 329
underground parking garage operating fund. 330

(K) As the operation and maintenance of the capitol square 331
constitute essential government functions of a public purpose, the 332
board shall not be required to pay taxes or assessments upon the 333
square, upon any property acquired or used by the board under this 334
section, or upon any income generated by the operation of the 335
square. 336

(L) As used in this section, "capitol square" means the 337
capitol building, senate building, capitol atrium, capitol 338
grounds, and the state underground parking garage. 339

(M) The capitol annex shall be known as the senate building. 340

Sec. 105.42. Notwithstanding division (E) of section 105.41 341
of the Revised Code, the capitol square review and advisory board 342
shall not place or cause to be placed any artwork, artifact, bust, 343
memorial, monument, or other commemorative work in the hall or 344
gallery of the house of representatives or the senate, or in the 345
committee or other meeting rooms of the house of representatives 346
or the senate, without first obtaining the approval of the speaker 347
of the house of representatives or the speaker's designee, or of 348
the president of the senate or the president's designee, as 349
applicable. If so approved, the placement shall be made in 350
accordance with any conditions accompanying the approval. 351

Sec. 122.012. The director of development may designate any 352
governmental entity as an agency of the state to act within a 353
specified region of the state for the purpose of creating and 354
preserving jobs and employment opportunities and financing 355
projects intended to create or preserve jobs and employment 356
opportunities. Any such designation shall be in addition to agency 357
designations made for such purpose by, or by the director pursuant 358

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.

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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
from any source in the public works, including the sale,
construction, purchase, or rental of property, except that the
director shall not collect a commission or fee from a real estate
broker or the private owner when real property is leased or rented
to the state.

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

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purposes:	390
(1) To pay personnel and other administrative expenses of the department;	391 392
(2) To pay the cost of conducting evaluations of public works;	393 394
(3) To pay the cost of building design specifications;	395
(4) To pay the cost of providing project management services;	396
(5) <u>To pay the cost of operating the local administration competency certification program prescribed by section 123.17 of the Revised Code;</u>	397 398 399
(6) Any other purposes that the director of administrative services determines to be necessary for the department to execute its duties under this chapter.	400 401 402
(C) There is hereby created in the state treasury the administrative building fund which shall consist of proceeds of obligations authorized to pay the cost of capital facilities. Except as provided in division (B) of this section, all investment earnings of the fund shall be credited to the fund. The fund shall be used to pay the cost of capital facilities designated by or pursuant to an act of the general assembly. The director of budget and management shall approve and provide a voucher for payments of amounts from the fund that represent the portion of investment earnings to be rebated or to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes on interest on those obligations pursuant to section 148(f) of the Internal Revenue Code.	403 404 405 406 407 408 409 410 411 412 413 414 415
As used in this division, "capital facilities" has the same meaning as under section 152.09 of the Revised Code.	416 417
<u>Sec. 123.17. (A) As used in this section, "institution of higher education" means a state university or college, as defined</u>	418 419

in section 3345.12 of the Revised Code, or a state community college. 420
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(B) The state architect shall establish a local administration competency certification program to certify institutions of higher education to administer capital facilities projects pursuant to section 3345.51 of the Revised Code without the supervision, control, or approval of the department of administrative services. The program shall offer instruction in the administration of capital facilities projects for employees of institutions of higher education who are responsible for such administration and who are selected by their employing institutions to participate in the program. 422
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(C) The program shall provide instruction about the provisions of Chapters 9., 123., and 153. of the Revised Code and any rules or policies adopted by the department regarding the planning, design, and construction of capital facilities, including all of the following: 432
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- (1) The planning, design, and construction process; 437
- (2) Contract requirements; 438
- (3) Construction management; 439
- (4) Project management. 440

(D) The state architect shall award local administration competency certification to any institution of higher education if all of the following apply: 441
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(1) The institution applied for certification on a form and in a manner prescribed by the state architect. 444
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(2) The state architect determines that a sufficient number of the institution's employees, representing a sufficient number of employee classifications, responsible for the administration of 446
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capital facilities projects has completed the certification 449
program to ensure that any capital facilities project undertaken 450
by the institution will be administered successfully and in 451
accordance with all provisions of the Revised Code, and the board 452
of trustees of the institution provides written assurance to the 453
state architect that the institution will select new employees to 454
participate in the certification program as necessary to 455
compensate for employee turnover. 456

(3) The state architect determines that the employees of the 457
institution enrolled in the program demonstrate a satisfactory 458
level of knowledge of and competency in the requirements for 459
administering capital facilities projects. 460

(4) The institution pays the fee prescribed by division (E) 461
of this section. 462

(5) The board of trustees of the institution provides written 463
assurance to the state architect that the institution will conduct 464
biennial audits of the institution's administration of capital 465
facilities projects in accordance with division (C) of section 466
3345.51 of the Revised Code. 467

(6) The board of trustees of the institution agrees in 468
writing to indemnify and hold harmless the state and the 469
department for any claim of injury, loss, or damage that results 470
from the institution's administration of a capital facilities 471
project. 472

(E) The state architect shall establish the amount of the fee 473
required to be paid by any institution of higher education that 474
seeks certification under this section. Any fees received under 475
this section shall be paid into the state treasury to the credit 476
of the state architect's fund established under section 123.10 of 477
the Revised Code. 478

(F) Nothing in this section shall prohibit an institution 479

that administers a capital facilities project under section 480
3345.51 of the Revised Code from requesting guidance or other 481
services from the department of administrative services. 482

Sec. 125.28. (A)(1) Each state agency that is supported in 483
whole or in part by nongeneral revenue fund money and that 484
occupies space in the James A. Rhodes or Frank J. Lausche state 485
office tower, Toledo government center, Senator Oliver R. Ocasek 486
government office building, Vern Riffe center for government and 487
the arts, state of Ohio computer center, capitol square, or 488
governor's mansion shall reimburse the general revenue fund for 489
the cost of occupying the space in the ratio that the occupied 490
space in each facility attributable to ~~such~~ the nongeneral revenue 491
fund money bears to the total space occupied by the state agency 492
in the facility. 493

(2) All agencies that occupy space in the old blind school ~~or~~ 494
~~the Ohio departments building~~ or that occupy warehouse space in 495
the general services facility shall reimburse the department of 496
administrative services for the cost of occupying the space. The 497
director of administrative services shall determine the amount of 498
debt service, if any, to be charged to building tenants and shall 499
collect reimbursements for it. 500

(3) Each agency that is supported in whole or in part by 501
nongeneral revenue fund money and that occupies space in any other 502
facility or facilities owned and maintained by the department of 503
administrative services or space in the general services facility 504
other than warehouse space shall reimburse the department for the 505
cost of occupying the space, including debt service, if any, in 506
the ratio that the occupied space in each facility attributable to 507
~~such~~ the nongeneral revenue fund money bears to the total space 508
occupied by the state agency in the facility. 509

(B) The director of administrative services may provide 510

building maintenance services and skilled trades services to any 511
state agency occupying space in a facility that is not owned by 512
the department of administrative services and may collect 513
reimbursements for the cost of providing ~~such~~ those services. 514

(C) All money collected by the department of administrative 515
services for operating expenses of facilities owned or maintained 516
by the department shall be deposited into the state treasury to 517
the credit of the building management fund, which is hereby 518
created. All money collected by the department for skilled trades 519
services shall be deposited into the state treasury to the credit 520
of the skilled trades fund, which is hereby created. All money 521
collected for debt service shall be deposited into the general 522
revenue fund. 523

(D) The director of administrative services shall determine 524
the reimbursable cost of space in state-owned or state-leased 525
facilities and shall collect reimbursements for that cost. 526

Sec. 126.11. (A)(1) The director of budget and management 527
shall, upon consultation with the treasurer of state, coordinate 528
and approve the scheduling of initial sales of publicly offered 529
securities of the state and of publicly offered fractionalized 530
interests in or securitized issues of public obligations of the 531
state. The director shall from time to time develop and distribute 532
to state issuers an approved sale schedule for each of the 533
obligations covered by division (A) or (B) of this section. 534
Division (A) of this section applies only to those obligations on 535
which the state or a state agency is the direct obligor or obligor 536
on any backup security or related credit enhancement facility or 537
source of money subject to state appropriations that is intended 538
for payment of those obligations. 539

(2) The issuers of obligations pursuant to section 151.03, 540
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 152. of the 541

Revised Code shall submit to the director: 542

(a) For review and approval: the projected sale date, amount, 543
and type of obligations proposed to be sold; their purpose, 544
security, and source of payment; ~~and~~ the proposed structure and 545
maturity schedule; and any credit enhancement facilities or 546
interest rate hedges for the obligations; 547

(b) For review and comment: the authorizing order or 548
resolution; preliminary and final offering documents; method of 549
sale; preliminary and final pricing information; and any written 550
reports or recommendations of financial advisors or consultants 551
relating to those obligations; 552

(c) Promptly after each sale of those obligations: final 553
terms, including sale price, maturity schedule and yields, and 554
sources and uses; names of the original purchasers or 555
underwriters; a copy of the final offering document and of the 556
transcript of proceedings; and any other pertinent information 557
requested by the director. 558

(3) The issuer of obligations pursuant to section 151.06~~7~~ 559
~~151.087~~, or 151.40 or Chapter 154. of the Revised Code shall submit 560
to the director: 561

(a) For review and mutual agreement: the projected sale date, 562
amount, and type of obligations proposed to be sold; their 563
purpose, security, and source of payment; ~~and~~ the proposed 564
structure and maturity schedule; and any credit enhancement 565
facilities or interest rate hedges for the obligations; 566

(b) For review and comment: the authorizing order or 567
resolution; preliminary and final offering documents; method of 568
sale; preliminary and final pricing information; and any written 569
reports or recommendations of financial advisors or consultants 570
relating to those obligations; 571

(c) Promptly after each sale of those obligations: final 572

terms, including sale price, maturity schedule and yields, and 573
sources and uses; names of the original purchasers or 574
underwriters; a copy of the final offering document and of the 575
transcript of proceedings; and any other pertinent information 576
requested by the director. 577

(4) The issuers of obligations pursuant to Chapter 166., 578
4981., 5540., or 6121., or section 5531.10, of the Revised Code 579
shall submit to the director: 580

(a) For review and comment: the projected sale date, amount, 581
and type of obligations proposed to be sold; the purpose, 582
security, and source of payment; and preliminary and final 583
offering documents; 584

(b) Promptly after each sale of those obligations: final 585
terms, including a maturity schedule; names of the original 586
purchasers or underwriters; a copy of the complete continuing 587
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 588
rule as from time to time in effect; and any other pertinent 589
information requested by the director. 590

(5) Not later than thirty days after the end of a fiscal 591
year, each issuer of obligations subject to divisions (A) and (B) 592
of this section shall submit to the director and to the treasurer 593
of state a sale plan for the then current fiscal year for each 594
type of obligation, projecting the amount and term of each 595
issuance, the method of sale, and the month of sale. 596

(B) Issuers of obligations pursuant to section 3318.085 or 597
Chapter 175., 3366., 3706., 3737., 5537., 6121., or 6123. of the 598
Revised Code shall submit to the director copies of the 599
preliminary and final offering documents upon their availability 600
if not previously submitted pursuant to division (A) of this 601
section. 602

(C) Not later than the first day of January of each year, 603

every state agency obligated to make payments on outstanding
public obligations with respect to which fractionalized interests
have been publicly issued, such as certificates of participation,
shall submit a report to the director of the amounts payable from
state appropriations under those public obligations during the
then current and next two fiscal years, identifying the
appropriation or intended appropriation from which payment is
expected to be made.

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

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

(3) The materials approved and provided pursuant to division
(D) of this section are the information relating to the particular
subjects provided by the state or state agencies that are required

or contemplated by any applicable state or federal securities laws 636
and any commitments by the state or state agencies made under 637
those laws. Reliance for the purpose should not be placed on any 638
other information publicly provided, in any format including 639
electronic, by any state agency for other purposes, including 640
general information provided to the public or to portions of the 641
public. A statement to that effect shall be included in those 642
materials so approved or provided. 643

(E) Issuers of obligations referred to in division (A) of 644
this section may take steps, by formal agreement, covenants in the 645
proceedings, or otherwise, as may be necessary or appropriate to 646
comply or permit compliance with applicable lawful disclosure 647
requirements relating to those obligations, and may, subject to 648
division (D) of this section, provide, make available, or file 649
copies of any required disclosure materials as necessary or 650
appropriate. Any such formal agreement or covenant relating to 651
subjects referred to in division (D) of this section, and any 652
description of that agreement or covenant to be contained in any 653
offering document, shall be approved by the director before being 654
entered into or published or publicly disseminated in preliminary, 655
draft, or final form or publicly filed in paper, electronic, or 656
other format. The director shall be responsible for making all 657
filings in compliance with those requirements relating to direct 658
obligations of the state, including fractionalized interests in 659
those obligations. 660

(F) No state agency or official shall, without the approval 661
of the director of budget and management, do either of the 662
following: 663

(1) Enter into or commit to enter into a public obligation 664
under which fractionalized interests in the payments are to be 665
publicly offered, which payments are anticipated to be made from 666
money from any source appropriated or to be appropriated by the 667

general assembly or in which the provision stated in section 9.94 668
of the Revised Code is not included; 669

(2) Except as otherwise expressly authorized for the purpose 670
by law, agree or commit to provide, from money from any source to 671
be appropriated in the future by the general assembly, financial 672
assistance to or participation in the costs of capital facilities, 673
or the payment of debt charges, directly or by way of a credit 674
enhancement facility, a reserve, rental payments, or otherwise, on 675
obligations issued to pay costs of capital facilities. 676

(G) As used in this section, "interest rate hedge" has the 677
same meaning as in section 9.98 of the Revised Code; "credit 678
enhancement facilities," "debt charges," "fractionalized interests 679
in public obligations," "obligor," "public issuer," and 680
"securities" have the same meanings as in section 133.01 of the 681
Revised Code; "public obligation" has the same meaning as in 682
division (GG)(2) of section 133.01 of the Revised Code; 683
"obligations" means securities or public obligations or 684
fractionalized interests in them; "issuers" means issuers of 685
securities or state obligors on public obligations; "offering 686
document" means an official statement, offering circular, private 687
placement memorandum, or prospectus, or similar document; and 688
"director" means the director of budget and management or the 689
employee of the office of budget and management designated by the 690
director for the purpose. 691

Sec. 131.02. (A) Whenever any amount is payable to the state, 692
the officer, employee, or agent responsible for administering the 693
law under which the amount is payable shall immediately proceed to 694
collect the amount or cause the amount to be collected and shall 695
pay the amount into the state treasury or into the appropriate 696
custodial fund in the manner set forth pursuant to section 113.08 697
of the Revised Code. If the amount is not paid within forty-five 698

days after payment is due, the officer, employee, or agent shall 699
certify the amount due to the attorney general, in the form and 700
manner prescribed by the attorney general, and notify the director 701
of budget and management thereof. The attorney general may assess 702
the collection cost to the amount certified in such manner and 703
amount as prescribed by the attorney general. 704

(B)(1) The attorney general shall give immediate notice by 705
mail or otherwise to the party indebted of the nature and amount 706
of the indebtedness. 707

(2) If the amount payable to this state arises from a tax 708
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 709
Code, the notice also shall specify all of the following: 710

(a) The assessment or case number; 711

(b) The tax pursuant to which the assessment is made; 712

(c) The reason for the liability, including, if applicable, 713
that a penalty or interest is due; 714

(d) An explanation of how and when interest will be added to 715
the amount assessed; 716

(e) That the attorney general and tax commissioner, acting 717
together, have the authority, but are not required, to compromise 718
the claim and accept payment over a reasonable time, if such 719
actions are in the best interest of the state. 720

(C) The attorney general shall collect the claim or secure a 721
judgment and issue an execution for its collection. 722

(D) Each claim shall bear interest, from the day on which the 723
claim became due, at the rate per annum required by section 724
5703.47 of the Revised Code. 725

(E) The attorney general and the chief officer of the agency 726
reporting a claim, acting together, may do any of the following if 727
such action is in the best interests of the state: 728

(1) Compromise the claim;	729
(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.	730 731 732 733
(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.	734 735 736
<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, with the consent of the chief officer of the agency reporting the claim, may do the following:</u>	737 738 739 740 741
<u>(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;</u>	742 743
<u>(b) Cancel the claim or cause it to be cancelled.</u>	744
<u>(2) The attorney general shall cancel or cause to be cancelled an unsatisfied claim on the date that is forty years after the date the claim is certified.</u>	745 746 747
<u>Sec. 131.021.</u> (A) <u>As used in this section, "tax" means all taxes and fees, including any penalties, additional charges, and interest charges, administered by the tax commissioner. "Tax" excludes any taxes and fees that are paid to a county auditor or treasurer.</u>	748 749 750 751 752
<u>(B) Any pending tax liability that the commissioner determines is owed to the state, but that is not final, may be certified to the attorney general pursuant to, and for purposes of, section 131.02 of the Revised Code if a party who may owe the tax liability has filed for bankruptcy and the tax liability is a prepetition bankruptcy debt. Nothing in this section and section</u>	753 754 755 756 757 758

131.02 of the Revised Code shall make final, or alter the 759
procedures and processes the party must follow to appeal, a tax 760
liability that is pending appeal. The commissioner shall notify 761
the attorney general of any adjustments made to a pending tax 762
liability certified under section 131.02 of the Revised Code to 763
reflect the final tax liability. 764

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 765
and 2151.655 of the Revised Code, in other sections of the Revised 766
Code that make reference to this chapter unless the context does 767
not permit, and in related proceedings, unless otherwise expressly 768
provided: 769

(A) "Acquisition" as applied to real or personal property 770
includes, among other forms of acquisition, acquisition by 771
exercise of a purchase option, and acquisition of interests in 772
property, including, without limitation, easements and 773
rights-of-way, and leasehold and other lease interests initially 774
extending or extendable for a period of at least sixty months. 775

(B) "Anticipatory securities" means securities, including 776
notes, issued in anticipation of the issuance of other securities. 777

(C) "Board of elections" means the county board of elections 778
of the county in which the subdivision is located. If the 779
subdivision is located in more than one county, "board of 780
elections" means the county board of elections of the county that 781
contains the largest portion of the population of the subdivision 782
or that otherwise has jurisdiction in practice over and 783
customarily handles election matters relating to the subdivision. 784

(D) "Bond retirement fund" means the bond retirement fund 785
provided for in section 5705.09 of the Revised Code, and also 786
means a sinking fund or any other special fund, regardless of the 787
name applied to it, established by or pursuant to law or the 788

proceedings for the payment of debt charges. Provision may be made 789
in the applicable proceedings for the establishment in a bond 790
retirement fund of separate accounts relating to debt charges on 791
particular securities, or on securities payable from the same or 792
common sources, and for the application of moneys in those 793
accounts only to specified debt charges on specified securities or 794
categories of securities. Subject to law and any provisions in the 795
applicable proceedings, moneys in a bond retirement fund or 796
separate account in a bond retirement fund may be transferred to 797
other funds and accounts. 798

(E) "Capitalized interest" means all or a portion of the 799
interest payable on securities from their date to a date stated or 800
provided for in the applicable legislation, which interest is to 801
be paid from the proceeds of the securities. 802

(F) "Chapter 133. securities" means securities authorized by 803
or issued pursuant to or in accordance with this chapter. 804

(G) "County auditor" means the county auditor of the county 805
in which the subdivision is located. If the subdivision is located 806
in more than one county, "county auditor" means the county auditor 807
of the county that contains the highest amount of the tax 808
valuation of the subdivision or that otherwise has jurisdiction in 809
practice over and customarily handles property tax matters 810
relating to the subdivision. In the case of a county that has 811
adopted a charter, "county auditor" means the officer who 812
generally has the duties and functions provided in the Revised 813
Code for a county auditor. 814

(H) "Credit enhancement facilities" means letters of credit, 815
lines of credit, stand-by, contingent, or firm securities purchase 816
agreements, insurance, or surety arrangements, guarantees, and 817
other arrangements that provide for direct or contingent payment 818
of debt charges, for security or additional security in the event 819

of nonpayment or default in respect of securities, or for making 820
payment of debt charges to and at the option and on demand of 821
securities holders or at the option of the issuer or upon certain 822
conditions occurring under put or similar arrangements, or for 823
otherwise supporting the credit or liquidity of the securities, 824
and includes credit, reimbursement, marketing, remarketing, 825
indexing, carrying, interest rate hedge, and subrogation 826
agreements, and other agreements and arrangements for payment and 827
reimbursement of the person providing the credit enhancement 828
facility and the security for that payment and reimbursement. 829

(I) "Current operating expenses" or "current expenses" means 830
the lawful expenditures of a subdivision, except those for 831
permanent improvements and for payments of debt charges of the 832
subdivision. 833

(J) "Debt charges" means the principal, including any 834
mandatory sinking fund deposits and mandatory redemption payments, 835
interest, and any redemption premium, payable on securities as 836
those payments come due and are payable. The use of "debt charges" 837
for this purpose does not imply that any particular securities 838
constitute debt within the meaning of the Ohio Constitution or 839
other laws. 840

(K) "Financing costs" means all costs and expenses relating 841
to the authorization, including any required election, issuance, 842
sale, delivery, authentication, deposit, custody, clearing, 843
registration, transfer, exchange, fractionalization, replacement, 844
payment, and servicing of securities, including, without 845
limitation, costs and expenses for or relating to publication and 846
printing, postage, delivery, preliminary and final official 847
statements, offering circulars, and informational statements, 848
travel and transportation, underwriters, placement agents, 849
investment bankers, paying agents, registrars, authenticating 850
agents, remarketing agents, custodians, clearing agencies or 851

corporations, securities depositories, financial advisory 852
services, certifications, audits, federal or state regulatory 853
agencies, accounting and computation services, legal services and 854
obtaining approving legal opinions and other legal opinions, 855
credit ratings, redemption premiums, and credit enhancement 856
facilities. Financing costs may be paid from any moneys available 857
for the purpose, including, unless otherwise provided in the 858
proceedings, from the proceeds of the securities to which they 859
relate and, as to future financing costs, from the same sources 860
from which debt charges on the securities are paid and as though 861
debt charges. 862

(L) "Fiscal officer" means the following, or, in the case of 863
absence or vacancy in the office, a deputy or assistant authorized 864
by law or charter to act in the place of the named officer, or if 865
there is no such authorization then the deputy or assistant 866
authorized by legislation to act in the place of the named officer 867
for purposes of this chapter, in the case of the following 868
subdivisions: 869

(1) A county, the county auditor; 870

(2) A municipal corporation, the city auditor or village 871
clerk or clerk-treasurer, or the officer who, by virtue of a 872
charter, has the duties and functions provided in the Revised Code 873
for the city auditor or village clerk or clerk-treasurer; 874

(3) A school district, the treasurer of the board of 875
education; 876

(4) A regional water and sewer district, the secretary of the 877
board of trustees; 878

(5) A joint township hospital district, the treasurer of the 879
district; 880

(6) A joint ambulance district, the clerk of the board of 881

trustees;	882
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	883 884
(8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district;	885 886 887 888 889
(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the clerk of the township;	890 891 892
(10) A joint fire district, the clerk of the board of trustees of that district;	893 894
(11) A regional or county library district, the person responsible for the financial affairs of that district;	895 896
(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;	897 898 899
(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;	900 901 902
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	903 904 905
(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.	906 907 908
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	909 910

(N) "Fractionalized interests in public obligations" means 911
participations, certificates of participation, shares, or other 912
instruments or agreements, separate from the public obligations 913
themselves, evidencing ownership of interests in public 914
obligations or of rights to receive payments of, or on account of, 915
principal or interest or their equivalents payable by or on behalf 916
of an obligor pursuant to public obligations. 917

(O) "Fully registered securities" means securities in 918
certificated or uncertificated form, registered as to both 919
principal and interest in the name of the owner. 920

(P) "Fund" means to provide for the payment of debt charges 921
and expenses related to that payment at or prior to retirement by 922
purchase, call for redemption, payment at maturity, or otherwise. 923

(Q) "General obligation" means securities to the payment of 924
debt charges on which the full faith and credit and the general 925
property taxing power, including taxes within the tax limitation 926
if available to the subdivision, of the subdivision are pledged. 927

(R) "Interest" or "interest equivalent" means those payments 928
or portions of payments, however denominated, that constitute or 929
represent consideration for forbearing the collection of money, or 930
for deferring the receipt of payment of money to a future time. 931

(S) "Internal Revenue Code" means the "Internal Revenue Code 932
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 933
includes any laws of the United States providing for application 934
of that code. 935

(T) "Issuer" means any public issuer and any nonprofit 936
corporation authorized to issue securities for or on behalf of any 937
public issuer. 938

(U) "Legislation" means an ordinance or resolution passed by 939
a majority affirmative vote of the then members of the taxing 940

authority unless a different vote is required by charter 941
provisions governing the passage of the particular legislation by 942
the taxing authority. 943

(V) "Mandatory sinking fund redemption requirements" means 944
amounts required by proceedings to be deposited in a bond 945
retirement fund for the purpose of paying in any year or fiscal 946
year by mandatory redemption prior to stated maturity the 947
principal of securities that is due and payable, except for 948
mandatory prior redemption requirements as provided in those 949
proceedings, in a subsequent year or fiscal year. 950

(W) "Mandatory sinking fund requirements" means amounts 951
required by proceedings to be deposited in a year or fiscal year 952
in a bond retirement fund for the purpose of paying the principal 953
of securities that is due and payable in a subsequent year or 954
fiscal year. 955

(X) "Net indebtedness" has the same meaning as in division 956
(A) of section 133.04 of the Revised Code. 957

(Y) "Obligor," in the case of securities or fractionalized 958
interests in public obligations issued by another person the debt 959
charges or their equivalents on which are payable from payments 960
made by a public issuer, means that public issuer. 961

(Z) "One purpose" relating to permanent improvements means 962
any one permanent improvement or group or category of permanent 963
improvements for the same utility, enterprise, system, or project, 964
development or redevelopment project, or for or devoted to the 965
same general purpose, function, or use or for which 966
self-supporting securities, based on the same or different sources 967
of revenues, may be issued or for which special assessments may be 968
levied by a single ordinance or resolution. "One purpose" 969
includes, but is not limited to, in any case any off-street 970
parking facilities relating to another permanent improvement, and: 971

(1) Any number of roads, highways, streets, bridges, sidewalks, and viaducts;	972 973
(2) Any number of off-street parking facilities;	974
(3) In the case of a county, any number of permanent improvements for courthouse, jail, county offices, and other county buildings, and related facilities;	975 976 977
(4) In the case of a school district, any number of facilities and buildings for school district purposes, and related facilities.	978 979 980
(AA) "Outstanding," referring to securities, means securities that have been issued, delivered, and paid for, except any of the following:	981 982 983
(1) Securities canceled upon surrender, exchange, or transfer, or upon payment or redemption;	984 985
(2) Securities in replacement of which or in exchange for which other securities have been issued;	986 987
(3) Securities for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the applicable legislation or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, mandatory sinking fund requirements, or otherwise, have been deposited, and credited for the purpose in a bond retirement fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of securities to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected security holders has been filed with the subdivision or its agent for the purpose.	988 989 990 991 992 993 994 995 996 997 998 999 1000
(BB) "Paying agent" means the one or more banks, trust	1001

companies, or other financial institutions or qualified persons, 1002
including an appropriate office or officer of the subdivision, 1003
designated as a paying agent or place of payment of debt charges 1004
on the particular securities. 1005

(CC) "Permanent improvement" or "improvement" means any 1006
property, asset, or improvement certified by the fiscal officer, 1007
which certification is conclusive, as having an estimated life or 1008
period of usefulness of five years or more, and includes, but is 1009
not limited to, real estate, buildings, and personal property and 1010
interests in real estate, buildings, and personal property, 1011
equipment, furnishings, and site improvements, and reconstruction, 1012
rehabilitation, renovation, installation, improvement, 1013
enlargement, and extension of property, assets, or improvements so 1014
certified as having an estimated life or period of usefulness of 1015
five years or more. The acquisition of all the stock ownership of 1016
a corporation is the acquisition of a permanent improvement to the 1017
extent that the value of that stock is represented by permanent 1018
improvements. A permanent improvement for parking, highway, road, 1019
and street purposes includes resurfacing, but does not include 1020
ordinary repair. 1021

(DD) "Person" has the same meaning as in section 1.59 of the 1022
Revised Code and also includes any federal, state, interstate, 1023
regional, or local governmental agency, any subdivision, and any 1024
combination of those persons. 1025

(EE) "Proceedings" means the legislation, certifications, 1026
notices, orders, sale proceedings, trust agreement or indenture, 1027
mortgage, lease, lease-purchase agreement, assignment, credit 1028
enhancement facility agreements, and other agreements, 1029
instruments, and documents, as amended and supplemented, and any 1030
election proceedings, authorizing, or providing for the terms and 1031
conditions applicable to, or providing for the security or sale or 1032
award of, public obligations, and includes the provisions set 1033

forth or incorporated in those public obligations and proceedings.	1034
(FF) "Public issuer" means any of the following that is	1035
authorized by law to issue securities or enter into public	1036
obligations:	1037
(1) The state, including an agency, commission, officer,	1038
institution, board, authority, or other instrumentality of the	1039
state;	1040
(2) A taxing authority, subdivision, district, or other local	1041
public or governmental entity, and any combination or consortium,	1042
or public division, district, commission, authority, department,	1043
board, officer, or institution, thereof;	1044
(3) Any other body corporate and politic, or other public	1045
entity.	1046
(GG) "Public obligations" means both of the following:	1047
(1) Securities;	1048
(2) Obligations of a public issuer to make payments under	1049
installment sale, lease, lease purchase, or similar agreements,	1050
which obligations bear interest or interest equivalent.	1051
(HH) "Refund" means to fund and retire outstanding	1052
securities, including advance refunding with or without payment or	1053
redemption prior to maturity.	1054
(II) "Register" means the books kept and maintained by the	1055
registrar for registration, exchange, and transfer of registered	1056
securities.	1057
(JJ) "Registrar" means the person responsible for keeping the	1058
register for the particular registered securities, designated by	1059
or pursuant to the proceedings.	1060
(KK) "Securities" means bonds, notes, certificates of	1061
indebtedness, commercial paper, and other instruments in writing,	1062

including, unless the context does not admit, anticipatory 1063
securities, issued by an issuer to evidence its obligation to 1064
repay money borrowed, or to pay interest, by, or to pay at any 1065
future time other money obligations of, the issuer of the 1066
securities, but not including public obligations described in 1067
division (GG)(2) of this section. 1068

(LL) "Self-supporting securities" means securities or 1069
portions of securities issued for the purpose of paying costs of 1070
permanent improvements to the extent that receipts of the 1071
subdivision, other than the proceeds of taxes levied by that 1072
subdivision, derived from or with respect to the improvements or 1073
the operation of the improvements being financed, or the 1074
enterprise, system, project, or category of improvements of which 1075
the improvements being financed are part, are estimated by the 1076
fiscal officer to be sufficient to pay the current expenses of 1077
that operation or of those improvements or enterprise, system, 1078
project, or categories of improvements and the debt charges 1079
payable from those receipts on securities issued for the purpose. 1080
Until such time as the improvements or increases in rates and 1081
charges have been in operation or effect for a period of at least 1082
six months, the receipts therefrom, for purposes of this 1083
definition, shall be those estimated by the fiscal officer, except 1084
that those receipts may include, without limitation, payments made 1085
and to be made to the subdivision under leases or agreements in 1086
effect at the time the estimate is made. In the case of an 1087
operation, improvements, or enterprise, system, project, or 1088
category of improvements without at least a six-month history of 1089
receipts, the estimate of receipts by the fiscal officer, other 1090
than those to be derived under leases and agreements then in 1091
effect, shall be confirmed by the taxing authority. 1092

(MM) "Subdivision" means any of the following: 1093

(1) A county, including a county that has adopted a charter 1094

under Article X, Ohio Constitution;	1095
(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;	1096 1097 1098
(3) A school district;	1099
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	1100 1101
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	1102 1103
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	1104 1105
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	1106 1107
(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;	1108 1109 1110 1111
(9) A township police district organized under section 505.48 of the Revised Code;	1112 1113
(10) A township;	1114
(11) A joint fire district organized under section 505.371 of the Revised Code;	1115 1116
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	1117 1118 1119
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	1120 1121
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	1122 1123

(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	1124 1125
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	1126 1127
(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.	1128 1129 1130
(NN) "Taxing authority" means in the case of the following subdivisions:	1131 1132
(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 under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	1133 1134 1135 1136 1137 1138
(2) A municipal corporation, the legislative authority;	1139
(3) A school district, the board of education;	1140
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	1141 1142 1143 1144
(5) A joint township hospital district, the joint township hospital board;	1145 1146
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	1147 1148 1149 1150 1151
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police	1152 1153

district, the board of township trustees; 1154

(8) A joint solid waste management district organized under 1155
section 343.01 or 343.012 of the Revised Code, the board of 1156
directors of the district; 1157

(9) A subdivision described in division (MM)(17) of this 1158
section, the legislative or governing body or official. 1159

(OO) "Tax limitation" means the "ten-mill limitation" as 1160
defined in section 5705.02 of the Revised Code without diminution 1161
by reason of section 5705.313 of the Revised Code or otherwise, 1162
or, in the case of a municipal corporation or county with a 1163
different charter limitation on property taxes levied to pay debt 1164
charges on unvoted securities, that charter limitation. Those 1165
limitations shall be respectively referred to as the "ten-mill 1166
limitation" and the "charter tax limitation." 1167

(PP) "Tax valuation" means the aggregate of the valuations of 1168
property subject to ad valorem property taxation by the 1169
subdivision on the real property, personal property, and public 1170
utility property tax lists and duplicates most recently certified 1171
for collection, and shall be calculated without deductions of the 1172
valuations of otherwise taxable property exempt in whole or in 1173
part from taxation by reason of exemptions of certain amounts of 1174
taxable value under division (C) of section 5709.01 or section 1175
323.152 of the Revised Code, or similar laws now or in the future 1176
in effect. 1177

(QQ) "Year" means the calendar year. 1178

(RR) ~~"Interest rate hedge" means any arrangement by which 1179
either:~~ 1180

~~(1) The different interest costs or receipts at fixed 1181
interest rates and at floating interest rates, or at different 1182
maturities, are exchanged on stated amounts of bonds or 1183~~

investments, ~~or on notional amounts;~~ 1184

~~(2) A party will pay interest costs in excess of an agreed
limitation.~~ 1185
1186

~~(SS)~~ "Administrative agent," "agent," "commercial paper," 1187
"floating rate interest structure," "indexing agent," "interest 1188
rate hedge," "interest rate period," "put arrangement," and 1189
"remarketing agent" have the same meanings as in section 9.98 of 1190
the Revised Code. 1191

~~(TT)~~(SS) "Sales tax supported" means obligations to the 1192
payment of debt charges on which an additional sales tax or 1193
additional sales taxes have been pledged by the taxing authority 1194
of a county pursuant to section 133.081 of the Revised Code. 1195

Sec. 145.011. In addition to the membership of the public 1196
employees retirement system as prescribed in division (A) of 1197
section 145.01 of the Revised Code and notwithstanding Chapter 1198
3309. of the Revised Code, there shall be included in such 1199
membership all of the following: 1200

(A) The nonteaching employees of the Cleveland state 1201
university, the medical ~~college~~ university of Ohio at Toledo, and 1202
the northeastern Ohio universities college of medicine; 1203

(B) Any person who elects to transfer from the school 1204
employees retirement system to the public employees retirement 1205
system under section 3309.312 of the Revised Code; 1206

(C) Any person who is employed full-time on or after ~~the~~ 1207
~~effective date of this amendment~~ September 16, 1998, pursuant to 1208
section 3345.04 of the Revised Code by the university of Akron as 1209
a state university law enforcement officer. 1210

Such employees are included in the definition of member as 1211
used in Chapter 145. of the Revised Code. The universities and 1212
colleges shall be subject to the obligations imposed by Chapter 1213

145. of the Revised Code.	1214
Sec. 151.01. (A) As used in sections 151.01 to 151.09 and	1215
151.40 of the Revised Code and in the applicable bond proceedings	1216
unless otherwise provided:	1217
(1) "Bond proceedings" means the resolutions, orders,	1218
agreements, and credit enhancement facilities, and amendments and	1219
supplements to them, or any one or more or combination of them,	1220
authorizing, awarding, or providing for the terms and conditions	1221
applicable to or providing for the security or liquidity of, the	1222
particular obligations, and the provisions contained in those	1223
obligations.	1224
(2) "Bond service fund" means the respective bond service	1225
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07,	1226
151.08, 151.09, or 151.40 of the Revised Code, and any accounts in	1227
that fund, including all moneys and investments, and earnings from	1228
investments, credited and to be credited to that fund and accounts	1229
as and to the extent provided in the applicable bond proceedings.	1230
(3) "Capital facilities" means capital facilities or projects	1231
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07,	1232
151.08, 151.09, or 151.40 of the Revised Code.	1233
(4) "Costs of capital facilities" means the costs of	1234
acquiring, constructing, reconstructing, rehabilitating,	1235
remodeling, renovating, enlarging, improving, equipping, or	1236
furnishing capital facilities, and of the financing of those	1237
costs. "Costs of capital facilities" includes, without limitation,	1238
and in addition to costs referred to in section 151.03, 151.04,	1239
151.05, 151.06, 151.07, 151.08, 151.09, or 151.40 of the Revised	1240
Code, the cost of clearance and preparation of the site and of any	1241
land to be used in connection with capital facilities, the cost of	1242
any indemnity and surety bonds and premiums on insurance, all	1243

related direct administrative expenses and allocable portions of 1244
direct costs of the issuing authority, costs of engineering and 1245
architectural services, designs, plans, specifications, surveys, 1246
and estimates of cost, financing costs, interest on obligations 1247
from their date to the time when interest is to be paid from 1248
sources other than proceeds of obligations, amounts necessary to 1249
establish any reserves as required by the bond proceedings, the 1250
reimbursement of all moneys advanced or applied by or borrowed 1251
from any person or governmental agency or entity for the payment 1252
of any item of costs of capital facilities, and all other expenses 1253
necessary or incident to planning or determining feasibility or 1254
practicability with respect to capital facilities, and such other 1255
expenses as may be necessary or incident to the acquisition, 1256
construction, reconstruction, rehabilitation, remodeling, 1257
renovation, enlargement, improvement, equipment, and furnishing of 1258
capital facilities, the financing of those costs, and the placing 1259
of the capital facilities in use and operation, including any one, 1260
part of, or combination of those classes of costs and expenses. 1261

(5) "Credit enhancement facilities," "financing costs," and 1262
"interest" or "interest equivalent" have the same meanings as in 1263
section 133.01 of the Revised Code. 1264

(6) "Debt service" means principal, including any mandatory 1265
sinking fund or redemption requirements for retirement of 1266
obligations, interest and other accreted amounts, interest 1267
equivalent, and any redemption premium, payable on obligations. If 1268
not prohibited by the applicable bond proceedings, debt service 1269
may include costs relating to credit enhancement facilities that 1270
are related to and represent, or are intended to provide a source 1271
of payment of or limitation on, other debt service. 1272

(7) "Issuing authority" means the Ohio public facilities 1273
commission created in section 151.02 of the Revised Code for 1274
obligations issued under section 151.03, 151.04, 151.05, 151.07, 1275

151.08, or 151.09 of the Revised Code, or the treasurer of state, 1276
or the officer who by law performs the functions of that office, 1277
for obligations issued under section 151.06, ~~151.08~~, or 151.40 of 1278
the Revised Code. 1279

(8) "Net proceeds" means amounts received from the sale of 1280
obligations, excluding amounts used to refund or retire 1281
outstanding obligations, amounts required to be deposited into 1282
special funds pursuant to the applicable bond proceedings, and 1283
amounts to be used to pay financing costs. 1284

(9) "Obligations" means bonds, notes, or other evidences of 1285
obligation of the state, including any appertaining interest 1286
coupons, issued under Section 2k, 2l, 2m, 2n, 2o or 15 of Article 1287
VIII, Ohio Constitution, and pursuant to sections 151.01 to 151.09 1288
or 151.40 of the Revised Code or other general assembly 1289
authorization. 1290

(10) "Principal amount" means the aggregate of the amount as 1291
stated or provided for in the applicable bond proceedings as the 1292
amount on which interest or interest equivalent on particular 1293
obligations is initially calculated. Principal amount does not 1294
include any premium paid to the state by the initial purchaser of 1295
the obligations. "Principal amount" of a capital appreciation 1296
bond, as defined in division (C) of section 3334.01 of the Revised 1297
Code, means its face amount, and "principal amount" of a zero 1298
coupon bond, as defined in division (J) of section 3334.01 of the 1299
Revised Code, means the discounted offering price at which the 1300
bond is initially sold to the public, disregarding any purchase 1301
price discount to the original purchaser, if provided for pursuant 1302
to the bond proceedings. 1303

(11) "Special funds" or "funds," unless the context indicates 1304
otherwise, means the bond service fund, and any other funds, 1305
including any reserve funds, created under the bond proceedings 1306
and stated to be special funds in those proceedings, including 1307

moneys and investments, and earnings from investments, credited 1308
and to be credited to the particular fund. Special funds do not 1309
include the school building program assistance fund created by 1310
section 3318.25 of the Revised Code, the higher education 1311
improvement fund created by division (F) of section 154.21 of the 1312
Revised Code, the highway capital improvement bond fund created by 1313
section 5528.53 of the Revised Code, the state parks and natural 1314
resources fund created by section 1557.02 of the Revised Code, the 1315
coal research and development fund created by section 1555.15 of 1316
the Revised Code, the clean Ohio conservation fund created by 1317
section 164.27 of the Revised Code, the clean Ohio revitalization 1318
fund created by section 122.658 of the Revised Code, or other 1319
funds created by the bond proceedings that are not stated by those 1320
proceedings to be special funds. 1321

(B) Subject to Section 2l, 2m, 2n, 2o, or 15, and Section 17, 1322
of Article VIII, Ohio Constitution, the state, by the issuing 1323
authority, is authorized to issue and sell, as provided in 1324
sections 151.03 to 151.09 or 151.40 of the Revised Code, and in 1325
respective aggregate principal amounts as from time to time 1326
provided or authorized by the general assembly, general 1327
obligations of this state for the purpose of paying costs of 1328
capital facilities or projects identified by or pursuant to 1329
general assembly action. 1330

(C) Each issue of obligations shall be authorized by 1331
resolution or order of the issuing authority. The bond proceedings 1332
shall provide for or authorize the manner for determining the 1333
principal amount or maximum principal amount of obligations of an 1334
issue, the principal maturity or maturities, the interest rate or 1335
rates, the date of and the dates of payment of interest on the 1336
obligations, their denominations, and the place or places of 1337
payment of debt service which may be within or outside the state. 1338
Unless otherwise provided by law, the latest principal maturity 1339

may not be later than the earlier of the thirty-first day of 1340
December of the twenty-fifth calendar year after the year of 1341
issuance of the particular obligations or of the twenty-fifth 1342
calendar year after the year in which the original obligation to 1343
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 1344
and 9.983 of the Revised Code apply to obligations. The purpose of 1345
the obligations may be stated in the bond proceedings in general 1346
terms, such as, as applicable, "financing or assisting in the 1347
financing of projects as provided in Section 2l of Article VIII, 1348
Ohio Constitution," "financing or assisting in the financing of 1349
highway capital improvement projects as provided in Section 2m of 1350
Article VIII, Ohio Constitution," "paying costs of capital 1351
facilities for a system of common schools throughout the state as 1352
authorized by Section 2n of Article VIII, Ohio Constitution," 1353
"paying costs of capital facilities for state-supported and 1354
state-assisted institutions of higher education as authorized by 1355
Section 2n of Article VIII, Ohio Constitution," "paying costs of 1356
coal research and development as authorized by Section 15 of 1357
Article VIII, Ohio Constitution," "financing or assisting in the 1358
financing of local subdivision capital improvement projects as 1359
authorized by Section 2m of Article VIII, Ohio Constitution," 1360
"paying costs of conservation projects as authorized by Section 2o 1361
of Article VIII, Ohio Constitution," or "paying costs of 1362
revitalization projects as authorized by Section 2o of Article 1363
VIII, Ohio Constitution." 1364

(D) The issuing authority may appoint or provide for the 1365
appointment of paying agents, bond registrars, securities 1366
depositories, clearing corporations, and transfer agents, and may 1367
without need for any other approval retain or contract for the 1368
services of underwriters, investment bankers, financial advisers, 1369
accounting experts, marketing, remarketing, indexing, and 1370
administrative agents, other consultants, and independent 1371

contractors, including printing services, as are necessary in the 1372
judgment of the issuing authority to carry out the issuing 1373
authority's functions under this chapter. When the issuing 1374
authority is the Ohio public facilities commission, the issuing 1375
authority also may without need for any other approval retain or 1376
contract for the services of attorneys and other professionals for 1377
that purpose. Financing costs are payable, as may be provided in 1378
the bond proceedings, from the proceeds of the obligations, from 1379
special funds, or from other moneys available for the purpose. 1380

(E) The bond proceedings may contain additional provisions 1381
customary or appropriate to the financing or to the obligations or 1382
to particular obligations including, but not limited to, 1383
provisions for: 1384

(1) The redemption of obligations prior to maturity at the 1385
option of the state or of the holder or upon the occurrence of 1386
certain conditions, and at particular price or prices and under 1387
particular terms and conditions; 1388

(2) The form of and other terms of the obligations; 1389

(3) The establishment, deposit, investment, and application 1390
of special funds, and the safeguarding of moneys on hand or on 1391
deposit, in lieu of the applicability of provisions of Chapter 1392
131. or 135. of the Revised Code, but subject to any special 1393
provisions of sections 151.01 to 151.09 or 151.40 of the Revised 1394
Code with respect to the application of particular funds or 1395
moneys. Any financial institution that acts as a depository of any 1396
moneys in special funds or other funds under the bond proceedings 1397
may furnish indemnifying bonds or pledge securities as required by 1398
the issuing authority. 1399

(4) Any or every provision of the bond proceedings being 1400
binding upon the issuing authority and upon such governmental 1401
agency or entity, officer, board, commission, authority, agency, 1402

department, institution, district, or other person or body as may 1403
from time to time be authorized to take actions as may be 1404
necessary to perform all or any part of the duty required by the 1405
provision; 1406

(5) The maintenance of each pledge or instrument comprising 1407
part of the bond proceedings until the state has fully paid or 1408
provided for the payment of the debt service on the obligations or 1409
met other stated conditions; 1410

(6) In the event of default in any payments required to be 1411
made by the bond proceedings, or by any other agreement of the 1412
issuing authority made as part of a contract under which the 1413
obligations were issued or secured, including a credit enhancement 1414
facility, the enforcement of those payments by mandamus, a suit in 1415
equity, an action at law, or any combination of those remedial 1416
actions; 1417

(7) The rights and remedies of the holders or owners of 1418
obligations or of book-entry interests in them, and of third 1419
parties under any credit enhancement facility, and provisions for 1420
protecting and enforcing those rights and remedies, including 1421
limitations on rights of individual holders or owners; 1422

(8) The replacement of mutilated, destroyed, lost, or stolen 1423
obligations; 1424

(9) The funding, refunding, or advance refunding, or other 1425
provision for payment, of obligations that will then no longer be 1426
outstanding for purposes of this section or of the applicable bond 1427
proceedings; 1428

(10) Amendment of the bond proceedings; 1429

(11) Any other or additional agreements with the owners of 1430
obligations, and such other provisions as the issuing authority 1431
determines, including limitations, conditions, or qualifications, 1432

relating to any of the foregoing. 1433

(F) The great seal of the state or a facsimile of it may be 1434
affixed to or printed on the obligations. The obligations 1435
requiring execution by or for the issuing authority shall be 1436
signed as provided in the bond proceedings. Any obligations may be 1437
signed by the individual who on the date of execution is the 1438
authorized signer although on the date of these obligations that 1439
individual is not an authorized signer. In case the individual 1440
whose signature or facsimile signature appears on any obligation 1441
ceases to be an authorized signer before delivery of the 1442
obligation, that signature or facsimile is nevertheless valid and 1443
sufficient for all purposes as if that individual had remained the 1444
authorized signer until delivery. 1445

(G) Obligations are investment securities under Chapter 1308. 1446
of the Revised Code. Obligations may be issued in bearer or in 1447
registered form, registrable as to principal alone or as to both 1448
principal and interest, or both, or in certificated or 1449
uncertificated form, as the issuing authority determines. 1450
Provision may be made for the exchange, conversion, or transfer of 1451
obligations and for reasonable charges for registration, exchange, 1452
conversion, and transfer. Pending preparation of final 1453
obligations, the issuing authority may provide for the issuance of 1454
interim instruments to be exchanged for the final obligations. 1455

(H) Obligations may be sold at public sale or at private 1456
sale, in such manner, and at such price at, above or below par, 1457
all as determined by and provided by the issuing authority in the 1458
bond proceedings. 1459

(I) Except to the extent that rights are restricted by the 1460
bond proceedings, any owner of obligations or provider of a credit 1461
enhancement facility may by any suitable form of legal proceedings 1462
protect and enforce any rights relating to obligations or that 1463

facility under the laws of this state or granted by the bond 1464
proceedings. Those rights include the right to compel the 1465
performance of all applicable duties of the issuing authority and 1466
the state. Each duty of the issuing authority and that authority's 1467
officers, staff, and employees, and of each state entity or 1468
agency, or using district or using institution, and its officers, 1469
members, staff, or employees, undertaken pursuant to the bond 1470
proceedings, is hereby established as a duty of the entity or 1471
individual having authority to perform that duty, specifically 1472
enjoined by law and resulting from an office, trust, or station 1473
within the meaning of section 2731.01 of the Revised Code. The 1474
individuals who are from time to time the issuing authority, 1475
members or officers of the issuing authority, or those members' 1476
designees acting pursuant to section 154.02 of the Revised Code, 1477
or the issuing authority's officers, staff, or employees, are not 1478
liable in their personal capacities on any obligations or 1479
otherwise under the bond proceedings. 1480

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, or 15, and 1481
Section 17, of Article VIII, Ohio Constitution and sections 151.01 1482
to 151.09 or 151.40 of the Revised Code, the issuing authority 1483
may, in addition to the authority referred to in division (B) of 1484
this section, authorize and provide for the issuance of: 1485

(a) Obligations in the form of bond anticipation notes, and 1486
may provide for the renewal of those notes from time to time by 1487
the issuance of new notes. The holders of notes or appertaining 1488
interest coupons have the right to have debt service on those 1489
notes paid solely from the moneys and special funds that are or 1490
may be pledged to that payment, including the proceeds of bonds or 1491
renewal notes or both, as the issuing authority provides in the 1492
bond proceedings authorizing the notes. Notes may be additionally 1493
secured by covenants of the issuing authority to the effect that 1494
the issuing authority and the state will do all things necessary 1495

for the issuance of bonds or renewal notes in such principal 1496
amount and upon such terms as may be necessary to provide moneys 1497
to pay when due the debt service on the notes, and apply their 1498
proceeds to the extent necessary, to make full and timely payment 1499
of debt service on the notes as provided in the applicable bond 1500
proceedings. In the bond proceedings authorizing the issuance of 1501
bond anticipation notes the issuing authority shall set forth for 1502
the bonds anticipated an estimated schedule of annual principal 1503
payments the latest of which shall be no later than provided in 1504
division (C) of this section. While the notes are outstanding 1505
there shall be deposited, as shall be provided in the bond 1506
proceedings for those notes, from the sources authorized for 1507
payment of debt service on the bonds, amounts sufficient to pay 1508
the principal of the bonds anticipated as set forth in that 1509
estimated schedule during the time the notes are outstanding, 1510
which amounts shall be used solely to pay the principal of those 1511
notes or of the bonds anticipated. 1512

(b) Obligations for the refunding, including funding and 1513
retirement, and advance refunding with or without payment or 1514
redemption prior to maturity, of any obligations previously 1515
issued. Refunding obligations may be issued in amounts sufficient 1516
to pay or to provide for repayment of the principal amount, 1517
including principal amounts maturing prior to the redemption of 1518
the remaining prior obligations, any redemption premium, and 1519
interest accrued or to accrue to the maturity or redemption date 1520
or dates, payable on the prior obligations, and related financing 1521
costs and any expenses incurred or to be incurred in connection 1522
with that issuance and refunding. Subject to the applicable bond 1523
proceedings, the portion of the proceeds of the sale of refunding 1524
obligations issued under division (J)(1)(b) of this section to be 1525
applied to debt service on the prior obligations shall be credited 1526
to an appropriate separate account in the bond service fund and 1527

held in trust for the purpose by the issuing authority or by a 1528
corporate trustee. Obligations authorized under this division 1529
shall be considered to be issued for those purposes for which the 1530
prior obligations were issued. 1531

(2) Except as otherwise provided in sections 151.01 to 151.09 1532
or 151.40 of the Revised Code, bonds or notes authorized pursuant 1533
to division (J) of this section are subject to the provisions of 1534
those sections pertaining to obligations generally. 1535

(3) The principal amount of refunding or renewal obligations 1536
issued pursuant to division (J) of this section shall be in 1537
addition to the amount authorized by the general assembly as 1538
referred to in division (B) of the following sections: section 1539
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, or 151.40 1540
of the Revised Code. 1541

(K) Obligations are lawful investments for banks, savings and 1542
loan associations, credit union share guaranty corporations, trust 1543
companies, trustees, fiduciaries, insurance companies, including 1544
domestic for life and domestic not for life, trustees or other 1545
officers having charge of sinking and bond retirement or other 1546
special funds of the state and political subdivisions and taxing 1547
districts of this state, the sinking fund, the administrator of 1548
workers' compensation subject to the approval of the workers' 1549
compensation board, the state teachers retirement system, the 1550
public employees retirement system, the school employees 1551
retirement system, and the Ohio police and fire pension fund, 1552
notwithstanding any other provisions of the Revised Code or rules 1553
adopted pursuant to those provisions by any state agency with 1554
respect to investments by them, and are also acceptable as 1555
security for the repayment of the deposit of public moneys. The 1556
exemptions from taxation in Ohio as provided for in particular 1557
sections of the Ohio Constitution and section 5709.76 of the 1558
Revised Code apply to the obligations. 1559

(L)(1) Unless otherwise provided or provided for in any 1560
applicable bond proceedings, moneys to the credit of or in a 1561
special fund shall be disbursed on the order of the issuing 1562
authority. No such order is required for the payment, from the 1563
bond service fund or other special fund, when due of debt service 1564
or required payments under credit enhancement facilities. 1565

(2) Payments received by the state under interest rate hedges 1566
entered into as credit enhancement facilities under this chapter 1567
shall be deposited to the credit of the bond service fund for the 1568
obligations to which those credit enhancement facilities relate. 1569

(M) The full faith and credit, revenue, and taxing power of 1570
the state are and shall be pledged to the timely payment of debt 1571
service on outstanding obligations as it comes due, all in 1572
accordance with Section 2k, 2l, 2m, 2n, 2o, or 15 of Article VIII, 1573
Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 1574
151.07, 151.08, or 151.09 of the Revised Code. Moneys referred to 1575
in Section 5a of Article XII, Ohio Constitution, may not be 1576
pledged or used for the payment of debt service except on 1577
obligations referred to in section 151.06 of the Revised Code. Net 1578
state lottery proceeds, as provided for and referred to in section 1579
3770.06 of the Revised Code, may not be pledged or used for the 1580
payment of debt service except on obligations referred to in 1581
section 151.03 of the Revised Code. The state covenants, and that 1582
covenant shall be controlling notwithstanding any other provision 1583
of law, that the state and the applicable officers and agencies of 1584
the state, including the general assembly, shall, so long as any 1585
obligations are outstanding in accordance with their terms, 1586
maintain statutory authority for and cause to be levied, collected 1587
and applied sufficient pledged excises, taxes, and revenues of the 1588
state so that the revenues shall be sufficient in amounts to pay 1589
debt service when due, to establish and maintain any reserves and 1590
other requirements, and to pay financing costs, including costs of 1591

or relating to credit enhancement facilities, all as provided for 1592
in the bond proceedings. Those excises, taxes, and revenues are 1593
and shall be deemed to be levied and collected, in addition to the 1594
purposes otherwise provided for by law, to provide for the payment 1595
of debt service and financing costs in accordance with sections 1596
151.01 to 151.09 of the Revised Code and the bond proceedings. 1597

(N) The general assembly may from time to time repeal or 1598
reduce any excise, tax, or other source of revenue pledged to the 1599
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 1600
2o, or 15 of Article VIII, Ohio Constitution, and sections 151.01 1601
to 151.09 or 151.40 of the Revised Code, and may levy, collect and 1602
apply any new or increased excise, tax, or revenue to meet the 1603
pledge, to the payment of debt service on outstanding obligations, 1604
of the state's full faith and credit, revenue and taxing power, or 1605
of designated revenues and receipts, except fees, excises or taxes 1606
referred to in Section 5a of Article XII, Ohio Constitution, for 1607
other than obligations referred to in section 151.06 of the 1608
Revised Code and except net state lottery proceeds for other than 1609
obligations referred to in section 151.03 of the Revised Code. 1610
Nothing in division (N) of this section authorizes any impairment 1611
of the obligation of this state to levy and collect sufficient 1612
excises, taxes, and revenues to pay debt service on obligations 1613
outstanding in accordance with their terms. 1614

(O) Each bond service fund is a trust fund and is hereby 1615
pledged to the payment of debt service on the applicable 1616
obligations. Payment of that debt service shall be made or 1617
provided for by the issuing authority in accordance with the bond 1618
proceedings without necessity for any act of appropriation. The 1619
bond proceedings may provide for the establishment of separate 1620
accounts in the bond service fund and for the application of those 1621
accounts only to debt service on specific obligations, and for 1622
other accounts in the bond service fund within the general 1623

purposes of that fund.

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

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(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

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revenues derived from excises, taxes, and other revenues, 1656
including net state lottery proceeds in the case of obligations 1657
referred to in section 151.03 of the Revised Code. 1658

(R) Unless otherwise provided in any applicable bond 1659
proceedings, moneys to the credit of special funds may be invested 1660
by or on behalf of the state only in one or more of the following: 1661

(1) Notes, bonds, or other direct obligations of the United 1662
States or of any agency or instrumentality of the United States, 1663
or in no-front-end-load money market mutual funds consisting 1664
exclusively of those obligations, or in repurchase agreements, 1665
including those issued by any fiduciary, secured by those 1666
obligations, or in collective investment funds consisting 1667
exclusively of those obligations; 1668

(2) Obligations of this state or any political subdivision of 1669
this state; 1670

(3) Certificates of deposit of any national bank located in 1671
this state and any bank, as defined in section 1101.01 of the 1672
Revised Code, subject to inspection by the superintendent of 1673
financial institutions; 1674

(4) The treasurer of state's pooled investment program under 1675
section 135.45 of the Revised Code. 1676

The income from investments referred to in division (R) of 1677
this section shall, unless otherwise provided in sections 151.01 1678
to 151.09 or 151.40 of the Revised Code, be credited to special 1679
funds or otherwise as the issuing authority determines in the bond 1680
proceedings. Those investments may be sold or exchanged at times 1681
as the issuing authority determines, provides for, or authorizes. 1682

(S) The treasurer of state shall have responsibility for 1683
keeping records, making reports, and making payments, relating to 1684
any arbitrage rebate requirements under the applicable bond 1685

proceedings.	1686
Sec. 151.04. This section applies to obligations as defined	1687
in this section.	1688
(A) As used in this section:	1689
(1) "Costs of capital facilities" include related direct	1690
administrative expenses and allocable portions of direct costs of	1691
the using institution.	1692
(2) "Obligations" means obligations as defined in section	1693
151.01 of the Revised Code issued to pay costs of capital	1694
facilities for state-supported or state-assisted institutions of	1695
higher education.	1696
(3) "State-supported or state-assisted institutions of higher	1697
education" means a state university or college, or community	1698
college district, technical college district, university branch	1699
district, or state community college, or other institution for	1700
education, including technical education, beyond the high school,	1701
receiving state support or assistance for its expenses of	1702
operation. "State university or college" means each of the state	1703
universities identified in section 3345.011 of the Revised Code,	1704
the northeastern Ohio universities college of medicine, and the	1705
medical college <u>university</u> of Ohio at Toledo.	1706
(4) "Using institution" means the state-supported or	1707
state-assisted institution of higher education, or two or more	1708
institutions acting jointly, that are the ultimate users of	1709
capital facilities for state-supported and state-assisted	1710
institutions of higher education financed with net proceeds of	1711
obligations.	1712
(B) The issuing authority shall issue obligations to pay	1713
costs of capital facilities for state-supported and state-assisted	1714
institutions of higher education pursuant to Section 2n of Article	1715

VIII, Ohio Constitution, section 151.01 of the Revised Code, and
this section. 1716
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(C) Net proceeds of obligations shall be deposited into the 1718
higher education improvement fund created by division (F) of 1719
section 154.21 of the Revised Code. 1720

(D) There is hereby created in the state treasury the "higher 1721
education capital facilities bond service fund." All moneys 1722
received by the state and required by the bond proceedings, 1723
consistent with sections 151.01 and 151.04 of the Revised Code, to 1724
be deposited, transferred, or credited to the bond service fund, 1725
and all other moneys transferred or allocated to or received for 1726
the purposes of that fund, shall be deposited and credited to the 1727
bond service fund, subject to any applicable provisions of the 1728
bond proceedings but without necessity for any act of 1729
appropriation. During the period beginning with the date of the 1730
first issuance of obligations and continuing during the time that 1731
any obligations are outstanding in accordance with their terms, so 1732
long as moneys in the bond service fund are insufficient to pay 1733
debt service when due on those obligations payable from that fund 1734
(except the principal amounts of bond anticipation notes payable 1735
from the proceeds of renewal notes or bonds anticipated) and due 1736
in the particular fiscal year, a sufficient amount of revenues of 1737
the state is committed and, without necessity for further act of 1738
appropriation, shall be paid to the bond service fund for the 1739
purpose of paying that debt service when due. 1740

Sec. 154.01. As used in ~~Chapter 154. of the Revised Code~~ this 1741
chapter: 1742

(A) "Commission" means the Ohio public facilities commission 1743
created in section 151.02 of the Revised Code. 1744

(B) "Obligations" means bonds, notes, or other evidences of 1745

obligation, including interest coupons pertaining thereto, issued 1746
pursuant to Chapter 154. of the Revised Code. 1747

(C) "Bond proceedings" means the order or orders, resolution 1748
or resolutions, trust agreement, indenture, lease, and other 1749
agreements, amendments and supplements to the foregoing, or any 1750
combination thereof, authorizing or providing for the terms and 1751
conditions applicable to, or providing for the security of, 1752
obligations issued pursuant to Chapter 154. of the Revised Code, 1753
and the provisions contained in such obligations. 1754

(D) "State agencies" means the state of Ohio and officers, 1755
boards, commissions, departments, divisions, or other units or 1756
agencies of the state. 1757

(E) "Governmental agency" means state agencies, state 1758
supported and assisted institutions of higher education, municipal 1759
corporations, counties, townships, school districts, and any other 1760
political subdivision or special district in this state 1761
established pursuant to law, and, except where otherwise 1762
indicated, also means the United States or any department, 1763
division, or agency thereof, and any agency, commission, or 1764
authority established pursuant to an interstate compact or 1765
agreement. 1766

(F) "Institutions of higher education" and "state supported 1767
or state assisted institutions of higher education" means the 1768
state universities identified in section 3345.011 of the Revised 1769
Code, the medical ~~college~~ university of Ohio at Toledo, the 1770
northeastern Ohio universities college of medicine, state 1771
universities or colleges at any time created, community college 1772
districts, university branch districts, and technical college 1773
districts at any time established or operating under Chapter 1774
3354., 3355., or 3357. of the Revised Code, and other institutions 1775
for education, including technical education, beyond the high 1776

school, receiving state support or assistance for their expenses 1777
of operation. 1778

(G) "Governing body" means: 1779

(1) In the case of institutions of higher education, the 1780
board of trustees, board of directors, commission, or other body 1781
vested by law with the general management, conduct, and control of 1782
one or more institutions of higher education; 1783

(2) In the case of a county, the board of county 1784
commissioners or other legislative body; in the case of a 1785
municipal corporation, the council or other legislative body; in 1786
the case of a township, the board of township trustees; in the 1787
case of a school district, the board of education; 1788

(3) In the case of any other governmental agency, the 1789
officer, board, commission, authority or other body having the 1790
general management thereof or having jurisdiction or authority in 1791
the particular circumstances. 1792

(H) "Person" means any person, firm, partnership, 1793
association, or corporation. 1794

(I) "Bond service charges" means principal, including 1795
mandatory sinking fund requirements for retirement of obligations, 1796
and interest, and redemption premium, if any, required to be paid 1797
by the state on obligations. If not prohibited by the applicable 1798
bond proceedings, bond service charges may include costs relating 1799
to credit enhancement facilities that are related to and 1800
represent, or are intended to provide a source of payment of or 1801
limitation on, other bond service charges. 1802

(J) "Capital facilities" means buildings, structures, and 1803
other improvements, and equipment, real estate, and interests in 1804
real estate therefor, within the state, and any one, part of, or 1805
combination of the foregoing, to serve the general purposes for 1806
which the issuing authority is authorized to issue obligations 1807

pursuant to Chapter 154. of the Revised Code, including, but not 1808
limited to, drives, roadways, parking facilities, walks, lighting, 1809
machinery, furnishings, utilities, landscaping, wharves, docks, 1810
piers, reservoirs, dams, tunnels, bridges, retaining walls, 1811
riprap, culverts, ditches, channels, watercourses, retention 1812
basins, standpipes and water storage facilities, waste treatment 1813
and disposal facilities, heating, air conditioning and 1814
communications facilities, inns, lodges, cabins, camping sites, 1815
golf courses, boat and bathing facilities, athletic and 1816
recreational facilities, and site improvements. 1817

(K) "Costs of capital facilities" means the costs of 1818
acquiring, constructing, reconstructing, rehabilitating, 1819
remodeling, renovating, enlarging, improving, equipping, or 1820
furnishing capital facilities, and the financing thereof, 1821
including the cost of clearance and preparation of the site and of 1822
any land to be used in connection with capital facilities, the 1823
cost of any indemnity and surety bonds and premiums on insurance, 1824
all related direct administrative expenses and allocable portions 1825
of direct costs of the commission or issuing authority and 1826
department of administrative services, or other designees of the 1827
commission under section 154.17 of the Revised Code, cost of 1828
engineering and architectural services, designs, plans, 1829
specifications, surveys, and estimates of cost, legal fees, fees 1830
and expenses of trustees, depositories, and paying agents for the 1831
obligations, cost of issuance of the obligations and financing 1832
charges and fees and expenses of financial advisers and 1833
consultants in connection therewith, interest on obligations from 1834
the date thereof to the time when interest is to be covered from 1835
sources other than proceeds of obligations, amounts necessary to 1836
establish reserves as required by the bond proceedings, costs of 1837
audits, the reimbursement of all moneys advanced or applied by or 1838
borrowed from any governmental agency, whether to or by the 1839

commission or others, from whatever source provided, for the 1840
payment of any item or items of cost of the capital facilities, 1841
any share of the cost undertaken by the commission pursuant to 1842
arrangements made with governmental agencies under division (H) of 1843
section 154.06 of the Revised Code, and all other expenses 1844
necessary or incident to planning or determining feasibility or 1845
practicability with respect to capital facilities, and such other 1846
expenses as may be necessary or incident to the acquisition, 1847
construction, reconstruction, rehabilitation, remodeling, 1848
renovation, enlargement, improvement, equipment, and furnishing of 1849
capital facilities, the financing thereof and the placing of the 1850
same in use and operation, including any one, part of, or 1851
combination of such classes of costs and expenses. 1852

(L) "Public service facilities" means inns, lodges, hotels, 1853
cabins, camping sites, scenic trails, picnic sites, restaurants, 1854
commissaries, golf courses, boating and bathing facilities and 1855
other similar facilities in state parks. 1856

(M) "State parks" means: 1857

(1) State reservoirs described and identified in section 1858
1541.06 of the Revised Code; 1859

(2) All lands or interests therein of the state identified as 1860
administered by the division of parks and recreation in the 1861
"inventory of state owned lands administered by the department of 1862
natural resources as of June 1, 1963," as recorded in the journal 1863
of the director, which inventory was prepared by the real estate 1864
section of the department and is supported by maps now on file in 1865
said real estate section; 1866

(3) All lands or interests in lands of the state designated 1867
after June 1, 1963, as state parks in the journal of the director 1868
with the approval of the recreation and resources council. 1869

State parks do not include any lands or interest in lands of 1870

the state administered jointly by two or more divisions of the
department of natural resources. The designation of lands as state
parks under divisions (M)(1) to (3) of this section is conclusive
and such lands shall be under the control of and administered by
the division of parks and recreation. No order or proceeding
designating lands as state parks or park purchase areas is subject
to any appeal or review by any officer, board, commission, or
court.

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

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

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

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

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

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

office. 1902

(T) "Credit enhancement facilities" has the same meaning as 1903
in section 133.01 of the Revised Code. 1904

(U) "Ohio cultural facility" and "Ohio sports facility" have 1905
the same meanings as in section 3383.01 of the Revised Code. 1906

Sec. 154.02. (A) Pursuant to the provisions of Chapter 154. 1907
of the Revised Code, the issuing authority may issue obligations 1908
as from time to time authorized by or pursuant to act or 1909
resolution of the general assembly, consistent with such 1910
limitations thereon, subject to section 154.12 of the Revised 1911
Code, as the general assembly may thereby prescribe as to 1912
principal amount, bond service charges, or otherwise, and shall 1913
cause the proceeds thereof to be applied to those capital 1914
facilities designated by or pursuant to act of the general 1915
assembly for mental hygiene and retardation, state supported and 1916
assisted institutions of higher education, including technical 1917
education, ~~and~~ and parks and recreation, Ohio cultural facilities, and 1918
Ohio sports facilities. 1919

(B) The authority provided by Chapter 154. of the Revised 1920
Code is in addition to any other authority provided by law for the 1921
same or similar purposes, except as may otherwise specifically be 1922
provided in Chapter 154. of the Revised Code. In case any section 1923
or provision of Chapter 154. of the Revised Code or in case any 1924
covenant, stipulation, obligation, resolution, trust agreement, 1925
indenture, lease agreement, act, or action, or part thereof, made, 1926
assumed, entered into, or taken under Chapter 154. of the Revised 1927
Code, or any application thereof, is for any reason held to be 1928
illegal or invalid, such illegality or invalidity shall not affect 1929
the remainder thereof or any other section or provision of Chapter 1930
154. of the Revised Code or any other covenant, stipulation, 1931
obligation, resolution, trust agreement, indenture, lease, 1932

agreement, act, or action, or part thereof, made, assumed, entered 1933
into, or taken under such chapter, which shall be construed and 1934
enforced as if such illegal or invalid portion were not contained 1935
therein, nor shall such illegality or invalidity or any 1936
application thereof affect any legal and valid application 1937
thereof, and each such section, provision, covenant, stipulation, 1938
obligation, resolution, trust agreement, indenture, lease, 1939
agreement, act, or action, or part thereof, shall be deemed to be 1940
effective, operative, made, entered into or taken in the manner 1941
and to the full extent permitted by law. 1942

Sec. 154.07. For the respective purposes provided in sections 1943
154.20, 154.21, ~~and 154.22,~~ and 154.23 of the Revised Code, the 1944
issuing authority may issue obligations of the state of Ohio as 1945
provided in Chapter 154. of the Revised Code, provided that the 1946
holders or owners of obligations shall have no right to have 1947
excises or taxes levied by the general assembly for the payment of 1948
the bond service charges. The right of holders and owners to 1949
payment of bond service charges shall be limited to the revenues 1950
or receipts and funds pledged thereto in accordance with Chapter 1951
154. of the Revised Code, and each obligation shall bear on its 1952
face a statement to that effect. Chapter 154. of the Revised Code 1953
does not permit, and no provision of that chapter shall be applied 1954
to authorize or grant, a pledge of charges for the treatment or 1955
care of mental hygiene and retardation patients to bond service 1956
charges on obligations other than those issued for capital 1957
facilities for mental hygiene and retardation, or a pledge of any 1958
receipts of or on behalf of state supported or state assisted 1959
institutions of higher education to bond service charges on 1960
obligations other than those issued for capital facilities for 1961
state supported or state assisted institutions of higher 1962
education, or a pledge of receipts with respect to parks and 1963
recreation to bond service charges on obligations other than those 1964

issued for capital facilities for parks and recreation, or a 1965
pledge of revenues or receipts received by or on behalf of any 1966
state agency to bond service charges on obligations other than 1967
those issued for capital facilities which are in whole or in part 1968
useful to, constructed by, or financed by the state agency that 1969
receives the revenues or receipts so pledged. 1970

Sec. 154.23. (A) Subject to authorization by the general 1971
assembly under section 154.02 of the Revised Code, the issuing 1972
authority may issue obligations pursuant to this chapter to pay 1973
costs of capital facilities for Ohio cultural facilities and Ohio 1974
sports facilities. 1975

(B) The Ohio public facilities commission may lease any 1976
capital facilities for Ohio cultural facilities or Ohio sports 1977
facilities to, and make or provide for other agreements with 1978
respect to the use or purchase of such capital facilities with, 1979
the Ohio cultural facilities commission and, with the Ohio 1980
cultural facilities commission's approval, any governmental agency 1981
having authority under law to operate such capital facilities. Any 1982
lease or agreement shall be subject to Chapter 3383. of the 1983
Revised Code. 1984

(C) For purposes of this section, "available receipts" means 1985
any revenues or receipts derived by the Ohio public facilities 1986
commission from the operation, leasing, or other disposition of 1987
capital facilities financed under this section, the proceeds of 1988
obligations issued under this section and section 154.11 or 154.12 1989
of the Revised Code, and also means any gifts, grants, donations, 1990
and pledges, and receipts thereon, available for the payment of 1991
bond service charges on obligations issued under this section. The 1992
issuing authority may pledge all, or such portion as it 1993
determines, of the available receipts to the payment of bond 1994
service charges on obligations issued under this section and 1995

section 154.11 or 154.12 of the Revised Code and for the 1996
establishment and maintenance of any reserves, as provided in the 1997
bond proceedings, and make other provisions therein with respect 1998
to such available receipts as authorized by this chapter, which 1999
provisions shall be controlling notwithstanding any other 2000
provision of law pertaining thereto. 2001

(D) There is hereby created one or more funds, as determined 2002
by the issuing authority in the bond proceedings, designated as 2003
the "Ohio cultural facilities commission bond service fund" with, 2004
if more than one such fund, such further identifying name as the 2005
issuing authority determines, which shall be in the custody of the 2006
treasurer of state but shall be separate and apart from and not a 2007
part of the state treasury. All money received by or on account of 2008
the issuing authority or the Ohio cultural facilities commission 2009
and required by the applicable bond proceedings to be deposited, 2010
transferred, or credited to the Ohio cultural facilities 2011
commission bond service fund, and all other money transferred or 2012
allocated to or received for the purposes of that fund shall be 2013
deposited with the treasurer of state and credited to the 2014
applicable fund, subject to applicable provisions of the bond 2015
proceedings, but without necessity of any act or appropriation. 2016
The Ohio cultural facilities commission bond service funds are 2017
trust funds and are hereby pledged to the payment of bond service 2018
charges on the applicable obligations issued pursuant to this 2019
section and section 154.11 or 154.12 of the Revised Code to the 2020
extent provided in the applicable bond proceedings, and payment 2021
thereof from such funds shall be made or provided for by the 2022
treasurer of state in accordance with the applicable bond 2023
proceedings without necessity for any act or appropriation. 2024

(E) This section is to be applied with other applicable 2025
provisions of this chapter. 2026

Sec. 755.16. (A) Any municipal corporation, township, 2027
township park district, county, or school district, jointly with 2028
one or more other municipal corporations, townships, township park 2029
districts, counties, or school districts or with an educational 2030
service center, in any combination, and a joint recreation 2031
district, may acquire property for, construct, operate, and 2032
maintain any parks, playgrounds, playfields, gymnasiums, public 2033
baths, swimming pools, indoor recreation centers, or community 2034
centers, ~~and any.~~ Any school district or educational service 2035
center may provide by the erection of any school or educational 2036
service center building or ~~school~~ premises, or by the enlargement 2037
of, addition to, or reconstruction or improvement of any school or 2038
educational service center building or ~~school~~ premises, for the 2039
inclusion of any such parks, recreational facilities, and 2040
community centers to be jointly acquired, constructed, operated, 2041
and maintained. Any municipal corporation, township, township park 2042
district, county, or school district, jointly with one or more 2043
other municipal corporations, townships, township park districts, 2044
counties, or school districts or with an educational service 2045
center, in any combination, and a joint recreation district, may 2046
equip, operate, and maintain ~~such~~ those parks, recreational 2047
facilities, and community centers and may appropriate money for 2048
them. An educational service center also may appropriate money for 2049
purposes of equipping, operating, and maintaining those parks, 2050
recreational facilities, and community centers. 2051

Any municipal corporation, township, township park district, 2052
county, ~~or~~ school district, or educational service center agreeing 2053
to jointly acquire, construct, operate, or maintain parks, 2054
recreational facilities, and community centers pursuant to this 2055
section may contribute lands, money, other personal property, or 2056
services to the joint venture, as may be agreed upon. Any 2057
agreement shall specify the rights of the parties in any lands or 2058

personal property contributed. 2059

Any lands acquired by a township park district pursuant to 2060
Chapter 511. of the Revised Code and established as a public park 2061
or parks may be contributed to a joint venture authorized by this 2062
section. Fees may be charged in connection with the use of any 2063
recreational facilities and community centers that may be 2064
constructed on those lands. 2065

(B) Any township may, jointly with a private land owner, 2066
construct, operate, equip, and maintain free public playgrounds 2067
and playfields. Any equipment provided by a township pursuant to 2068
this division shall remain township property and shall be used 2069
subject to a right of removal by the township. 2070

(C) As used in this section and in sections 755.17 and 755.18 2071
of the Revised Code, ~~"community:~~ 2072

(1) "Community centers" means facilities characterized by all 2073
of the following: 2074

~~(1)(a)~~ They are acquired, constructed, operated, or 2075
maintained by political subdivisions, ~~school districts,~~ or a ~~joint~~ 2076
~~recreation district~~ an educational service center pursuant to 2077
division (A) of this section. 2078

~~(2)(b)~~ They may be used for governmental, civic, or 2079
educational operations or recreational activities. 2080

~~(3)(c)~~ They may be used only by the entities that acquire, 2081
construct, operate, or maintain them or by any other person upon 2082
terms and conditions determined by those entities. 2083

(2) "Educational service center" has the same meaning as in 2084
division (A) of section 3311.05 of the Revised Code. 2085

Sec. 755.18. All expenses incurred in the operation of parks, 2086
playgrounds, playfields, gymnasiums, swimming pools, public baths, 2087
indoor recreation centers, and community centers, established as 2088

provided by sections 755.12 to 755.17 of the Revised Code, shall 2089
be payable from the treasury of the municipal corporation, 2090
township, township park district, county, or school district, or 2091
in the case of a joint recreational district or an educational 2092
service center, from its general fund. The local authorities of 2093
~~such a~~ municipal corporation, county, township, township park 2094
district, or school district, ~~having~~ power to appropriate money 2095
~~therein~~, may annually appropriate and cause to be raised by 2096
taxation an amount for the purpose of maintaining and operating 2097
~~such~~ those parks, recreational facilities, and community centers. 2098

A joint recreation district may levy a tax, subject to 2100
Chapter 5705. of the Revised Code, to acquire, maintain, and 2101
operate recreational facilities and community centers. 2102

Sec. 1541.23. There is hereby created in the state treasury 2103
the parks capital expenses fund. The fund shall consist of moneys 2104
transferred to it from the parks and recreation improvement fund 2105
created in section 154.22 of the Revised Code. The parks capital 2106
expenses fund shall be used to pay design, engineering, and 2107
planning costs that are incurred by the department of natural 2108
resources for parks-related capital projects. 2109

Sec. 2716.11. A proceeding for garnishment of property, other 2110
than personal earnings, may be commenced after a judgment has been 2111
obtained by a judgment creditor by the filing of an affidavit in 2112
writing made by the judgment creditor or the judgment creditor's 2113
attorney setting forth all of the following: 2114

(A) The name of the judgment debtor whose property, other 2115
than personal earnings, the judgment creditor seeks to garnish; 2116

(B) That the affiant has ~~good reason~~ a reasonable basis to 2117
believe ~~and does believe~~ that the person named in the affidavit as 2118

the garnishee may have property, other than personal earnings, of 2119
the judgment debtor that is not exempt under the law of this state 2120
or the United States; 2121

(C) A description of the property. 2122

Sec. 2743.712. (A) The attorney general, before taking any 2123
action regarding enforcement of the reparations fund's right of 2124
repayment, reimbursement, recovery, and subrogation pursuant to 2125
section 2743.72 of the Revised Code, or before taking any other 2126
action pursuant to that section, may investigate the need for that 2127
action. 2128

(B)(1) For the purpose of determining whether action is 2129
necessary under section 2743.72 of the Revised Code, the attorney 2130
general may issue subpoenas and subpoenas duces tecum to compel 2131
any person or entity to provide any information regarding 2132
overpayments from the reparations fund or that the attorney 2133
general determines would impact whether action should be taken 2134
under section 2743.72 of the Revised Code. 2135

(2) If the attorney general issues a subpoena or subpoena 2136
duces tecum under this section and if the materials required to be 2137
produced are located outside this state, the attorney general may 2138
designate one or more representatives, including officials of the 2139
state in which the materials are located, to inspect the materials 2140
on the attorney general's behalf, and the attorney general may 2141
respond to similar requests from officials of other states. The 2142
person or entity may make the materials available to the attorney 2143
general at a convenient location within the state. 2144

(3) At any time before the return day specified in the 2145
subpoena or subpoena duces tecum issued under this section or 2146
within twenty days after the subpoena or subpoena duces tecum has 2147
been served, whichever period is shorter, the person or entity 2148
subpoenaed may file with the court of common pleas of Franklin 2149

county a petition to extend the return day or to modify or quash 2150
the subpoena or subpoena duces tecum. The petition shall state 2151
good cause. 2152

(4) A person or entity who is subpoenaed under this section 2153
shall comply with the terms of the subpoena or subpoena duces 2154
tecum unless otherwise provided by an order of the court of common 2155
pleas of Franklin county entered prior to the day for return 2156
contained in the subpoena or as extended by the court. In the 2157
event a person or entity fails to comply with a subpoena or 2158
subpoena duces tecum issued under this section, that failure shall 2159
be contempt of court under division (C) of section 2705.02 of the 2160
Revised Code. The attorney general may file a charge of contempt 2161
of court under section 2705.03 of the Revised Code in the court of 2162
common pleas of Franklin county for that failure and may obtain an 2163
order adjudging the person or entity in contempt of court under 2164
section 2705.05 of the Revised Code. 2165

Sec. 3301.21. There is hereby created in the state treasury 2166
the state action for education leadership fund. Money received by 2167
the department of education from the Wallace foundation shall be 2168
deposited into the fund. All investment earnings of the fund shall 2169
be credited to the fund. The department shall use the money in the 2170
fund for the following purposes: 2171

(A) To develop leadership training programs for the big eight 2172
school districts, as defined in section 3314.02 of the Revised 2173
Code; 2174

(B) To target training to teacher-leaders, principals, and 2175
union leaders; 2176

(C) To increase administrators' and teachers' skills in using 2177
student assessment data to improve instructional decisions; 2178

(D) To align district and building budget allocations with 2179

<u>student performance data.</u>	2180
Sec. 3305.01. As used in this chapter:	2181
(A) "Public institution of higher education" means a state university as defined in section 3345.011 of the Revised Code, the medical college college <u>university</u> of Ohio at Toledo, the northeastern Ohio universities college of medicine, or a university branch, technical college, state community college, community college, or municipal university established or operating under Chapter 3345., 3349., 3354., 3355., 3357., or 3358. of the Revised Code.	2182 2183 2184 2185 2186 2187 2188
(B) "State retirement system" means the public employees retirement system created under Chapter 145. of the Revised Code, the state teachers retirement system created under Chapter 3307. of the Revised Code, or the school employees retirement system created under Chapter 3309. of the Revised Code.	2189 2190 2191 2192 2193
(C) "Academic or administrative employee" means any full-time employee not receiving any benefit, allowance, or other payment granted on the employee's account from a state retirement system who meets one of the following requirements:	2194 2195 2196 2197
(1) The employee is a member of the faculty of a public institution of higher education.	2198 2199
(2) The employee is a member of the administrative staff of a public institution of higher education serving in a position in the unclassified civil service pursuant to section 124.11 of the Revised Code.	2200 2201 2202 2203
(3) If section 124.11 of the Revised Code does not apply to the public institution of higher education, the employee is a member of the administrative staff of a public institution of higher education serving in a position comparable to a position in the unclassified civil service.	2204 2205 2206 2207 2208
In all cases of doubt, the board of trustees of the public	2209

institution of higher education shall determine whether any person 2210
is an academic or administrative employee for purposes of this 2211
chapter, and the board's decision shall be final. 2212

(D) "Electing employee" means any academic or administrative 2213
employee who elects, pursuant to section 3305.05 of the Revised 2214
Code, to participate in an alternative retirement plan provided 2215
pursuant to this chapter or an employee who is required to 2216
participate in an alternative retirement plan pursuant to division 2217
(E) of section 3305.05 of the Revised Code. 2218

(E) "Compensation," for purposes of an electing employee, has 2219
the same meaning as the applicable one of the following: 2220

(1) If the electing employee would be subject to Chapter 145. 2221
of the Revised Code had the employee not made an election pursuant 2222
to section 3305.05 of the Revised Code, "earnable salary" as 2223
defined in division (R) of section 145.01 of the Revised Code; 2224

(2) If the electing employee would be subject to Chapter 2225
3307. of the Revised Code had the employee not made an election 2226
pursuant to section 3305.05 of the Revised Code, "compensation" as 2227
defined in division (L) of section 3307.01 of the Revised Code; 2228

(3) If the electing employee would be subject to Chapter 2229
3309. of the Revised Code had the employee not made an election 2230
pursuant to section 3305.05 of the Revised Code, "compensation" as 2231
defined in division (V) of section 3309.01 of the Revised Code. 2232

(F) "Provider" means an entity designated under section 2233
3305.03 of the Revised Code as a provider of investment options 2234
for an alternative retirement plan. 2235

Sec. 3307.01. As used in this chapter: 2236

(A) "Employer" means the board of education, school district, 2237
governing authority of any community school established under 2238
Chapter 3314. of the Revised Code, college, university, 2239

institution, or other agency within the state by which a teacher	2240
is employed and paid.	2241
(B) "Teacher" means all of the following:	2242
(1) Any person paid from public funds and employed in the	2243
public schools of the state under any type of contract described	2244
in section 3319.08 of the Revised Code in a position for which the	2245
person is required to have a license issued pursuant to sections	2246
3319.22 to 3319.31 of the Revised Code;	2247
(2) Any person employed as a teacher by a community school	2248
pursuant to Chapter 3314. of the Revised Code;	2249
(3) Any person having a license issued pursuant to sections	2250
3319.22 to 3319.31 of the Revised Code and employed in a public	2251
school in this state in an educational position, as determined by	2252
the state board of education, under programs provided for by	2253
federal acts or regulations and financed in whole or in part from	2254
federal funds, but for which no licensure requirements for the	2255
position can be made under the provisions of such federal acts or	2256
regulations;	2257
(4) Any other teacher or faculty member employed in any	2258
school, college, university, institution, or other agency wholly	2259
controlled and managed, and supported in whole or in part, by the	2260
state or any political subdivision thereof, including Central	2261
state university, Cleveland state university, the university of	2262
Toledo, and the medical college <u>university</u> of Ohio at Toledo;	2263
(5) The educational employees of the department of education,	2264
as determined by the state superintendent of public instruction.	2265
In all cases of doubt, the state teachers retirement board	2266
shall determine whether any person is a teacher, and its decision	2267
shall be final.	2268
"Teacher" does not include any academic or administrative	2269

employee of a public institution of higher education, as defined 2270
in section 3305.01 of the Revised Code, who participates in an 2271
alternative retirement plan established under Chapter 3305. of the 2272
Revised Code. 2273

(C) "Member" means any person included in the membership of 2274
the state teachers retirement system, which shall consist of all 2275
teachers and contributors as defined in divisions (B) and (D) of 2276
this section and all disability benefit recipients, as defined in 2277
section 3307.50 of the Revised Code. However, for purposes of this 2278
chapter, the following persons shall not be considered members: 2279

(1) A student, intern, or resident who is not a member while 2280
employed part-time by a school, college, or university at which 2281
the student, intern, or resident is regularly attending classes; 2282

(2) A person denied membership pursuant to section 3307.24 of 2283
the Revised Code; 2284

(3) An other system retirant, as defined in section 3307.35 2285
of the Revised Code, or a superannuate; 2286

(4) An individual employed in a program established pursuant 2287
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 2288
U.S.C.A. 1501. 2289

(D) "Contributor" means any person who has an account in the 2290
teachers' savings fund or defined contribution fund. 2291

(E) "Beneficiary" means any person eligible to receive, or in 2292
receipt of, a retirement allowance or other benefit provided by 2293
this chapter. 2294

(F) "Year" means the year beginning the first day of July and 2295
ending with the thirtieth day of June next following, except that 2296
for the purpose of determining final average salary under the plan 2297
described in sections 3307.50 to 3307.79 of the Revised Code, 2298
"year" may mean the contract year. 2299

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.	2300 2301 2302
(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.	2303 2304 2305 2306
(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.	2307 2308 2309 2310 2311
(J) "Actuary" means the actuarial consultant to the state teachers retirement board, who shall be either of the following:	2312 2313
(1) A member of the American academy of actuaries;	2314
(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	2315 2316
(K) "Fiduciary" means a person who does any of the following:	2317
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	2318 2319 2320
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	2321 2322
(3) Has any discretionary authority or responsibility in the administration of the system.	2323 2324
(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount	2325 2326 2327 2328 2329

required to be contributed to the teachers' savings fund or	2330
defined contribution fund under section 3307.26 of the Revised	2331
Code and without regard to whether any of the salary, wages, or	2332
other earnings are treated as deferred income for federal income	2333
tax purposes.	2334
(2) Compensation does not include any of the following:	2335
(a) Payments for accrued but unused sick leave or personal	2336
leave, including payments made under a plan established pursuant	2337
to section 124.39 of the Revised Code or any other plan	2338
established by the employer;	2339
(b) Payments made for accrued but unused vacation leave,	2340
including payments made pursuant to section 124.13 of the Revised	2341
Code or a plan established by the employer;	2342
(c) Payments made for vacation pay covering concurrent	2343
periods for which other salary, compensation, or benefits under	2344
this chapter are paid;	2345
(d) Amounts paid by the employer to provide life insurance,	2346
sickness, accident, endowment, health, medical, hospital, dental,	2347
or surgical coverage, or other insurance for the teacher or the	2348
teacher's family, or amounts paid by the employer to the teacher	2349
in lieu of providing the insurance;	2350
(e) Incidental benefits, including lodging, food, laundry,	2351
parking, or services furnished by the employer, use of the	2352
employer's property or equipment, and reimbursement for	2353
job-related expenses authorized by the employer, including moving	2354
and travel expenses and expenses related to professional	2355
development;	2356
(f) Payments made by the employer in exchange for a member's	2357
waiver of a right to receive any payment, amount, or benefit	2358
described in division (L)(2) of this section;	2359

(g) Payments by the employer for services not actually rendered;	2360 2361
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	2362 2363 2364
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	2365 2366 2367 2368 2369 2370
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	2371 2372 2373 2374 2375 2376
(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;	2377 2378 2379
(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.	2380 2381 2382 2383
(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined	2384 2385 2386 2387 2388 2389 2390

under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.	2391 2392
(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;	2393 2394 2395 2396 2397 2398
(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire.	2399 2400
(3) The retirement board shall determine by rule both of the following:	2401 2402
(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;	2403 2404
(b) Whether any form of earnings not enumerated in this division is to be included in compensation.	2405 2406
Decisions of the board made under this division shall be final.	2407 2408
(M) "Superannuate" means both of the following:	2409
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	2410 2411
(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.	2412 2413 2414 2415 2416
For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of	2417 2418 2419 2420

which retirement system is paying the benefit. 2421

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 2422
Revised Code: 2423

(A) "Ohio school facilities commission" means the commission 2424
created pursuant to section 3318.30 of the Revised Code. 2425

(B) "Classroom facilities" means rooms in which pupils 2426
regularly assemble in public school buildings to receive 2427
instruction and education and such facilities and building 2428
improvements for the operation and use of such rooms as may be 2429
needed in order to provide a complete educational program, and may 2430
include space within which a child day-care facility or a 2431
community resource center is housed. "Classroom facilities" 2432
includes any space necessary for the operation of a vocational 2433
education program for secondary students in any school district 2434
that operates such a program. 2435

(C) "Project" means a project to construct or acquire 2436
classroom facilities, or to reconstruct or make additions to 2437
existing classroom facilities, to be used for housing the 2438
applicable school district and its functions. 2439

(D) "School district" means a local, exempted village, or 2440
city school district as such districts are defined in Chapter 2441
3311. of the Revised Code, acting as an agency of state 2442
government, performing essential governmental functions of state 2443
government pursuant to sections 3318.01 ~~and~~ to 3318.20 of the 2444
Revised Code. 2445

For purposes of assistance provided under sections 3318.40 to 2446
3318.45 of the Revised Code, the term "school district" as used in 2447
this section and in divisions (A), (C), and (D) of section 3318.03 2448
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 2449
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 2450

3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised Code means a joint vocational school district established pursuant to section 3311.18 of the Revised Code.

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

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

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

(G) "Board of elections" means the board of elections of the county containing the most populous portion of the school district.

(H) "County auditor" means the auditor of the county in which the greatest value of taxable property of such school district is located.

(I) "Tax duplicates" means the general tax lists and	2482
duplicates prescribed by sections 319.28 and 319.29 of the Revised	2483
Code.	2484
(J) "Required level of indebtedness" means:	2485
(1) In the case of <u>school</u> districts in the first percentile,	2486
five per cent of the district's valuation for the year preceding	2487
the year in which the controlling board approved the project under	2488
section 3318.04 of the Revised Code.	2489
(2) In the case of <u>school</u> districts ranked in a subsequent	2490
percentile, five per cent of the district's valuation for the year	2491
preceding the year in which the controlling board approved the	2492
project under section 3318.04 of the Revised Code, plus [two	2493
one-hundredths of one per cent multiplied by (the percentile in	2494
which the district ranks for the fiscal year preceding the fiscal	2495
year in which the controlling board approved the district's	2496
project minus one)].	2497
(K) "Required percentage of the basic project costs" means	2498
one per cent of the basic project costs times the percentile in	2499
which the <u>school</u> district ranks for the fiscal year preceding the	2500
fiscal year in which the controlling board approved the district's	2501
project.	2502
(L) "Basic project cost" means a cost amount determined in	2503
accordance with rules adopted under section 111.15 of the Revised	2504
Code by the Ohio school facilities commission. The basic project	2505
cost calculation shall take into consideration the square footage	2506
and cost per square foot necessary for the grade levels to be	2507
housed in the classroom facilities, the variation across the state	2508
in construction and related costs, the cost of the installation of	2509
site utilities and site preparation, the cost of demolition of all	2510
or part of any existing classroom facilities that are abandoned	2511
under the project, the cost of insuring the project until it is	2512

completed, any contingency reserve amount prescribed by the 2513
commission under section 3318.086 of the Revised Code, and the 2514
professional planning, administration, and design fees that a 2515
school district may have to pay to undertake a classroom 2516
facilities project. 2517

For a joint vocational school district that receives 2518
assistance under sections 3318.40 to 3318.45 of the Revised Code, 2519
the basic project cost calculation for a project under those 2520
sections shall also take into account the types of laboratory 2521
spaces and program square footages needed for the vocational 2522
education programs for high school students offered by the school 2523
district. 2524

(M)(1) Except for a joint vocational school district that 2525
receives assistance under sections 3318.40 to 3318.45 of the 2526
Revised Code, a "school district's portion of the basic project 2527
cost" means the amount determined under section 3318.032 of the 2528
Revised Code. 2529

(2) For a joint vocational school district that receives 2530
assistance under sections 3318.40 to 3318.45 of the Revised Code, 2531
a "school district's portion of the basic project cost" means the 2532
amount determined under division (C) of section 3318.42 of the 2533
Revised Code. 2534

(N) "Child day-care facility" means space within a classroom 2535
facility in which the needs of infants, toddlers, preschool 2536
children, and school children are provided for by persons other 2537
than the parent or guardian of such children for any part of the 2538
day, including persons not employed by the school district 2539
operating such classroom facility. 2540

(O) "Community resource center" means space within a 2541
classroom facility in which comprehensive services that support 2542
the needs of families and children are provided by community-based 2543

social service providers.	2544
(P) "Valuation" means the total value of all property in the	2545
<u>school</u> district as listed and assessed for taxation on the tax	2546
duplicates.	2547
(Q) "Percentile" means the percentile in which the <u>school</u>	2548
district is ranked pursuant to division (D) of section 3318.011 of	2549
the Revised Code.	2550
(R) "Installation of site utilities" means the installation	2551
of a site domestic water system, site fire protection system, site	2552
gas distribution system, site sanitary system, site storm drainage	2553
system, and site telephone and data system.	2554
(S) "Site preparation" means the earthwork necessary for	2555
preparation of the building foundation system, the paved	2556
pedestrian and vehicular circulation system, playgrounds on the	2557
project site, and lawn and planting on the project site.	2558
Sec. 3318.02. (A) For purposes of sections 3318.01 to 3318.33	2559
of the Revised Code, the Ohio school facilities commission shall	2560
periodically perform an assessment of the classroom facility needs	2561
in the state to identify school districts in need of additional	2562
classroom facilities, or replacement or reconstruction of existent	2563
classroom facilities, and the cost to each such district of	2564
constructing or acquiring such additional facilities or making	2565
such renovations.	2566
(B) Based upon the most recent assessment conducted pursuant	2567
to division (A) of this section, the commission shall conduct	2568
on-site visits to school districts identified as having classroom	2569
facility needs to confirm the findings of the periodic assessment	2570
and further evaluate the classroom facility needs of the district.	2571
The evaluation shall assess the district's need to construct or	2572
acquire new classroom facilities and may include an assessment of	2573

the district's need for building additions or for the 2574
reconstruction of existent buildings in lieu of constructing or 2575
acquiring replacement buildings. 2576

(C)(1) Except as provided in division (C)(2) of this section, 2577
on-site visits performed on or after May 20, 1997, shall be 2578
performed in the order specified in this division. The first round 2579
of on-site visits first succeeding the effective date of this 2580
amendment, May 20, 1997, shall be limited to the school districts 2581
in the first through fifth percentiles, excluding districts that 2582
are ineligible for funding under this chapter pursuant to section 2583
3318.04 of the Revised Code. The second round of on-site visits 2584
shall be limited to the school districts in the first through 2585
tenth percentiles, excluding districts that are ineligible for 2586
funding under this chapter pursuant to section 3318.04 of the 2587
Revised Code. Each succeeding round of on-site visits shall be 2588
limited to the percentiles included in the immediately preceding 2589
round of on-site visits plus the next five percentiles. Except for 2590
the first round of on-site visits, no round of on-site visits 2591
shall commence unless eighty per cent of the districts for which 2592
on-site visits were performed during the immediately preceding 2593
round, have had projects approved under section 3318.04 of the 2594
Revised Code. 2595

(2) Notwithstanding division (C)(1) of this section, the 2596
commission may perform on-site visits for school districts in the 2597
next highest percentile to the percentiles included in the current 2598
round of on-site visits, and then to succeeding percentiles one at 2599
a time, not to exceed the twenty-fifth percentile, if all of the 2600
following apply: 2601

(a) Less than eighty per cent of the districts for which 2602
on-site visits were performed in the current round, and in any 2603
percentiles for which on-site visits were performed in addition to 2604
the current round pursuant to this division, have had projects 2605

approved under section 3318.04 of the Revised Code; 2606

(b) There are funds appropriated for the purpose of sections 2607
3318.01 to 3318.20 of the Revised Code that are not reserved and 2608
encumbered for projects pursuant to section 3318.04 of the Revised 2609
Code; 2610

(c) The commission makes a finding that such available funds 2611
would be more thoroughly utilized if on-site visits were extended 2612
to the next highest percentile. 2613

(D) Notwithstanding divisions (B) and (C) of this section, in 2614
any ~~biennium~~ fiscal year, the commission may limit the number of 2615
districts for which it conducts on-site visits based upon its 2616
projections of the moneys available and moneys necessary to 2617
undertake projects under sections 3318.01 to 3318.33 of the 2618
Revised Code for ~~the current biennium~~ that year. 2619

Sec. 3318.03. (A) Before conducting an on-site evaluation of 2620
a school district under section 3318.02 of the Revised Code, at 2621
the request of the district board of education, the Ohio school 2622
facilities commission shall examine any classroom facilities needs 2623
assessment that has been conducted by the district and any master 2624
plan developed for meeting the facility needs of the district. 2625

(B) Upon conducting the on-site evaluation under section 2626
3318.02 of the Revised Code, the Ohio school facilities commission 2627
shall make a determination of all of the following: 2628

(1) The needs of the school district for additional classroom 2629
facilities; 2630

(2) The number of classroom facilities to be included in a 2631
project and the basic project cost of constructing, acquiring, 2632
reconstructing, or making additions to each such facility; 2633

(3) The amount of such cost that the school district can 2634
supply from available funds, by the issuance of bonds previously 2635

authorized by the electors of the school district the proceeds of 2636
which can lawfully be used for the project and by the issuance of 2637
bonds under section 3318.05 of the Revised Code; 2638

(4) The remaining amount of such cost that shall be supplied 2639
by the state; 2640

(5) The amount of the state's portion to be encumbered in 2641
accordance with section 3318.11 of the Revised Code in the current 2642
and subsequent fiscal ~~bienniums~~ years from funds appropriated for 2643
purposes of sections 3318.01 to 3318.20 of the Revised Code. 2644

(C) The commission shall make a determination in favor of 2645
constructing, acquiring, reconstructing, or making additions to a 2646
classroom facility only upon evidence that the proposed project 2647
conforms to sound educational practice, that it is in keeping with 2648
the orderly process of school district reorganization and 2649
consolidation, and that the actual or projected enrollment in each 2650
classroom facility proposed to be included in the project is at 2651
least three hundred fifty pupils. Exceptions shall be authorized 2652
only in those districts where topography, sparsity of population, 2653
and other factors make larger schools impracticable. 2654

If the school district board determines that an existing 2655
facility has historical value or for other good cause determines 2656
that an existing facility should be renovated in lieu of acquiring 2657
a comparable facility by new construction, the commission may 2658
approve the expenditure of project funds for the renovation of 2659
that facility up to but not exceeding one hundred per cent of the 2660
estimated cost of acquiring a comparable facility by new 2661
construction, as long as the commission determines that the 2662
facility when renovated can be operationally efficient, will be 2663
adequate for the future needs of the district, and will comply 2664
with the other provisions of this division. 2665

(D) Sections 125.81 and 153.04 of the Revised Code shall not 2666

apply to classroom facilities constructed under either sections 2667
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 2668
Code. 2669

Sec. 3318.04. (A) If the Ohio school facilities commission 2670
makes a determination under section 3318.03 of the Revised Code in 2671
favor of constructing, acquiring, reconstructing, or making 2672
additions to a classroom facility, the project shall be 2673
conditionally approved. Such conditional approval shall be 2674
submitted to the controlling board for approval thereof. The 2675
controlling board shall forthwith approve or reject the 2676
commission's determination, conditional approval, the amount of 2677
the state's portion of the basic project cost, and, the amount of 2678
the state's portion to be encumbered in the current fiscal 2679
~~biennium~~ year. In the event of approval thereof by the controlling 2680
board, the commission shall certify such conditional approval to 2681
the school district board and shall encumber from the total funds 2682
appropriated for the purpose of sections 3318.01 to 3318.20 of the 2683
Revised Code the amount approved under this section to be 2684
encumbered in the current fiscal ~~biennium~~ year. 2685

The basic project cost for a project approved under this 2686
section shall not exceed the cost that would otherwise have to be 2687
incurred if the classroom facilities to be constructed, acquired, 2688
or reconstructed, or the additions to be made to classroom 2689
facilities, under such project meet, but do not exceed, the 2690
specifications for plans and materials for classroom facilities 2691
adopted by the commission. 2692

(B)(1) No school district shall have a project conditionally 2693
approved pursuant to this section if the school district has 2694
already received any assistance for a project funded under any 2695
version of sections 3318.01 to 3318.20 of the Revised Code, and 2696
the prior project was one for which the electors of such district 2697

approved a levy within the last twenty years pursuant to any 2698
version of section 3318.06 of the Revised Code for purposes of 2699
qualifying for the funding of that project, unless the district 2700
demonstrates to the satisfaction of the commission that the 2701
district has experienced since approval of its prior project an 2702
exceptional increase in enrollment significantly above the 2703
district's design capacity under that prior project as determined 2704
by rule of the commission. 2705

(2) Notwithstanding division (B)(1) of this section, any 2706
school district that received assistance under sections 3318.01 to 2707
3318.20 of the Revised Code, as those sections existed prior to 2708
May 20, 1997, may receive additional assistance under those 2709
sections, as they exist on and after May 20, 1997, prior to the 2710
expiration of the period of time required under division (B)(1) of 2711
this section, if the percentile in which the school district is 2712
located, as determined under section 3318.011 of the Revised Code, 2713
is eligible for assistance as prescribed in section 3318.02 of the 2714
Revised Code. 2715

The commission may provide assistance under sections 3318.01 2716
to 3318.20 of the Revised Code pursuant to this division to no 2717
more than five school districts per fiscal year until all eligible 2718
school districts have received the additional assistance 2719
authorized under this division. The commission shall establish 2720
application procedures, deadlines, and priorities for funding 2721
projects under this division. 2722

The commission at its discretion may waive current design 2723
specifications it has adopted for projects under sections 3318.01 2724
to 3318.20 of the Revised Code when assessing an application for 2725
additional assistance under this division for the renovation of 2726
classroom facilities constructed or renovated under a school 2727
district's previous project. If the commission finds that a school 2728
district's existing classroom facilities are adequate to meet all 2729

of the school district's needs, the commission may determine that 2730
no additional state assistance be awarded to a school district 2731
under this division. 2732

In order for a school district to be eligible to receive any 2733
additional assistance under this division, the school district 2734
electors shall extend the school district's existing levy 2735
dedicated for maintenance of classroom facilities under Chapter 2736
3318. of the Revised Code, pursuant to section 3318.061 of the 2737
Revised Code or shall provide equivalent alternative maintenance 2738
funds as specified in division (A)(2) of section 3318.06 of the 2739
Revised Code. 2740

(3) Notwithstanding division (B)(1) of this section, any 2741
school district that has received assistance under sections 2742
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 2743
receive additional assistance if the commission decides in favor 2744
of providing such assistance pursuant to section 3318.042 of the 2745
Revised Code. 2746

Sec. 3318.11. For any project undertaken with financial 2747
assistance from the state under this chapter, the amount of state 2748
appropriations to be encumbered for the project in each fiscal 2749
~~biennium~~ year shall be determined by the Ohio school facilities 2750
commission based on the project's estimated construction schedule 2751
for that ~~biennium~~ year. In each fiscal ~~biennium~~ year subsequent to 2752
the first ~~biennium~~ year in which state appropriations are 2753
encumbered for the project, the project has priority for state 2754
funds over projects for which initial state funding is sought. 2755

Sec. 3318.37. (A)(1) As used in this section: 2756

(a) "Large land area school district" means a school district 2757
with a territory of greater than three hundred square miles in any 2758
percentile as determined under section 3318.011 of the Revised 2759

Code. 2760

(b) "Low wealth school district" means a school district in 2761
the first through fiftieth percentiles as determined under section 2762
3318.011 of the Revised Code. 2763

(c) A "school district with an exceptional need for immediate 2764
classroom facilities assistance" means a low wealth or large land 2765
area school district with an exceptional need for new facilities 2766
in order to protect the health and safety of all or a portion of 2767
its students. 2768

(2) ~~School districts~~ No school district reasonably expected 2769
to be eligible for state assistance under sections 3318.01 to 2770
3318.20 of the Revised Code within three fiscal years after the 2771
year of the application for assistance under this section ~~and~~ 2772
~~school districts that participate in the school building~~ 2773
~~assistance expedited local partnership program under section~~ 2774
~~3318.36 of the Revised Code, except for such districts described~~ 2775
~~in division (A)(3) of this section,~~ shall ~~not~~ be eligible for 2776
assistance under this section, unless the district's entire 2777
classroom facilities plan consists of only a single building 2778
designed to house grades kindergarten through twelve and the 2779
district satisfies the conditions prescribed in divisions 2780
(A)(3)(a) and (b) of this section. 2781

(3) ~~School districts that participate~~ No school district that 2782
participates in the school building assistance expedited local 2783
partnership program under section 3318.36 of the Revised Code ~~may~~ 2784
shall receive assistance under the program established under this 2785
section ~~only if~~ unless the following conditions are satisfied: 2786

(a) The district board adopted a resolution certifying its 2787
intent to participate in the school building assistance expedited 2788
local partnership program under section 3318.36 of the Revised 2789
Code prior to September 14, 2000. 2790

(b) The district was selected by the Ohio school facilities 2791
commission for participation in the school building assistance 2792
expedited local partnership program under section 3318.36 of the 2793
Revised Code in the manner prescribed by the commission under that 2794
section as it existed prior to September 14, 2000. 2795

(B)(1) There is hereby established the exceptional needs 2796
school facilities assistance program. Under the program, the Ohio 2797
school facilities commission may set aside from the moneys 2798
annually appropriated to it for classroom facilities assistance 2799
projects up to twenty-five per cent for assistance to school 2800
districts with exceptional needs for immediate classroom 2801
facilities assistance. 2802

(2)(a) After consulting with education and construction 2803
experts, the commission shall adopt guidelines for identifying 2804
school districts with an exceptional need for immediate classroom 2805
facilities assistance. 2806

(b) The guidelines shall include application forms and 2807
instructions for school districts to use in applying for 2808
assistance under this section. 2809

(3) The commission shall evaluate the classroom facilities, 2810
and the need for replacement classroom facilities from the 2811
applications received under this section. The commission, 2812
utilizing the guidelines adopted under division (B)(2)(a) of this 2813
section, shall prioritize the school districts to be assessed. 2814

Notwithstanding section 3318.02 of the Revised Code, the 2815
commission may conduct on-site evaluation of the school districts 2816
prioritized under this section and approve and award funds until 2817
such time as all funds set aside under division (B)(1) of this 2818
section have been encumbered. However, the commission need not 2819
conduct the evaluation of facilities if the commission determines 2820
that a district's assessment conducted under section 3318.36 of 2821

the Revised Code is sufficient for purposes of this section. 2822

(4) Notwithstanding division (A) of section 3318.05 of the 2823
Revised Code, the school district's portion of the basic project 2824
cost under this section shall be the "required percentage of the 2825
basic project costs," as defined in division (K) of section 2826
3318.01 of the Revised Code. 2827

(5) Except as otherwise specified in this section, any 2828
project undertaken with assistance under this section shall comply 2829
with all provisions of sections 3318.01 to 3318.20 of the Revised 2830
Code. A school district may receive assistance under sections 2831
3318.01 to 3318.20 of the Revised Code for the remainder of the 2832
district's classroom facilities needs as assessed under this 2833
section when the district is eligible for such assistance pursuant 2834
to section 3318.02 of the Revised Code, but any classroom facility 2835
constructed with assistance under this section shall not be 2836
included in a district's project at that time unless the 2837
commission determines the district has experienced the increased 2838
enrollment specified in division (B)(1) of section 3318.04 of the 2839
Revised Code. 2840

(C) No school district shall receive assistance under this 2841
section for a classroom facility that has been included in the 2842
discrete part of the district's classroom facilities needs 2843
identified and addressed in the district's project pursuant to an 2844
agreement entered into under section 3318.36 of the Revised Code, 2845
unless the district's entire classroom facilities plan consists of 2846
only a single building designed to house grades kindergarten 2847
through twelve. 2848

Sec. 3318.41. (A)(1) The Ohio school facilities commission 2849
annually shall assess the classroom facilities needs of the number 2850
of joint vocational school districts that the commission 2851
reasonably expects to be able to provide assistance to in a fiscal 2852

year, based on the amount set aside for that fiscal year under 2853
division (B) of section 3318.40 of the Revised Code and the order 2854
of priority prescribed in division (B) of section 3318.42 of the 2855
Revised Code, except that in fiscal year 2004 the commission shall 2856
conduct at least the five assessments prescribed in division (E) 2857
of section 3318.40 of the Revised Code. 2858

Upon conducting an assessment of the classroom facilities 2859
needs of a school district, the commission shall make a 2860
determination of all of the following: 2861

(a) The number of classroom facilities to be included in a 2862
project and the basic project cost of acquiring the classroom 2863
facilities included in the project. The number of facilities and 2864
basic project cost shall be determined in accordance with the 2865
specifications adopted under section 3318.311 of the Revised Code 2866
except to the extent that compliance with such specifications is 2867
waived by the commission pursuant to the rule of the commission 2868
adopted under division (F) of section 3318.40 of the Revised Code. 2869

(b) The school district's portion of the basic project cost 2870
as determined under division (C) of section 3318.42 of the Revised 2871
Code; 2872

(c) The remaining portion of the basic project cost that 2873
shall be supplied by the state; 2874

(d) The amount of the state's portion of the basic project 2875
cost to be encumbered in accordance with section 3318.11 of the 2876
Revised Code in the current and subsequent fiscal ~~bienniums~~ years 2877
from funds set aside under division (B) of section 3318.40 of the 2878
Revised Code. 2879

(2) Divisions (A), (C), and (D) of section 3318.03 of the 2880
Revised Code apply to any project under sections 3318.40 to 2881
3318.45 of the Revised Code. 2882

(B)(1) If the commission makes a determination under division 2883

(A) of this section in favor of the acquisition of classroom 2884
facilities for a project under sections 3318.40 to 3318.45 of the 2885
Revised Code, such project shall be conditionally approved. Such 2886
conditional approval shall be submitted to the controlling board 2887
for approval. The controlling board shall immediately approve or 2888
reject the commission's determination, conditional approval, the 2889
amount of the state's portion of the basic project cost, and the 2890
amount of the state's portion of the basic project cost to be 2891
encumbered in the current fiscal ~~biennium~~ year. In the event of 2892
approval by the controlling board, the commission shall certify 2893
the conditional approval to the joint vocational school district 2894
board of education and shall encumber the approved funds for the 2895
current fiscal year. 2896

(2) No school district that receives assistance under 2897
sections 3318.40 to 3318.45 of the Revised Code shall have another 2898
such project conditionally approved until the expiration of twenty 2899
years after the school district's prior project was conditionally 2900
approved, unless the school district board demonstrates to the 2901
satisfaction of the commission that the school district has 2902
experienced since conditional approval of its prior project an 2903
exceptional increase in enrollment or program requirements 2904
significantly above the school district's design capacity under 2905
that prior project as determined by rule of the commission. Any 2906
rule adopted by the commission to implement this division shall be 2907
tailored to address the classroom facilities needs of joint 2908
vocational school districts. 2909

(C) In addition to generating the amount of the school 2910
district's portion of the basic project cost as determined under 2911
division (C) of section 3318.42 of the Revised Code, in order for 2912
a school district to receive assistance under sections 3318.40 to 2913
3318.45 of the Revised Code, the school district board shall set 2914
aside school district moneys for the maintenance of the classroom 2915

facilities included in the school district's project in the amount 2916
and manner prescribed in section 3318.43 of the Revised Code. 2917

(D)(1) The conditional approval for a project certified under 2918
division (B)(1) of this section shall lapse and the amount 2919
reserved and encumbered for such project shall be released unless 2920
both of the following conditions are satisfied: 2921

(a) Within one hundred twenty days following the date of 2922
certification of the conditional approval to the joint vocational 2923
school district board, the school district board accepts the 2924
conditional approval and certifies to the commission the school 2925
district board's plan to generate the school district's portion of 2926
the basic project cost, as determined under division (C) of 2927
section 3318.42 of the Revised Code, and to set aside moneys for 2928
maintenance of the classroom facilities acquired under the 2929
project, as prescribed in section 3318.43 of the Revised Code. 2930

(b) Within one year following the date of certification of 2931
the conditional approval to the school district board, the 2932
electors of the school district vote favorably on any ballot 2933
measures proposed by the school district board to generate the 2934
school district's portion of the basic project cost. 2935

(2) If the school district board or electors fail to satisfy 2936
the conditions prescribed in division (D)(1) of this section and 2937
the amount reserved and encumbered for the school district's 2938
project is released, the school district shall be given first 2939
priority over other joint vocational school districts for project 2940
funding under sections 3318.40 to 3318.45 of the Revised Code as 2941
such funds become available. 2942

(E) If the conditions prescribed in division (D)(1) of this 2943
section are satisfied, the commission and the school district 2944
board shall enter into an agreement as prescribed in section 2945
3318.08 of the Revised Code and shall proceed with the development 2946

of plans, cost estimates, designs, drawings, and specifications as 2947
prescribed in section 3318.091 of the Revised Code. 2948

(F) Costs in excess of those approved by the commission under 2949
section 3318.091 of the Revised Code shall be payable only as 2950
provided in sections 3318.042 and 3318.083 of the Revised Code. 2951

(G) Advertisement for bids and the award of contracts for 2952
construction of any project under sections 3318.40 to 3318.45 of 2953
the Revised Code shall be conducted in accordance with section 2954
3318.10 of the Revised Code. 2955

(H) The state funds reserved and encumbered and the funds 2956
provided by the school district to pay the basic project cost of a 2957
project under sections 3318.40 to 3318.45 of the Revised Code 2958
shall be spent simultaneously in proportion to the state's and the 2959
school district's respective portions of that basic project cost. 2960

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 2961
Code apply to projects under sections 3318.40 to 3318.45 of the 2962
Revised Code. 2963

Sec. 3333.045. As used in this section, "state university or 2964
college" means any state university listed in section 3345.011 of 2965
the Revised Code, the northeastern Ohio universities college of 2966
medicine, the medical ~~college~~ university of Ohio at Toledo, any 2967
community college under Chapter 3354. of the Revised Code, any 2968
university branch district under Chapter 3355. of the Revised 2969
Code, any technical college under Chapter 3357. of the Revised 2970
Code, and any state community college under Chapter 3358. of the 2971
Revised Code. 2972

The Ohio board of regents shall work with the attorney 2973
general, the auditor of state, and the Ohio ethics commission to 2974
develop a model for training members of the boards of trustees of 2975
all state universities and colleges and members of the board of 2976

regents regarding the authority and responsibilities of a board of trustees or the board of regents. This model shall include a review of fiduciary responsibilities, ethics, and fiscal management. Use of this model by members of boards of trustees and the board of regents shall be voluntary.

This section does not apply to the three members of the board of trustees of the northeastern Ohio universities college of medicine who are presidents of state universities.

Sec. 3333.072. The Ohio board of regents, after consulting with the state colleges and universities and with the office of budget and management, shall adopt rules in accordance with Chapter 119. of the Revised Code to govern the allocation of state capital appropriations to state colleges and universities. In drafting the rules, the board shall incorporate the recommendations of the final report of the commission to study higher education debt service, issued June 28, 1994, as these recommendations have been utilized and modified in procedures developed by the board and the office of budget and management since the report was issued.

Sec. 3334.01. As used in this chapter:

(A) "Aggregate original principal amount" means the aggregate of the initial offering prices to the public of college savings bonds, exclusive of accrued interest, if any. "Aggregate original principal amount" does not mean the aggregate accreted amount payable at maturity or redemption of such bonds.

(B) "Beneficiary" means:

(1) An individual designated by the purchaser under a tuition payment contract or through a scholarship program as the individual on whose behalf tuition credits purchased under the contract or awarded through the scholarship program will be

applied toward the payment of undergraduate, graduate, or 3007
professional tuition; or 3008

(2) An individual designated by the contributor under a 3009
variable college savings program contract as the individual whose 3010
tuition and other higher education expenses will be paid from a 3011
variable college savings program account. 3012

(C) "Capital appreciation bond" means a bond for which the 3013
following is true: 3014

(1) The principal amount is less than the amount payable at 3015
maturity or early redemption; and 3016

(2) No interest is payable on a current basis. 3017

(D) "Tuition credit" means a credit of the Ohio tuition trust 3018
authority purchased under section 3334.09 of the Revised Code. 3019

(E) "College savings bonds" means revenue and other 3020
obligations issued on behalf of the state or any agency or issuing 3021
authority thereof as a zero-coupon or capital appreciation bond, 3022
and designated as college savings bonds as provided in this 3023
chapter. "College savings bond issue" means any issue of bonds of 3024
which any part has been designated as college savings bonds. 3025

(F) "Institution of higher education" means a state 3026
institution of higher education, a private college, university, or 3027
other postsecondary institution located in this state that 3028
possesses a certificate of authorization issued by the Ohio board 3029
of regents pursuant to Chapter 1713. of the Revised Code or a 3030
certificate of registration issued by the state board of career 3031
colleges and schools under Chapter 3332. of the Revised Code, or 3032
an accredited college, university, or other postsecondary 3033
institution located outside this state that is accredited by an 3034
accrediting organization or professional association recognized by 3035
the authority. To be considered an institution of higher 3036

education, an institution shall meet the definition of an eligible 3037
educational institution under section 529 of the Internal Revenue 3038
Code. 3039

(G) "Issuing authority" means any authority, commission, 3040
body, agency, or individual empowered by the Ohio Constitution or 3041
the Revised Code to issue bonds or any other debt obligation of 3042
the state or any agency or department thereof. "Issuer" means the 3043
issuing authority or, if so designated under division (B) of 3044
section 3334.04 of the Revised Code, the treasurer of state. 3045

(H) "Tuition" means the charges imposed to attend an 3046
institution of higher education as an undergraduate, graduate, or 3047
professional student and all fees required as a condition of 3048
enrollment, as determined by the Ohio tuition trust authority. 3049
"Tuition" does not include laboratory fees, room and board, or 3050
other similar fees and charges. 3051

(I) "Weighted average tuition" means the tuition cost 3052
resulting from the following calculation: 3053

(1) Add the products of the annual undergraduate tuition 3054
charged to Ohio residents at each four-year state university 3055
multiplied by that institution's total number of undergraduate 3056
fiscal year equated students; and 3057

(2) Divide the gross total of the products from division 3058
(I)(1) of this section by the total number of undergraduate fiscal 3059
year equated students attending four-year state universities. 3060

When making this calculation, the "annual undergraduate 3061
tuition charged to Ohio residents" shall not incorporate any 3062
tuition reductions that vary in amount among individual recipients 3063
and that are awarded to Ohio residents based upon their particular 3064
circumstances, beyond any minimum amount awarded uniformly to all 3065
Ohio residents. In addition, any tuition reductions awarded 3066
uniformly to all Ohio residents shall be incorporated into this 3067

calculation. 3068

(J) "Zero-coupon bond" means a bond which has a stated 3069
interest rate of zero per cent and on which no interest is payable 3070
until the maturity or early redemption of the bond, and is offered 3071
at a substantial discount from its original stated principal 3072
amount. 3073

(K) "State institution of higher education" includes the 3074
state universities listed in section 3345.011 of the Revised Code, 3075
community colleges created pursuant to Chapter 3354. of the 3076
Revised Code, university branches created pursuant to Chapter 3077
3355. of the Revised Code, technical colleges created pursuant to 3078
Chapter 3357. of the Revised Code, state community colleges 3079
created pursuant to Chapter 3358. of the Revised Code, the medical 3080
~~college~~ university of Ohio at Toledo, and the northeastern Ohio 3081
universities college of medicine. 3082

(L) "Four-year state university" means those state 3083
universities listed in section 3345.011 of the Revised Code. 3084

(M) "Principal amount" refers to the initial offering price 3085
to the public of an obligation, exclusive of the accrued interest, 3086
if any. "Principal amount" does not refer to the aggregate 3087
accrued amount payable at maturity or redemption of an 3088
obligation. 3089

(N) "Scholarship program" means a program registered with the 3090
Ohio tuition trust authority pursuant to section 3334.17 of the 3091
Revised Code. 3092

(O) "Internal Revenue Code" means the "Internal Revenue Code 3093
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 3094

(P) "Other higher education expenses" means room and board 3095
and books, supplies, equipment, and nontuition-related fees 3096
associated with the cost of attendance of a beneficiary at an 3097

institution of higher education, but only to the extent that such 3098
expenses meet the definition of "qualified higher education 3099
expenses" under section 529 of the Internal Revenue Code. "Other 3100
higher education expenses" does not include tuition as defined in 3101
division (H) of this section. 3102

(Q) "Purchaser" means the person signing the tuition payment 3103
contract, who controls the account and acquires tuition credits 3104
for an account under the terms and conditions of the contract. 3105

(R) "Contributor" means a person who signs a variable college 3106
savings program contract with the Ohio tuition trust authority and 3107
contributes to and owns the account created under the contract. 3108

(S) "Contribution" means any payment directly allocated to an 3109
account for the benefit of the designated beneficiary of the 3110
account. 3111

Sec. 3345.04. (A) As used in this section, "felony" has the 3112
same meaning as in section 109.511 of the Revised Code. 3113

(B) Subject to division (C) of this section, the board of 3114
trustees of a state university, the board of trustees of the 3115
medical ~~college~~ university of Ohio at Toledo, the board of 3116
trustees of the northeastern Ohio universities college of 3117
medicine, the board of trustees of a state community college, and 3118
the board of trustees of a technical college or community college 3119
district operating a technical or a community college may 3120
designate one or more employees of the institution, as a state 3121
university law enforcement officer, in accordance with section 3122
109.77 of the Revised Code, and, as state university law 3123
enforcement officers, those employees shall take an oath of 3124
office, wear the badge of office, serve as peace officers for the 3125
college or university, and give bond to the state for the proper 3126
and faithful discharge of their duties in the amount that the 3127

board of trustees requires. 3128

(C)(1) The board of trustees of an institution listed in 3129
division (B) of this section shall not designate an employee of 3130
the institution as a state university law enforcement officer 3131
pursuant to that division on a permanent basis, on a temporary 3132
basis, for a probationary term, or on other than a permanent basis 3133
if the employee previously has been convicted of or has pleaded 3134
guilty to a felony. 3135

(2)(a) The board of trustees shall terminate the employment 3136
as a state university law enforcement officer of an employee 3137
designated as a state university law enforcement officer under 3138
division (B) of this section if that employee does either of the 3139
following: 3140

(i) Pleads guilty to a felony; 3141

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 3142
plea agreement as provided in division (D) of section 2929.43 of 3143
the Revised Code in which the employee agrees to surrender the 3144
certificate awarded to the employee under section 109.77 of the 3145
Revised Code. 3146

(b) The board of trustees shall suspend from employment as a 3147
state university law enforcement officer an employee designated as 3148
a state university law enforcement officer under division (B) of 3149
this section if that employee is convicted, after trial, of a 3150
felony. If the state university law enforcement officer files an 3151
appeal from that conviction and the conviction is upheld by the 3152
highest court to which the appeal is taken or if the state 3153
university law enforcement officer does not file a timely appeal, 3154
the board of trustees shall terminate the employment of that state 3155
university law enforcement officer. If the state university law 3156
enforcement officer files an appeal that results in that officer's 3157
acquittal of the felony or conviction of a misdemeanor, or in the 3158

dismissal of the felony charge against that officer, the board of trustees shall reinstate that state university law enforcement officer. A state university law enforcement officer who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the officer of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a state university law enforcement officer under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

Sec. 3345.12. (A) As used in this section and sections 3345.07 and 3345.11 of the Revised Code, in other sections of the Revised Code that make reference to this section unless the context does not permit, and in related bond proceedings unless otherwise expressly provided:

(1) "State university or college" means each of the state universities identified in section 3345.011 of the Revised Code, the northeastern Ohio universities college of medicine, and the medical college university of Ohio at Toledo, and includes its board of trustees.

(2) "Institution of higher education" or "institution" means a state university or college, or a community college district, technical college district, university branch district, or state community college, and includes the applicable board of trustees or, in the case of a university branch district, any other managing authority.

(3) "Housing and dining facilities" means buildings, 3189
structures, and other improvements, and equipment, real estate, 3190
and interests in real estate therefor, to be used for or in 3191
connection with dormitories or other living quarters and 3192
accommodations, or related dining halls or other food service and 3193
preparation facilities, for students, members of the faculty, 3194
officers, or employees of the institution of higher education, and 3195
their spouses and families. 3196

(4) "Auxiliary facilities" means buildings, structures, and 3197
other improvements, and equipment, real estate, and interests in 3198
real estate therefor, to be used for or in connection with student 3199
activity or student service facilities, housing and dining 3200
facilities, dining halls, and other food service and preparation 3201
facilities, vehicular parking facilities, bookstores, athletic and 3202
recreational facilities, faculty centers, auditoriums, assembly 3203
and exhibition halls, hospitals, infirmaries and other medical and 3204
health facilities, research, and continuing education facilities. 3205

(5) "Education facilities" means buildings, structures, and 3206
other improvements, and equipment, real estate, and interests in 3207
real estate therefor, to be used for or in connection with, 3208
classrooms or other instructional facilities, libraries, 3209
administrative and office facilities, and other facilities, other 3210
than auxiliary facilities, to be used directly or indirectly for 3211
or in connection with the conduct of the institution of higher 3212
education. 3213

(6) "Facilities" means housing and dining facilities, 3214
auxiliary facilities, or education facilities, and includes any 3215
one, part of, or any combination of such facilities, and further 3216
includes site improvements, utilities, machinery, furnishings, and 3217
any separate or connected buildings, structures, improvements, 3218
sites, open space and green space areas, utilities or equipment to 3219
be used in, or in connection with the operation or maintenance of, 3220

or supplementing or otherwise related to the services or 3221
facilities to be provided by, such facilities. 3222

(7) "Obligations" means bonds or notes or other evidences of 3223
obligation, including interest coupons pertaining thereto, 3224
authorized to be issued under this section or section 3345.07, 3225
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 3226
Code. 3227

(8) "Bond service charges" means principal, including any 3228
mandatory sinking fund or redemption requirements for the 3229
retirement of obligations, interest, or interest equivalent and 3230
other accreted amounts, and any call premium required to be paid 3231
on obligations. 3232

(9) "Bond proceedings" means the resolutions, trust 3233
agreement, indenture, and other agreements and credit enhancement 3234
facilities, and amendments and supplements to the foregoing, or 3235
any one or more or combination thereof, authorizing, awarding, or 3236
providing for the terms and conditions applicable to, or providing 3237
for the security or liquidity of, obligations, and the provisions 3238
contained in those obligations. 3239

(10) "Costs of facilities" means the costs of acquiring, 3240
constructing, reconstructing, rehabilitating, remodeling, 3241
renovating, enlarging, improving, equipping, or furnishing 3242
facilities, and the financing thereof, including the cost of 3243
clearance and preparation of the site and of any land to be used 3244
in connection with facilities, the cost of any indemnity and 3245
surety bonds and premiums on insurance, all related direct 3246
administrative expenses and allocable portions of direct costs of 3247
the institution of higher education or state agency, cost of 3248
engineering, architectural services, design, plans, specifications 3249
and surveys, estimates of cost, legal fees, fees and expenses of 3250
trustees, depositories, bond registrars, and paying agents for the 3251

obligations, cost of issuance of the obligations and financing 3252
costs and fees and expenses of financial advisers and consultants 3253
in connection therewith, interest on the obligations from the date 3254
thereof to the time when interest is to be covered by available 3255
receipts or other sources other than proceeds of the obligations, 3256
amounts necessary to establish reserves as required by the bond 3257
proceedings, costs of audits, the reimbursements of all moneys 3258
advanced or applied by or borrowed from the institution or others, 3259
from whatever source provided, including any temporary advances 3260
from state appropriations, for the payment of any item or items of 3261
cost of facilities, and all other expenses necessary or incident 3262
to planning or determining feasibility or practicability with 3263
respect to facilities, and such other expenses as may be necessary 3264
or incident to the acquisition, construction, reconstruction, 3265
rehabilitation, remodeling, renovation, enlargement, improvement, 3266
equipment, and furnishing of facilities, the financing thereof and 3267
the placing of them in use and operation, including any one, part 3268
of, or combination of such classes of costs and expenses. 3269

(11) "Available receipts" means all moneys received by the 3270
institution of higher education, including income, revenues, and 3271
receipts from the operation, ownership, or control of facilities, 3272
grants, gifts, donations, and pledges and receipts therefrom, 3273
receipts from fees and charges, and the proceeds of the sale of 3274
obligations, including proceeds of obligations issued to refund 3275
obligations previously issued, but excluding any special fee, and 3276
receipts therefrom, charged pursuant to division (D) of section 3277
154.21 of the Revised Code. 3278

(12) "Credit enhancement facilities" has the meaning given in 3279
division (H) of section 133.01 of the Revised Code. 3280

(13) "Financing costs" has the meaning given in division (K) 3281
of section 133.01 of the Revised Code. 3282

(14) "Interest" or "interest equivalent" has the meaning 3283
given in division (R) of section 133.01 of the Revised Code. 3284

(B) Obligations issued under section 3345.07 or 3345.11 of 3285
the Revised Code by a state university or college shall be 3286
authorized by resolution of its board of trustees. Obligations 3287
issued by any other institution of higher education shall be 3288
authorized by resolution of its board of trustees, or managing 3289
directors in the case of certain university branch districts, as 3290
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 3291
apply to obligations. Obligations may be issued to pay costs of 3292
facilities even if the institution anticipates the possibility of 3293
a future state appropriation to pay all or a portion of such 3294
costs. 3295

(C) Obligations shall be secured by a pledge of and lien on 3296
all or such part of the available receipts of the institution of 3297
higher education as it provides for in the bond proceedings, 3298
excluding moneys raised by taxation and state appropriations. Such 3299
pledge and lien may be made prior to all other expenses, claims, 3300
or payments, excepting any pledge of such available receipts 3301
previously made to the contrary and except as provided by any 3302
existing restrictions on the use thereof, or such pledge and lien 3303
may be made subordinate to such other expenses, claims, or 3304
payments, as provided in the bond proceedings. Obligations may be 3305
additionally secured by covenants of the institution to make, fix, 3306
adjust, collect, and apply such charges, rates, fees, rentals, and 3307
other items of available receipts as will produce pledged 3308
available receipts sufficient to meet bond service charges, 3309
reserve, and other requirements provided for in the bond 3310
proceedings. Notwithstanding this and any other sections of the 3311
Revised Code, the holders or owners of the obligations shall not 3312
be given the right and shall have no right to have excises or 3313
taxes levied by the general assembly for the payment of bond 3314

service charges thereon, and each such obligation shall bear on 3315
its face a statement to that effect and to the effect that the 3316
right to such payment is limited to the available receipts and 3317
special funds pledged to such purpose under the bond proceedings. 3318

All pledged available receipts and funds and the proceeds of 3319
obligations are trust funds and, subject to the provisions of this 3320
section and the applicable bond proceedings, shall be held, 3321
deposited, invested, reinvested, disbursed, applied, and used to 3322
such extent, in such manner, at such times, and for such purposes, 3323
as are provided in the bond proceedings. 3324

(D) The bond proceedings for obligations shall provide for 3325
the purpose thereof and the principal amount or maximum principal 3326
amount, and provide for or authorize the manner of determining the 3327
principal maturity or maturities, the sale price including any 3328
permitted discount, the interest rate or rates, which may be a 3329
variable rate or rates, or the maximum interest rate, the date of 3330
the obligations and the date or dates of payment of interest 3331
thereon, their denominations, the manner of sale thereof, and the 3332
establishment within or without the state of a place or places of 3333
payment of bond service charges. The bond proceedings also shall 3334
provide for a pledge of and lien on available receipts of the 3335
institution of higher education as provided in division (C) of 3336
this section, and a pledge of and lien on such fund or funds 3337
provided in the bond proceedings arising from available receipts, 3338
which pledges and liens may provide for parity with obligations 3339
theretofore or thereafter issued by the institution. The available 3340
receipts so pledged and thereafter received by the institution and 3341
the funds so pledged are immediately subject to the lien of such 3342
pledge without any physical delivery thereof or further act, and 3343
the lien of any such pledge is valid and binding against all 3344
parties having claims of any kind against the institution, 3345
irrespective of whether such parties have notice thereof, and 3346

shall create a perfected security interest for all purposes of 3347
Chapter 1309. of the Revised Code, without the necessity for 3348
separation or delivery of funds or for the filing or recording of 3349
the bond proceedings by which such pledge is created or any 3350
certificate, statement, or other document with respect thereto; 3351
and the pledge of such available receipts and funds shall be 3352
effective and the money therefrom and thereof may be applied to 3353
the purposes for which pledged without necessity for any act of 3354
appropriation. 3355

(E) The bond proceedings may contain additional provisions 3356
customary or appropriate to the financing or to the obligations or 3357
to particular obligations, including: 3358

(1) The acquisition, construction, reconstruction, equipment, 3359
furnishing, improvement, operation, alteration, enlargement, 3360
maintenance, insurance, and repair of facilities, and the duties 3361
of the institution of higher education with reference thereto; 3362

(2) The terms of the obligations, including provisions for 3363
their redemption prior to maturity at the option of the 3364
institution of higher education at such price or prices and under 3365
such terms and conditions as are provided in the bond proceedings; 3366

(3) Limitations on the purposes to which the proceeds of the 3367
obligations may be applied; 3368

(4) The rates or rentals or other charges for the use of or 3369
right to use the facilities financed by the obligations, or other 3370
properties the revenues or receipts from which are pledged to the 3371
obligations, and rules for assuring use and occupancy thereof, 3372
including limitations upon the right to modify such rates, 3373
rentals, other charges, or regulations; 3374

(5) The use and expenditure of the pledged available receipts 3375
in such manner and to such extent as shall be determined, which 3376
may include provision for the payment of the expenses of 3377

operation, maintenance, and repair of facilities so that such 3378
expenses, or part thereof, shall be paid or provided as a charge 3379
prior or subsequent to the payment of bond service charges and any 3380
other payments required to be made by the bond proceedings; 3381

(6) Limitations on the issuance of additional obligations; 3382

(7) The terms of any trust agreement or indenture securing 3383
the obligations or under which the same may be issued; 3384

(8) The deposit, investment, and application of funds, and 3385
the safeguarding of funds on hand or on deposit without regard to 3386
Chapter 131. or 135. of the Revised Code, and any bank or trust 3387
company or other financial institution that acts as depository of 3388
any moneys under the bond proceedings shall furnish such 3389
indemnifying bonds or pledge such securities as required by the 3390
bond proceedings or otherwise by the institution of higher 3391
education; 3392

(9) The binding effect of any or every provision of the bond 3393
proceedings upon such officer, board, commission, authority, 3394
agency, department, or other person or body as may from time to 3395
time have the authority under law to take such actions as may be 3396
necessary to perform all or any part of the duty required by such 3397
provision; 3398

(10) Any provision that may be made in a trust agreement or 3399
indenture; 3400

(11) Any other or additional agreements with respect to the 3401
facilities of the institution of higher education, their 3402
operation, the available receipts and funds pledged, and insurance 3403
of facilities and of the institution its officers and employees. 3404

(F) Such obligations may have the seal of the institution of 3405
higher education or a facsimile thereof affixed thereto or printed 3406
thereon and shall be executed by such officers as are designated 3407

in the bond proceedings, which execution may be by facsimile 3408
signatures. Any obligations may be executed by an officer who, on 3409
the date of execution, is the proper officer although on the date 3410
of such obligations such person was not the proper officer. In 3411
case any officer whose signature or a facsimile of whose signature 3412
appears on any such obligation ceases to be such officer before 3413
delivery thereof, such signature or facsimile is nevertheless 3414
valid and sufficient for all purposes as if the person had 3415
remained such officer until such delivery; and in case the seal of 3416
the institution has been changed after a facsimile of the seal has 3417
been imprinted on such obligations, such facsimile seal continues 3418
to be sufficient as to such obligations and obligations issued in 3419
substitution or exchange therefor. 3420

(G) All such obligations are negotiable instruments and 3421
securities under Chapter 1308. of the Revised Code, subject to the 3422
provisions of the bond proceedings as to registration. The 3423
obligations may be issued in coupon or in registered form, or 3424
both. Provision may be made for the registration of any 3425
obligations with coupons attached thereto as to principal alone or 3426
as to both principal and interest, their exchange for obligations 3427
so registered, and for the conversion or reconversion into 3428
obligations with coupons attached thereto of any obligations 3429
registered as to both principal and interest, and for reasonable 3430
charges for such registration, exchange, conversion, and 3431
reconversion. 3432

(H) Pending preparation of definitive obligations, the 3433
institution of higher education may issue interim receipts or 3434
certificates which shall be exchanged for such definitive 3435
obligations. 3436

(I) Such obligations may be secured additionally by a trust 3437
agreement or indenture between the institution of higher education 3438
and a corporate trustee, which may be any trust company or bank 3439

having the powers of a trust company within or without this state 3440
but authorized to exercise trust powers within this state. Any 3441
such agreement or indenture may contain the resolution authorizing 3442
the issuance of the obligations, any provisions that may be 3443
contained in the bond proceedings as authorized by this section, 3444
and other provisions which are customary or appropriate in an 3445
agreement or indenture of such type, including: 3446

(1) Maintenance of each pledge, trust agreement, and 3447
indenture, or other instrument comprising part of the bond 3448
proceedings until the institution of higher education has fully 3449
paid the bond service charges on the obligations secured thereby, 3450
or provision therefor has been made; 3451

(2) In the event of default in any payments required to be 3452
made by the bond proceedings, or any other agreement of the 3453
institution of higher education made as a part of the contract 3454
under which the obligations were issued, enforcement of such 3455
payments or agreement by mandamus, the appointment of a receiver, 3456
suit in equity, action at law, or any combination of the 3457
foregoing; 3458

(3) The rights and remedies of the holders of obligations and 3459
of the trustee, and provisions for protecting and enforcing them, 3460
including limitations on rights of individual holders of 3461
obligations; 3462

(4) The replacement of any obligations that become mutilated 3463
or are destroyed, lost, or stolen; 3464

(5) Such other provisions as the trustee and the institution 3465
of higher education agree upon, including limitations, conditions, 3466
or qualifications relating to any of the foregoing. 3467

(J) Each duty of the institution of higher education and its 3468
officers or employees, undertaken pursuant to the bond proceedings 3469
or any related agreement or lease made under authority of law, is 3470

hereby established as a duty of such institution, and of each such officer or employee having authority to perform such duty, specially enjoined by law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the members of the board of trustees or the managing directors of the institution or its officers or employees are not liable in their personal capacities on such obligations, or lease, or other agreement of the institution.

(K) The authority to issue obligations includes authority to:

(1) Issue obligations in the form of bond anticipation notes and to renew them from time to time by the issuance of new notes. Such notes are payable solely from the available receipts and funds that may be pledged to the payment of such bonds, or from the proceeds of such bonds or renewal notes, or both, as the institution of higher education provides in its resolution authorizing such notes. Such notes may be additionally secured by covenants of the institution to the effect that it will do such or all things necessary for the issuance of such bonds or renewal notes in appropriate amount, and either exchange such bonds or renewal notes therefor or apply the proceeds thereof to the extent necessary, to make full payment of the bond service charges on such notes at the time or times contemplated, as provided in such resolution. Subject to the provisions of this division, all references to obligations in this section apply to such anticipation notes.

(2) Issue obligations to refund, including funding and retirement of, obligations previously issued to pay costs of facilities. Such obligations may be issued in amounts sufficient for payment of the principal amount of the obligations to be so refunded, any redemption premiums thereon, principal maturities of any obligations maturing prior to the redemption of any other

obligations on a parity therewith to be so refunded, interest 3503
accrued or to accrue to the maturity date or dates of redemption 3504
of such obligations, and any expenses incurred or to be incurred 3505
in connection with such refunding or the issuance of the 3506
obligations. 3507

(L) Obligations are lawful investments for banks, societies 3508
for savings, savings and loan associations, deposit guarantee 3509
associations, trust companies, trustees, fiduciaries, insurance 3510
companies, including domestic for life and domestic not for life, 3511
trustees or other officers having charge of sinking and bond 3512
retirement or other special funds of political subdivisions and 3513
taxing districts of this state, the commissioners of the sinking 3514
fund, the administrator of workers' compensation in accordance 3515
with the investment policy established by the workers' 3516
compensation oversight commission pursuant to section 4121.12 of 3517
the Revised Code, the state teachers retirement system, the public 3518
employees retirement system, the school employees retirement 3519
system, and the Ohio police and fire pension fund, notwithstanding 3520
any other provisions of the Revised Code or rules adopted pursuant 3521
thereto by any state agency with respect to investments by them, 3522
and are also acceptable as security for the deposit of public 3523
moneys. 3524

(M) All facilities purchased, acquired, constructed, or owned 3525
by an institution of higher education, or financed in whole or in 3526
part by obligations issued by an institution, and used for the 3527
purposes of the institution or other publicly owned and controlled 3528
college or university, is public property used exclusively for a 3529
public purpose, and such property and the income therefrom is 3530
exempt from all taxation and assessment within this state, 3531
including ad valorem and excise taxes. The obligations, the 3532
transfer thereof, and the income therefrom, including any profit 3533
made on the sale thereof, are at all times free from taxation 3534

within the state. The transfer of tangible personal property by
lease under authority of this section or section 3345.07, 3345.11,
3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code is
not a sale as used in Chapter 5739. of the Revised Code.

(N) The authority granted by this section is cumulative with
the authority granted to institutions of higher education under
Chapter 154. of the Revised Code, and nothing in this section
impairs or limits the authority granted by Chapter 154. of the
Revised Code. In any lease, agreement, or commitment made by an
institution of higher education under Chapter 154. of the Revised
Code, it may agree to restrict or subordinate any pledge it may
thereafter make under authority of this section.

(O) Title to lands acquired under this section and sections
3345.07 and 3345.11 of the Revised Code by a state university or
college shall be taken in the name of the state.

(P) Except where costs of facilities are to be paid in whole
or in part from funds appropriated by the general assembly,
section 125.81 of the Revised Code and the requirement for
certification with respect thereto under section 153.04 of the
Revised Code do not apply to such facilities.

(Q) A state university or college may sell or lease lands or
interests in land owned by it or by the state for its use, or
facilities authorized to be acquired or constructed by it under
section 3345.07 or 3345.11 of the Revised Code, to permit the
purchasers or lessees thereof to acquire, construct, equip,
furnish, reconstruct, alter, enlarge, remodel, renovate,
rehabilitate, improve, maintain, repair, or maintain and operate
thereon and to provide by lease or otherwise to such institution,
facilities authorized in section 3345.07 or 3345.11 of the Revised
Code. Such land or interests therein shall be sold for such
appraised value, or leased, and on such terms as the board of

trustees determines. All deeds or other instruments relating to 3566
such sales or leases shall be executed by such officer of the 3567
state university or college as the board of trustees designates. 3568
The state university or college shall hold, invest, or use the 3569
proceeds of such sales or leases for the same purposes for which 3570
proceeds of borrowings may be used under sections 3345.07 and 3571
3345.11 of the Revised Code. 3572

(R) An institution of higher education may pledge available 3573
receipts, to the extent permitted by division (C) of this section 3574
with respect to obligations, to secure the payments to be made by 3575
it under any lease, lease with option to purchase, or 3576
lease-purchase agreement authorized under this section or section 3577
3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the 3578
Revised Code. 3579

Sec. 3345.17. All property, personal, real, or mixed of the 3580
boards of trustees and of the housing commissions of the state 3581
universities, the medical ~~college~~ university of Ohio at Toledo, 3582
the northeastern Ohio universities college of medicine, and of the 3583
state held for the use and benefit of any such institution, which 3584
is used for the support of such institution, is exempt from 3585
taxation so long as such property is used for the support of such 3586
university or college. 3587

Sec. 3345.31. The boards of trustees of a state university, 3588
the board of trustees of the medical ~~college~~ university of Ohio at 3589
Toledo, the board of trustees of the northeastern Ohio 3590
universities college of medicine, the board of trustees of a 3591
technical college or community college district, and the board of 3592
control of the Ohio agricultural research and development center 3593
may establish compensation plans, including schedules of hourly 3594
rates, for the compensation of all employees and may establish 3595

rules or policies for the administration of their respective 3596
compensation plans. 3597

The provisions of this section do not apply to employees for 3598
whom the state employment relations board establishes appropriate 3599
bargaining units pursuant to section 4117.06 of the Revised Code. 3600

Sec. 3345.32. (A) As used in this section: 3601

(1) "State university or college" means the institutions 3602
described in section 3345.27 of the Revised Code, the northeastern 3603
Ohio universities college of medicine, and the medical college 3604
university of Ohio at Toledo. 3605

(2) "Resident" has the meaning specified by rule of the Ohio 3606
board of regents. 3607

(3) "Statement of selective service status" means a statement 3608
certifying one of the following: 3609

(a) That the individual filing the statement has registered 3610
with the selective service system in accordance with the "Military 3611
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 3612
amended; 3613

(b) That the individual filing the statement is not required 3614
to register with the selective service for one of the following 3615
reasons: 3616

(i) The individual is under eighteen or over twenty-six years 3617
of age; 3618

(ii) The individual is on active duty with the armed forces 3619
of the United States other than for training in a reserve or 3620
national guard unit; 3621

(iii) The individual is a nonimmigrant alien lawfully in the 3622
United States in accordance with section 101 (a)(15) of the 3623
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended; 3624

(iv) The individual is not a citizen of the United States and 3625
is a permanent resident of the Trust Territory of the Pacific 3626
Islands or the Northern Mariana Islands. 3627

(4) "Institution of higher education" means any eligible 3628
institution approved by the United States department of education 3629
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 3630
amended, or any institution whose students are eligible for 3631
financial assistance under any of the programs described by 3632
division (E) of this section. 3633

(B) The Ohio board of regents shall, by rule, specify the 3634
form of statements of selective service status to be filed in 3635
compliance with divisions (C) to (F) of this section. Each 3636
statement of selective service status shall contain a section 3637
wherein a male student born after December 31, 1959, certifies 3638
that the student has registered with the selective service system 3639
in accordance with the "Military Selective Service Act," 62 Stat. 3640
604, 50 U.S.C. App. 453, as amended. For those students not 3641
required to register with the selective service, as specified in 3642
divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 3643
provided on the statement of selective service status for the 3644
certification of nonregistration and for an explanation of the 3645
reason for the exemption. The board of regents may require that 3646
such statements be accompanied by documentation specified by rule 3647
of the board. 3648

(C) A state university or college that enrolls in any course, 3649
class, or program a male student born after December 31, 1959, who 3650
has not filed a statement of selective service status with the 3651
university or college shall, regardless of the student's 3652
residency, charge the student any tuition surcharge charged 3653
students who are not residents of this state. 3654

(D) No male born after December 31, 1959, shall be eligible 3655

to receive any loan, grant, scholarship, or other financial 3656
assistance for educational expenses under section 3315.33, 3657
3333.12, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 5910.032, or 3658
5919.34 of the Revised Code unless that person has filed a 3659
statement of selective service status with that person's 3660
institution of higher education. 3661

(E) If an institution of higher education receives a 3662
statement from an individual certifying that the individual has 3663
registered with the selective service system in accordance with 3664
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 3665
453, as amended or that the individual is exempt from registration 3666
for a reason other than that the individual is under eighteen 3667
years of age, the institution shall not require the individual to 3668
file any further statements. If it receives a statement certifying 3669
that the individual is not required to register because the 3670
individual is under eighteen years of age, the institution shall 3671
require the individual to file a new statement of selective 3672
service status each time the individual seeks to enroll for a new 3673
academic term or makes application for a new loan or loan 3674
guarantee or for any form of financial assistance for educational 3675
expenses, until it receives a statement certifying that the 3676
individual has registered with the selective service system or is 3677
exempt from registration for a reason other than that the 3678
individual is under eighteen years of age. 3679

Sec. 3345.50. Notwithstanding anything to the contrary in 3680
sections 123.01 and 123.15 of the Revised Code, a state 3681
university, the medical ~~college~~ university of Ohio at Toledo, a 3682
state community college, or the northeastern Ohio universities 3683
college of medicine not certified pursuant to section 123.17 of 3684
the Revised Code may administer any capital facilities project for 3685
the construction, reconstruction, improvement, renovation, 3686

enlargement, or alteration of a public improvement under its 3687
jurisdiction for which the total amount of funds expected to be 3688
appropriated by the general assembly does not exceed four million 3689
dollars without the supervision, control, or approval of the 3690
department of administrative services as specified in those 3691
sections, if both of the following occur: 3692

(A) Within sixty days after the effective date of the section 3693
of an act in which the general assembly initially makes an 3694
appropriation for the project, the board of trustees of the 3695
institution notifies the Ohio board of regents in writing of its 3696
intent to administer the capital facilities project; 3697

(B) The board of trustees complies with the guidelines 3698
established pursuant to section 153.16 of the Revised Code and all 3699
laws that govern the selection of consultants, preparation and 3700
approval of contract documents, receipt of bids, and award of 3701
contracts with respect to the project. 3702

The board of regents shall adopt rules in accordance with 3703
Chapter 119. of the Revised Code that establish criteria for the 3704
administration by any such institution of higher education of a 3705
capital facilities project for which the total amount of funds 3706
expected to be appropriated by the general assembly exceeds four 3707
million dollars. The criteria, to be developed with the department 3708
of administrative services and higher education representatives 3709
selected by the board of regents, shall include such matters as 3710
the adequacy of the staffing levels and expertise needed for the 3711
institution to administer the project, past performance of the 3712
institution in administering such projects, and the amount of 3713
institutional or other nonstate money to be used in financing the 3714
project. The board of regents and the department of administrative 3715
services shall approve the request of any such institution of 3716
higher education that seeks to administer any such capital 3717
facilities project and meets the criteria set forth in the rules 3718

and in the requirements of division (B) of this section.

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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 university 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:

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

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(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 request to administer the capital facilities project and the board of regents approves that request pursuant to division (B) of this section;

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

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(B) The board of regents shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the administration by any such institution of higher education of a

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capital facilities project for which the general assembly 3749
appropriates funds. The criteria, to be developed with the 3750
department of administrative services and higher education 3751
representatives selected by the board of regents, shall include 3752
such matters as the adequacy of the staffing levels and expertise 3753
needed for the institution to administer the project, past 3754
performance of the institution in administering such projects, and 3755
the amount of institutional or other nonstate money to be used in 3756
financing the project. The board of regents shall approve the 3757
request of any such institution of higher education that seeks to 3758
administer any such capital facilities project and meets the 3759
criteria set forth in the rules and the requirements of division 3760
(A) of this section. 3761

(C) Any institution that administers a capital facilities 3762
project under this section shall conduct biennial audits for the 3763
duration of the project to ensure that the institution is 3764
complying with Chapters 9., 123., and 153. of the Revised Code and 3765
that the institution is using its certification issued under 3766
section 123.17 of the Revised Code appropriately. The board of 3767
regents, in consultation with higher education representatives 3768
selected by the board, shall adopt rules in accordance with 3769
Chapter 119. of the Revised Code that establish criteria for the 3770
conduct of the audits. The criteria shall include documentation 3771
necessary to determine compliance with Chapters 9., 123., and 153. 3772
of the Revised Code and a method to determine whether an 3773
institution is using its certification issued under section 123.17 3774
of the Revised Code appropriately. 3775

(D) The board of regents, in consultation with higher 3776
education representatives selected by the board, shall adopt rules 3777
in accordance with Chapter 119. of the Revised Code establishing 3778
criteria for monitoring capital facilities projects administered 3779
by institutions under this section. The criteria shall include the 3780

<u>following:</u>	3781
<u>(1) Conditions under which the board of regents may revoke</u>	3782
<u>the authority of an institution to administer a capital facilities</u>	3783
<u>project under this section, including the failure of an</u>	3784
<u>institution to maintain a sufficient number of employees who have</u>	3785
<u>successfully completed the certification program under section</u>	3786
<u>123.17 of the Revised Code;</u>	3787
<u>(2) A process for institutions to remedy any problems found</u>	3788
<u>by an audit conducted pursuant to division (C) of this section,</u>	3789
<u>including the improper use of state funds or violations of Chapter</u>	3790
<u>9., 123., or 153. of the Revised Code.</u>	3791
<u>(E) If the board of regents revokes an institution's</u>	3792
<u>authority to administer a capital facilities project, the</u>	3793
<u>department of administrative services shall administer the capital</u>	3794
<u>facilities project. The board of regents also may require an</u>	3795
<u>institution, for which the board revoked authority to administer a</u>	3796
<u>capital facilities project, to acquire a new local administration</u>	3797
<u>competency certification pursuant to section 123.17 of the Revised</u>	3798
<u>Code.</u>	3799
Sec. 3345.71. As used in sections 3345.72 to 3345.77 of the	3800
Revised Code:	3801
(A) "State university or college" means any state university	3802
listed in section 3345.011 of the Revised Code, the northeastern	3803
Ohio universities college of medicine, the medical college	3804
<u>university</u> of Ohio at Toledo, any community college under Chapter	3805
3354. of the Revised Code, any technical college under Chapter	3806
3357. of the Revised Code, and any state community college under	3807
Chapter 3358. of the Revised Code.	3808
(B) "Fiscal watch" means the existence of a fiscal watch	3809
declared under section 3345.72 of the Revised Code.	3810

Sec. 3350.01. There is hereby created the medical ~~college~~ 3811
university of Ohio at Toledo. The government of the medical 3812
~~college~~ university of Ohio at Toledo is vested in a board of nine 3813
trustees, who shall be appointed by the governor, with the advice 3814
and consent of the senate. Upon December 18, 1964, nine trustees 3815
shall be appointed immediately, one for a term ending May 1, 1965, 3816
one for a term ending May 1, 1966, one for a term ending May 1, 3817
1967, one for a term ending May 1, 1968, one for a term ending May 3818
1, 1969, one for a term ending May 1, 1970, one for a term ending 3819
May 1, 1971, one for a term ending May 1, 1972, and one for a term 3820
ending May 1, 1973. Thereafter, terms of office shall be for nine 3821
years, commencing on the second day of May and ending on the first 3822
day of May. Each trustee shall hold office from the date of 3823
appointment until the end of the term for which the trustee was 3824
appointed. Any trustee appointed to fill a vacancy occurring prior 3825
to the expiration of the term for which the trustee's predecessor 3826
was appointed shall hold office for the remainder of such term. 3827
Any trustee shall continue in office subsequent to the expiration 3828
date of the trustee's term until the trustee's successor takes 3829
office, or until a period of sixty days has elapsed, whichever 3830
occurs first. No person who has served a full nine-year term or 3831
more than six years of such a term shall be eligible to 3832
reappointment until a period of four years has elapsed since the 3833
last day of the term for which the person previously served. The 3834
trustees shall receive no compensation for their services but 3835
shall be paid their reasonable necessary expenses while engaged in 3836
the discharge of their official duties. A majority of the board 3837
constitutes a quorum. 3838

Sec. 3350.02. The board of trustees of the medical ~~college~~ 3839
university of Ohio at Toledo shall annually elect from its members 3840
a ~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson; and 3841

they may also appoint a secretary of the board, a treasurer, and 3842
such other officers of the ~~college~~ university as the interest of 3843
the ~~college~~ university requires, who may be members of the board. 3844
The treasurer, before entering upon the discharge of ~~his~~ the 3845
officer duties of treasurer, shall give bond to the state for the 3846
faithful performance of ~~his~~ the official duties of treasurer and 3847
the proper accounting for all moneys coming into ~~his~~ the 3848
treasurer's care. The amount of said bond shall be determined by 3849
the board, but shall not be for a sum less than the estimated 3850
amount which may come into ~~his~~ the treasurer's control at any 3851
time. Said bond shall be approved by the attorney general. 3852

Sec. 3350.03. The board of trustees of the medical ~~college~~ 3853
university of Ohio at Toledo shall employ, fix the compensation 3854
of, and remove the president and such numbers of professors, 3855
teachers, and other employees as may be deemed necessary. The 3856
board shall do all things necessary for the creation, proper 3857
maintenance, and successful and continuous operation of the 3858
~~college~~ university. The board may accept donations of lands and 3859
moneys for the purposes of such ~~college~~ university. 3860

The board may cooperate with the boards of trustees of 3861
Bowling Green state university and the university of Toledo for 3862
the use of faculty, facilities, and programs. 3863

Sec. 3350.04. The board of trustees of the medical ~~college~~ 3864
university of Ohio at Toledo may receive and hold in trust, for 3865
the use and benefit of the ~~college~~ university, any grant or devise 3866
of land, and any donation or bequest of money or other personal 3867
property, to be applied to the general or special use of the 3868
~~college~~ university, unless otherwise directed in the donation or 3869
bequest. The board of trustees of the medical ~~college~~ university 3870
of Ohio at Toledo may make and enter into all contracts and 3871
agreements necessary or incidental to the operation of such 3872

<u>college university</u> .	3873
Title to any property taken in the name of the Toledo state	3874
college of medicine shall be deemed to have been taken in the name	3875
of the medical <u>college university</u> of Ohio.	3876
Sec. 3350.05. The general assembly shall support the medical	3877
<u>college university</u> of Ohio at Toledo by such sums and in such	3878
manner as it may provide, except that no state funds shall be	3879
provided under this section unless such <u>college university</u> meets	3880
the requirements of section 3333.11 of the Revised Code. Support	3881
may also come from other sources.	3882
Sec. 3383.01. As used in this chapter:	3883
(A) "Culture" means any of the following:	3884
(1) Visual, musical, dramatic, graphic, design, and other	3885
arts, including, but not limited to, architecture, dance,	3886
literature, motion pictures, music, painting, photography,	3887
sculpture, and theater, and the provision of training or education	3888
in these arts;	3889
(2) The presentation or making available, in museums or other	3890
indoor or outdoor facilities, of principles of science and their	3891
development, use, or application in business, industry, or	3892
commerce or of the history, heritage, development, presentation,	3893
and uses of the arts described in division (A)(1) of this section	3894
and of transportation;	3895
(3) The preservation, presentation, or making available of	3896
features of archaeological, architectural, environmental, or	3897
historical interest or significance in a state historical facility	3898
or a local historical facility.	3899
(B) "Cultural organization" means either of the following:	3900
(1) A governmental agency or Ohio nonprofit corporation that	3901

provides programs or activities in areas directly concerned with	3902
culture;	3903
(2) A regional arts and cultural district as defined in	3904
section 3381.01 of the Revised Code.	3905
(C) "Cultural project" means all or any portion of an Ohio	3906
cultural facility for which the general assembly has specifically	3907
authorized the spending of money, or made an appropriation,	3908
pursuant to division (D)(3) or (E) of section 3383.07 of the	3909
Revised Code.	3910
(D) "Cooperative contract" means a contract between the Ohio	3911
cultural facilities commission and a cultural organization	3912
providing the terms and conditions of the cooperative use of an	3913
Ohio cultural facility.	3914
(E) "Costs of operation" means amounts required to manage an	3915
Ohio cultural facility that are incurred following the completion	3916
of construction of its cultural project, provided that both of the	3917
following apply:	3918
(1) Those amounts either:	3919
(a) Have been committed to a fund dedicated to that purpose;	3920
(b) Equal the principal of any endowment fund, the income	3921
from which is dedicated to that purpose.	3922
(2) The commission and the cultural organization have	3923
executed an agreement with respect to either of those funds.	3924
(F) "General building services" means general building	3925
services for an Ohio cultural facility or an Ohio sports facility,	3926
including, but not limited to, general custodial care, security,	3927
maintenance, repair, painting, decoration, cleaning, utilities,	3928
fire safety, grounds and site maintenance and upkeep, and	3929
plumbing.	3930
(G) "Governmental agency" means a state agency, a	3931

state-supported or state-assisted institution of higher education, 3932
a municipal corporation, county, township, or school district, a 3933
port authority created under Chapter 4582. of the Revised Code, 3934
any other political subdivision or special district in this state 3935
established by or pursuant to law, or any combination of these 3936
entities; except where otherwise indicated, the United States or 3937
any department, division, or agency of the United States, or any 3938
agency, commission, or authority established pursuant to an 3939
interstate compact or agreement. 3940

(H) "Local contributions" means the value of an asset 3941
provided by or on behalf of a cultural organization from sources 3942
other than the state, the value and nature of which shall be 3943
approved by the Ohio cultural facilities commission, in its sole 3944
discretion. "Local contributions" may include the value of the 3945
site where a cultural project is to be constructed. All "local 3946
contributions," except a contribution attributable to such a site, 3947
shall be for the costs of construction of a cultural project or 3948
the creation or expansion of an endowment for the costs of 3949
operation of a cultural facility. 3950

(I) "Local historical facility" means a site or facility, 3951
other than a state historical facility, of archaeological, 3952
architectural, environmental, or historical interest or 3953
significance, or a facility, including a storage facility, 3954
appurtenant to the operations of such a site or facility, that is 3955
owned by a cultural organization, provided the facility meets the 3956
requirements of division (K)(2)(b) of this section, is managed by 3957
or pursuant to a contract with the Ohio cultural facilities 3958
commission, and is used for or in connection with the activities 3959
of the commission, including the presentation or making available 3960
of culture to the public. 3961

(J) "Manage," "operate," or "management" means the provision 3962
of, or the exercise of control over the provision of, activities: 3963

(1) Relating to culture for an Ohio cultural facility, 3964
including as applicable, but not limited to, providing for 3965
displays, exhibitions, specimens, and models; booking of artists, 3966
performances, or presentations; scheduling; and hiring or 3967
contracting for directors, curators, technical and scientific 3968
staff, ushers, stage managers, and others directly related to the 3969
cultural activities in the facility; but not including general 3970
building services; 3971

(2) Relating to sports and athletic events for an Ohio sports 3972
facility, including as applicable, but not limited to, providing 3973
for booking of athletes, teams, and events; scheduling; and hiring 3974
or contracting for staff, ushers, managers, and others directly 3975
related to the sports and athletic events in the facility; but not 3976
including general building services. 3977

(K) "Ohio cultural facility" means any of the following: 3978

(1) The theaters located in the state office tower at 77 3979
South High street in Columbus; 3980

(2) Any capital facility in this state to which both of the 3981
following apply: 3982

(a) The construction of a cultural project related to the 3983
facility was authorized or funded by the general assembly pursuant 3984
to division (D)(3) of section 3383.07 of the Revised Code and 3985
proceeds of state bonds are used for costs of the cultural 3986
project. 3987

(b) The facility is managed directly by, or is subject to a 3988
cooperative or management contract with, the Ohio cultural 3989
facilities commission, and is used for or in connection with the 3990
activities of the commission, including the presentation or making 3991
available of culture to the public and the provision of training 3992
or education in culture. 3993

(3) A state historical facility or a local historical facility. 3994
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(L) "State agency" means the state or any of its branches, 3996
officers, boards, commissions, authorities, departments, 3997
divisions, or other units or agencies. 3998

(M) "Construction" includes acquisition, including 3999
acquisition by lease-purchase, demolition, reconstruction, 4000
alteration, renovation, remodeling, enlargement, improvement, site 4001
improvements, and related equipping and furnishing. 4002

(N) "State historical facility" means a site or facility of 4003
~~archaeological, architectural, environmental, or historical~~ 4004
~~interest or significance, or a facility, including a storage~~ 4005
~~facility, appurtenant to the operations of such a site or~~ 4006
~~facility, that is owned by or is located on real property owned by~~ 4007
~~the state or by a cultural organization, so long as the real~~ 4008
~~property of the cultural organization is contiguous to state owned~~ 4009
~~real property that is in the care, custody, and control of a~~ 4010
~~cultural organization, and that has all of the following~~ 4011
characteristics: 4012

(1) It is created, supervised, operated, protected, 4013
maintained, and promoted by the Ohio historical society pursuant 4014
to the society's performance of public functions under sections 4015
149.30 and 149.302 of the Revised Code. 4016

(2) Its title must reside wholly or in part with the state, 4017
the society, or both the state and the society. 4018

(3) It is managed directly by or is subject to a cooperative 4019
or management contract with the Ohio cultural facilities 4020
commission and is used for or in connection with the activities of 4021
the commission, including the presentation or making available of 4022
culture to the public. 4023

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

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

Sec. 3383.02. (A) There is hereby created the Ohio cultural facilities commission. ~~Notwithstanding any provision to the contrary contained in Chapter 152. of the Revised Code, the~~ The commission shall engage in and provide for the development, performance, and presentation or making available of culture and professional sports and athletics to the public in this state, and the provision of training or education in culture, by the exercise of its powers under this chapter, including the provision, operation, management, and cooperative use of Ohio cultural facilities and Ohio sports facilities. The commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental

functions of this state. The carrying out of the purposes and the 4055
exercise by the commission of its powers conferred by this chapter 4056
are essential public functions and public purposes of the state 4057
and of state government. The commission may, in its own name, sue 4058
and be sued, enter into contracts, and perform all the powers and 4059
duties given to it by this chapter; however, it does not have and 4060
shall not exercise the power of eminent domain. 4061

(B) The commission shall consist of ten members, seven of 4062
whom shall be voting members and three of whom shall be nonvoting 4063
members. The seven voting members shall be appointed by the 4064
governor, with the advice and consent of the senate, from 4065
different geographical regions of the state. In addition, one of 4066
the voting members shall represent the state architect. Not more 4067
than four of the members appointed by the governor shall be 4068
affiliated with the same political party. The nonvoting members 4069
shall be the staff director of the Ohio arts council, a member of 4070
the senate appointed by the president of the senate, and a member 4071
of the house of representatives appointed by the speaker of the 4072
house. 4073

(C) Of the five initial appointments made by the governor, 4074
one shall be for a term expiring December 31, 1989, two shall be 4075
for terms expiring December 31, 1990, and two shall be for terms 4076
expiring December 31, 1991. Of the initial appointments of the 4077
sixth and seventh voting members made by the governor, one shall 4078
be for a term expiring December 31, 2003, and one shall be for a 4079
term expiring December 31, 2004. Thereafter, each such term shall 4080
be for three years, commencing on the first day of January and 4081
ending on the thirty-first day of December. Each appointment by 4082
the president of the senate and by the speaker of the house of 4083
representatives shall be for the balance of the then legislative 4084
biennium. Each member shall hold office from the date of the 4085
member's appointment until the end of the term for which the 4086

member was appointed. Any member appointed to fill a vacancy 4087
occurring prior to the expiration of the term for which the 4088
member's predecessor was appointed shall hold office for the 4089
remainder of such term. Any member shall continue in office 4090
subsequent to the expiration date of the member's term until the 4091
member's successor takes office, or until a period of sixty days 4092
has elapsed, whichever occurs first. 4093

(D) Members of the commission shall serve without 4094
compensation. 4095

(E) Organizational meetings of the commission shall be held 4096
at the first meeting of each calendar year. At each organizational 4097
meeting, the commission shall elect from among its voting members 4098
a chairperson, a vice-chairperson, and a secretary-treasurer, who 4099
shall serve until the next annual meeting. The commission shall 4100
adopt rules pursuant to section 111.15 of the Revised Code for the 4101
conduct of its internal business and shall keep a journal of its 4102
proceedings. 4103

(F) Four voting members of the commission constitute a 4104
quorum, and the affirmative vote of four members is necessary for 4105
approval of any action taken by the commission. A vacancy in the 4106
membership of the commission does not impair a quorum from 4107
exercising all the rights and performing all the duties of the 4108
commission. Meetings of the commission may be held anywhere in the 4109
state, and shall be held in compliance with section 121.22 of the 4110
Revised Code. 4111

(G) All expenses incurred in carrying out this chapter are 4112
payable solely from money accrued under this chapter or 4113
appropriated for these purposes by the general assembly, and the 4114
commission shall incur no liability or obligation beyond such 4115
money. 4116

(H) The commission shall file an annual report of its 4117

activities and finances with the governor, director of budget and 4118
management, speaker of the house of representatives, president of 4119
the senate, and chairpersons of the house and senate finance 4120
committees. 4121

(I) There is hereby established in the state treasury the 4122
Ohio cultural facilities commission administration fund. All 4123
revenues of the commission shall be credited to that fund and to 4124
any accounts created in the fund with the commission's approval. 4125
All expenses of the commission, including reimbursement of, or 4126
payment to, any other fund or any governmental agency for advances 4127
made or services rendered to or on behalf of the commission, shall 4128
be paid from the Ohio cultural facilities commission 4129
administration fund as determined by or pursuant to directions of 4130
the commission. All investment earnings of the administration fund 4131
shall be credited to the fund and shall be allocated among any 4132
accounts created in the fund in the manner determined by the 4133
commission. 4134

(J) Title to all real property and lesser interests in real 4135
property acquired by the commission, including leasehold and other 4136
interests, pursuant to this chapter shall be taken in the name of 4137
the state and shall be held for the use and benefit of the 4138
commission. The commission shall not mortgage such real property 4139
and interests in real property. Title to other property and 4140
interests in it acquired by the commission pursuant to this 4141
chapter shall be taken in its name. 4142

Sec. 3383.07. (A) The department of administrative services 4143
shall provide for the construction of a cultural project in 4144
conformity with Chapter 153. of the Revised Code, except as 4145
follows: 4146

(1) ~~For a cultural project that has an estimated construction 4147
cost, excluding the cost of acquisition, of twenty five million 4148~~

~~dollars or more, and that is financed by the Ohio building authority, construction services may be provided by the authority if the authority determines it should provide those services.~~

(2) For a cultural project other than a state historical facility, construction services may be provided on behalf of the state by the Ohio cultural facilities commission, or by a governmental agency or a cultural organization that occupies, will occupy, or is responsible for the Ohio cultural facility, as determined by the commission. Construction services to be provided by a governmental agency or a cultural organization shall be specified in an agreement between the commission and the governmental agency or cultural organization. The agreement, or any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.081 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

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

(B) For an Ohio sports facility that is financed in part by the Ohio building authority obligations issued pursuant to Chapter 154. of the Revised Code, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility, all as determined by the Ohio cultural facilities commission. Any construction services to be

provided by a governmental agency or nonprofit corporation shall 4181
be specified in an agreement between the commission and the 4182
governmental agency or nonprofit corporation. That agreement, and 4183
any actions taken under it, are not subject to Chapter 123. or 4184
153. of the Revised Code, except for sections 123.081 and 153.011 4185
of the Revised Code, and shall be subject to Chapter 4115. of the 4186
Revised Code. 4187

(C) General building services for an Ohio cultural facility 4188
shall be provided by the Ohio cultural facilities commission or by 4189
a cultural organization that occupies, will occupy, or is 4190
responsible for the facility, as determined by the commission, 4191
except that the Ohio building authority may elect to provide those 4192
services for Ohio cultural facilities financed with proceeds of 4193
state bonds issued by the authority. The costs of management and 4194
general building services shall be paid by the cultural 4195
organization that occupies, will occupy, or is responsible for the 4196
facility as provided in an agreement between the commission and 4197
the cultural organization, except that the state may pay for 4198
general building services for state-owned cultural facilities 4199
constructed on state-owned land. 4200

General building services for an Ohio sports facility shall 4201
be provided by or at the direction of the governmental agency or 4202
nonprofit corporation that will be responsible for the management 4203
of the facility, all as determined by the commission. Any general 4204
building services to be provided by a governmental agency or 4205
nonprofit corporation for an Ohio sports facility shall be 4206
specified in an agreement between the commission and the 4207
governmental agency or nonprofit corporation. That agreement, and 4208
any actions taken under it, are not subject to Chapter 123. or 4209
153. of the Revised Code, except for sections 123.081 and 153.011 4210
of the Revised Code, and shall be subject to Chapter 4115. of the 4211
Revised Code. 4212

(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 the facility is proposed.

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

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

(E) No state funds, including any state bond proceeds, shall be spent on the construction of any state historical facility under this chapter unless the general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the state historical project related to the facility, or for rental payments relating to the financing of the

construction of the state historical project. Authorization to 4244
spend money, or an appropriation, for planning the state 4245
historical project does not constitute authorization to spend 4246
money on, or an appropriation for, the construction of the state 4247
historical project. 4248

(F) State funds shall not be used to pay or reimburse more 4249
than fifteen per cent of the initial estimated construction cost 4250
of an Ohio sports facility, excluding any site acquisition cost, 4251
and no state funds, including any state bond proceeds, shall be 4252
spent on any Ohio sports facility under this chapter unless, with 4253
respect to that facility, all of the following apply: 4254

(1) The Ohio cultural facilities commission has determined 4255
that there is a need for the facility in the region of the state 4256
for which the facility is proposed to provide the function of an 4257
Ohio sports facility as provided for in this chapter. 4258

(2) As an indication of substantial local support for the 4259
facility, the commission has received a financial and development 4260
plan satisfactory to it, and provision has been made, by agreement 4261
or otherwise, satisfactory to the commission, for a contribution 4262
amounting to not less than eighty-five per cent of the total 4263
estimated construction cost of the facility, excluding any site 4264
acquisition cost, from sources other than the state. 4265

(3) The general assembly has specifically authorized the 4266
spending of money on, or made an appropriation for, the 4267
construction of the facility, or for rental payments relating to 4268
state financing of all or a portion of the costs of constructing 4269
the facility. Authorization to spend money, or an appropriation, 4270
for planning or determining the feasibility of or need for the 4271
facility does not constitute authorization to spend money on, or 4272
an appropriation for, costs of constructing the facility. 4273

(4) If state bond proceeds are being used for the Ohio sports 4274

facility, the state or a governmental agency owns or has 4275
sufficient property interests in the facility or in the site of 4276
the facility or in the portion or portions of the facility 4277
financed from proceeds of state bonds, which may include, but is 4278
not limited to, the right to use or to require the use of the 4279
facility for the presentation of sport and athletic events to the 4280
public at the facility. 4281

(G) In addition to the requirements of division (F) of this 4282
section, no state funds, including any state bond proceeds, shall 4283
be spent on any Ohio sports facility that is a motorsports 4284
complex, unless, with respect to that facility, both of the 4285
following apply: 4286

(1) Motorsports events shall be presented at the facility 4287
pursuant to a lease entered into with the owner of the facility. 4288
The term of the lease shall be for a period of not less than the 4289
greater of the useful life of the portion of the facility financed 4290
from proceeds of state bonds as determined using the guidelines 4291
for maximum maturities as provided under divisions (B) and (C) of 4292
section 133.20 of the Revised Code, or the period of time 4293
remaining to the date of payment or provision for payment of 4294
outstanding state bonds allocable to costs of the facility, all as 4295
determined by the director of budget and management and certified 4296
by the director to the Ohio cultural facilities commission and to 4297
the ~~Ohio building authority~~ treasurer of state. 4298

(2) Any motorsports organization that commits to using the 4299
facility for an established period of time shall give the 4300
political subdivision in which the facility is located not less 4301
than six months' advance notice if the organization intends to 4302
cease utilizing the facility prior to the expiration of that 4303
established period. Such a motorsports organization shall be 4304
liable to the state for any state funds used on the construction 4305
costs of the facility. 4306

Sec. 3770.073. (A) If a person is entitled to a lottery prize award and is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, certified claim under section 131.02 or 131.021 of the Revised Code, or charge, penalty, or interest arising from these debts and the amount of the prize money or the cost of goods or services awarded as a lottery prize award is five thousand dollars or more, the director of the state lottery commission, or the director's designee, shall do either of the following:

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

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

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

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

Sec. 5537.01. As used in this chapter:

(A) "Commission" means the Ohio turnpike commission created

by section 5537.02 of the Revised Code or, if that commission is
abolished, the board, body, officer, or commission succeeding to
the principal functions thereof or to which the powers given by
this chapter to the commission are given by law.

(B) "Project" or "turnpike project" means any express or
limited access highway, super highway, or motorway constructed,
operated, or improved, under the jurisdiction of the commission
and pursuant to this chapter, at a location or locations reviewed
by the turnpike oversight committee and approved by the governor,
including all bridges, tunnels, overpasses, underpasses,
interchanges, entrance plazas, approaches, those portions of
connecting public roads that serve interchanges and are determined
by the commission and the director of transportation to be
necessary for the safe merging of traffic between the turnpike
project and those public roads, toll booths, service facilities,
and administration, storage, and other buildings, property, and
facilities that the commission considers necessary for the
operation or policing of the project, together with all property
and rights which may be acquired by the commission for the
construction, maintenance, or operation of the project, and
includes any sections or extensions of a turnpike project
designated by the commission as such for the particular purpose.
Each turnpike project shall be separately designated, by name or
number, and may be constructed, improved, or extended in such
sections as the commission may from time to time determine.
Construction includes the improvement and renovation of a
previously constructed project, including additional interchanges,
whether or not the project was initially constructed by the
commission.

(C) "Cost," as applied to construction of a turnpike project,
includes the cost of construction, including bridges over or under
existing highways and railroads, acquisition of all property

acquired by the commission for the construction, demolishing or 4369
removing any buildings or structures on land so acquired, 4370
including the cost of acquiring any lands to which the buildings 4371
or structures may be moved, site clearance, improvement, and 4372
preparation, diverting public roads, interchanges with public 4373
roads, access roads to private property, including the cost of 4374
land or easements therefor, all machinery, furnishings, and 4375
equipment, communications facilities, financing expenses, interest 4376
prior to and during construction and for one year after completion 4377
of construction, traffic estimates, indemnity and surety bonds and 4378
premiums on insurance, title work and title commitments, 4379
insurance, and guarantees, engineering, feasibility studies, and 4380
legal expenses, plans, specifications, surveys, estimates of cost 4381
and revenues, other expenses necessary or incident to determining 4382
the feasibility or practicability of constructing or operating a 4383
project, administrative expenses, and any other expense that may 4384
be necessary or incident to the construction of the project, the 4385
financing of the construction, and the placing of the project in 4386
operation. Any obligation or expense incurred by the department of 4387
transportation with the approval of the commission for surveys, 4388
borings, preparation of plans and specifications, and other 4389
engineering services in connection with the construction of a 4390
project, or by the federal government with the approval of the 4391
commission for any public road projects which must be reimbursed 4392
as a condition to the exercise of any of the powers of the 4393
commission under this chapter, shall be regarded as a part of the 4394
cost of the project and shall be reimbursed to the state or the 4395
federal government, as the case may be, from revenues, state 4396
taxes, or the proceeds of bonds as authorized by this chapter. 4397

(D) "Owner" includes all persons having any title or interest 4398
in any property authorized to be acquired by the commission under 4399
this chapter. 4400

(E) "Revenues" means all tolls, service revenues, investment 4401
income on special funds, rentals, gifts, grants, and all other 4402
moneys coming into the possession of or under the control of the 4403
commission by virtue of this chapter, except the proceeds from the 4404
sale of bonds. "Revenues" does not include state taxes. 4405

(F) "Public roads" means all public highways, roads, and 4406
streets in the state, whether maintained by a state agency or any 4407
other governmental agency. 4408

(G) "Public utility facilities" means tracks, pipes, mains, 4409
conduits, cables, wires, towers, poles, and other equipment and 4410
appliances of any public utility. 4411

(H) "Financing expenses" means all costs and expenses 4412
relating to the authorization, issuance, sale, delivery, 4413
authentication, deposit, custody, clearing, registration, 4414
transfer, exchange, fractionalization, replacement, payment, and 4415
servicing of bonds including, without limitation, costs and 4416
expenses for or relating to publication and printing, postage, 4417
delivery, preliminary and final official statements, offering 4418
circulars, and informational statements, travel and 4419
transportation, underwriters, placement agents, investment 4420
bankers, paying agents, registrars, authenticating agents, 4421
remarketing agents, custodians, clearing agencies or corporations, 4422
securities depositories, financial advisory services, 4423
certifications, audits, federal or state regulatory agencies, 4424
accounting and computation services, legal services and obtaining 4425
approving legal opinions and other legal opinions, credit ratings, 4426
redemption premiums, and credit enhancement facilities. 4427

(I) "Bond proceedings" means the resolutions, trust 4428
agreements, certifications, notices, sale proceedings, leases, 4429
lease-purchase agreements, assignments, credit enhancement 4430
facility agreements, and other agreements, instruments, and 4431

documents, as amended and supplemented, or any one or more or any
combination thereof, authorizing, or authorizing or providing for
the terms and conditions applicable to, or providing for the
security or sale or award or liquidity of, bonds, and includes the
provisions set forth or incorporated in those bonds and bond
proceedings.

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

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

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

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

(N) "Pledged revenues" means net revenues, moneys and
investments, and earnings on those investments, in the applicable

bond service fund and any other special funds, and the proceeds of
any bonds issued for the purpose of refunding prior bonds, all as
lawfully available and by resolution of the commission committed
for application as pledged revenues to the payment of bond service
charges on particular issues of bonds.

(O) "Service facilities" means service stations, restaurants,
and other facilities for food service, roadside parks and rest
areas, parking, camping, tenting, rest, and sleeping facilities,
hotels or motels, and all similar and other facilities providing
services to the traveling public in connection with the use of a
turnpike project and owned, leased, licensed, or operated by the
commission.

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

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

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

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

(T) "Tolls" means tolls, special fees or permit fees, or 4494
other charges by the commission to the owners, lessors, lessees, 4495
or operators of motor vehicles for the operation of or the right 4496
to operate those vehicles on a turnpike project. 4497

(U) "Credit enhancement facilities" means letters of credit, 4498
lines of credit, standby, contingent, or firm securities purchase 4499
agreements, insurance, or surety arrangements, guarantees, and 4500
other arrangements that provide for direct or contingent payment 4501
of bond service charges, for security or additional security in 4502
the event of nonpayment or default in respect of bonds, or for 4503
making payment of bond service charges and at the option and on 4504
demand of bondholders or at the option of the commission or upon 4505
certain conditions occurring under put or similar arrangements, or 4506
for otherwise supporting the credit or liquidity of the bonds, and 4507
includes credit, reimbursement, marketing, remarketing, indexing, 4508
carrying, interest rate hedge ~~as defined in section 133.01 of the~~ 4509
~~Revised Code~~, and subrogation agreements, and other agreements and 4510
arrangements for payment and reimbursement of the person providing 4511
the credit enhancement facility and the security for that payment 4512
and reimbursement. 4513

(V) "Person" has the same meaning as in section 1.59 of the 4514
Revised Code and, unless the context otherwise provides, also 4515
includes any governmental agency and any combination of those 4516
persons. 4517

(W) "Refund" means to fund and retire outstanding bonds, 4518
including advance refunding with or without payment or redemption 4519
prior to stated maturity. 4520

(X) "Governmental agency" means any state agency, federal 4521
agency, political subdivision, or other local, interstate, or 4522
regional governmental agency, and any combination of those 4523
agencies. 4524

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

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

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

(BB) "Ohio turnpike system" or "system" means all existing and future turnpike projects constructed, operated, and maintained under the jurisdiction of the commission.

Sec. 5540.01. As used in this chapter:

(A) "Transportation improvement district" or "district" means a transportation improvement district designated pursuant to section 5540.02 of the Revised Code.

(B) "Governmental agency" means a department, division, or other unit of state government; a county, township, or municipal corporation or other political subdivision; a regional transit authority or regional transit commission created pursuant to Chapter 306. of the Revised Code; a port authority created pursuant to Chapter 4582. of the Revised Code; and the United States or any agency thereof.

(C) "Project" means a street, highway, or other transportation project constructed or improved under this chapter and includes all bridges, tunnels, overpasses, underpasses, interchanges, approaches, those portions of connecting streets or highways that serve interchanges and are determined by the district to be necessary for the safe merging of traffic between

the project and those streets or highways, service facilities, and 4555
administration, storage, and other buildings, property, and 4556
facilities, that the district considers necessary for the 4557
operation of the project, together with all property and rights 4558
that must be acquired by the district for the construction, 4559
maintenance, or operation of the project. 4560

(D) "Cost," as applied to the construction of a project, 4561
includes the cost of construction, including bridges over or under 4562
existing highways and railroads, acquisition of all property 4563
acquired by the district for such construction, demolishing or 4564
removing any buildings or structures on land so acquired, 4565
including the cost of acquiring any lands to which such buildings 4566
or structures may be moved, site clearance, improvement, and 4567
preparation, diverting streets or highways, interchanges with 4568
streets or highways, access roads to private property, including 4569
the cost of land or easements therefor, all machinery, 4570
furnishings, and equipment, communications facilities, financing 4571
expenses, interest prior to and during construction and for one 4572
year after completion of construction, traffic estimates, 4573
indemnity and surety bonds and premiums on insurance, and 4574
guarantees, engineering, feasibility studies, and legal expenses, 4575
plans, specifications, surveys, estimates of cost and revenues, 4576
other expenses necessary or incidental to determining the 4577
feasibility or practicability of constructing a project, and such 4578
other expense as may be necessary or incident to the construction 4579
of the project and the financing of such construction. Any 4580
obligation or expense incurred by any governmental agency or 4581
person for surveys, borings, preparation of plans and 4582
specifications, and other engineering services, or any other cost 4583
described above, in connection with the construction of a project 4584
may be regarded as part of the cost of the project and reimbursed 4585
from revenues, taxes, or the proceeds of bonds as authorized by 4586

this chapter.	4587
(E) "Owner" includes any person having any title or interest	4588
in any property authorized to be acquired by a district under this	4589
chapter.	4590
(F) "Revenues" means all moneys received by a district with	4591
respect to the lease, sublease, or sale, including installment	4592
sale, conditional sale, or sale under a lease-purchase agreement,	4593
of a project, any gift or grant received with respect to a	4594
project, tolls, proceeds of bonds to the extent the use thereof	4595
for payment of principal or of premium, if any, or interest on the	4596
bonds is authorized by the district, proceeds from any insurance,	4597
condemnation, or guaranty pertaining to a project or property	4598
mortgaged to secure bonds or pertaining to the financing of a	4599
project, and income and profit from the investment of the proceeds	4600
of bonds or of any revenues.	4601
(G) "Street or highway" has the same meaning as in section	4602
4511.01 of the Revised Code.	4603
(H) "Financing expenses" means all costs and expenses	4604
relating to the authorization, issuance, sale, delivery,	4605
authentication, deposit, custody, clearing, registration,	4606
transfer, exchange, fractionalization, replacement, payment, and	4607
servicing of bonds including, without limitation, costs and	4608
expenses for or relating to publication and printing, postage,	4609
delivery, preliminary and final official statements, offering	4610
circulars, and informational statements, travel and	4611
transportation, underwriters, placement agents, investment	4612
bankers, paying agents, registrars, authenticating agents,	4613
remarketing agents, custodians, clearing agencies or corporations,	4614
securities depositories, financial advisory services,	4615
certifications, audits, federal or state regulatory agencies,	4616
accounting and computation services, legal services and obtaining	4617

approving legal opinions and other legal opinions, credit ratings, 4618
redemption premiums, and credit enhancement facilities. 4619

(I) "Bond proceedings" means the resolutions, trust 4620
agreements, certifications, notices, sale proceedings, leases, 4621
lease-purchase agreements, assignments, credit enhancement 4622
facility agreements, and other agreements, instruments, and 4623
documents, as amended and supplemented, or any one or more of 4624
combination thereof, authorizing, or authorizing or providing for 4625
the terms and conditions applicable to, or providing for the 4626
security or sale or award or liquidity of, bonds, and includes the 4627
provisions set forth or incorporated in those bonds and bond 4628
proceedings. 4629

(J) "Bond service charges" means principal, including any 4630
mandatory sinking fund or mandatory redemption requirements for 4631
retirement of bonds, and interest and any redemption premium 4632
payable on bonds, as those payments come due and are payable to 4633
the bondholder or to a person making payment under a credit 4634
enhancement facility of those bond service charges to a 4635
bondholder. 4636

(K) "Bond service fund" means the applicable fund created by 4637
the bond proceedings for and pledged to the payment of bond 4638
service charges on bonds provided for by those proceedings, 4639
including all moneys and investments, and earnings from 4640
investments, credited and to be credited to that fund as provided 4641
in the bond proceedings. 4642

(L) "Bonds" means bonds, notes, including notes anticipating 4643
bonds or other notes, commercial paper, certificates of 4644
participation, or other evidences of obligation, including any 4645
interest coupons pertaining thereto, issued pursuant to this 4646
chapter. 4647

(M) "Net revenues" means revenues lawfully available to pay 4648

both current operating expenses of a district and bond service 4649
charges in any fiscal year or other specified period, less current 4650
operating expenses of the district and any amount necessary to 4651
maintain a working capital reserve for that period. 4652

(N) "Pledged revenues" means net revenues, moneys and 4653
investments, and earnings on those investments, in the applicable 4654
bond service fund and any other special funds, and the proceeds of 4655
any bonds issued for the purpose of refunding prior bonds, all as 4656
lawfully available and by resolution of the district committed for 4657
application as pledged revenues to the payment of bond service 4658
charges on particular issues of bonds. 4659

(O) "Special funds" means the applicable bond service fund 4660
and any accounts and subaccounts in that fund, any other funds or 4661
accounts permitted by and established under, and identified as a 4662
special fund or special account in, the bond proceedings, 4663
including any special fund or account established for purposes of 4664
rebate or other requirements under federal income tax laws. 4665

(P) "Credit enhancement facilities" means letters of credit, 4666
lines of credit, standby, contingent, or firm securities purchase 4667
agreements, insurance, or surety arrangements, guarantees, and 4668
other arrangements that provide for direct or contingent payment 4669
of bond service charges, for security or additional security in 4670
the event of nonpayment or default in respect of bonds, or for 4671
making payment of bond service charges and at the option and on 4672
demand of bondholders or at the option of the district or upon 4673
certain conditions occurring under put or similar arrangements, or 4674
for otherwise supporting the credit or liquidity of the bonds, and 4675
includes credit, reimbursement, marketing, remarketing, indexing, 4676
carrying, interest rate hedge ~~as defined in section 133.01 of the~~ 4677
~~Revised Code~~, and subrogation agreements, and other agreements and 4678
arrangements for payment and reimbursement of the person providing 4679
the credit enhancement facility and the security for that payment 4680

and reimbursement. 4681

(Q) "Refund" means to fund and retire outstanding bonds, 4682
including advance refunding with or without payment or redemption 4683
prior to stated maturity. 4684

(R) "Property" includes interests in property. 4685

(S) "Administrative agent," "agent," "commercial paper," 4686
"floating rate interest structure," "indexing agent," "interest 4687
rate hedge," "interest rate period," "put arrangement," and 4688
"remarketing agent" have the same meanings as in section 9.98 of 4689
the Revised Code. 4690

(T) "Outstanding" as applied to bonds means outstanding in 4691
accordance with the terms of the bonds and the applicable bond 4692
proceedings. 4693

(U) "Interstate system" has the same meaning as in section 4694
5516.01 of the Revised Code. 4695

Sec. 5709.61. As used in sections 5709.61 to 5709.69 of the 4696
Revised Code: 4697

(A) "Enterprise zone" or "zone" means any of the following: 4698

(1) An area with a single continuous boundary designated in 4699
the manner set forth in section 5709.62 or 5709.63 of the Revised 4700
Code and certified by the director of development as having a 4701
population of at least four thousand according to the best and 4702
most recent data available to the director and having at least two 4703
of the following characteristics: 4704

(a) It is located in a municipal corporation defined by the 4705
United States office of management and budget as a principal city 4706
of a metropolitan statistical area ~~or in a city designated as an~~ 4707
~~urban cluster in a rural statistical area;~~ 4708

(b) It is located in a county designated as being in the 4709

"Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended; 4710
4711

(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; 4712
4713
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(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 result in the reduction of the rate of vacant or demolished structures or the rate of tax delinquency in the area; 4716
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(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; 4722
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(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; 4725
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(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; 4732
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(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 4738
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average of the income-weighted tax capacity of all city, local, or 4741
exempted village school districts in the state according to the 4742
most recent data available to the director from the department of 4743
taxation. 4744

The director of development shall adopt rules in accordance 4745
with Chapter 119. of the Revised Code establishing conditions 4746
constituting the characteristics described in divisions (A)(1)(d), 4747
(g), and (h) of this section. 4748

If an area could not be certified as an enterprise zone 4749
unless it satisfied division (A)(1)(g) of this section, the 4750
legislative authority may enter into agreements in that zone under 4751
section 5709.62, 5709.63, or 5709.632 of the Revised Code only if 4752
such agreements result in the development of the facilities 4753
described in that division, the parcel of land on which such 4754
facilities are situated, or adjacent parcels. The director of 4755
development annually shall review all agreements in such zones to 4756
determine whether the agreements have resulted in such 4757
development; if the director determines that the agreements have 4758
not resulted in such development, the director immediately shall 4759
revoke certification of the zone and notify the legislative 4760
authority of such revocation. Any agreements entered into prior to 4761
revocation under this paragraph shall continue in effect for the 4762
period provided in the agreement. 4763

(2) An area with a single continuous boundary designated in 4764
the manner set forth in section 5709.63 of the Revised Code and 4765
certified by the director of development as: 4766

(a) Being located within a county that contains a population 4767
of three hundred thousand or less; 4768

(b) Having a population of at least one thousand according to 4769
the best and most recent data available to the director; 4770

(c) Having at least two of the characteristics described in 4771

divisions (A)(1)(b) to (h) of this section. 4772

(3) An area with a single continuous boundary designated in 4773
the manner set forth under division (A)(1) of section 5709.632 of 4774
the Revised Code and certified by the director of development as 4775
having a population of at least four thousand, or under division 4776
(A)(2) of that section and certified as having a population of at 4777
least one thousand, according to the best and most recent data 4778
available to the director. 4779

(B) "Enterprise" means any form of business organization 4780
including, but not limited to, any partnership, sole 4781
proprietorship, or corporation, including an S corporation as 4782
defined in section 1361 of the Internal Revenue Code and any 4783
corporation that is majority work-owned either directly through 4784
the ownership of stock or indirectly through participation in an 4785
employee stock ownership plan. 4786

(C) "Facility" means an enterprise's place of business in a 4787
zone, including land, buildings, machinery, equipment, and other 4788
materials, except inventory, used in business. "Facility" includes 4789
land, buildings, machinery, production and station equipment, 4790
other equipment, and other materials, except inventory, used in 4791
business to generate electricity, provided that, for purposes of 4792
sections 5709.61 to 5709.69 of the Revised Code, the value of the 4793
property at such a facility shall be reduced by the value, if any, 4794
that is not apportioned under section 5727.15 of the Revised Code 4795
to the taxing district in which the facility is physically 4796
located. In the case of such a facility that is physically located 4797
in two adjacent taxing districts, the property located in each 4798
taxing district constitutes a separate facility. 4799

"Facility" does not include any portion of an enterprise's 4800
place of business used primarily for making retail sales, unless 4801
the place of business is located in an impacted city as defined in 4802

section 1728.01 of the Revised Code. 4803

(D) "Vacant facility" means a facility that has been vacant 4804
for at least ninety days immediately preceding the date on which 4805
an agreement is entered into under section 5709.62 or 5709.63 of 4806
the Revised Code. 4807

(E) "Expand" means to make expenditures to add land, 4808
buildings, machinery, equipment, or other materials, except 4809
inventory, to a facility that equal at least ten per cent of the 4810
market value of the facility prior to such expenditures, as 4811
determined for the purposes of local property taxation. 4812

(F) "Renovate" means to make expenditures to alter or repair 4813
a facility that equal at least fifty per cent of the market value 4814
of the facility prior to such expenditures, as determined for the 4815
purposes of local property taxation. 4816

(G) "Occupy" means to make expenditures to alter or repair a 4817
vacant facility equal to at least twenty per cent of the market 4818
value of the facility prior to such expenditures, as determined 4819
for the purposes of local property taxation. 4820

(H) "Project site" means all or any part of a facility that 4821
is newly constructed, expanded, renovated, or occupied by an 4822
enterprise. 4823

(I) "Project" means any undertaking by an enterprise to 4824
establish a facility or to improve a project site by expansion, 4825
renovation, or occupancy. 4826

(J) "Position" means the position of one full-time employee 4827
performing a particular set of tasks and duties. 4828

(K) "Full-time employee" means an individual who is employed 4829
for consideration by an enterprise for at least thirty-five hours 4830
a week, or who renders any other standard of service generally 4831
accepted by custom or specified by contract as full-time 4832

employment. 4833

(L) "New employee" means a full-time employee first employed 4834
by an enterprise at a facility that is a project site after the 4835
enterprise enters an agreement under section 5709.62 or 5709.63 of 4836
the Revised Code. "New employee" does not include an employee if, 4837
immediately prior to being employed by the enterprise, the 4838
employee was employed by an enterprise that is a related member or 4839
predecessor enterprise of that enterprise. 4840

(M) "Unemployed person" means any person who is totally 4841
unemployed in this state, as that term is defined in division (M) 4842
of section 4141.01 of the Revised Code, for at least ten 4843
consecutive weeks immediately preceding that person's employment 4844
at a facility that is a project site, or who is so unemployed for 4845
at least twenty-six of the fifty-two weeks immediately preceding 4846
that person's employment at such a facility. 4847

(N) "JTPA eligible employee" means any individual who is 4848
eligible for employment or training under the "Job Training 4849
Partnership Act," 96 Stat. 1324 (1982), 29 U.S.C. 1501, as 4850
amended. 4851

(O) "First used in business" means that the property referred 4852
to has not been used in business in this state by the enterprise 4853
that owns it, or by an enterprise that is a related member or 4854
predecessor enterprise of such an enterprise, other than as 4855
inventory, prior to being used in business at a facility as the 4856
result of a project. 4857

(P) "Training program" means any noncredit training program 4858
or course of study that is offered by any state college or 4859
university; university branch district; community college; 4860
technical college; nonprofit college or university certified under 4861
section 1713.02 of the Revised Code; school district; joint 4862
vocational school district; school registered and authorized to 4863

offer programs under section 3332.05 of the Revised Code; an 4864
entity administering any federal, state, or local adult education 4865
and training program; or any enterprise; and that meets all of the 4866
following requirements: 4867

(1) It is approved by the director of development; 4868

(2) It is established or operated to satisfy the need of a 4869
particular industry or enterprise for skilled or semi-skilled 4870
employees; 4871

(3) An individual is required to complete the course or 4872
program before filling a position at a project site. 4873

(Q) "Development" means to engage in the process of clearing 4874
and grading land, making, installing, or constructing water 4875
distribution systems, sewers, sewage collection systems, steam, 4876
gas, and electric lines, roads, curbs, gutters, sidewalks, storm 4877
drainage facilities, and construction of other facilities or 4878
buildings equal to at least fifty per cent of the market value of 4879
the facility prior to the expenditures, as determined for the 4880
purposes of local property taxation. 4881

(R) "Large manufacturing facility" means a single Ohio 4882
facility that employed an average of at least one thousand 4883
individuals during the five calendar years preceding an agreement 4884
authorized under division (C)(3) of section 5709.62 or division 4885
(B)(2) of section 5709.63 of the Revised Code. For purposes of 4886
this division, both of the following apply: 4887

(1) A single Ohio manufacturing facility employed an average 4888
of at least one thousand individuals during the five calendar 4889
years preceding entering into such an agreement if one-fifth of 4890
the sum of the number of employees employed on the highest 4891
employment day during each of the five calendar years equals or 4892
exceeds one thousand. 4893

(2) The highest employment day is the day or days during a 4894
calendar year on which the number of employees employed at a 4895
single Ohio manufacturing facility was greater than on any other 4896
day during the calendar year. 4897

(S) "Business cycle" means the cycle of business activity 4898
usually regarded as passing through alternating stages of 4899
prosperity and depression. 4900

(T) "Making retail sales" means the effecting of 4901
point-of-final-purchase transactions at a facility open to the 4902
consuming public, wherein one party is obligated to pay the price 4903
and the other party is obligated to provide a service or to 4904
transfer title to or possession of the item sold. 4905

(U) "Environmentally contaminated" means that hazardous 4906
substances exist at a facility under conditions that have caused 4907
or would cause the facility to be identified as contaminated by 4908
the state or federal environmental protection agency. These may 4909
include facilities located at sites identified in the master sites 4910
list or similar database maintained by the state environmental 4911
protection agency if the sites have been investigated by the 4912
agency and found to be contaminated. 4913

(V) "Remediate" means to make expenditures to clean up an 4914
environmentally contaminated facility so that it is no longer 4915
environmentally contaminated that equal at least ten per cent of 4916
the real property market value of the facility prior to such 4917
expenditures as determined for the purposes of property taxation. 4918

(W) "Related member" has the same meaning as defined in 4919
section 5733.042 of the Revised Code without regard to division 4920
(B) of that section, except that it is used with respect to an 4921
enterprise rather than a taxpayer. 4922

(X) "Predecessor enterprise" means an enterprise from which 4923
the assets or equity of another enterprise has been transferred, 4924

which transfer resulted in the full or partial nonrecognition of 4925
gain or loss, or resulted in a carryover basis, both as determined 4926
by rule adopted by the tax commissioner. 4927

(Y) "Successor enterprise" means an enterprise to which the 4928
assets or equity of another enterprise has been transferred, which 4929
transfer resulted in the full or partial nonrecognition of gain or 4930
loss, or resulted in a carryover basis, both as determined by rule 4931
adopted by the tax commissioner. 4932

Sec. 5709.62. (A) In any municipal corporation that is 4933
defined by the United States office of management and budget as a 4934
principal city of a metropolitan statistical area, ~~or in a city~~ 4935
~~designated as an urban cluster in a rural statistical area,~~ the 4936
legislative authority of the municipal corporation may designate 4937
one or more areas within its municipal corporation as proposed 4938
enterprise zones. Upon designating an area, the legislative 4939
authority shall petition the director of development for 4940
certification of the area as having the characteristics set forth 4941
in division (A)(1) of section 5709.61 of the Revised Code as 4942
amended by Substitute Senate Bill No. 19 of the 120th general 4943
assembly. Except as otherwise provided in division (E) of this 4944
section, on and after July 1, 1994, legislative authorities shall 4945
not enter into agreements under this section unless the 4946
legislative authority has petitioned the director and the director 4947
has certified the zone under this section as amended by that act; 4948
however, all agreements entered into under this section as it 4949
existed prior to July 1, 1994, and the incentives granted under 4950
those agreements shall remain in effect for the period agreed to 4951
under those agreements. Within sixty days after receiving such a 4952
petition, the director shall determine whether the area has the 4953
characteristics set forth in division (A)(1) of section 5709.61 of 4954
the Revised Code, and shall forward the findings to the 4955

legislative authority of the municipal corporation. If the 4956
director certifies the area as having those characteristics, and 4957
thereby certifies it as a zone, the legislative authority may 4958
enter into an agreement with an enterprise under division (C) of 4959
this section. 4960

(B) Any enterprise that wishes to enter into an agreement 4961
with a municipal corporation under division (C) of this section 4962
shall submit a proposal to the legislative authority of the 4963
municipal corporation on a form prescribed by the director of 4964
development, together with the application fee established under 4965
section 5709.68 of the Revised Code. The form shall require the 4966
following information: 4967

(1) An estimate of the number of new employees whom the 4968
enterprise intends to hire, or of the number of employees whom the 4969
enterprise intends to retain, within the zone at a facility that 4970
is a project site, and an estimate of the amount of payroll of the 4971
enterprise attributable to these employees; 4972

(2) An estimate of the amount to be invested by the 4973
enterprise to establish, expand, renovate, or occupy a facility, 4974
including investment in new buildings, additions or improvements 4975
to existing buildings, machinery, equipment, furniture, fixtures, 4976
and inventory; 4977

(3) A listing of the enterprise's current investment, if any, 4978
in a facility as of the date of the proposal's submission. 4979

The enterprise shall review and update the listings required 4980
under this division to reflect material changes, and any agreement 4981
entered into under division (C) of this section shall set forth 4982
final estimates and listings as of the time the agreement is 4983
entered into. The legislative authority may, on a separate form 4984
and at any time, require any additional information necessary to 4985
determine whether an enterprise is in compliance with an agreement 4986

and to collect the information required to be reported under 4987
section 5709.68 of the Revised Code. 4988

(C) Upon receipt and investigation of a proposal under 4989
division (B) of this section, if the legislative authority finds 4990
that the enterprise submitting the proposal is qualified by 4991
financial responsibility and business experience to create and 4992
preserve employment opportunities in the zone and improve the 4993
economic climate of the municipal corporation, the legislative 4994
authority, on or before October 15, 2009, may do one of the 4995
following: 4996

(1) Enter into an agreement with the enterprise under which 4997
the enterprise agrees to establish, expand, renovate, or occupy a 4998
facility and hire new employees, or preserve employment 4999
opportunities for existing employees, in return for one or more of 5000
the following incentives: 5001

(a) Exemption for a specified number of years, not to exceed 5002
fifteen, of a specified portion, up to seventy-five per cent, of 5003
the assessed value of tangible personal property first used in 5004
business at the project site as a result of the agreement. If an 5005
exemption for inventory is specifically granted in the agreement 5006
pursuant to this division, the exemption applies to inventory 5007
required to be listed pursuant to sections 5711.15 and 5711.16 of 5008
the Revised Code, except that, in the instance of an expansion or 5009
other situations in which an enterprise was in business at the 5010
facility prior to the establishment of the zone, the inventory 5011
that is exempt is that amount or value of inventory in excess of 5012
the amount or value of inventory required to be listed in the 5013
personal property tax return of the enterprise in the return for 5014
the tax year in which the agreement is entered into. 5015

(b) Exemption for a specified number of years, not to exceed 5016
fifteen, of a specified portion, up to seventy-five per cent, of 5017

the increase in the assessed valuation of real property 5018
constituting the project site subsequent to formal approval of the 5019
agreement by the legislative authority; 5020

(c) Provision for a specified number of years, not to exceed 5021
fifteen, of any optional services or assistance that the municipal 5022
corporation is authorized to provide with regard to the project 5023
site. 5024

(2) Enter into an agreement under which the enterprise agrees 5025
to remediate an environmentally contaminated facility, to spend an 5026
amount equal to at least two hundred fifty per cent of the true 5027
value in money of the real property of the facility prior to 5028
remediation as determined for the purposes of property taxation to 5029
establish, expand, renovate, or occupy the remediated facility, 5030
and to hire new employees or preserve employment opportunities for 5031
existing employees at the remediated facility, in return for one 5032
or more of the following incentives: 5033

(a) Exemption for a specified number of years, not to exceed 5034
fifteen, of a specified portion, not to exceed fifty per cent, of 5035
the assessed valuation of the real property of the facility prior 5036
to remediation; 5037

(b) Exemption for a specified number of years, not to exceed 5038
fifteen, of a specified portion, not to exceed one hundred per 5039
cent, of the increase in the assessed valuation of the real 5040
property of the facility during or after remediation; 5041

(c) The incentive under division (C)(1)(a) of this section, 5042
except that the percentage of the assessed value of such property 5043
exempted from taxation shall not exceed one hundred per cent; 5044

(d) The incentive under division (C)(1)(c) of this section. 5045

(3) Enter into an agreement with an enterprise that plans to 5046
purchase and operate a large manufacturing facility that has 5047

ceased operation or announced its intention to cease operation, in 5048
return for exemption for a specified number of years, not to 5049
exceed fifteen, of a specified portion, up to one hundred per 5050
cent, of the assessed value of tangible personal property used in 5051
business at the project site as a result of the agreement, or of 5052
the assessed valuation of real property constituting the project 5053
site, or both. 5054

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 5055
section, the portion of the assessed value of tangible personal 5056
property or of the increase in the assessed valuation of real 5057
property exempted from taxation under those divisions may exceed 5058
seventy-five per cent in any year for which that portion is 5059
exempted if the average percentage exempted for all years in which 5060
the agreement is in effect does not exceed sixty per cent, or if 5061
the board of education of the city, local, or exempted village 5062
school district within the territory of which the property is or 5063
will be located approves a percentage in excess of seventy-five 5064
per cent. 5065

(2) Notwithstanding any provision of the Revised Code to the 5066
contrary, the exemptions described in divisions (C)(1)(a), (b), 5067
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 5068
be for up to fifteen years if the board of education of the city, 5069
local, or exempted village school district within the territory of 5070
which the property is or will be located approves a number of 5071
years in excess of ten. 5072

(3) For the purpose of obtaining the approval of a city, 5073
local, or exempted village school district under division (D)(1) 5074
or (2) of this section, the legislative authority shall deliver to 5075
the board of education a notice not later than forty-five days 5076
prior to approving the agreement, excluding Saturdays, Sundays, 5077
and legal holidays as defined in section 1.14 of the Revised Code. 5078
The notice shall state the percentage to be exempted, an estimate 5079

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 5112
5709.83 of the Revised Code unless the board of education has 5113
adopted a resolution under that section waiving its right to 5114
receive such notice. 5115

(E) This division applies to zones certified by the director 5116
of development under this section prior to July 22, 1994. 5117

On or before October 15, 2009, the legislative authority that 5118
designated a zone to which this division applies may enter into an 5119
agreement with an enterprise if the legislative authority finds 5120
that the enterprise satisfies one of the criteria described in 5121
divisions (E)(1) to (5) of this section: 5122

(1) The enterprise currently has no operations in this state 5123
and, subject to approval of the agreement, intends to establish 5124
operations in the zone; 5125

(2) The enterprise currently has operations in this state 5126
and, subject to approval of the agreement, intends to establish 5127
operations at a new location in the zone that would not result in 5128
a reduction in the number of employee positions at any of the 5129
enterprise's other locations in this state; 5130

(3) The enterprise, subject to approval of the agreement, 5131
intends to relocate operations, currently located in another 5132
state, to the zone; 5133

(4) The enterprise, subject to approval of the agreement, 5134
intends to expand operations at an existing site in the zone that 5135
the enterprise currently operates; 5136

(5) The enterprise, subject to approval of the agreement, 5137
intends to relocate operations, currently located in this state, 5138
to the zone, and the director of development has issued a waiver 5139
for the enterprise under division (B) of section 5709.633 of the 5140
Revised Code. 5141

The agreement shall require the enterprise to agree to 5142
establish, expand, renovate, or occupy a facility in the zone and 5143
hire new employees, or preserve employment opportunities for 5144
existing employees, in return for one or more of the incentives 5145
described in division (C) of this section. 5146

(F) All agreements entered into under this section shall be 5147
in the form prescribed under section 5709.631 of the Revised Code. 5148
After an agreement is entered into under this section, if the 5149
legislative authority revokes its designation of a zone, or if the 5150
director of development revokes a zone's certification, any 5151
entitlements granted under the agreement shall continue for the 5152
number of years specified in the agreement. 5153

(G) Except as otherwise provided in this division, an 5154
agreement entered into under this section shall require that the 5155
enterprise pay an annual fee equal to the greater of one per cent 5156
of the dollar value of incentives offered under the agreement or 5157
five hundred dollars; provided, however, that if the value of the 5158
incentives exceeds two hundred fifty thousand dollars, the fee 5159
shall not exceed two thousand five hundred dollars. The fee shall 5160
be payable to the legislative authority once per year for each 5161
year the agreement is effective on the days and in the form 5162
specified in the agreement. Fees paid shall be deposited in a 5163
special fund created for such purpose by the legislative authority 5164
and shall be used by the legislative authority exclusively for the 5165
purpose of complying with section 5709.68 of the Revised Code and 5166
by the tax incentive review council created under section 5709.85 5167
of the Revised Code exclusively for the purposes of performing the 5168
duties prescribed under that section. The legislative authority 5169
may waive or reduce the amount of the fee charged against an 5170
enterprise, but such a waiver or reduction does not affect the 5171
obligations of the legislative authority or the tax incentive 5172
review council to comply with section 5709.68 or 5709.85 of the 5173

Revised Code. 5174

(H) When an agreement is entered into pursuant to this 5175
section, the legislative authority authorizing the agreement shall 5176
forward a copy of the agreement to the director of development and 5177
to the tax commissioner within fifteen days after the agreement is 5178
entered into. If any agreement includes terms not provided for in 5179
section 5709.631 of the Revised Code affecting the revenue of a 5180
city, local, or exempted village school district or causing 5181
revenue to be foregone by the district, including any compensation 5182
to be paid to the school district pursuant to section 5709.82 of 5183
the Revised Code, those terms also shall be forwarded in writing 5184
to the director of development along with the copy of the 5185
agreement forwarded under this division. 5186

(I) After an agreement is entered into, the enterprise shall 5187
file with each personal property tax return required to be filed, 5188
or annual report required to be filed under section 5727.08 of the 5189
Revised Code, while the agreement is in effect, an informational 5190
return, on a form prescribed by the tax commissioner for that 5191
purpose, setting forth separately the property, and related costs 5192
and values, exempted from taxation under the agreement. 5193

(J) Enterprises may agree to give preference to residents of 5194
the zone within which the agreement applies relative to residents 5195
of this state who do not reside in the zone when hiring new 5196
employees under the agreement. 5197

(K) An agreement entered into under this section may include 5198
a provision requiring the enterprise to create one or more 5199
temporary internship positions for students enrolled in a course 5200
of study at a school or other educational institution in the 5201
vicinity, and to create a scholarship or provide another form of 5202
educational financial assistance for students holding such a 5203
position in exchange for the student's commitment to work for the 5204

enterprise at the completion of the internship. 5205

(L) The tax commissioner's authority in determining the 5206
accuracy of any exemption granted by an agreement entered into 5207
under this section is limited to divisions (C)(1)(a) and (b), 5208
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 5209
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 5210
and, as authorized by law, to enforcing any modification to, or 5211
revocation of, that agreement by the legislative authority of a 5212
municipal corporation or the director of development. 5213

Sec. 5709.632. (A)(1) The legislative authority of a 5214
municipal corporation defined by the United States office of 5215
management and budget as a principal city of a metropolitan 5216
statistical area ~~or designated as an urban cluster in a rural~~ 5217
~~statistical area~~ may, in the manner set forth in section 5709.62 5218
of the Revised Code, designate one or more areas in the municipal 5219
corporation as a proposed enterprise zone. 5220

(2) With the consent of the legislative authority of each 5221
affected municipal corporation or of a board of township trustees, 5222
a board of county commissioners may, in the manner set forth in 5223
section 5709.62 of the Revised Code, designate one or more areas 5224
in one or more municipal corporations or in unincorporated areas 5225
of the county as proposed urban jobs and enterprise zones, except 5226
that a board of county commissioners may designate no more than 5227
one area within a township, or within adjacent townships, as a 5228
proposed urban jobs and enterprise zone. 5229

(3)~~(a)~~ The legislative authority or board of county 5230
commissioners may petition the director of development for 5231
certification of the area as having the characteristics set forth 5232
in division (A)(3) of section 5709.61 of the Revised Code. Within 5233
sixty days after receiving such a petition, the director shall 5234
determine whether the area has the characteristics set forth in 5235

that division and forward the findings to the legislative 5236
authority or board of county commissioners. If the director 5237
certifies the area as having those characteristics and thereby 5238
certifies it as a zone, the legislative authority or board may 5239
enter into agreements with enterprises under division (B) of this 5240
section. Any enterprise wishing to enter into an agreement with a 5241
legislative authority or board of county commissioners under this 5242
section and satisfying one of the criteria described in divisions 5243
(B)(1) to (5) of this section shall submit a proposal to the 5244
legislative authority or board on the form prescribed under 5245
division (B) of section 5709.62 of the Revised Code and shall 5246
review and update the estimates and listings required by the form 5247
in the manner required under that division. The legislative 5248
authority or board may, on a separate form and at any time, 5249
require any additional information necessary to determine whether 5250
an enterprise is in compliance with an agreement and to collect 5251
the information required to be reported under section 5709.68 of 5252
the Revised Code. 5253

~~(b) The legislative authority of a city designated as an 5254
urban cluster in a rural statistical area that has, pursuant to 5255
this section, as amended by Am. Sub. H.B. 95 of the 125th general 5256
assembly, designated one or more areas in the city as a proposed 5257
enterprise zone, shall not enter into an agreement under this 5258
section unless it has petitioned the director and the director has 5259
certified the proposed enterprise zone under division (A)(3)(a) of 5260
this section. 5261~~

(B) Prior to entering into an agreement with an enterprise, 5262
the legislative authority or board of county commissioners shall 5263
determine whether the enterprise submitting the proposal is 5264
qualified by financial responsibility and business experience to 5265
create and preserve employment opportunities in the zone and to 5266
improve the economic climate of the municipal corporation or 5267

municipal corporations or the unincorporated areas in which the
zone is located and to which the proposal applies, and whether the
enterprise satisfies one of the following criteria:

(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.

(C) If the legislative authority or board determines that the
enterprise is so qualified and satisfies one of the criteria
described in divisions (B)(1) to (5) of this section, the
legislative authority or board may, after complying with section
5709.83 of the Revised Code and on or before October 15, 2009,
and, in the case of a board of commissioners, with the consent of
the legislative authority of each affected municipal corporation
or of the board of township trustees, enter into an agreement with
the enterprise under which the enterprise agrees to establish,

expand, renovate, or occupy a facility in the zone and hire new 5299
employees, or preserve employment opportunities for existing 5300
employees, in return for the following incentives: 5301

(1) When the facility is located in a municipal corporation, 5302
a legislative authority or board of commissioners may enter into 5303
an agreement for one or more of the incentives provided in 5304
division (C) of section 5709.62 of the Revised Code, subject to 5305
division (D) of that section; 5306

(2) When the facility is located in an unincorporated area, a 5307
board of commissioners may enter into an agreement for one or more 5308
of the incentives provided in divisions (B)(1)(b), (B)(2), and 5309
(B)(3) of section 5709.63 of the Revised Code, subject to division 5310
(C) of that section. 5311

(D) All agreements entered into under this section shall be 5312
in the form prescribed under section 5709.631 of the Revised Code. 5313
After an agreement under this section is entered into, if the 5314
legislative authority or board of county commissioners revokes its 5315
designation of the zone, or if the director of development revokes 5316
the zone's certification, any entitlements granted under the 5317
agreement shall continue for the number of years specified in the 5318
agreement. 5319

(E) Except as otherwise provided in this division, an 5320
agreement entered into under this section shall require that the 5321
enterprise pay an annual fee equal to the greater of one per cent 5322
of the dollar value of incentives offered under the agreement or 5323
five hundred dollars; provided, however, that if the value of the 5324
incentives exceeds two hundred fifty thousand dollars, the fee 5325
shall not exceed two thousand five hundred dollars. The fee shall 5326
be payable to the legislative authority or board of commissioners 5327
once per year for each year the agreement is effective on the days 5328
and in the form specified in the agreement. Fees paid shall be 5329

deposited in a special fund created for such purpose by the 5330
legislative authority or board and shall be used by the 5331
legislative authority or board exclusively for the purpose of 5332
complying with section 5709.68 of the Revised Code and by the tax 5333
incentive review council created under section 5709.85 of the 5334
Revised Code exclusively for the purposes of performing the duties 5335
prescribed under that section. The legislative authority or board 5336
may waive or reduce the amount of the fee charged against an 5337
enterprise, but such waiver or reduction does not affect the 5338
obligations of the legislative authority or board or the tax 5339
incentive review council to comply with section 5709.68 or 5709.85 5340
of the Revised Code, respectively. 5341

(F) With the approval of the legislative authority of a 5342
municipal corporation or the board of township trustees of a 5343
township in which a zone is designated under division (A)(2) of 5344
this section, the board of county commissioners may delegate to 5345
that legislative authority or board any powers and duties of the 5346
board to negotiate and administer agreements with regard to that 5347
zone under this section. 5348

(G) When an agreement is entered into pursuant to this 5349
section, the legislative authority or board of commissioners 5350
authorizing the agreement shall forward a copy of the agreement to 5351
the director of development and to the tax commissioner within 5352
fifteen days after the agreement is entered into. If any agreement 5353
includes terms not provided for in section 5709.631 of the Revised 5354
Code affecting the revenue of a city, local, or exempted village 5355
school district or causing revenue to be foregone by the district, 5356
including any compensation to be paid to the school district 5357
pursuant to section 5709.82 of the Revised Code, those terms also 5358
shall be forwarded in writing to the director of development along 5359
with the copy of the agreement forwarded under this division. 5360

(H) After an agreement is entered into, the enterprise shall 5361

file with each personal property tax return required to be filed 5362
while the agreement is in effect, an informational return, on a 5363
form prescribed by the tax commissioner for that purpose, setting 5364
forth separately the property, and related costs and values, 5365
exempted from taxation under the agreement. 5366

(I) An agreement entered into under this section may include 5367
a provision requiring the enterprise to create one or more 5368
temporary internship positions for students enrolled in a course 5369
of study at a school or other educational institution in the 5370
vicinity, and to create a scholarship or provide another form of 5371
educational financial assistance for students holding such a 5372
position in exchange for the student's commitment to work for the 5373
enterprise at the completion of the internship. 5374

Sec. 5709.75. (A) Any township that receives service payments 5375
in lieu of taxes under section 5709.74 of the Revised Code shall 5376
establish a township public improvement tax increment equivalent 5377
fund into which those payments shall be deposited. If the board of 5378
township trustees has adopted a resolution under division (C) of 5379
section 5709.73 of the Revised Code, the township shall establish 5380
at least one account in that fund with respect to resolutions 5381
adopted under division (B) of that section, and one account with 5382
respect to each district created by a resolution adopted under 5383
division (C) of that section. If a resolution adopted under 5384
division (C) of section 5709.73 of the Revised Code also 5385
authorizes the use of service payments for housing renovations 5386
within the district, the township shall establish separate 5387
accounts for the service payments designated for public 5388
infrastructure improvements and for the service payments 5389
authorized for the purpose of housing renovations. ~~Moneys~~ 5390

(B) Except as otherwise provided in division (C) or (D) of 5391
this section, money deposited in an account of ~~that~~ the township 5392

public improvement tax increment equivalent fund shall be used by 5393
the township to pay the costs of public infrastructure 5394
improvements designated in or the housing renovations authorized 5395
by the resolution with respect to which the account is 5396
established, including any interest on and principal of the notes; 5397
in the case of an account established with respect to a resolution 5398
adopted under division (C) of that section, money in the account 5399
shall be used to finance the public infrastructure improvements 5400
designated, or the housing renovations authorized, for each 5401
district created in the resolution. Money in an account shall not 5402
be used to finance or support housing renovations that take place 5403
after the district has expired. ~~The~~ 5404

(C) A township may also distribute money in such an account 5405
to any school district in which the exempt property is located in 5406
an amount not to exceed the amount of real property taxes that 5407
such school district would have received from the improvement if 5408
it were not exempt from taxation. The resolution establishing the 5409
fund shall set forth the percentage of such maximum amount that 5410
will be distributed to any affected school district. ~~Any~~ 5411

(D) On or before January 1, 2007, a board of township 5412
trustees that adopted a resolution under division (B) of section 5413
5709.73 of the Revised Code before January 1, 1995, and that, with 5414
respect to property exempted under such a resolution, is party to 5415
a hold-harmless agreement, may appropriate and expend unencumbered 5416
money in the fund to pay current public safety expenses of the 5417
township. A township appropriating and expending money under this 5418
division shall reimburse the fund for the sum so appropriated and 5419
expended not later than the day the exemption granted under the 5420
resolution expires. For the purposes of this division, a 5421
"hold-harmless agreement" is an agreement with the board of 5422
education of a city, local, or exempted village school district 5423
under which the board of township trustees agrees to compensate 5424

the school district for one hundred per cent of the tax revenue 5425
the school district would have received from improvements to 5426
parcels designated in the resolution were it not for the exemption 5427
granted by the resolution. 5428

(E) Any incidental surplus remaining in the township public 5429
improvement tax increment equivalent fund or an account of that 5430
fund upon dissolution of the account or fund shall be transferred 5431
to the general fund of the township. 5432

Sec. 5709.91. Service payments in lieu of taxes required 5433
under sections 725.04, 5709.42, 5709.74, and 5709.79 of the 5434
Revised Code, minimum service payment obligations, and service 5435
charges in lieu of taxes required under sections 1728.11 and 5436
1728.111 of the Revised Code, shall be treated in the same manner 5437
as taxes for all purposes of the lien described in section 323.11 5438
of the Revised Code, including, but not limited to, the priority 5439
and enforcement of the lien and the collection of the service 5440
payments, minimum service payment obligations, or service charges 5441
secured by the lien. For the purposes of this section, a "minimum 5442
service payment obligation" is an obligation, including a 5443
contingent obligation, for a person to make a payment to a county, 5444
township, or municipal corporation to ensure sufficient funds to 5445
finance public infrastructure improvements or, if applicable, 5446
housing renovations, pursuant to an agreement between that person 5447
and the county, township, or municipal corporation for the 5448
purposes of sections 5709.40 to 5709.43, 5709.73 to 5709.75, or 5449
5709.77 to 5709.81 of the Revised Code. 5450

Sec. 5715.70. (A) A county board of revision may release a 5451
lien imposed on real property situated within the county if all 5452
the following apply: 5453

(1) The lien has been in existence for at least five years. 5454

(2) The lien is for a debt resulting from the cost of environmental cleanup of the property paid from state or local government funds. 5455
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(3) The amount of the lien is equal to or greater than twelve times the fair market value of the property. 5458
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(4) The board determines the debt is uncollectible. 5460

(B) The board shall reduce a release given pursuant to this section to writing and the county treasurer shall sign and deliver it to the owner of the property. 5461
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Sec. 5715.701. The county recorder shall discharge a lien described in section 5715.70 of the Revised Code when the release described in that section is presented to the county recorder. In addition to the discharge on the records by the recorder, the release shall be recorded in a book kept for that purpose by the recorder. The recorder is entitled to the fees for such recording as provided by section 317.32 of the Revised Code for recording deeds. 5464
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Sec. 5733.121. If a corporation entitled to a refund under section 5733.11 or 5733.12 of the Revised Code is indebted to this state for any tax, workers' compensation premium due under section 4123.35 of the Revised Code, unemployment compensation contribution due under section 4141.25 of the Revised Code, ~~or~~ unemployment compensation payment in lieu of contribution under section 4141.241 of the Revised Code, certified claim under section 131.02 or 131.021 of the Revised Code, or fee that is paid to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code, or any charge, penalty, or interest arising from such a tax, workers' compensation premium, unemployment compensation contribution, ~~or~~ unemployment compensation payment in lieu of contribution under section 4141.241 of the Revised Code, 5472
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certified claim, or fee, the amount refundable may be applied in 5485
satisfaction of the debt. If the amount refundable is less than 5486
the amount of the debt, it may be applied in partial satisfaction 5487
of the debt. If the amount refundable is greater than the amount 5488
of the debt, the amount remaining after satisfaction of the debt 5489
shall be refunded. If the corporation has more than one such debt, 5490
any debt subject to section 5739.33 or division (G) of section 5491
5747.07 of the Revised Code shall be satisfied first. ~~This~~ Except 5492
as provided in section 131.021 of the Revised Code, this section 5493
applies only to debts that have become final. 5494

The tax commissioner may charge each respective agency of the 5495
state for the commissioner's cost in applying refunds to debts due 5496
to the state and may charge the attorney general for the 5497
commissioner's cost in applying refunds to certified claims. The 5498
commissioner may promulgate rules to implement this section. 5499

The tax commissioner may, with the consent of the taxpayer, 5500
provide for the crediting, against tax due for any tax year, of 5501
the amount of any refund due the taxpayer under this chapter for a 5502
preceding tax year. 5503

Sec. 5747.12. If a person entitled to a refund under section 5504
5747.11 or 5747.13 of the Revised Code is indebted to this state 5505
for any tax, workers' compensation premium due under section 5506
4123.35 of the Revised Code, unemployment compensation 5507
contribution due under section 4141.25 of the Revised Code, 5508
certified claim under section 131.02 or 131.021 of the Revised 5509
Code, or fee that is paid to the state or to the clerk of courts 5510
pursuant to section 4505.06 of the Revised Code, or any charge, 5511
penalty, or interest arising from such a tax, workers' 5512
compensation premium, unemployment compensation contribution, 5513
certified claim, or fee, the amount refundable may be applied in 5514
satisfaction of the debt. If the amount refundable is less than 5515

the amount of the debt, it may be applied in partial satisfaction 5516
of the debt. If the amount refundable is greater than the amount 5517
of the debt, the amount remaining after satisfaction of the debt 5518
shall be refunded. If the person has more than one such debt, any 5519
debt subject to section 5739.33 or division (G) of section 5747.07 5520
of the Revised Code shall be satisfied first. ~~This~~ Except as 5521
provided in section 131.021 of the Revised Code, this section 5522
applies only to debts that have become final. 5523

The tax commissioner may charge each respective agency of the 5524
state for the commissioner's cost in applying refunds to debts due 5525
to the state and may charge the attorney general for the 5526
commissioner's cost in applying refunds to certified claims. The 5527
commissioner may promulgate rules to implement this section. The 5528
rules may address, among other things, situations such as those 5529
where persons may jointly be entitled to a refund but do not 5530
jointly owe a debt or certified claim. 5531

The tax commissioner may, with the consent of the taxpayer, 5532
provide for the crediting, against tax imposed under this chapter 5533
or Chapter 5748. of the Revised Code and due for any taxable year, 5534
of the amount of any refund due the taxpayer under this chapter or 5535
Chapter 5748. of the Revised Code, as appropriate, for a preceding 5536
taxable year. 5537

Section 2. That existing sections 9.98, 105.41, 123.10, 5538
125.28, 126.11, 131.02, 133.01, 145.011, 151.01, 151.04, 154.01, 5539
154.02, 154.07, 755.16, 755.18, 2716.11, 3305.01, 3307.01, 5540
3318.01, 3318.02, 3318.03, 3318.04, 3318.11, 3318.37, 3318.41, 5541
3333.045, 3334.01, 3345.04, 3345.12, 3345.17, 3345.31, 3345.32, 5542
3345.50, 3345.71, 3350.01, 3350.02, 3350.03, 3350.04, 3350.05, 5543
3383.01, 3383.02, 3383.07, 3770.073, 5537.01, 5540.01, 5709.61, 5544
5709.62, 5709.632, 5709.75, 5709.91, 5733.121, and 5747.12 and 5545
section 123.023 of the Revised Code are hereby repealed. 5546

Section 2.01. That the versions of sections 3305.01 and 5547
3307.01 of the Revised Code that are scheduled to take effect 5548
August 1, 2005, be amended to read as follows: 5549

Sec. 3305.01. As used in this chapter: 5550

(A) "Public institution of higher education" means a state 5551
university as defined in section 3345.011 of the Revised Code, the 5552
medical ~~college~~ university of Ohio at Toledo, the northeastern 5553
Ohio universities college of medicine, or a university branch, 5554
technical college, state community college, community college, or 5555
municipal university established or operating under Chapter 3345., 5556
3349., 3354., 3355., 3357., or 3358. of the Revised Code. 5557

(B) "State retirement system" means the public employees 5558
retirement system created under Chapter 145. of the Revised Code, 5559
the state teachers retirement system created under Chapter 3307. 5560
of the Revised Code, or the school employees retirement system 5561
created under Chapter 3309. of the Revised Code. 5562

(C) "Eligible employee" means any person employed as a 5563
full-time employee of a public institution of higher education. 5564

In all cases of doubt, the board of trustees of the public 5565
institution of higher education shall determine whether any person 5566
is an eligible employee for purposes of this chapter, and the 5567
board's decision shall be final. 5568

(D) "Electing employee" means any eligible employee who 5569
elects, pursuant to section 3305.05 or 3305.051 of the Revised 5570
Code, to participate in an alternative retirement plan provided 5571
pursuant to this chapter or an eligible employee who is required 5572
to participate in an alternative retirement plan pursuant to 5573
division (C)(4) of section 3305.05 or division (F) of section 5574
3305.051 of the Revised Code. 5575

(E) "Compensation," for purposes of an electing employee, has 5576
the same meaning as the applicable one of the following: 5577

(1) If the electing employee would be subject to Chapter 145. 5578
of the Revised Code had the employee not made an election pursuant 5579
to section 3305.05 or 3305.051 of the Revised Code, "earnable 5580
salary" as defined in division (R) of section 145.01 of the 5581
Revised Code; 5582

(2) If the electing employee would be subject to Chapter 5583
3307. of the Revised Code had the employee not made an election 5584
pursuant to section 3305.05 or 3305.051 of the Revised Code, 5585
"compensation" as defined in division (L) of section 3307.01 of 5586
the Revised Code; 5587

(3) If the electing employee would be subject to Chapter 5588
3309. of the Revised Code had the employee not made an election 5589
pursuant to section 3305.05 or 3305.051 of the Revised Code, 5590
"compensation" as defined in division (V) of section 3309.01 of 5591
the Revised Code. 5592

(F) "Provider" means an entity designated under section 5593
3305.03 of the Revised Code as a provider of investment options 5594
for an alternative retirement plan. 5595

Sec. 3307.01. As used in this chapter: 5596

(A) "Employer" means the board of education, school district, 5597
governing authority of any community school established under 5598
Chapter 3314. of the Revised Code, college, university, 5599
institution, or other agency within the state by which a teacher 5600
is employed and paid. 5601

(B) "Teacher" means all of the following: 5602

(1) Any person paid from public funds and employed in the 5603
public schools of the state under any type of contract described 5604
in section 3319.08 of the Revised Code in a position for which the 5605

person is required to have a license issued pursuant to sections 5606
3319.22 to 3319.31 of the Revised Code; 5607

(2) Any person employed as a teacher by a community school 5608
pursuant to Chapter 3314. of the Revised Code; 5609

(3) Any person having a license issued pursuant to sections 5610
3319.22 to 3319.31 of the Revised Code and employed in a public 5611
school in this state in an educational position, as determined by 5612
the state board of education, under programs provided for by 5613
federal acts or regulations and financed in whole or in part from 5614
federal funds, but for which no licensure requirements for the 5615
position can be made under the provisions of such federal acts or 5616
regulations; 5617

(4) Any other teacher or faculty member employed in any 5618
school, college, university, institution, or other agency wholly 5619
controlled and managed, and supported in whole or in part, by the 5620
state or any political subdivision thereof, including Central 5621
state university, Cleveland state university, the university of 5622
Toledo, and the medical ~~college~~ university of Ohio at Toledo; 5623

(5) The educational employees of the department of education, 5624
as determined by the state superintendent of public instruction. 5625

In all cases of doubt, the state teachers retirement board 5626
shall determine whether any person is a teacher, and its decision 5627
shall be final. 5628

"Teacher" does not include any eligible employee of a public 5629
institution of higher education, as defined in section 3305.01 of 5630
the Revised Code, who elects to participate in an alternative 5631
retirement plan established under Chapter 3305. of the Revised 5632
Code. 5633

(C) "Member" means any person included in the membership of 5634
the state teachers retirement system, which shall consist of all 5635

teachers and contributors as defined in divisions (B) and (D) of 5636
this section and all disability benefit recipients, as defined in 5637
section 3307.50 of the Revised Code. However, for purposes of this 5638
chapter, the following persons shall not be considered members: 5639

(1) A student, intern, or resident who is not a member while 5640
employed part-time by a school, college, or university at which 5641
the student, intern, or resident is regularly attending classes; 5642

(2) A person denied membership pursuant to section 3307.24 of 5643
the Revised Code; 5644

(3) An other system retirant, as defined in section 3307.35 5645
of the Revised Code, or a superannuate; 5646

(4) An individual employed in a program established pursuant 5647
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 5648
U.S.C.A. 1501. 5649

(D) "Contributor" means any person who has an account in the 5650
teachers' savings fund or defined contribution fund. 5651

(E) "Beneficiary" means any person eligible to receive, or in 5652
receipt of, a retirement allowance or other benefit provided by 5653
this chapter. 5654

(F) "Year" means the year beginning the first day of July and 5655
ending with the thirtieth day of June next following, except that 5656
for the purpose of determining final average salary under the plan 5657
described in sections 3307.50 to 3307.79 of the Revised Code, 5658
"year" may mean the contract year. 5659

(G) "Local district pension system" means any school teachers 5660
pension fund created in any school district of the state in 5661
accordance with the laws of the state prior to September 1, 1920. 5662

(H) "Employer contribution" means the amount paid by an 5663
employer, as determined by the employer rate, including the normal 5664
and deficiency rates, contributions, and funds wherever used in 5665

this chapter.	5666
(I) "Five years of service credit" means employment covered	5667
under this chapter and employment covered under a former	5668
retirement plan operated, recognized, or endorsed by a college,	5669
institute, university, or political subdivision of this state	5670
prior to coverage under this chapter.	5671
(J) "Actuary" means the actuarial consultant to the state	5672
teachers retirement board, who shall be either of the following:	5673
(1) A member of the American academy of actuaries;	5674
(2) A firm, partnership, or corporation of which at least one	5675
person is a member of the American academy of actuaries.	5676
(K) "Fiduciary" means a person who does any of the following:	5677
(1) Exercises any discretionary authority or control with	5678
respect to the management of the system, or with respect to the	5679
management or disposition of its assets;	5680
(2) Renders investment advice for a fee, direct or indirect,	5681
with respect to money or property of the system;	5682
(3) Has any discretionary authority or responsibility in the	5683
administration of the system.	5684
(L)(1) Except as provided in this division, "compensation"	5685
means all salary, wages, and other earnings paid to a teacher by	5686
reason of the teacher's employment, including compensation paid	5687
pursuant to a supplemental contract. The salary, wages, and other	5688
earnings shall be determined prior to determination of the amount	5689
required to be contributed to the teachers' savings fund or	5690
defined contribution fund under section 3307.26 of the Revised	5691
Code and without regard to whether any of the salary, wages, or	5692
other earnings are treated as deferred income for federal income	5693
tax purposes.	5694
(2) Compensation does not include any of the following:	5695

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	5696 5697 5698 5699
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	5700 5701 5702
(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter are paid;	5703 5704 5705
(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;	5706 5707 5708 5709 5710
(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	5711 5712 5713 5714 5715 5716
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	5717 5718 5719
(g) Payments by the employer for services not actually rendered;	5720 5721
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	5722 5723 5724
(i) A retroactive increase paid to a member employed by a	5725

school district board of education in a position that requires a 5726
license designated for teaching and not designated for being an 5727
administrator issued under section 3319.22 of the Revised Code 5728
that is paid in accordance with uniform criteria applicable to all 5729
members employed by the board in positions requiring the licenses; 5730

(ii) A retroactive increase paid to a member employed by a 5731
school district board of education in a position that requires a 5732
license designated for being an administrator issued under section 5733
3319.22 of the Revised Code that is paid in accordance with 5734
uniform criteria applicable to all members employed by the board 5735
in positions requiring the licenses; 5736

(iii) A retroactive increase paid to a member employed by a 5737
school district board of education as a superintendent that is 5738
also paid as described in division (L)(2)(h)(i) of this section; 5739

(iv) A retroactive increase paid to a member employed by an 5740
employer other than a school district board of education in 5741
accordance with uniform criteria applicable to all members 5742
employed by the employer. 5743

(i) Payments made to or on behalf of a teacher that are in 5744
excess of the annual compensation that may be taken into account 5745
by the retirement system under division (a)(17) of section 401 of 5746
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 5747
401(a)(17), as amended. For a teacher who first establishes 5748
membership before July 1, 1996, the annual compensation that may 5749
be taken into account by the retirement system shall be determined 5750
under division (d)(3) of section 13212 of the "Omnibus Budget 5751
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 5752

(j) Payments made under division (B), (C), or (E) of section 5753
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 5754
No. 3 of the 119th general assembly, Section 3 of Amended 5755
Substitute Senate Bill No. 164 of the 124th general assembly, or 5756

Amended Substitute House Bill No. 405 of the 124th general assembly;	5757 5758
(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire.	5759 5760
(3) The retirement board shall determine by rule both of the following:	5761 5762
(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;	5763 5764
(b) Whether any form of earnings not enumerated in this division is to be included in compensation.	5765 5766
Decisions of the board made under this division shall be final.	5767 5768
(M) "Superannuate" means both of the following:	5769
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	5770 5771
(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.	5772 5773 5774 5775 5776
For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.	5777 5778 5779 5780 5781
Section 2.02. That the existing versions of sections 3305.01 and 3307.01 of the Revised Code that are scheduled to take effect August 1, 2005, are hereby repealed.	5782 5783 5784

Section 2.03. Sections 2.01 and 2.02 of this act shall take 5785
effect August 1, 2005. 5786

Section 3.01. The items set forth in this section are hereby 5787
appropriated out of any moneys in the state treasury to the credit 5788
of the Wildlife Fund (Fund 015), that are not otherwise 5789
appropriated. 5790

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			5791
CAP-702	UST Removal/Replacement	\$ 50,000	5792
CAP-703	Cap Abandoned Water Wells	\$ 10,000	5793
CAP-995	Boundary Protection	\$ 50,000	5794
Total Department of Natural Resources		\$ 110,000	5795
TOTAL Wildlife Fund		\$ 110,000	5796

Section 4.01. The items set forth in this section are hereby 5798
appropriated out of any moneys in the state treasury to the credit 5799
of the Public School Building Fund (Fund 021), that are not 5800
otherwise appropriated. 5801

		Appropriations	
SFC SCHOOL FACILITIES COMMISSION			5802
CAP-622	Public School Buildings	\$ 3,000,000	5803
Total School Facilities Commission		\$ 3,000,000	5804
TOTAL Public School Building Fund		\$ 3,000,000	5805

Section 4.02. PUBLIC SCHOOL BUILDING FUND 5807

The Controlling Board, when requested to do so by the 5808
Executive Director of the Ohio School Facilities Commission, may 5809
increase appropriations in the Public School Building Fund (Fund 5810
021), based on revenues received by the fund, including cash 5811
transfers and interest that may accrue to the fund. 5812

Section 5.01. The items set forth in this section are hereby 5813
 appropriated out of any moneys in the state treasury to the credit 5814
 of the Highway Safety Fund (Fund 036), that are not otherwise 5815
 appropriated. 5816

		Appropriations	
DHS DEPARTMENT OF PUBLIC SAFETY			5817
CAP-072	OSHP Academy Infrastructure Phase II	\$ 750,000	5818
CAP-079	Ironton Patrol Post	\$ 1,900,000	5819
Total Department of Public Safety		\$ 2,650,000	5820
TOTAL Highway Safety Fund		\$ 2,650,000	5821

Section 6.01. All items set forth in this section are hereby 5823
 appropriated out of any moneys in the state treasury to the credit 5824
 of the State Capital Improvements Revolving Loan Fund (Fund 040). 5825
 Revenues to the State Capital Improvements Revolving Loan Fund 5826
 shall consist of all repayments of loans made to local 5827
 subdivisions for capital improvements, investment earnings on 5828
 moneys in the fund, and moneys obtained from federal or private 5829
 grants or from other sources for the purpose of making loans for 5830
 the purpose of financing or assisting in the financing of the cost 5831
 of capital improvement projects of local subdivisions. 5832

		Appropriations	
PWC PUBLIC WORKS COMMISSION			5833
CAP-151	Revolving Loan	\$ 16,750,000	5834
Total Public Works Commission		\$ 16,750,000	5835
TOTAL State Capital Improvements Revolving Loan		\$ 16,750,000	5836
Fund			

The foregoing appropriation item CAP-151, Revolving Loan, 5837
 shall be used in accordance with sections 164.01 to 164.12 of the 5838
 Revised Code. 5839

Section 7.01. All items set forth in this section are hereby 5840

appropriated out of any moneys in the state treasury to the credit 5841
of the Waterways Safety Fund (Fund 086), that are not otherwise 5842
appropriated. 5843

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 5844

CAP-324	Cooperative Funding for Boating	\$	7,600,000	5845
	Facilities			
CAP-934	Operations Facilities Development	\$	890,000	5846
	Total Department of Natural Resources	\$	8,490,000	5847
	TOTAL Waterways Safety Fund	\$	8,490,000	5848

Section 8.01. All items set forth in this section are hereby 5850
appropriated out of any moneys in the state treasury to the credit 5851
of the Nursing Home-Federal Fund (Fund 319) that are not otherwise 5852
appropriated. 5853

Appropriations

OVH OHIO VETERANS' HOME AGENCY 5854

430-776	Mechanical Systems Upgrade	\$	1,560,000	5855
430-777	Secrest Kitchen Improvements	\$	260,000	5856
430-778	Corridor Renovations	\$	325,000	5857
430-781	Secrest/Veterans' Hall Roof Replacement	\$	552,500	5858
	Total Ohio Veterans' Home Agency	\$	2,697,500	5859
	TOTAL Nursing Home-Federal Fund	\$	2,697,500	5860

Section 9.01. All items set forth in this section are hereby 5862
appropriated out of any moneys in the state treasury to the credit 5863
of the Army National Guard Service Contract Fund (Fund 342) that 5864
are not otherwise appropriated. 5865

Appropriations

ADJ ADJUTANT GENERAL 5866

CAP-065	Armory Construction-Federal	\$	6,649,000	5867
	Total Adjutant General	\$	6,649,000	5868

Total Army National Guard Service Contract	\$ 6,649,000	5869
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Section 10.01. All items set forth in this section are hereby 5871
appropriated out of any moneys in the state treasury to the credit 5872
of the Special Administrative Fund (Fund 4A9) that are not 5873
otherwise appropriated. 5874

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES		5875
CAP-027 Various Renovations - Local Offices	\$ 2,076,956	5876
Total Department of Job and Family Services	\$ 2,076,956	5877
TOTAL Special Administrative Fund	\$ 2,076,956	5878

Section 11.01. The items set forth in this section are hereby 5880
appropriated out of any moneys in the state treasury to the credit 5881
of the State Fire Marshal Fund (Fund 546), that are not otherwise 5882
appropriated. 5883

Appropriations

COM DEPARTMENT OF COMMERCE		5884
CAP-014 Office and Dorm Addition	\$ 8,190,000	5885
CAP-016 MARCS Radio Communications	\$ 400,000	5886
Total Department of Commerce	\$ 8,590,000	5887
TOTAL State Fire Marshal Fund	\$ 8,590,000	5888

Section 12.01. The items set forth in this section are hereby 5890
appropriated out of any moneys in the state treasury to the credit 5891
of the Community Match Armories Fund (Fund 5U8) that are not 5892
otherwise appropriated. 5893

Appropriations

ADJ ADJUTANT GENERAL		5894
CAP-066 Armory Construction - Local	\$ 3,000,000	5895
Total Adjutant General	\$ 3,000,000	5896
TOTAL Community Match Armories	\$ 3,000,000	5897

Section 13.01. The items set forth in this section are hereby 5899
 appropriated out of any moneys in the state treasury to the credit 5900
 of the Veterans' Home Improvement Fund (Fund 604) that are not 5901
 otherwise appropriated. 5902

Appropriations

	OVH OHIO VETERANS' HOME AGENCY		5903
CAP-776	Mechanical Systems Upgrade	\$ 840,000	5904
CAP-777	Secrest Kitchen Improvements	\$ 140,000	5905
CAP-778	Corridor Renovations	\$ 175,000	5906
CAP-779	Service Building	\$ 75,000	5907
CAP-780	Site Work	\$ 25,000	5908
CAP-781	Secrest/Veterans' Hall Roof Replacement	\$ 297,500	5909
CAP-782	HVAC Controls Upgrade	\$ 135,000	5910
CAP-783	Resident Security Upgrade	\$ 50,000	5911
CAP-784	Multipurpose Room/Employee Locker Room	\$ 254,000	5912
	Total Ohio Veterans' Home Agency	\$ 1,991,500	5913
	TOTAL Veterans' Home Improvement Fund	\$ 1,991,500	5914

Section 14.01. All items set forth in this section are hereby 5916
 appropriated out of any moneys in the state treasury to the credit 5917
 of the Clean Ohio Revitalization Fund (Fund 003) that are not 5918
 otherwise appropriated. 5919

Appropriations

	DEV DEPARTMENT OF DEVELOPMENT		5920
CAP-001	Clean Ohio Revitalization	\$ 40,000,000	5921
CAP-002	Clean Ohio Assistance	\$ 10,000,000	5922
	Total Department of Development	\$ 50,000,000	5923
	TOTAL Clean Ohio Revitalization Fund	\$ 50,000,000	5924

Section 14.02. The Treasurer of State is hereby authorized to 5926
 issue and sell, in accordance with Section 2o of Article VIII, 5927
 Ohio Constitution, and pursuant to sections 151.01 and 151.40 of 5928

the Revised Code, original obligations in an aggregate principal 5929
amount not to exceed \$50,000,000, in addition to the original 5930
issuance of obligations heretofore authorized by prior acts of the 5931
General Assembly. These authorized obligations shall be issued, 5932
subject to applicable constitutional and statutory limitations, as 5933
needed to ensure sufficient moneys to the credit of the Clean Ohio 5934
Revitalization Fund (Fund 003) to pay costs of revitalization 5935
projects as referred to in sections 151.01 and 151.40 of the 5936
Revised Code. 5937

Section 15.01. All items set forth in this section are hereby 5938
appropriated out of any moneys in the state treasury to the credit 5939
of the Highway Safety Building Fund (Fund 025) that are not 5940
otherwise appropriated. 5941

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY			5942
CAP-080	Repeaters and Portable Radios	\$ 2,500,000	5943
Total Department of Public Safety		\$ 2,500,000	5944
TOTAL Highway Safety Building Fund		\$ 2,500,000	5945

Section 16.01. All items set forth in Sections 16.02 to 16.10 5947
of this act are hereby appropriated out of any moneys in the state 5948
treasury to the credit of the Administrative Building Fund (Fund 5949
026) that are not otherwise appropriated. 5950

Appropriations

Section 16.02. ADJ ADJUTANT GENERAL			5951
CAP-036	Roof Replacement - Various	\$ 180,000	5952
CAP-038	Electrical Systems - Various	\$ 180,000	5953
CAP-039	Camp Perry Facility Improvements	\$ 200,000	5954
CAP-044	Replace Windows/Doors - Various	\$ 160,000	5955
CAP-045	Plumbing Renovations - Various	\$ 200,000	5956
CAP-046	Paving Renovations - Various	\$ 280,000	5957

CAP-050	HVAC Systems - Various	\$	320,000	5958
CAP-056	Masonry Repairs/Renovations - Various	\$	180,000	5959
CAP-060	Facility Protections Measures	\$	300,000	5960
CAP-061	Repair/Renovate Waste Water System	\$	200,000	5961
CAP-063	Rickenbacker International Airport	\$	5,000,000	5962
CAP-065	Construct Marysville Armory/Community Center	\$	2,994,000	5963
CAP-068	Norwalk Armory Storage Facility	\$	15,000	5964
Total Adjutant General		\$	10,209,000	5965

Appropriations

Section 16.03. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 5967

CAP-773	Governor's Residence Renovations	\$	160,032	5968
CAP-826	Surface Road Building Renovations	\$	200,000	5969
CAP-834	Capital Improvements Tracking System	\$	750,000	5970
CAP-838	SOCC Renovations	\$	532,042	5971
CAP-852	North High Building Complex	\$	10,375,000	5972
CAP-855	Office Space Planning	\$	5,274,502	5973
CAP-859	eSecure Ohio	\$	1,750,000	5974
CAP-864	eGovernment Infrastructure	\$	250,000	5975
CAP-865	DAS Building Security	\$	140,000	5976
CAP-866	OH*1 Network	\$	4,000,000	5977
CAP-867	Lausche Building Connector	\$	500,000	5978
CAP-868	Riversouth Development	\$	9,500,000	5979
Total Department of Administrative Services		\$	33,431,576	5980

Appropriations

Section 16.04. AGR DEPARTMENT OF AGRICULTURE 5982

CAP-039	Renovate Weights/Measures Building	\$	307,655	5983
CAP-042	Reynoldsburg Complex Security Improvements	\$	110,000	5984
CAP-043	Building and Grounds Renovation	\$	500,000	5985
CAP-049	Consumer Analytical Laboratory	\$	110,000	5986

CAP-050	Plant Industries Building Planning	\$	650,000	5987
Total Department of Agriculture		\$	1,677,655	5988

Appropriations

Section 16.05. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 5990

CAP-010	Rotunda Renovation	\$	1,400,000	5991
CAP-015	Sound System Upgrades	\$	400,000	5992
CAP-018	HVAC Improvements	\$	476,750	5993
Total Capitol Square Review and Advisory Board		\$	2,276,750	5994

SOUND SYSTEM UPGRADES 5995

The foregoing appropriation item CAP-015, Sound System Upgrades, shall be used by Ohio Governmental Television to administer the statehouse sound system upgrade project. 5996
5997
5998

Appropriations

Section 16.06. EXP EXPOSITIONS COMMISSION 5999

CAP-037	Electrical Upgrades	\$	2,400,000	6000
CAP-056	Building Renovations	\$	1,600,000	6001
CAP-072	Emergency Renovations and Equipment Replacement	\$	1,000,000	6002
Total Expositions Commission		\$	5,000,000	6003

Appropriations

Section 16.07. DNR DEPARTMENT OF NATURAL RESOURCES 6005

CAP-742	Fountain Square Building and Telephone System Improvements	\$	500,000	6006
CAP-744	Multi-Agency Radio Communications Equipment - MARCS	\$	3,100,059	6007
CAP-747	DNR Fairgrounds Areas - General Upgrading	\$	500,000	6008
Total Department of Natural Resources		\$	4,100,059	6009

Appropriations

Section 16.08. DHS DEPARTMENT OF PUBLIC SAFETY			6011
CAP-078	Upgrade/Replacement of State EOC Equipment/System	\$ 525,000	6012
CAP-081	NOAA National Weather Radio Coverage	\$ 219,900	6013
Total Department of Public Safety			\$ 744,900 6014

Appropriations

Section 16.09. OSB SCHOOL FOR THE BLIND			6015
CAP-774	Glass Windows/E Wall of Natatorium	\$ 63,726	6016
CAP-775	Renovation of Science Lab Greenhouse	\$ 58,850	6017
CAP-776	Renovating Recreation Area	\$ 213,900	6018
CAP-777	New Classrooms for Secondary MH Program	\$ 880,407	6019
CAP-778	Renovation of Student Health Service Area	\$ 144,375	6020
CAP-779	Replacement of Cottage Windows	\$ 208,725	6021
CAP-780	New School Lighting	\$ 184,500	6022
CAP-781	Food Prep. Area Air Conditioning	\$ 67,250	6023
Total School for the Blind			\$ 1,821,733 6024

Appropriations

Section 16.10. OSD SCHOOL FOR THE DEAF			6025
CAP-777	Boilers, Blowers, and Controls for the School Complex	\$ 841,469	6026
CAP-778	Central Warehouse	\$ 706,194	6027
CAP-779	Storage Barn	\$ 330,850	6028
Total School for the Deaf			\$ 1,878,513 6029
TOTAL Administrative Building Fund			\$ 61,140,186 6030

Section 16.11. The Ohio Building Authority is hereby 6031
authorized to issue and sell, in accordance with Section 2i of 6032
Article VIII, Ohio Constitution, and Chapter 152. and other 6033
applicable sections of the Revised Code, original obligations in 6034
an aggregate principal amount not to exceed \$65,000,000 in 6035

addition to the original issuance of obligations heretofore 6036
 authorized by prior acts of the General Assembly. The authorized 6037
 obligations shall be issued, subject to applicable constitutional 6038
 and statutory limitations, to pay costs associated with previously 6039
 authorized capital facilities and the capital facilities referred 6040
 to in Sections 16.02 to 16.10 of this act. 6041

Section 17.01. All items set forth in this section are hereby 6042
 appropriated out of any moneys in the state treasury to the credit 6043
 of the Adult Correctional Building Fund (Fund 027) that are not 6044
 otherwise appropriated. 6045

Appropriations

	DRC DEPARTMENT OF REHABILITATION AND CORRECTION		6046
	STATEWIDE AND CENTRAL OFFICE PROJECTS		6047
CAP-007	Asbestos/Hazardous Waste Removal	\$ 1,000,000	6048
CAP-017	Security Improvements - Statewide	\$ 5,000,000	6049
CAP-111	General Building Renovations	\$ 31,550,000	6050
CAP-141	Multi-Agency Radio Communications System	\$ 1,900,000	6051
	Equipment		
CAP-187	Mandown Alert Communication System -	\$ 2,650,000	6052
	Statewide		
	Total Statewide and Central Office Projects	\$ 42,100,000	6053
	TOTAL Department of Rehabilitation and Correction	\$ 42,100,000	6054
	TOTAL ADULT CORRECTIONAL BUILDING FUND	\$ 42,100,000	6055

Section 17.02. The Ohio Building Authority is hereby 6057
 authorized to issue and sell, in accordance with Section 2i of 6058
 Article VIII, Ohio Constitution, and Chapter 152. and section 6059
 307.021 of the Revised Code, original obligations in an aggregate 6060
 principal amount not to exceed \$12,000,000 in addition to the 6061
 original issuance of obligations heretofore authorized by prior 6062
 acts of the General Assembly. The authorized obligations shall be 6063

issued subject to applicable constitutional and statutory 6064
limitations, to pay costs associated with previously authorized 6065
capital facilities and the capital facilities referred to in 6066
Section 17.01 of this act for the Department of Rehabilitation and 6067
Correction. 6068

Section 18.01. All items set forth in this section are hereby 6069
appropriated out of any moneys in the state treasury to the credit 6070
of the Juvenile Correctional Building Fund (Fund 028) that are not 6071
otherwise appropriated. 6072

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES 6073

CAP-801	Fire Suppression/Safety/Security	\$	2,081,447	6074
CAP-803	General Institutional Renovations	\$	3,806,860	6075
CAP-837	Sanitary Safety & Other Renovations - Indian River	\$	3,641,875	6076
CAP-838	Education and Programming Expansion - ORV	\$	1,400,000	6077
Total Department of Youth Services		\$	10,930,182	6078
TOTAL Juvenile Correctional Building Fund		\$	10,930,182	6079

Section 18.02. The Ohio Building Authority is hereby 6081
authorized to issue and sell, in accordance with Section 2i of 6082
Article VIII, Ohio Constitution, and Chapter 152. and other 6083
applicable sections of the Revised Code, original obligations in 6084
an aggregate principal amount not to exceed \$8,000,000 in addition 6085
to the original issuance of obligations heretofore authorized by 6086
prior acts of the General Assembly. The authorized obligations 6087
shall be issued, subject to applicable constitutional and 6088
statutory limitations, to pay the costs associated with previously 6089
authorized capital facilities and the capital facilities referred 6090
to in Section 18.01 of this act for the Department of Youth 6091

Services. 6092

Section 19.01. All items set forth in this section are hereby 6093
 appropriated out of any moneys in the state treasury to the credit 6094
 of the Cultural and Sports Facilities Building Fund (Fund 030) 6095
 that are not otherwise appropriated. 6096

Appropriations

AFC CULTURAL FACILITIES COMMISSION 6097

CAP-010	Sandusky State Theatre Improvements	\$	325,000	6098
CAP-013	Stambaugh Hall Improvements	\$	250,000	6099
CAP-033	Woodward Opera House Renovation	\$	100,000	6100
CAP-038	Center Exhibit Replacement	\$	816,000	6101
CAP-043	Statewide Site Repairs	\$	100,000	6102
CAP-044	National Underground Railroad Freedom Center	\$	4,150,000	6103
CAP-046	Cincinnati Museum Center Improvements	\$	250,000	6104
CAP-052	Akron Art Museum	\$	1,012,500	6105
CAP-053	Powers Auditorium Improvements - Eleanor Beecher Flad Pavilion	\$	250,000	6106
CAP-065	Beck Center for the Cultural Arts	\$	100,000	6107
CAP-069	Cleveland Institute of Art	\$	250,000	6108
CAP-071	Cleveland Institute of Music	\$	750,000	6109
CAP-073	Marina District/Ice Arena Development	\$	3,500,000	6110
CAP-074	Stan Hywet Hall & Gardens - West Vista Restoration	\$	750,000	6111
CAP-745	Emergency Repairs	\$	838,560	6112
CAP-769	Rankin House State Memorial	\$	192,000	6113
CAP-781	Archives and Library Automation	\$	624,000	6114
CAP-784	Center Rehabilitation	\$	960,000	6115
CAP-806	Grant Boyhood Home Improvements	\$	480,000	6116
CAP-812	Schuster Arts Center	\$	5,500,000	6117
CAP-823	Marion Palace Theatre	\$	750,000	6118

CAP-826	Renaissance Theatre	\$	750,000	6119
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	6120
CAP-835	Jamestown Opera House	\$	125,000	6121
CAP-844	Charles A. Eulett Education Center/Edge of Appalachia Museum Center	\$	1,850,000	6122
CAP-845	Lima Historic Athletic Field	\$	100,000	6123
CAP-846	Butler Palace Theatre	\$	100,000	6124
CAP-847	Voice of America Museum	\$	275,000	6125
CAP-848	Oxford Arts Center ADA Project	\$	72,000	6126
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	6127
CAP-850	Westcott House Historic Site	\$	75,000	6128
CAP-851	General Lytle Homestead - Harmony Hill	\$	50,000	6129
CAP-852	Miami Township Community Amphitheatre	\$	50,000	6130
CAP-853	Western Reserve Historical Society	\$	1,000,000	6131
CAP-854	Steamship Mather Museum	\$	100,000	6132
CAP-855	Rock and Roll Hall of Fame	\$	250,000	6133
CAP-856	Friendly Inn Settlement House Historic Site	\$	250,000	6134
CAP-857	Merrick House Historic Site	\$	250,000	6135
CAP-858	Strongsville Historic Building	\$	100,000	6136
CAP-859	Arts Castle	\$	100,000	6137
CAP-860	Great Lakes Historical Society	\$	325,000	6138
CAP-861	Ohio Glass Museum	\$	250,000	6139
CAP-862	Goll Wood Homestead	\$	50,000	6140
CAP-863	Ariel Theatre	\$	100,000	6141
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	6142
CAP-865	Kennedy Stone House	\$	15,000	6143
CAP-866	Sports Facilities Improvements - Cincinnati	\$	4,350,000	6144
CAP-867	Ensemble Theatre	\$	450,000	6145
CAP-868	Taft Museum	\$	500,000	6146

CAP-869	Art Academy of Cincinnati	\$	100,000	6147
CAP-870	Riverbend Pavilion Improvements	\$	250,000	6148
CAP-871	Cincinnati Art & Technology Academy - Longworth Hall	\$	100,000	6149
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	6150
CAP-873	John Bloomfield Home Restoration	\$	115,000	6151
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	6152
CAP-875	Hocking County Historical Society - Schempp House	\$	10,000	6153
CAP-876	Art Deco Markay Theater	\$	200,000	6154
CAP-877	Harvey Wells House	\$	100,000	6155
CAP-878	Bryn Du	\$	250,000	6156
CAP-879	Broad Street Historical Renovation	\$	300,000	6157
CAP-880	Amherst Historical Society	\$	35,000	6158
CAP-881	COSI - Toledo	\$	1,900,000	6159
CAP-882	Ohio Theatre - Toledo	\$	100,000	6160
CAP-883	Chester Academy Historic Site Renovations	\$	25,000	6161
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	6162
CAP-885	Montgomery County Historical Society Archives	\$	100,000	6163
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	6164
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	6165
CAP-888	Preble County Historical Society	\$	100,000	6166
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	6167
CAP-890	Pro Football Hall of Fame	\$	400,000	6168
CAP-891	MAPS Air Museum	\$	15,000	6169
CAP-892	Foundation Community Theatre	\$	50,000	6170
CAP-893	William McKinley Library Restoration	\$	250,000	6171
CAP-894	Hale Farm & Village	\$	250,000	6172
CAP-895	Blossom Music Center	\$	2,512,500	6173
CAP-896	Richard Howe House	\$	100,000	6174

CAP-897	Ward-Thomas Museum	\$	30,000	6175
CAP-898	Packard Music Hall Renovation Project	\$	100,000	6176
CAP-899	Holland Theatre	\$	100,000	6177
CAP-900	Van Wert Historical Society	\$	32,000	6178
CAP-901	Warren County Historical Society	\$	225,000	6179
CAP-902	Marietta Colony Theatre	\$	335,000	6180
CAP-903	West Salem Village Opera House	\$	92,000	6181
CAP-904	Beavercreek Community Theater	\$	100,000	6182
CAP-905	Smith Orr Homestead	\$	100,000	6183
	Total Cultural Facilities Commission	\$	43,592,560	6184
	TOTAL Cultural and Sports Facilities Building Fund	\$	43,592,560	6185

Section 19.02. The Treasurer of State is hereby authorized to 6187
issue and sell, in accordance with Section 2i of Article VIII, 6188
Ohio Constitution, and Chapter 154., as amended by this act, and 6189
other applicable sections of the Revised Code, original 6190
obligations in an aggregate principal amount not to exceed 6191
\$35,000,000 in addition to the original issuance of obligations 6192
heretofore authorized by prior acts of the General Assembly. The 6193
authorized obligations shall be issued, subject to applicable 6194
constitutional and statutory limitations, to pay costs of capital 6195
facilities as defined in section 154.01 of the Revised Code, 6196
including construction as defined in division (H) of section 6197
3383.01 of the Revised Code, of the Ohio cultural facilities 6198
designated in Section 19.01 of this act. 6199

Section 20.01. All items set forth in this section are hereby 6200
appropriated out of any moneys in the state treasury to the credit 6201
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 6202
not otherwise appropriated. 6203

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 6204
STATEWIDE AND LOCAL PROJECTS 6205

CAP-012	Land Acquisition	\$	750,000	6206
CAP-051	Buck Creek State Park - Camp/Dock Renovations	\$	25,000	6207
CAP-060	East Fork State Park Renovation	\$	50,000	6208
CAP-080	Atwood Lake Conservancy District	\$	75,000	6209
CAP-083	John Bryan State Park Shelter Construction	\$	30,000	6210
CAP-084	Findley State Park General Improvements	\$	12,500	6211
CAP-085	The Wilds Carnivore Center	\$	1,000,000	6212
CAP-086	Scippo Creek Conservation	\$	75,000	6213
CAP-087	Belpre City Swimming Pool	\$	125,000	6214
CAP-705	Ohio-Erie Canal Tuscarawas River Logjam Removal	\$	25,000	6215
CAP-748	Local Parks Projects - Statewide	\$	2,511,079	6216
CAP-753	Project Planning	\$	1,144,316	6217
CAP-881	Dam Rehabilitation	\$	5,000,000	6218
CAP-931	Wastewater/Water Systems Upgrades	\$	2,900,000	6219
	Total Statewide and Local Projects	\$	13,722,895	6220
	Total Department of Natural Resources	\$	13,722,895	6221
	TOTAL Ohio Parks and Natural Resources Fund	\$	13,722,895	6222

Section 20.02. The Ohio Public Facilities Commission, upon 6224
the request of the Director of Natural Resources, is hereby 6225
authorized to issue and sell, in accordance with Section 21 of 6226
Article VIII, Ohio Constitution, and Chapter 151. and particularly 6227
sections 151.01 and 151.05 of the Revised Code, original 6228
obligations in an aggregate principal amount not to exceed 6229
\$14,000,000 in addition to the original issuance of obligations 6230
heretofore authorized by prior acts of the General Assembly. These 6231
authorized obligations shall be issued, subject to applicable 6232
constitutional and statutory limitations, as needed to provide 6233
sufficient moneys to the credit of the Ohio Parks and Natural 6234
Resources Fund (Fund 031) to pay costs of capital facilities as 6235

defined in sections 151.01 and 151.05 of the Revised Code. 6236

Section 20.03. For the projects appropriated in Section 20.01 6237
 of this act, the Department of Natural Resources shall 6238
 periodically prepare and submit to the Director of Budget and 6239
 Management the estimated design, planning, and engineering costs 6240
 of capital-related work to be done by the Department of Natural 6241
 Resources for each project. Based on the estimates, the Director 6242
 of Budget and Management may release appropriations from the 6243
 foregoing appropriation item CAP-753, Project Planning, to pay for 6244
 design, planning, and engineering costs incurred by the Department 6245
 of Natural Resources for such projects. Upon release of the 6246
 appropriations by the Director of Budget and Management, the 6247
 Department of Natural Resources shall pay for these expenses from 6248
 the Capital Expenses Fund (Fund 4S9), and be reimbursed by Fund 6249
 031 using an intrastate voucher. 6250

Section 21.01. All items set forth in this section are hereby 6251
 appropriated out of any moneys in the state treasury to the credit 6252
 of the School Building Program Assistance Fund (Fund 032) that are 6253
 not otherwise appropriated. 6254

Appropriations

SFC SCHOOL FACILITIES COMMISSION		6255
CAP-770 School Building Program Assistance	\$ 541,600,000	6256
Total School Facilities Commission	\$ 541,600,000	6257
TOTAL School Building Program Assistance Fund	\$ 541,600,000	6258

SCHOOL BUILDING PROGRAM ASSISTANCE 6259

The foregoing appropriation item CAP-770, School Building 6260
 Program Assistance, shall be used by the School Facilities 6261
 Commission to provide funding to school districts that receive 6262
 conditional approval from the Commission pursuant to Chapter 3318. 6263
 of the Revised Code. 6264

Section 21.02. The Ohio Public Facilities Commission is 6265
hereby authorized to issue and sell, in accordance with Section 2n 6266
of Article VIII, Ohio Constitution, and Chapter 151. and 6267
particularly sections 151.01 and 151.03 of the Revised Code, 6268
original obligations in an aggregate principal amount not to 6269
exceed \$530,000,000, in addition to the original issuance of 6270
obligations heretofore authorized by prior acts of the General 6271
Assembly. The authorized obligations shall be issued, subject to 6272
applicable constitutional and statutory limitations, to pay the 6273
costs to the state of constructing classroom facilities pursuant 6274
to sections 3318.01 to 3318.35 of the Revised Code. 6275

Section 22.01. All items set forth in Sections 22.02 to 22.05 6276
are hereby appropriated out of any moneys in the state treasury to 6277
the credit of the Mental Health Facilities Improvement Fund (Fund 6278
033) that are not otherwise appropriated. 6279

Section 22.02. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 6280
SERVICES 6281
CAP-002 Community Assistance Projects \$ 100,000 6282
Total Department of Alcohol and Drug Addiction \$ 100,000 6283
Services

COMMUNITY ASSISTANCE PROJECTS 6284

Of the foregoing appropriation item CAP-002, Community 6285
Assistance Projects, \$100,000 shall be used for the Stella Maris 6286
Community Recovery Center. 6287

Appropriations

Section 22.03. DMH DEPARTMENT OF MENTAL HEALTH 6288
CAP-479 Community Assistance Projects \$ 1,700,000 6289
CAP-978 Infrastructure Improvements \$ 8,050,000 6290
CAP-989 Cleveland Christian Home \$ 100,000 6291

Total Department of Mental Health \$ 9,850,000 6292

COMMUNITY ASSISTANCE PROJECTS 6293

Of the foregoing appropriation item CAP-479, Community 6294
Assistance Projects, \$200,000 shall be used for the Center for 6295
Families and Children. 6296

Appropriations

Section 22.04. DMR DEPARTMENT OF MENTAL RETARDATION AND 6297
DEVELOPMENTAL DISABILITIES 6298

STATEWIDE AND CENTRAL OFFICE PROJECTS 6299

CAP-480 Community Assistance Projects \$ 9,575,000 6300

CAP-955 Statewide Development Centers \$ 3,257,257 6301

Total Statewide and Central Office Projects \$ 12,832,257 6302

TOTAL Department of Mental Retardation and \$ 12,832,257 6303
Developmental Disabilities

TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND \$ 22,782,257 6304

COMMUNITY ASSISTANCE PROJECTS 6305

The foregoing appropriation item CAP-480, Community 6306
Assistance Projects, may be used to provide community assistance 6307
funds for the development, purchase, construction, or renovation 6308
of facilities for day programs or residential programs that 6309
provide services to persons eligible for services from the 6310
Department of Mental Retardation and Developmental Disabilities or 6311
county boards of mental retardation and developmental 6312
disabilities. Any funds provided to nonprofit agencies for the 6313
construction or renovation of facilities for persons eligible for 6314
services from the Department of Mental Retardation and 6315
Developmental Disabilities and county boards of mental retardation 6316
and developmental disabilities shall be governed by the prevailing 6317
wage provisions in section 176.05 of the Revised Code. 6318

Of the foregoing appropriation item CAP-480, \$200,000 shall 6319

be used for the Achievement Centers for Children; \$250,000 shall 6320
be used for Bellefaire Jewish Children's Bureau; \$250,000 shall be 6321
used for the Julie Billart facility; \$100,000 shall be used for 6322
the Berea Children's Home; and \$75,000 shall be used for the 6323
Hanson Home. 6324

Section 22.05. The foregoing appropriations for the 6325
Department of Mental Health, CAP-479, Community Assistance 6326
Projects; and Department of Mental Retardation and Developmental 6327
Disabilities, CAP-480, Community Assistance Projects, may be used 6328
on facilities constructed or to be constructed pursuant to Chapter 6329
340., 3793., 5119., 5123., or 5126. of the Revised Code or the 6330
authority granted by section 154.20 of the Revised Code and the 6331
rules issued pursuant to those chapters and shall be distributed 6332
by the Department of Mental Health and the Department of Mental 6333
Retardation and Developmental Disabilities, all subject to 6334
Controlling Board approval. 6335

Section 22.06. (A) No capital improvement appropriations made 6336
in Sections 22.01 to 22.05 of this act shall be released for 6337
planning or for improvement, renovation, or construction or 6338
acquisition of capital facilities if a governmental agency, as 6339
defined in section 154.01 of the Revised Code, does not own the 6340
real property that constitutes the capital facilities or on which 6341
the capital facilities are or will be located. This restriction 6342
shall not apply in any of the following circumstances: 6343

(1) The governmental agency has a long-term (at least fifteen 6344
years) lease of, or other interest (such as an easement) in, the 6345
real property. 6346

(2) In the case of an appropriation for capital facilities 6347
that, because of their unique nature or location, will be owned or 6348
be part of facilities owned by a separate nonprofit organization 6349

and made available to the governmental agency for its use or 6350
operated by the nonprofit organization under contract with the 6351
governmental agency, the nonprofit organization either owns or has 6352
a long-term (at least fifteen years) lease of the real property or 6353
other capital facility to be improved, renovated, constructed, or 6354
acquired and has entered into a joint or cooperative use 6355
agreement, approved by the Department of Mental Health or the 6356
Department of Mental Retardation and Developmental Disabilities, 6357
whichever is applicable, with the governmental agency for that 6358
agency's use of and right to use the capital facilities to be 6359
financed and, if applicable, improved, the value of such use or 6360
right to use being, as determined by the parties, reasonably 6361
related to the amount of the appropriation. 6362

(B) In the case of capital facilities referred to in division 6363
(A)(2) of this section, the joint or cooperative use agreement 6364
shall include, as a minimum, provisions that: 6365

(1) Specify the extent and nature of that joint or 6366
cooperative use, extending for not fewer than fifteen years, with 6367
the value of such use or right to use to be, as determined by the 6368
parties and approved by the approving department, reasonably 6369
related to the amount of the appropriation; 6370

(2) Provide for pro rata reimbursement to the state should 6371
the arrangement for joint or cooperative use by a governmental 6372
agency be terminated; 6373

(3) Provide that procedures to be followed during the capital 6374
improvement process will comply with appropriate applicable state 6375
laws and rules, including provisions of this act. 6376

Section 22.07. The Treasurer of State is hereby authorized to 6377
issue and sell in accordance with Section 2i of Article VIII, Ohio 6378
Constitution, and Chapter 154. of the Revised Code, particularly 6379

section 154.20 of the Revised Code, original obligations in an 6380
 aggregate principal amount not to exceed \$20,000,000 in addition 6381
 to the original issuance of obligations heretofore authorized by 6382
 prior acts of the General Assembly. The authorized obligations 6383
 shall be issued, subject to applicable constitutional and 6384
 statutory limitations, to pay costs of capital facilities as 6385
 defined in section 154.01 of the Revised Code for mental hygiene 6386
 and retardation. 6387

Section 23.01. All items set forth in Sections 23.02 to 23.45 6388
 are hereby appropriated out of any moneys in the state treasury to 6389
 the credit of the Higher Education Improvement Fund (Fund 034) 6390
 that are not otherwise appropriated. 6391

Appropriations

Section 23.02. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS 6392
 NETWORK COMMISSION 6393
 6394
 CAP-001 Educational TV and Radio Equipment \$ 1,027,038 6395
 Total Ohio Educational Telecommunications 6396
 Network Commission \$ 1,027,038 6397

Appropriations

Section 23.03. BOARD OF REGENTS AND STATE INSTITUTIONS OF 6399
 HIGHER EDUCATION 6400
 BOR BOARD OF REGENTS 6401
 CAP-025 Instructional and Data Processing \$ 28,268,395 6402
 Equipment
 CAP-029 Ohio Library and Information Network \$ 8,100,000 6403
 CAP-030 Ohio Supercomputer Center Expansion \$ 6,750,000 6404
 CAP-032 Research Facility Action and Investment \$ 5,000,000 6405
 Funds
 CAP-064 Eminent Scholars Capital Grants \$ 900,000 6406

CAP-068	Third Frontier	\$	50,000,000	6407
CAP-070	Dark Fiber	\$	4,500,000	6408
CAP-072	Cleveland Clinic Heart Center Infrastructure Project	\$	5,000,000	6409
CAP-076	OSU Agricultural Building	\$	1,500,000	6410
CAP-077	Center for Structural Biology at Case Western Reserve University	\$	1,000,000	6411
CAP-078	One Cleveland Broadband Network	\$	500,000	6412
CAP-079	Central Ohio Technology Corridor - Dublin	\$	500,000	6413
CAP-080	Ohio State University Supercomputer Center Aerospace & Defense Initiative	\$	50,000	6414
Total Board of Regents		\$	112,068,395	6415

Section 23.04. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 6417

The foregoing appropriation item CAP-032, Research Facility
 Action and Investment Funds, shall be used for a program of grants 6418
 to be administered by the Board of Regents to provide timely 6419
 availability of capital facilities for research programs and 6420
 research-oriented instructional programs at or involving 6421
 state-supported and state-assisted institutions of higher 6422
 education. 6423
 6424

The Board of Regents shall adopt rules under Chapter 119. of 6425
 the Revised Code relative to the application for and approval of 6426
 projects funded from appropriation item CAP-032, Research Facility 6427
 Action and Investment Funds. The rules shall be reviewed and 6428
 approved by the Legislative Committee on Education Oversight. The 6429
 Board of Regents shall inform the President of the Senate and the 6430
 Speaker of the House of Representatives of each project 6431
 application for funding received. Each project receiving a 6432
 commitment for funding by the Board of Regents under the rules 6433
 shall be reported to the President of the Senate and the Speaker 6434

of the House of Representatives. 6435

Section 23.05. EMINENT SCHOLARS CAPITAL GRANTS 6436

The foregoing appropriation item CAP-064, Eminent Scholars 6437
Capital Grants, shall be used by the Ohio Board of Regents to make 6438
grants to state colleges and universities and nonprofit Ohio 6439
institutions of higher education holding certificates of 6440
authorization issued under section 1713.02 of the Revised Code 6441
that receive endowment grants from appropriation item 235-451, 6442
Eminent Scholars. The capital grants shall be used to acquire, 6443
renovate, rehabilitate, or construct facilities and purchase 6444
equipment to be used by an Eminent Scholar in the conduct of 6445
research, and shall require a 50 per cent match from recipient 6446
campuses. 6447

The Board of Regents shall convene an Eminent Scholars 6448
Advisory Panel, which shall make recommendations for the 6449
administration of the Eminent Scholars program, including the 6450
award of capital grants. The panel's recommendations for capital 6451
awards from appropriation item CAP-064, Eminent Scholars Capital 6452
Grants, shall require the approval of the Board of Regents. 6453

Section 23.06. THIRD FRONTIER 6454

The foregoing appropriation item CAP-068, Third Frontier, 6455
shall be used to acquire, renovate, or construct facilities and 6456
purchase equipment for research programs, technology development, 6457
product development, and commercialization programs at or 6458
involving state-supported and state-assisted institutions of 6459
higher education. The funds shall be used to make grants awarded 6460
on a competitive basis, and shall be administered by the Third 6461
Frontier Commission. Expenditure of these funds shall comply with 6462
Section 2n of Article VIII, Ohio Constitution, and sections 151.01 6463
and 151.04 of the Revised Code for the period beginning July 1, 6464

2004, and ending June 30, 2006. 6465

The Third Frontier Commission shall develop guidelines 6466
relative to the application for and selection of projects funded 6467
from appropriation item CAP-068, Third Frontier. The commission 6468
may develop these guidelines in consultation with other interested 6469
parties. The Board of Regents and all state-assisted and 6470
state-supported institutions of higher education shall take all 6471
actions necessary to implement grants awarded by the Third 6472
Frontier Commission. 6473

The foregoing appropriation item CAP-068, Third Frontier, for 6474
which an appropriation is made from the Higher Education 6475
Improvement Fund (Fund 034), is determined to consist of capital 6476
improvements and capital facilities for state-supported and 6477
state-assisted institutions of higher education, and is designated 6478
for the capital facilities to which proceeds of obligations in the 6479
Higher Education Improvement Fund (Fund 034) are to be applied. 6480

Section 23.07. REIMBURSEMENT FOR PROJECT COSTS 6481

Appropriations made in Sections 23.08 to 23.45 of this act 6482
for purposes of costs of capital facilities for the interim 6483
financing of which the particular institution has previously 6484
issued its own obligations anticipating the possibility of future 6485
state appropriations to pay all or a portion of such costs, as 6486
contemplated in division (B) of section 3345.12 of the Revised 6487
Code, shall be paid directly to the institution or the paying 6488
agent for those outstanding obligations in the full principal 6489
amount of those obligations then to be paid from the anticipated 6490
appropriation, and shall be timely applied to the retirement of a 6491
like principal amount of the institution's obligations. 6492

Appropriations made in Sections 23.08 to 23.45 of this act 6493
for purposes of costs of capital facilities, all or a portion of 6494

which costs the particular institution has paid from the 6495
institution's moneys that were temporarily available and which 6496
expenditures were reasonably expected at the time of the advance 6497
by the institution to be reimbursed from the proceeds of 6498
obligations issued by the state, shall be directly paid to the 6499
institution in the full amounts of those payments, and shall be 6500
timely applied to the reimbursement of those temporarily available 6501
moneys. All reimbursements are subject to review and approval 6502
through the capital release process. 6503

Appropriations

Section 23.08. UAK UNIVERSITY OF AKRON 6504

CAP-008	Basic Renovations	\$	3,673,967	6505
CAP-047	Polsky Building	\$	2,800,918	6506
CAP-049	Basic Renovations-Wayne	\$	122,466	6507
CAP-054	Auburn West Tower Rehabilitation Phase	\$	8,316,562	6508
	II			
CAP-077	Leigh Hall Phase II	\$	1,680,000	6509
CAP-113	Student & Administrative Services	\$	905,464	6510
	Building Phase II			
CAP-114	Facilities Enhancement Building H Phase	\$	628,277	6511
	II			
CAP-115	Medina County University Center	\$	1,000,000	6512
Total University of Akron		\$	19,127,654	6513

Appropriations

Section 23.09. BGU BOWLING GREEN STATE UNIVERSITY 6515

CAP-009	Basic Renovations	\$	3,319,413	6516
CAP-060	Basic Renovations-Firelands	\$	191,849	6517
CAP-112	Biology Laboratory Building Phase II	\$	11,334,113	6518
CAP-126	Re-Roof East, West, and North Bldgs	\$	600,000	6519
CAP-127	Instructional Laboratory Phase I	\$	123,735	6520
CAP-128	Perrysburg Heights Multipurpose Facility	\$	500,000	6521

CAP-129	Wood County Senior Kitchen Project	\$	500,000	6522
	Total Bowling Green University	\$	16,569,110	6523

Appropriations

Section 23.10. CSU CENTRAL STATE UNIVERSITY 6525

CAP-022	Basic Renovations	\$	739,133	6526
CAP-084	Academic Facility-Phase II	\$	3,734,139	6527
	Total Central State University	\$	4,473,272	6528

Appropriations

Section 23.11. UCN UNIVERSITY OF CINCINNATI 6529

CAP-009	Basic Renovations	\$	7,022,622	6530
CAP-018	Basic Renovations-Clermont	\$	198,926	6531
CAP-054	Basic Renovations-Walters	\$	336,439	6532
CAP-131	Cinergy Convention Center	\$	2,500,000	6533
CAP-174	Classroom/Teaching Laboratory Renovations	\$	3,280,000	6534
CAP-176	Network Expansion	\$	1,820,000	6535
CAP-205	Medical Science Building	\$	5,870,374	6536
CAP-209	Library Renovations	\$	1,450,000	6537
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	2,632,000	6538
CAP-263	Swift Rehabilitation	\$	9,000,000	6539
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	619,579	6540
CAP-269	Raymond Walters Veterinary College	\$	1,244,131	6541
CAP-313	Expand Clermont	\$	657,770	6542
CAP-329	Uptown Consortium Renovation of Turner Place	\$	250,000	6543
	Total University of Cincinnati	\$	36,881,841	6544

Appropriations

Section 23.12. CLS CLEVELAND STATE UNIVERSITY 6546

CAP-023	Basic Renovations	\$	3,267,875	6547
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CAP-125	College of Education Building	\$	8,057,262	6548
CAP-130	WVIZ Technology Center/Playhouse Square	\$	750,000	6549
CAP-152	Rhodes Tower-Data Center Relocation	\$	1,000,000	6550
CAP-153	University Annex-Vacation and Demolition	\$	49,390	6551
CAP-154	Main Classroom Stair Tower & Entry	\$	1,500,000	6552
CAP-155	Cleveland Playhouse	\$	250,000	6553
CAP-156	Physical Education Building	\$	1,000,000	6554
	Rehabilitation			
	Total Cleveland State University	\$	15,874,527	6555

Appropriations

	Section 23.13. KSU KENT STATE UNIVERSITY			6557
CAP-022	Basic Renovations	\$	3,573,078	6558
CAP-105	Basic Renovations-East Liverpool	\$	151,408	6559
CAP-106	Basic Renovations-Geauga	\$	45,607	6560
CAP-107	Basic Renovations-Salem	\$	105,640	6561
CAP-108	Basic Renovations-Stark	\$	325,358	6562
CAP-110	Basic Renovations-Ashtabula	\$	177,801	6563
CAP-111	Basic Renovations-Trumbull	\$	347,695	6564
CAP-112	Basic Renovations-Tuscarawas	\$	171,699	6565
CAP-212	Health Science Building, Planning	\$	705,720	6566
CAP-235	Rehabilitation of Franklin Hall	\$	13,923,684	6567
CAP-260	Land Acquisitions & Improvements-East Liverpool	\$	638,419	6568
CAP-261	Addition/Renovation of Classrooms-Geauga	\$	246,878	6569
CAP-262	Gym Renovation Planning-Salem	\$	490,213	6570
CAP-263	Parking Lot & Roadway Paving-Stark	\$	162,076	6571
CAP-264	Fine Arts Building & New Campus Center-Stark	\$	1,000,000	6572
CAP-265	Science Lab Addition-Trumbull	\$	991,786	6573
CAP-266	Fine & Performing Arts Center - Tuscarawas	\$	844,655	6574
CAP-267	Columbiana County Port Authority	\$	875,000	6575

CAP-268	Canton Convention Center	\$	735,000	6576
	Total Kent State University	\$	25,511,717	6577

Appropriations

Section 23.14. MUN MIAMI UNIVERSITY 6579

CAP-018	Basic Renovations	\$	3,361,718	6580
CAP-066	Basic Renovations - Hamilton	\$	338,149	6581
CAP-069	Basic Renovations - Middletown	\$	342,582	6582
CAP-113	Academic/Administrative Renovation Projects - Hamilton	\$	561,504	6583
CAP-127	Campus Steam Loop Connections	\$	1,457,000	6584
CAP-142	Engineering & Applied Science Facility	\$	3,200,000	6585
CAP-145	Campus Chilled Water Efficiency Upgrade	\$	725,000	6586
CAP-146	Information Technology Systems Upgrade	\$	1,201,284	6587
CAP-150	Student & Community Center	\$	2,530,865	6588
CAP-157	Presser Hall Rehabilitation	\$	3,015,740	6589
CAP-158	Psychology & Animal Care Facility	\$	2,500,000	6590
	Total Miami University	\$	19,233,842	6591

Appropriations

Section 23.15. OSU OHIO STATE UNIVERSITY 6593

CAP-074	Basic Renovations	\$	16,087,255	6594
CAP-149	Basic Renovations - Regional Campuses	\$	1,364,700	6595
CAP-255	Supplemental Renovations - OARDC	\$	1,563,997	6596
CAP-427	Morrill Hall - 1st Floor Rehabilitation	\$	603,137	6597
CAP-486	Larkins Hall Addition and Rehabilitation	\$	6,417,109	6598
CAP-487	Robinson Laboratory Replacement	\$	24,200,000	6599
CAP-531	Plant & Animal Agrosecurity Research Facility	\$	4,830,718	6600
CAP-534	Main Library Rehabilitation/Expansion	\$	8,000,000	6601
CAP-535	Psychology Building	\$	13,600,000	6602
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	6603
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	6604

CAP-704	Warner Library and Student Center	\$	1,070,766	6605
CAP-705	Hopewell Hall Science Suite	\$	508,408	6606
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	6607
Total Ohio State University		\$	83,280,090	6608

Appropriations

Section 23.16. OHU OHIO UNIVERSITY				6610
CAP-020	Basic Renovations	\$	4,359,577	6611
CAP-095	Basic Renovations - Eastern	\$	161,266	6612
CAP-098	Basic Renovations - Lancaster	\$	220,122	6613
CAP-099	Basic Renovations - Zanesville	\$	208,065	6614
CAP-113	Basic Renovations - Chillicothe	\$	191,356	6615
CAP-114	Basic Renovations - Ironton	\$	109,277	6616
CAP-115	Bennett Hall Interior Renovation Phase II	\$	101,793	6617
CAP-155	Brasee Hall Interior Renovations	\$	835,520	6618
CAP-172	Elson Hall Renovation Phase III	\$	909,284	6619
CAP-203	Classroom Improvements	\$	50,000	6620
CAP-214	Science/Fine Arts Renovation Phase II	\$	305,000	6621
CAP-216	Proctorville Planning and Site Improvements	\$	448,831	6622
CAP-222	Clippinger Lab Planning	\$	112,709	6623
CAP-223	Alden Library Planning	\$	150,000	6624
CAP-224	University Center Replacement	\$	11,390,000	6625
CAP-225	Lausche Heating Plant	\$	4,800,000	6626
CAP-226	New Grounds Maintenance Building	\$	259,064	6627
CAP-227	Chillicothe Parking & Roadway	\$	480,000	6628
CAP-228	Shoemaker Center Air Conditioning	\$	271,000	6629
CAP-230	Kettering Medical Center - Nixon Research Facility	\$	450,000	6630
CAP-231	Supplemental Renovations - Ironton	\$	100,000	6631
Total Ohio University		\$	25,912,864	6632

Appropriations

Section 23.17. SSC SHAWNEE STATE UNIVERSITY			6634
CAP-004	Basic Renovations	\$ 792,535	6635
CAP-044	Land Acquisition	\$ 227,681	6636
CAP-051	Rhodes Center Rehabilitation	\$ 1,315,586	6637
Total Shawnee State University		\$ 2,335,802	6638

Appropriations

Section 23.18. UTO UNIVERSITY OF TOLEDO			6640
CAP-010	Basic Renovations	\$ 3,762,792	6641
CAP-105	Gillham Hall Rehabilitation	\$ 2,000,000	6642
CAP-122	Bowman-Oddy Instructional Labs	\$ 6,000,000	6643
CAP-123	Classrooms, Instructional & Research Labs, Program & Design	\$ 5,206,304	6644
Total University of Toledo		\$ 16,969,096	6645

Appropriations

Section 23.19. WSU WRIGHT STATE UNIVERSITY			6647
CAP-015	Basic Renovations	\$ 2,752,255	6648
CAP-064	Basic Renovations - Lake	\$ 91,232	6649
CAP-115	Russ Engineering Expansion	\$ 369,000	6650
CAP-116	Rike Hall Renovation	\$ 2,000,000	6651
CAP-119	Science Lab Renovations (Planning)	\$ 5,720,940	6652
CAP-120	Lake Campus University Center	\$ 1,420,709	6653
CAP-127	Rehabilitate Festival Playhouse	\$ 1,000,000	6654
CAP-128	Glenn Helen Preserve Eco Art Classroom	\$ 25,000	6655
Total Wright State University		\$ 13,379,136	6656

Appropriations

Section 23.20. YSU YOUNGSTOWN STATE UNIVERSITY			6658
CAP-014	Basic Renovations	\$ 2,355,915	6659
CAP-108	Youngstown Convocation Center	\$ 2,000,000	6660

CAP-113	Campus Development	\$	2,095,731	6661
CAP-114	Steam Distribution & Central Utility Plant Upgrade	\$	500,000	6662
CAP-125	Campus-wide Building Systems Upgrades	\$	743,040	6663
CAP-126	Technology Upgrades	\$	2,267,081	6664
CAP-127	Recreation and Wellness Center	\$	1,000,000	6665
CAP-128	Youngstown Market Ready Incubator	\$	750,000	6666
CAP-131	Masonry Restoration	\$	619,200	6667
Total Youngstown State University		\$	12,330,967	6668

Appropriations

Section 23.21. MCO MEDICAL UNIVERSITY OF OHIO 6670

CAP-010	Basic Renovations	\$	1,197,170	6671
CAP-066	Core Research Facility	\$	2,000,000	6672
CAP-076	Supplemental Renovations	\$	863,287	6673
CAP-078	Clinical Academic Renovation	\$	585,949	6674
Total Medical University of Ohio		\$	4,646,406	6675

Appropriations

Section 23.22. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF 6677

MEDICINE				6678
CAP-018	Basic Renovations	\$	426,790	6679
CAP-048	Rehabilitation of Multi-Disciplinary Laboratories	\$	1,346,879	6680
Total Northeastern Ohio Universities College of Medicine		\$	1,773,669	6681

Appropriations

Section 23.23. CTC CINCINNATI STATE COMMUNITY COLLEGE 6683

CAP-013	Basic Renovations	\$	747,037	6684
CAP-030	Student Life and Education Center	\$	2,865,422	6685
CAP-037	Classroom Technology Enhancements	\$	792,372	6686
Total Cincinnati State Community College		\$	4,404,831	6687

Appropriations

Section 23.24. CLT CLARK STATE COMMUNITY COLLEGE			6688
CAP-006	Basic Renovations	\$ 396,136	6689
CAP-039	Clark State Health and Education Center	\$ 100,000	6690
CAP-041	Student/Technology Center	\$ 1,270,607	6691
CAP-042	Springfield Second Harvest Foodbank Building	\$ 100,000	6692
CAP-043	Tecumseh Health and Education Center	\$ 100,000	6693
Total Clark State Community College			\$ 1,966,743 6694

Appropriations

Section 23.25. CTI COLUMBUS STATE COMMUNITY COLLEGE			6696
CAP-006	Basic Renovations	\$ 1,126,207	6697
CAP-052	Building E Construction	\$ 19,732,839	6698
Total Columbus State Community College			\$ 20,859,046 6699

Appropriations

Section 23.26. CCC CUYAHOGA COMMUNITY COLLEGE			6700
CAP-031	Basic Renovations	\$ 2,428,960	6701
CAP-079	Cleveland Art Museum Improvements	\$ 3,000,000	6702
CAP-094	Collegewide Wayfinding Signage System	\$ 1,067,510	6703
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$ 1,491,522	6704
CAP-096	Health Care Technology Building - Eastern	\$ 6,050,264	6705
Total Cuyahoga Community College			\$ 14,038,256 6706

Appropriations

Section 23.27. ESC EDISON STATE COMMUNITY COLLEGE			6707
CAP-006	Basic Renovations	\$ 268,039	6708
Total Edison State Community College			\$ 268,039 6709

Appropriations

Section 23.28. JTC JEFFERSON COMMUNITY COLLEGE			6711
CAP-022	Basic Renovations	\$ 210,806	6712
CAP-043	Replacement of Administrative Hardware and Software System	\$ 320,860	6713
Total Jefferson Community College			\$ 531,666 6714

Appropriations

Section 23.29. LCC LAKELAND COMMUNITY COLLEGE			6716
CAP-006	Basic Renovations	\$ 827,053	6717
CAP-045	Instructional Use Building	\$ 2,433,264	6718
Total Lakeland Community College			\$ 3,260,317 6719

Appropriations

Section 23.30. LOR LORAIN COUNTY COMMUNITY COLLEGE			6721
CAP-005	Basic Renovations	\$ 937,172	6722
CAP-044	Learning Technology Center	\$ 8,857,919	6723
Total Lorain County Community College			\$ 9,795,091 6724

Appropriations

Section 23.31. NTC NORTHWEST STATE COMMUNITY COLLEGE			6726
CAP-003	Basic Renovations	\$ 255,977	6727
CAP-022	Branch Campus Facility	\$ 400,000	6728
Total Northwest State Community College			\$ 655,977 6729

Appropriations

Section 23.32. OTC OWENS COMMUNITY COLLEGE			6731
CAP-019	Basic Renovations	\$ 1,231,693	6732
CAP-039	Academic Services Building, Phase II - Findlay	\$ 3,160,268	6733
CAP-040	Fire and Police Training Site for Homeland Security, Phase II	\$ 1,000,000	6734
Total Owens Community College			\$ 5,391,961 6735

Appropriations

Section 23.33. RGC RIO GRANDE COMMUNITY COLLEGE			6737
CAP-005	Basic Renovations	\$ 341,403	6738
CAP-025	Student Center	\$ 125,000	6739
CAP-026	Supplemental Renovations	\$ 200,000	6740
Total Rio Grande Community College			\$ 666,403 6741

Appropriations

Section 23.34. SCC SINCLAIR COMMUNITY COLLEGE			6743
CAP-007	Basic Renovations	\$ 1,860,925	6744
CAP-059	National Composite Center	\$ 2,000,000	6745
Total Sinclair Community College			\$ 3,860,925 6746

Appropriations

Section 23.35. SOC SOUTHERN STATE COMMUNITY COLLEGE			6748
CAP-010	Basic Renovations	\$ 250,644	6749
CAP-011	Supplemental Renovations	\$ 100,000	6750
Total Southern State Community College			\$ 350,644 6751

Appropriations

Section 23.36. TTC TERRA STATE COMMUNITY COLLEGE			6753
CAP-009	Basic Renovations	\$ 287,915	6754
CAP-020	New Health and Science Building	\$ 2,967,947	6755
Total Terra State Community College			\$ 3,255,862 6756

Appropriations

Section 23.37. WTC WASHINGTON STATE COMMUNITY COLLEGE			6758
CAP-006	Basic Renovations	\$ 231,224	6759
Total Washington State Community College			\$ 231,224 6760

Appropriations

Section 23.38. BTC BELMONT TECHNICAL COLLEGE			6762
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CAP-008	Basic Renovations	\$	194,718	6763
Total Belmont Technical College		\$	194,718	6764

Appropriations

Section 23.39. COT CENTRAL OHIO TECHNICAL COLLEGE 6766

CAP-003	Basic Renovations	\$	165,714	6767
CAP-012	Warner Library and Student Center	\$	718,558	6768
CAP-013	Hopewell Hall Science Suite	\$	354,765	6769
CAP-014	Founders Hopewell Halls	\$	5,158	6770
Total Central Ohio Technical College		\$	1,244,195	6771

Appropriations

Section 23.40. HTC HOCKING TECHNICAL COLLEGE 6773

CAP-019	Basic Renovations	\$	425,525	6774
CAP-042	McClenaghan Center for Hospitality Training	\$	1,283,437	6775
CAP-044	Hocking College Fire and Emergency Training Center	\$	250,000	6776
Total Hocking Technical College		\$	1,958,962	6777

Appropriations

Section 23.41. LTC JAMES RHODES STATE COLLEGE 6779

CAP-004	Basic Renovations	\$	271,100	6780
Total James Rhodes State College		\$	271,100	6781

Appropriations

Section 23.42. MTC MARION TECHNICAL COLLEGE 6783

CAP-004	Basic Renovations	\$	103,485	6784
Total Marion Technical College		\$	103,485	6785

Appropriations

Section 23.43. MAT ZANE STATE COLLEGE 6787

CAP-007	Basic Renovations	\$	253,769	6788
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CAP-021	Lighting/HVAC Replacement	\$	547,039	6789
CAP-022	Improve Campus Entrance	\$	175,000	6790
Total Zane State College		\$	975,808	6791

Appropriations

Section 23.44. NCC NORTH CENTRAL TECHNICAL COLLEGE 6793

CAP-003	Basic Renovations	\$	384,097	6794
CAP-014	Kee Hall Roof Rehabilitation	\$	509,000	6795
CAP-015	Richland/Braintree Incubator	\$	250,000	6796
CAP-018	Fallerius Renovation Phase II	\$	480,073	6797
Total North Central Technical College		\$	1,623,170	6798

Appropriations

Section 23.45. STC STARK TECHNICAL COLLEGE 6800

CAP-004	Basic Renovations	\$	438,295	6801
CAP-035	Business Technologies Addition Rehabilitation	\$	1,378,892	6802
CAP-037	Fuel Cell Initiative	\$	250,000	6803
Total Stark Technical College		\$	2,067,187	6804
Total Board of Regents and State Institutions of Higher Education		\$	488,343,998	6805 6806
TOTAL Higher Education Improvement Fund		\$	489,371,036	6807

Section 23.46. DEBT SERVICE FORMULA ALLOCATION 6809

Based on the foregoing appropriations in Sections 23.08 to 6810
 23.45 of this act, from Fund 034, Higher Education Improvement 6811
 Fund, the following higher education institutions shall be 6812
 responsible for the specified amounts as part of the debt service 6813
 component of the instructional subsidy beginning in fiscal year 6814
 2006: 6815

INSTITUTION		AMOUNT	
University of Akron	\$	13,702,944	6817
University of Akron - Wayne	\$	628,277	6818

Bowling Green State University	\$	11,334,113	6819
Bowling Green State University - Firelands	\$	723,735	6820
Central State University	\$	1,734,139	6821
University of Cincinnati	\$	24,671,953	6822
University of Cincinnati - Clermont	\$	657,770	6823
University of Cincinnati - Walters	\$	1,244,131	6824
Cleveland State University	\$	11,606,653	6825
Kent State University	\$	13,923,684	6826
Kent State University - Ashtabula	\$	705,720	6827
Kent State University - East Liverpool	\$	638,419	6828
Kent State University - Geauga	\$	246,878	6829
Kent State University - Salem	\$	490,213	6830
Kent State University - Stark	\$	1,162,076	6831
Kent State University - Trumbull	\$	991,786	6832
Kent State University - Tuscarawas	\$	844,655	6833
Miami University	\$	12,099,024	6834
Miami University - Hamilton	\$	561,504	6835
Miami University - Middletown	\$	2,530,865	6836
Ohio State University	\$	57,017,109	6837
Ohio State University - Marion	\$	603,137	6838
Ohio State University - Newark	\$	1,579,174	6839
Ohio State University - OARDC	\$	4,830,718	6840
Ohio University	\$	16,502,709	6841
Ohio University - Eastern	\$	564,064	6842
Ohio University - Chillicothe	\$	852,793	6843
Ohio University - Southern	\$	448,831	6844
Ohio University - Lancaster	\$	835,520	6845
Ohio University - Zanesville	\$	909,284	6846
Shawnee State University	\$	1,543,267	6847
University of Toledo	\$	13,206,304	6848
Wright State University	\$	9,089,940	6849
Wright State University - Lake	\$	1,420,709	6850
Youngstown State University	\$	7,225,052	6851

Medical University of Ohio	\$	3,449,236	6852
Northeastern Ohio Universities College of Medicine	\$	1,346,879	6853
Cincinnati State Community College	\$	3,657,795	6854
Clark State Community College	\$	1,270,607	6855
Columbus State Community College	\$	5,360,556	6856
Cuyahoga Community College	\$	8,609,295	6857
Jefferson Community College	\$	320,860	6858
Lakeland Community College	\$	2,433,264	6859
Lorain County Community College	\$	8,857,919	6860
Owens Community College	\$	4,160,268	6861
Terra State Community College	\$	2,967,947	6862
Central Ohio Technical College	\$	1,078,481	6863
Hocking Technical College	\$	1,283,437	6864
Zane State College	\$	722,040	6865
North Central Technical College	\$	989,073	6866
Stark Technical College	\$	1,378,892	6867

Institutions not listed above shall not have a debt service obligation as a result of these appropriations. 6868
6869

Within sixty days after the effective date of this section, 6870
any institution of higher education may notify the Board of 6871
Regents of its intention not to proceed with any project 6872
appropriated in this act. Upon receiving such notification, the 6873
Board of Regents may release the institution from its debt service 6874
obligation for the specific project. 6875

Section 23.47. For all of the foregoing appropriation items 6876
from the Higher Education Improvement Fund (Fund 034) that require 6877
local funds to be contributed by any state-supported or 6878
state-assisted institution of higher education, the Ohio Board of 6879
Regents shall not recommend that any funds be released until the 6880
recipient institution demonstrates to the Board of Regents and the 6881

Office of Budget and Management that the local funds contribution 6882
requirement has been secured or satisfied. The local funds shall 6883
be in addition to the foregoing appropriations. 6884

Section 23.48. The Ohio Public Facilities Commission is 6885
hereby authorized to issue and sell, in accordance with Section 2n 6886
of Article VIII, Ohio Constitution, Chapter 151. and particularly 6887
sections 151.01 and 151.04 of the Revised Code, original 6888
obligations in an aggregate principal amount not to exceed 6889
\$476,000,000, in addition to the original issuance of obligations 6890
heretofore authorized by prior acts of the General Assembly. The 6891
authorized obligations shall be issued, subject to applicable 6892
constitutional and statutory limitations, to pay costs of capital 6893
facilities as defined in sections 151.01 and 151.04 of the Revised 6894
Code for state-supported and state-assisted institutions of higher 6895
education. 6896

Section 23.49. None of the foregoing capital improvements 6897
appropriations for state-supported or state-assisted institutions 6898
of higher education shall be expended until the particular 6899
appropriation has been recommended for release by the Ohio Board 6900
of Regents and released by the Director of Budget and Management 6901
or the Controlling Board. Either the institution concerned, or the 6902
Ohio Board of Regents with the concurrence of the institution 6903
concerned, may initiate the request to the Director of Budget and 6904
Management or the Controlling Board for the release of the 6905
particular appropriations. 6906

Section 23.50. (A) No capital improvement appropriations made 6907
in Sections 23.02 to 23.45 of this act shall be released for 6908
planning or for improvement, renovation, construction, or 6909
acquisition of capital facilities if the institution of higher 6910
education or the state does not own the real property on which the 6911

capital facilities are or will be located. This restriction does 6912
not apply in any of the following circumstances: 6913

(1) The institution has a long-term (at least fifteen years) 6914
lease of, or other interest (such as an easement) in, the real 6915
property. 6916

(2) The Ohio Board of Regents certifies to the Controlling 6917
Board that undue delay will occur if planning does not proceed 6918
while the property or property interest acquisition process 6919
continues. In this case, funds may be released upon approval of 6920
the Controlling Board to pay for planning through the development 6921
of schematic drawings only. 6922

(3) In the case of an appropriation for capital facilities 6923
that, because of their unique nature or location, will be owned or 6924
will be part of facilities owned by a separate nonprofit 6925
organization or public body and will be made available to the 6926
institution of higher education for its use, the nonprofit 6927
organization or public body either owns or has a long-term (at 6928
least fifteen years) lease of the real property or other capital 6929
facility to be improved, renovated, constructed, or acquired and 6930
has entered into a joint or cooperative use agreement with the 6931
institution of higher education that meets the requirements of 6932
division (C) of this section. 6933

(B) Any foregoing appropriations which require cooperation 6934
between a technical college and a branch campus of a university 6935
may be released by the Controlling Board upon recommendation by 6936
the Ohio Board of Regents that the facilities proposed by the 6937
institutions are: 6938

(1) The result of a joint planning effort by the university 6939
and the technical college, satisfactory to the Ohio Board of 6940
Regents; 6941

(2) Facilities that will meet the needs of the region in 6942
terms of technical and general education, taking into 6943
consideration the totality of facilities which will be available 6944
after the completion of these projects; 6945

(3) Planned to permit maximum joint use by the university and 6946
technical college of the totality of facilities which will be 6947
available upon their completion; and 6948

(4) To be located on or adjacent to the branch campus of the 6949
university. 6950

(C) The Ohio Board of Regents shall adopt rules regarding the 6951
release of moneys from all the foregoing appropriations for 6952
capital facilities for all state-supported or state-assisted 6953
institutions of higher education. In the case of capital 6954
facilities referred to in division (A)(3) of this section, the 6955
joint or cooperative use agreements shall include, as a minimum, 6956
provisions that: 6957

(1) Specify the extent and nature of that joint or 6958
cooperative use, extending for not fewer than fifteen years, with 6959
the value of such use or right to use to be, as to be determined 6960
by the parties and approved by the Board of Regents, reasonably 6961
related to the amount of the appropriations; 6962

(2) Provide for pro rata reimbursement to the state should 6963
the arrangement for joint or cooperative use be terminated; 6964

(3) Provide that procedures to be followed during the capital 6965
improvement process will comply with appropriate applicable state 6966
laws and rules, including provisions of this act; and 6967

(4) Provide for payment or reimbursement to the institution 6968
of its administrative costs incurred as a result of the facilities 6969
project, not to exceed 1.5 per cent of the appropriated amount. 6970

(D) Upon the recommendation of the Ohio Board of Regents, the 6971

Controlling Board may approve the transfer of appropriations for 6972
projects requiring cooperation between institutions from one 6973
institution to another institution with the approval of both 6974
institutions. 6975

(E) Notwithstanding section 127.14 of the Revised Code, the 6976
Controlling Board, upon the recommendation of the Ohio Board of 6977
Regents, may transfer amounts appropriated to the Ohio Board of 6978
Regents to accounts of state-supported or state-assisted 6979
institutions created for that same purpose. 6980

Section 23.51. The requirements of Chapters 123. and 153. of 6981
the Revised Code, with respect to the powers and duties of the 6982
Director of Administrative Services, and the requirements of 6983
section 127.16 of the Revised Code, with respect to the 6984
Controlling Board, shall not apply to projects of community 6985
college districts, which include Cuyahoga Community College, 6986
Jefferson Community College, Lakeland Community College, Lorain 6987
County Community College, Rio Grande Community College, and 6988
Sinclair Community College; and technical college districts which 6989
include Belmont Technical College, Central Ohio Technical College, 6990
Hocking Technical College, James Rhodes State College, Marion 6991
Technical College, Zane State College, North Central Technical 6992
College, and Stark Technical College. 6993

Section 23.52. Those institutions locally administering 6994
capital improvement projects pursuant to section 3345.50 of the 6995
Revised Code may: 6996

(A) Establish charges for recovering costs directly related 6997
to project administration as defined by the Director of 6998
Administrative Services. The Department of Administrative Services 6999
shall review and approve these administrative charges when such 7000
charges are in excess of 1.5 per cent of the total construction 7001

budget. 7002

(B) Seek reimbursement from state capital appropriations to 7003
 the institution for the in-house design services performed by the 7004
 institution for such capital projects. Acceptable charges shall be 7005
 limited to design document preparation work that is done by the 7006
 institution. These reimbursable design costs shall be shown as 7007
 "A/E fees" within the project's budget that is submitted to the 7008
 Controlling Board or the Director of Budget and Management as part 7009
 of a request for release of funds. The reimbursement for in-house 7010
 design shall not exceed seven per cent of the estimated 7011
 construction cost. 7012

Section 24.01. All items set forth in this section are hereby 7013
 appropriated out of any moneys in the state treasury to the credit 7014
 of the Parks and Recreation Improvement Fund (Fund 035) that are 7015
 not otherwise appropriated. 7016

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 7017

CAP-004	Burr Oak Lodge	\$	150,000	7018
CAP-012	Land Acquisition	\$	243,663	7019
CAP-088	Muskingum River Lock and Dam	\$	250,000	7020
CAP-234	State Park Campgrounds, Cabins, and Lodges	\$	2,712,500	7021
CAP-331	Park Boating Facilities	\$	7,588,383	7022
CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$	4,000,000	7023
CAP-718	Grand Lake St. Mary's State Park Erosion Control Project	\$	450,000	7024
CAP-748	Local Park Projects	\$	2,715,000	7025
CAP-753	Project Planning	\$	175,000	7026
CAP-848	Hazardous Dam Repair - Statewide	\$	1,325,000	7027
CAP-876	Statewide Trails	\$	1,101,500	7028

CAP-931	Statewide Wastewater/Water Systems	\$	2,500,000	7029
	Upgrade			
Total	Department of Natural Resources	\$	23,211,046	7030
TOTAL	Parks and Recreation Improvement Fund	\$	23,211,046	7031
	FEDERAL REIMBURSEMENT			7032
	All reimbursements received from the federal government for			7033
	any expenditures made pursuant to this section shall be deposited			7034
	in the state treasury to the credit of the Parks and Recreation			7035
	Improvement Fund (Fund 035).			7036
	LOCAL PARKS PROJECTS			7037
	Of the foregoing appropriation item CAP-748, Local Parks			7038
	Projects, \$75,000 shall be used for the Springfield Arts Veterans'			7039
	Park; \$50,000 shall be used for the Village of Bentleyville Park;			7040
	\$25,000 shall be used for the Cleveland Police and Firefighters			7041
	Memorial Park; \$100,000 shall be used for the Parma Heights			7042
	Greenbriar Park; \$125,000 shall be used for the Fairborn Park			7043
	Entrance Project; \$250,000 shall be used for the Greene County			7044
	Soccer Park; \$750,000 shall be used for the Banks Park; \$400,000			7045
	shall be used for the Colerain Township Park Improvements;			7046
	\$200,000 shall be used for the Colerain Township Heritage Park;			7047
	\$75,000 shall be used for the London Park Project; \$50,000 shall			7048
	be used for Somerset Park Improvements; \$50,000 shall be used for			7049
	Meadowbrook Park; \$25,000 shall be used for Early Hill Park;			7050
	\$25,000 shall be used for the Wright-Flyer Aviation Park; \$200,000			7051
	shall be used for Madison Township Park; \$10,000 shall be used for			7052
	the Wellington Soccer Field Park; \$10,000 shall be used for the			7053
	Greenwich Township Baseball Field Park Improvements; \$20,000 shall			7054
	be used for the City of London Sports Park; \$25,000 shall be used			7055
	for the Pleasant Hill Park Ball Field Project; and \$250,000 shall			7056
	be used for the Education Gateway at Sippo Lake Park.			7057
	STATEWIDE TRAILS PROGRAM			7058

Of the foregoing appropriation item CAP-876, Statewide Trails, \$85,000 shall be used for the Williamsburg-Batavia hike/bike trail; \$16,500 shall be used for the South Milford Road Bike Trail Project; \$125,000 shall be used for the Tri-County Triangle Trail in Fayette county; \$100,00 shall be used for the Tri-County Triangle Trail in Highland County; \$125,000 shall be used for the Tri-County Triangle Trail in Ross county; \$550,000 shall be used for the Camp Chase Ohio to Erie Trail; and \$100,000 shall be used for the Holmes County Park District - Rails to Trails.

Section 24.02. For the appropriations in Section 24.01 of this act, the Department of Natural Resources shall periodically prepare and submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by the Department of Natural Resources for each project. Based on the estimates, the Director of Budget and Management may release appropriations from the foregoing appropriation item CAP-753, Project Planning, within the Parks and Recreation Improvement Fund (Fund 035), to pay for design, planning, and engineering costs incurred by the Department of Natural Resources for the projects. Upon release of the appropriations by the Director of Budget and Management, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 227), and be reimbursed by the Parks and Recreation Improvement Fund (Fund 035) using an intrastate voucher.

Section 24.03. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed

\$22,000,000, in addition to the original issuance of obligations 7090
heretofore authorized by prior acts of the General Assembly. The 7091
authorized obligations shall be issued, subject to applicable 7092
constitutional and statutory limitations, to pay the costs of 7093
capital facilities for parks and recreation as defined in section 7094
154.01 of the Revised Code. 7095

Section 24.04. (A) No capital improvement appropriations made 7096
in Section 24.01 of this act shall be released for planning or for 7097
improvement, renovation, or construction or acquisition of capital 7098
facilities if a governmental agency, as defined in section 154.01 7099
of the Revised Code, does not own the real property that 7100
constitutes the capital facilities or on which the capital 7101
facilities are or will be located. This restriction does not apply 7102
in any of the following circumstances: 7103

(1) The governmental agency has a long-term (at least fifteen 7104
years) lease of, or other interest (such as an easement) in, the 7105
real property. 7106

(2) In the case of an appropriation for capital facilities 7107
for parks and recreation that, because of their unique nature or 7108
location, will be owned or be part of facilities owned by a 7109
separate nonprofit organization and made available to the 7110
governmental agency for its use or operated by the nonprofit 7111
organization under contract with the governmental agency, the 7112
nonprofit organization either owns or has a long-term (at least 7113
fifteen years) lease of the real property or other capital 7114
facility to be improved, renovated, constructed, or acquired and 7115
has entered into a joint or cooperative use agreement, approved by 7116
the Department of Natural Resources, with the governmental agency 7117
for that agency's use of and right to use the capital facilities 7118
to be financed and, if applicable, improved, the value of such use 7119
or right to use being, as determined by the parties, reasonably 7120

related to the amount of the appropriation. 7121

(B) In the case of capital facilities referred to in division 7122
(A)(2) of this section, the joint or cooperative use agreement 7123
shall include, as a minimum, provisions that: 7124

(1) Specify the extent and nature of that joint or 7125
cooperative use, extending for not fewer than fifteen years, with 7126
the value of such use or right to use to be, as determined by the 7127
parties and approved by the approving department, reasonably 7128
related to the amount of the appropriation; 7129

(2) Provide for pro rata reimbursement to the state should 7130
the arrangement for joint or cooperative use by a governmental 7131
agency be terminated; and 7132

(3) Provide that procedures to be followed during the capital 7133
improvement process will comply with appropriate applicable state 7134
laws and rules, including provisions of this act. 7135

Section 25.01. All items set forth in this section are hereby 7136
appropriated out of any moneys in the state treasury to the credit 7137
of the State Capital Improvements Fund (Fund 038) that are not 7138
otherwise appropriated. 7139

	Appropriations	
PWC PUBLIC WORKS COMMISSION		7140
CAP-150 Local Public Infrastructure	\$ 120,000,000	7141
Total Public Works Commission	\$ 120,000,000	7142
TOTAL State Capital Improvements Fund	\$ 120,000,000	7143

The foregoing appropriation item CAP-150, Local Public 7144
Infrastructure, shall be used in accordance with sections 164.01 7145
to 164.12 of the Revised Code. The Director of the Public Works 7146
Commission may certify to the Director of Budget and Management 7147
that a need exists to appropriate investment earnings to be used 7148
in accordance with sections 164.01 to 164.12 of the Revised Code. 7149

If the Director of Budget and Management determines pursuant to 7150
division (D) of section 164.08 and section 164.12 of the Revised 7151
Code that investment earnings are available to support additional 7152
appropriations, such amounts are hereby appropriated. 7153

Section 25.02. The Ohio Public Facilities Commission is 7154
hereby authorized to issue and sell, in accordance with Section 2m 7155
of Article VIII, Ohio Constitution, and sections 151.01, as 7156
amended by this act, and 151.08 of the Revised Code, original 7157
obligations of the state, in an aggregate principal amount not to 7158
exceed \$120,000,000, in addition to the original obligations 7159
heretofore authorized by prior acts of the General Assembly. These 7160
authorized obligations shall be issued and sold from time to time 7161
and in amounts necessary to ensure sufficient moneys to the credit 7162
of the State Capital Improvements Fund (Fund 038) to pay costs 7163
charged to that fund, as estimated by the Director of Budget and 7164
Management. 7165

Section 26.01. All items set forth in this section are hereby 7166
appropriated out of any moneys in the state treasury to the credit 7167
of the Clean Ohio Conservation Fund (Fund 056) that are not 7168
otherwise appropriated. 7169

Appropriations

PWC PUBLIC WORKS COMMISSION		7170
CAP-152 Clean Ohio Conservation	\$ 37,500,000	7171
Total Public Works Commission	\$ 37,500,000	7172
TOTAL Clean Ohio Conservation Fund	\$ 37,500,000	7173

The foregoing appropriation item CAP-152, Clean Ohio 7174
Conservation, shall be used in accordance with sections 164.20 to 7175
164.27 of the Revised Code. If the Public Works Commission 7176
receives refunds due to project overpayments that are discovered 7177
during the post-project audit, the Director of the Public Works 7178

Commission may certify to the Director of Budget and Management 7179
that refunds have been received. If the Director of Budget and 7180
Management determines that project refunds are available to 7181
support additional appropriations, such amounts are hereby 7182
appropriated. 7183

Section 26.02. The Ohio Public Facilities Commission is 7184
hereby authorized to issue and sell, in accordance with Section 2o 7185
of Article VIII, Ohio Constitution, and sections 151.01 and 151.09 7186
of the Revised Code, original obligations in an aggregate 7187
principal amount not to exceed \$50,000,000, in addition to the 7188
original issuance of obligations heretofore authorized by prior 7189
acts of the General Assembly. These authorized obligations shall 7190
be issued, subject to applicable constitutional and statutory 7191
limitations, as needed to ensure sufficient moneys to the credit 7192
of the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio 7193
Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail 7194
Fund (Fund 061) to pay costs of conservation projects as defined 7195
in sections 151.01 and 151.09 of the Revised Code. 7196

Section 26.03. All items set forth in this section are hereby 7197
appropriated out of any moneys in the state treasury to the credit 7198
of the Clean Ohio Agricultural Easement Fund (Fund 057) that are 7199
not otherwise appropriated. 7200

	Appropriations	
AGR DEPARTMENT OF AGRICULTURE		7201
CAP-047 Clean Ohio Agricultural Easement	\$ 6,250,000	7202
Total Department of Agriculture	\$ 6,250,000	7203
TOTAL Clean Ohio Agricultural Easement Fund	\$ 6,250,000	7204

Section 26.04. All items set forth in this section are hereby 7206
appropriated out of any moneys in the state treasury to the credit 7207
of the Clean Ohio Trail Fund (Fund 061), that are not otherwise 7208

appropriated.		7209
	Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES		7210
CAP-014 Clean Ohio Trail	\$ 6,250,000	7211
Total Department of Natural Resources	\$ 6,250,000	7212
TOTAL Clean Ohio Trail Fund	\$ 6,250,000	7213

Section 27.01. CERTIFICATION OF RENTAL PAYMENTS 7215

Each request for release of appropriations for any and all 7216
 capital improvements and capital facilities for which 7217
 appropriations are made in this act from the proceeds of 7218
 obligations in the Administrative Building Fund (Fund 026), the 7219
 Adult Correctional Building Fund (Fund 027), the Juvenile 7220
 Correctional Building Fund (Fund 028), the Cultural and Sports 7221
 Facilities Building Fund (Fund 030), the Natural Resources 7222
 Projects Fund (Fund 031), the School Building Program Assistance 7223
 Fund (Fund 032), the Mental Health Facilities Improvement Fund 7224
 (Fund 033), the Higher Education Improvement Fund (Fund 034), and 7225
 the Parks and Recreation Improvements Fund (Fund 035) shall have 7226
 the certification of the Director of Budget and Management that 7227
 sufficient General Revenue Fund moneys are appropriated for and 7228
 will be available for rental payments to the Ohio Public 7229
 Facilities Commission, the Treasurer of State, and the Ohio 7230
 Building Authority in the then-current fiscal biennium relating to 7231
 obligations or portions of obligations issued or to be issued in 7232
 that fiscal biennium to fund, in the then-current fiscal biennium, 7233
 anticipated expenditures from these funds associated with the 7234
 request. 7235

Section 27.02. HIGHWAY SAFETY FUND CERTIFICATION OF RENTAL 7236
PAYMENTS 7237

No money shall be encumbered for any capital improvements and 7238

capital facilities for which appropriations are made in excess of 7239
the cash balances from the proceeds of obligations in the Highway 7240
Safety Building Fund (Fund 025) unless the Director of Budget and 7241
Management certifies that sufficient Highway Safety Fund moneys 7242
are appropriated and available for rental payments to the Ohio 7243
Building Authority for debt service payments by the state in the 7244
then-current fiscal biennium relating to obligations or portions 7245
of obligations issued or to be issued in that fiscal biennium to 7246
fund, in the then-current fiscal biennium, anticipated 7247
expenditures from these funds associated with related 7248
encumbrances. 7249

Section 28.01. CERTIFICATION OF AVAILABILITY OF MONEYS 7250

No moneys that require release may be expended from any 7251
appropriation contained in this act without certification of the 7252
Director of Budget and Management that there are sufficient moneys 7253
in the state treasury in the fund from which the appropriation is 7254
made. Such certification shall be based on estimates of revenue, 7255
receipts, and expenses. Nothing herein shall be construed as a 7256
limitation on the authority of the Director of Budget and 7257
Management under section 126.07 of the Revised Code. 7258

Section 28.02. LIMITATIONS ON CAPITAL APPROPRIATIONS 7259

The appropriations made in this act excluding those made to 7260
the State Capital Improvement Fund (Fund 038) and the State 7261
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 7262
or structures, including remodeling and renovations, are limited 7263
to: 7264

(A) Acquisition of real property or interest in real 7265
property; 7266

(B) Buildings and structures, which includes construction, 7267
demolition, lighting and lighting fixtures, and all necessary 7268

utilities, heating and ventilating, plumbing, sprinkling, and	7269
sewer systems, when such systems are authorized or necessary;	7270
(C) Architectural, engineering, and professional services	7271
expenses directly related to the projects;	7272
(D) Machinery that is a part of buildings and structures at	7273
the time of initial acquisition or construction;	7274
(E) Acquisition, development, and deployment of new computer	7275
systems, including the redevelopment or integration of existing	7276
and new computer systems, but excluding regular or ongoing	7277
maintenance or support agreements;	7278
(F) Equipment that meets all the following criteria:	7279
(1) The equipment is essential in bringing the facility up to	7280
its intended use.	7281
(2) The unit cost of the equipment, and not the individual	7282
parts of a unit, is approximately \$100 or more.	7283
(3) The equipment has a useful life of five years or more.	7284
(4) The equipment is necessary for the functioning of the	7285
particular facility or project.	7286
No equipment shall be paid for from these appropriations that	7287
is not an integral part of or directly related to the basic	7288
purpose or function of a facility or project for which moneys are	7289
appropriated. This does not apply to line items for equipment.	7290
Section 28.03. CONTINGENCY RESERVE REQUIREMENT	7291
Any request for release of capital appropriations by the	7292
Director of Budget and Management or the Controlling Board of	7293
capital appropriations for projects, the contracts for which are	7294
awarded by the Department of Administrative Services, shall	7295
contain a contingency reserve, the amount of which shall be	7296
determined by the Department of Administrative Services, for	7297

payment of unanticipated project expenses. Any amount deducted 7298
from the encumbrance for a contractor's contract as an assessment 7299
for liquidated damages shall be added to the encumbrance for the 7300
contingency reserve. Contingency reserve funds shall be used to 7301
pay costs resulting from unanticipated job conditions, to comply 7302
with rulings regarding building and other codes, to pay costs 7303
related to errors or omissions in contract documents, to pay costs 7304
associated with changes in the scope of work, and to pay the cost 7305
of settlements and judgments related to the project. 7306

Any funds remaining upon completion of a project may, upon 7307
approval of the Controlling Board, be released for the use of the 7308
institution to which the appropriation was made for other capital 7309
facilities projects. 7310

Section 28.04. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 7311
PROJECTS 7312

Notwithstanding sections 123.01 and 123.15 of the Revised 7313
Code, the Director of Administrative Services may authorize the 7314
Departments of Mental Health, Mental Retardation and Developmental 7315
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 7316
Job and Family Services, Rehabilitation and Correction, Youth 7317
Services, Public Safety and Transportation, the Ohio Veterans' 7318
Home, and the Rehabilitation Services Commission to administer any 7319
capital facilities projects the estimated cost of which, including 7320
design fees, construction, equipment, and contingency amounts, is 7321
less than \$1,500,000. Requests for authorization to administer 7322
capital facilities projects shall be made in writing to the 7323
Director of Administrative Services by the applicable state agency 7324
within sixty days after the effective date of the act in which the 7325
General Assembly initially makes an appropriation for the project. 7326
Upon the release of funds for such projects by the Controlling 7327
Board or the Director of Budget and Management, the agency may 7328

administer the capital project or projects for which agency 7329
administration has been authorized without the supervision, 7330
control, or approval of the Director of Administrative Services. 7331

The state agency authorized by the Director of Administrative 7332
Services to administer capital facilities projects pursuant to 7333
this section shall comply with the applicable procedures and 7334
guidelines established in Chapter 153. of the Revised Code. 7335

Section 28.05. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 7336
AGAINST THE STATE 7337

Except as otherwise provided in this section, an 7338
appropriation in this act or any other act may be used for the 7339
purpose of satisfying judgments, settlements, or administrative 7340
awards ordered or approved by the Court of Claims or by any other 7341
court of competent jurisdiction in connection with civil actions 7342
against the state. This authorization does not apply to 7343
appropriations to be applied to or used for payment of guarantees 7344
by or on behalf of the state, or for payments under lease 7345
agreements relating to or debt service on bonds, notes, or other 7346
obligations of the state. Notwithstanding any other section of law 7347
to the contrary, this authorization includes appropriations from 7348
funds into which proceeds or direct obligations of the state are 7349
deposited only to the extent that the judgment, settlement, or 7350
administrative award is for or represents capital costs for which 7351
the appropriation may otherwise be used and is consistent with the 7352
purpose for which any related obligations were issued or entered 7353
into. Nothing contained in this section is intended to subject the 7354
state to suit in any forum in which it is not otherwise subject to 7355
suit, and it is not intended to waive or compromise any defense or 7356
right available to the state in any suit against it. 7357

Section 28.06. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND 7358

MANAGEMENT 7359

Notwithstanding section 126.14 of the Revised Code, 7360
appropriations for appropriation items CAP-002, Local Jails, and 7361
CAP-003, Community-Based Correctional Facilities, appropriated 7362
from the Adult Correctional Building Fund (Fund 027) to the 7363
Department of Rehabilitation and Correction shall be released upon 7364
the written approval of the Director of Budget and Management. The 7365
appropriations from the Public School Building Fund (Fund 021) and 7366
the School Building Program Assistance Fund (Fund 032) to the 7367
School Facilities Commission, from the Clean Ohio Conservation 7368
Fund (Fund 056), the State Capital Improvement Fund (Fund 038), 7369
and the State Capital Improvements Revolving Loan Fund (Fund 040) 7370
to the Public Works Commission, shall be released upon 7371
presentation of a request to release the funds, by the agency to 7372
which the appropriation has been made, to the Director of Budget 7373
and Management. 7374

Section 28.07. PREVAILING WAGE REQUIREMENT 7375

Except as provided in section 4115.04 of the Revised Code, no 7376
moneys appropriated or reappropriated by the 126th General 7377
Assembly shall be used for the construction of public 7378
improvements, as defined in section 4115.03 of the Revised Code, 7379
unless the mechanics, laborers, or workers engaged therein are 7380
paid the prevailing rate of wages as prescribed in section 4115.04 7381
of the Revised Code. Nothing in this section shall affect the 7382
wages and salaries established for state employees under the 7383
provisions of Chapter 124. of the Revised Code, or collective 7384
bargaining agreements entered into by the state pursuant to 7385
Chapter 4117. of the Revised Code, while engaged on force account 7386
work, nor shall this section interfere with the use of inmate and 7387
patient labor by the state. 7388

Section 28.08. CAPITAL FACILITIES LEASES 7389

Capital facilities for which appropriations are made from the 7390
Administrative Building Fund (Fund 026), the Adult Correctional 7391
Building Fund (Fund 027), and the Juvenile Correctional Building 7392
Fund (Fund 028) may be leased by the Ohio Building Authority to 7393
the Departments of Youth Services, Administrative Services, or 7394
Rehabilitation and Correction. Other agreements may be made by the 7395
Ohio Building Authority and those departments with respect to the 7396
use or purchase of such capital facilities. Subject to the 7397
approval of the director of the department or the commission, the 7398
Ohio Building Authority may lease such capital facilities to, and 7399
make other agreements with respect to their use or purchase with, 7400
any governmental agency or nonprofit corporation having authority 7401
under law to own, lease, or operate such capital facilities. The 7402
department or the commission may sublease such capital facilities 7403
to, and make other agreements with respect to their use or 7404
purchase with, any such governmental agency or nonprofit 7405
corporation, which may include provisions for transmittal of 7406
receipts of that agency or nonprofit corporation of any charges 7407
for the use of such facilities, all upon such terms and conditions 7408
as the parties may agree upon and any other provision of law 7409
affecting the leasing, acquisition, or disposition of capital 7410
facilities by such parties. 7411

Section 28.09. APPROVAL OF EXPENDITURES BY THE DIRECTOR OF 7412
BUDGET AND MANAGEMENT 7413

The Director of Budget and Management shall review the 7414
initial release of moneys for projects from the funds into which 7415
proceeds of direct obligations of the state are deposited, and 7416
authorize the expenditure or encumbrance of moneys from those 7417
funds only after determining to the director's satisfaction that 7418

either of the following apply: 7419

(A) The application of such moneys to the particular project 7420
will not negatively affect any exemption or exclusion from federal 7421
income tax of the interest or interest equivalent on obligations, 7422
issued to provide moneys to the particular fund. 7423

(B) Moneys for the project will come from the proceeds of 7424
obligations, the interest on which is not so excluded or exempt 7425
and which have been authorized as "taxable obligations" by the 7426
issuing authority. 7427

The director shall report any nonrelease of moneys pursuant 7428
to this section to the Governor, the presiding officer of each 7429
house of the General Assembly, and the agency for the use of which 7430
the project is intended. 7431

Section 28.10. SCHOOL FACILITIES ENCUMBRANCES AND 7432
REAPPROPRIATION 7433

At the request of the Executive Director of the Ohio School 7434
Facilities Commission, the Director of Budget and Management may 7435
cancel encumbrances for school district projects from a previous 7436
biennium if the district has not raised its local share of project 7437
costs within one year of receiving Controlling Board approval in 7438
accordance with section 3318.05 of the Revised Code. The Executive 7439
Director of the Ohio School Facilities Commission shall certify 7440
the amounts of these canceled encumbrances to the Director of 7441
Budget and Management on a quarterly basis. The amounts of the 7442
canceled encumbrances are hereby appropriated. 7443

Section 28.11. OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK 7444
COMMISSION REAPPROPRIATION 7445

The Director of Ohio Educational Telecommunications Network 7446
Commission shall certify and receive approval from the Director of 7447

the Office of Budget and Management an amount necessary to 7448
complete the Ohio Educational Telecommunications Network 7449
Commission's previously approved and funded projects. This amount 7450
is hereby appropriated to CAP-001, Educational TV & Radio 7451
Equipment. 7452

Section 28.12. CERTIFICATE OF NEED REQUIREMENT 7453

No appropriation for a health care facility authorized under 7454
this act may be released until the requirements of sections 7455
3702.51 to 3702.68 of the Revised Code have been met. 7456

Section 28.13. DISTRIBUTION OF PROCEEDS FROM ASBESTOS 7457
ABATEMENT LITIGATION 7458

All proceeds received by the state as a result of litigation, 7459
judgments, settlements, or claims, filed by or on behalf of any 7460
state agency as defined by section 1.60 of the Revised Code or 7461
state-supported or state-assisted institution of higher education, 7462
for damages or costs resulting from the use, removal, or hazard 7463
abatement of asbestos materials shall be deposited in the Asbestos 7464
Abatement Distribution Fund (Fund 674). All funds deposited into 7465
the Asbestos Abatement Distribution Fund are hereby appropriated 7466
to the Attorney General. To the extent practicable, the proceeds 7467
placed in the Asbestos Abatement Distribution Fund shall be 7468
divided among the state agencies and state-supported or 7469
state-assisted institutions of higher education in accordance with 7470
the general provisions of the litigation regarding the percentage 7471
of recovery. Distribution of the proceeds to each state agency or 7472
state-supported or state-assisted institution of higher education 7473
shall be made in accordance with the Asbestos Abatement 7474
Distribution Plan to be developed by the Attorney General, the 7475
General Services Division within the Department of Administrative 7476
Services, and the Office of Budget and Management. 7477

In those circumstances where asbestos litigation proceeds are 7478
for reimbursement of expenditures made with funds outside the 7479
state treasury or damages to buildings not constructed with state 7480
appropriations, direct payments shall be made to the affected 7481
institutions of higher education. Any proceeds received for 7482
reimbursement of expenditures made with funds within the state 7483
treasury or damages to buildings occupied by state agencies shall 7484
be distributed to the affected agencies with an intrastate 7485
transfer voucher to the funds identified in the Asbestos Abatement 7486
Distribution Plan. 7487

Such proceeds shall be used for additional asbestos abatement 7488
or encapsulation projects, or for other capital improvements, 7489
except that proceeds distributed to the General Revenue Fund and 7490
other funds that are not bond improvement funds may be used for 7491
any purpose. The Controlling Board may, for bond improvement 7492
funds, create appropriation items or increase appropriation 7493
authority in existing appropriation items equaling the amount of 7494
such proceeds. Such amounts approved by the Controlling Board are 7495
hereby appropriated. Such proceeds deposited in bond improvement 7496
funds shall not be expended until released by the Controlling 7497
Board, which shall require certification by the Director of Budget 7498
and Management that such proceeds are sufficient and available to 7499
fund the additional anticipated expenditures. 7500

Section 29.01. OBLIGATIONS ISSUED UNDER ORC CHAPTER 151. 7501

The capital improvements for which appropriations are made in 7502
this act from the Ohio Parks and Natural Resources Fund (Fund 7503
031), the School Building Program Assistance Fund (Fund 032), the 7504
Higher Education Improvement Fund (Fund 034), the State Capital 7505
Improvements Fund (Fund 038), the Clean Ohio Conservation Fund 7506
(Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), 7507
and the Clean Ohio Trail Fund (Fund 061) are determined to be 7508

capital improvements and capital facilities for natural resources, 7509
a statewide system of common schools, state-supported and 7510
state-assisted institutions of higher education, local subdivision 7511
capital improvement projects, and conservation purposes (under the 7512
Clean Ohio program) and are designated as capital facilities to 7513
which proceeds of obligations issued under Chapter 151. of the 7514
Revised Code are to be applied. 7515

Section 29.02. OBLIGATIONS ISSUED UNDER ORC CHAPTER 152. 7516

The capital improvements for which appropriations are made in 7517
this act from the Highway Safety Building Fund (Fund 025), the 7518
Administrative Building Fund (Fund 026), the Adult Correctional 7519
Building Fund (Fund 027), and the Juvenile Correctional Building 7520
Fund (Fund 028) are determined to be capital improvements and 7521
capital facilities for housing state agencies and branches of 7522
state government and their functions and are designated as capital 7523
facilities to which proceeds of obligations issued under Chapter 7524
152. of the Revised Code are to be applied. 7525

The owners or holders of obligations issued under Chapter 7526
152. of the Revised Code have no right to have excises or taxes 7527
levied by the General Assembly for the payment of interest or 7528
principal thereon. 7529

Section 29.03. OBLIGATIONS ISSUED UNDER ORC CHAPTER 154. 7530

The capital improvements for which appropriations are made in 7531
this act from the Cultural and Sports Facilities Building Fund 7532
(Fund 030), the Mental Health Facilities Improvement Fund (Fund 7533
033), and the Parks and Recreation Improvement Fund (Fund 035) are 7534
determined to be capital improvements and capital facilities for 7535
housing state agencies and branches of government, mental hygiene 7536
and retardation, and parks and recreation and are designated as 7537
capital facilities to which proceeds of obligations issued under 7538

Chapter 154. of the Revised Code are to be applied.	7539
The owners or holders of obligations issued under Chapter	7540
154. of the Revised Code have no right to have excises or taxes	7541
levied by the General Assembly for the payment of principal or	7542
interest thereon.	7543
Section 30.01. TRANSFER OF OPEN ENCUMBRANCES	7544
Upon the request of the agency to which a capital project	7545
appropriation item is appropriated, the Director of Budget and	7546
Management may transfer open encumbrance amounts between separate	7547
encumbrances for the project appropriation item to the extent that	7548
any reductions in encumbrances are agreed to by the contracting	7549
vendor and the agency.	7550
Section 31.01. LITIGATION PROCEEDS TO THE ADMINISTRATIVE	7551
BUILDING FUND	7552
Any proceeds received by the State of Ohio as the result of	7553
litigation or a settlement agreement related to any liability for	7554
the planning, design, engineering, construction, or construction	7555
management of such facilities operated by the Department of	7556
Administrative Services shall be deposited into the Administrative	7557
Building Fund (Fund 026).	7558
Section 32.01. COAL RESEARCH AND DEVELOPMENT BONDS	7559
The Ohio Public Facilities Commission, upon the request of	7560
the Director of the Ohio Coal Development Office with the advice	7561
of the Technical Advisory Committee created in section 1551.35 of	7562
the Revised Code and the approval of the Director of the Air	7563
Quality Development Authority, is hereby authorized to issue and	7564
sell, in accordance with Section 15 of Article VIII, Ohio	7565
Constitution, and Chapter 151., and particularly sections 151.01	7566
and 151.07 and other applicable sections of the Revised Code,	7567

bonds or other obligations of the State of Ohio heretofore 7568
authorized by prior acts of the General Assembly. The obligations 7569
shall be issued, subject to applicable constitutional and 7570
statutory limitations, to provide sufficient moneys to the credit 7571
of the Coal Research and Development Fund created in section 7572
1555.15 of the Revised Code to pay costs charged to such fund when 7573
due as estimated by the Director of the Ohio Coal Development 7574
Office. 7575

Section 33.01. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 7576

The Ohio Administrative Knowledge System (OAKS) will be an 7577
enterprise resource planning system that will replace the state's 7578
central services infrastructure systems, including the Central 7579
Accounting System, the Human Resources/Payroll System, the Capital 7580
Improvements Projects Tracking System, the Fixed Assets Management 7581
System, and the Procurement System. The Department of 7582
Administrative Services, in conjunction with the Office of Budget 7583
and Management, may acquire the system, including, but not limited 7584
to, the enterprise resource planning software and installation and 7585
implementation thereof pursuant to Chapter 125. of the Revised 7586
Code. Any lease-purchase arrangement utilized under Chapter 125. 7587
of the Revised Code, including any fractionalized interest herein 7588
as defined in division (N) of section 133.01 of the Revised Code, 7589
shall provide at the end of the lease period that OAKS shall 7590
become the property of the state. 7591

Section 34.01. PUBLIC ASSISTANCE RECONCILIATION FUND 7592

There is hereby created in the state treasury the Public 7593
Assistance Reconciliation Fund (Fund 5AX). The fund, a state 7594
special revenue fund, shall be used by the Department of Job and 7595
Family Services to reimburse Ohio's federal TANF block grant 7596
according to the process agreed to by the department and the 7597

federal government. If both the Director of Job and Family
Services and the Director of Budget and Management determine that
sufficient cash is available in the fund, the fund also may be
used to provide cash in fiscal year 2005 for income maintenance to
the counties. Notwithstanding any state law restrictions to the
contrary, the Director of Budget and Management may, at the
request of the Director of Job and Family Services, transfer cash
either into or out of the Public Assistance Reconciliation Fund to
or from any other fund appropriated to the department. The amounts
are hereby appropriated and the Director of Budget and Management
shall establish a new appropriation item for the appropriation.

Notwithstanding Section 145 of Am. Sub. H.B. 95 of the 125th
General Assembly as amended by Section 64 of Am. Sub. S.B. 189 of
the 125th General Assembly, the Director of Budget and Management
may, at the request of the Director of Job and Family Services,
transfer up to \$76,500,000 from the Federal Fiscal Relief Fund
(Fund 5Y9) to the Public Assistance Reconciliation Fund (Fund
5AX). Such amounts are hereby appropriated. Any federal funds
reimbursed to the Department as a result of this transfer shall be
deposited to the Federal Fiscal Relief Fund.

Notwithstanding Section 2 of Am. Sub. S.B. 170 of the 124th
General Assembly, the Director of Budget and Management may, at
the request of the Director of Job and Family Services, transfer
cash from the Child Support Special Payment Fund (Fund 5T2) to the
Public Assistance Reconciliation Fund (Fund 5AX). The amounts
shall not exceed the cash balance in the fund and are hereby
appropriated.

This section is not subject to the referendum. Therefore,
under Ohio Constitution, Article II, Section 1d and section 1.471
of the Revised Code, this section goes into immediate effect when
this act becomes law.

Section 35.01. Sections 3.01 to 32.01 of this act shall 7629
remain in full force and effect commencing on July 1, 2004, and 7630
terminating on June 30, 2006, for the purpose of drawing money 7631
from the state treasury in payment of liabilities lawfully 7632
incurred hereunder, and on June 30, 2006, and not before, the 7633
moneys hereby appropriated shall lapse into the funds from which 7634
they are severally appropriated. Because if, under Section 1c of 7635
Article II, Ohio Constitution, Sections 3.01 to 32.01 of this act 7636
do not take effect until after July 1, 2004, Sections 3.01 to 7637
32.01 of this act shall be and remain in full force and effect 7638
commencing on that later effective date. 7639

Section 36.01. That Sections 18.02, 18.16, 22, 26.10, 26.14, 7640
26.19, 26.23, 26.48, and 27 of Am. Sub. S.B. 189 of the 125th 7641
General Assembly be amended to read as follows: 7642

Sec. 18.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 7643

CAP-773	Governor's Residence Renovations	\$	4,705	7644
CAP-809	Hazardous Substance Abatement	\$	1,688,120	7645
CAP-811	Health/EPA Laboratory Facilities	\$	20,840,003	7646
CAP-813	Heer Building Renovation	\$	1,500,000	7647
CAP-822	Americans with Disabilities Act	\$	1,535,675	7648
CAP-826	Office Services Building Renovation	\$	1,250,000	7649
CAP-827	Statewide Communications System	\$	72,787,285	7650
CAP-834	Capital Improvements Tracking System	\$	407,600	7651
CAP-835	Energy Conservation Projects	\$	1,817,260	7652
CAP-837	Major Computer Purchases	\$	1,824,884	7653
CAP-838	SOCC Renovations	\$	2,148,691	7654
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	7655
CAP-848	ODOT Building Boiler Replacement	\$	155,981	7656
CAP-849	Facility Planning and Development	\$	4,445,184	7657

CAP-850	Education Building Renovations	\$	308,482	7658
CAP-852	North High Building Complex Renovations	\$	2,689,102	7659
CAP-855	Office Space Planning	\$	70,300	7660
CAP-859	eSecure Ohio	\$	2,500,000	7661
CAP-860	Structured Cabling	\$	397,155	7662
CAP-864	eGovernment Infrastructure	\$	1,047,000	7663
CAP-865	DAS Building Security	\$	78,100	7664
CAP-867	Lausche Building Connector	\$	963,200	7665
<u>CAP-868</u>	<u>Riversouth Development</u>	<u>\$</u>	<u>9,000,000</u>	7666
Total Department of Administrative Services		\$	118,516,627 <u>127,516,627</u>	7667

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 7668

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. 7669
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Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the department may request the release of funds for such projects by the Controlling Board. State agencies intending to fund asbestos abatement or other toxic materials removal through existing capital and operating appropriations shall notify the Director of Administrative Services of the nature and scope prior to commencing the project. 7672
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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 7686
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districts are not eligible. 7689

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 7690

The foregoing appropriation item CAP-822, Americans with 7691
Disabilities Act, shall be used to renovate state-owned facilities 7692
to provide access for physically disabled persons in accordance 7693
with Title II of the Americans with Disabilities Act. 7694

Prior to the release of funds for renovation, state agencies 7695
shall perform self-evaluations of state-owned facilities 7696
identifying barriers to access to service. State agencies shall 7697
prioritize access barriers and develop a transition plan for the 7698
removal of these barriers. The Department of Administrative 7699
Services shall review proposals from state agencies to use these 7700
funds for Americans with Disabilities Act renovations. 7701

Only agencies that have received appropriations for capital 7702
projects from the Administrative Building Fund (Fund 026) are 7703
eligible to receive funding from this item. Public school 7704
districts are not eligible. 7705

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 7706

There is hereby continued a Multi-Agency Radio Communications 7707
System (MARCS) Steering Committee consisting of the designees of 7708
the Directors of Administrative Services, Public Safety, Natural 7709
Resources, Transportation, Rehabilitation and Correction, and 7710
Budget and Management. The Director of Administrative Services or 7711
the director's designee shall chair the committee. The committee 7712
shall provide assistance to the Director of Administrative 7713
Services for effective and efficient implementation of the MARCS 7714
system as well as develop policies for the ongoing management of 7715
the system. Upon dates prescribed by the Directors of 7716
Administrative Services and Budget and Management, the MARCS 7717
Steering Committee shall report to the directors on the progress 7718
of MARCS implementation and the development of policies related to 7719

the system. 7720

The foregoing appropriation item CAP-827, Statewide 7721
Communications System, shall be used to purchase or construct the 7722
components of MARCS that are not specific to any one agency. The 7723
equipment may include, but is not limited to, multi-agency 7724
equipment at the Emergency Operations Center/Joint Dispatch 7725
Facility, computer and telecommunication equipment used for the 7726
functioning and integration of the system, communications towers, 7727
tower sites, tower equipment, and linkages among towers and 7728
between towers and the State of Ohio Network for Integrated 7729
Communication (SONIC) system. The Director of Administrative 7730
Services shall, with the concurrence of the MARCS Steering 7731
Committee, determine the specific use of funds. 7732

Spending from this appropriation item shall not be subject to 7733
Chapters 123. and 153. of the Revised Code. 7734

ENERGY CONSERVATION PROJECTS 7735

The foregoing appropriation item CAP-835, Energy Conservation 7736
Projects, shall be used to perform energy conservation 7737
renovations, including the United States Environmental Protection 7738
Agency's Energy Star Program, in state-owned facilities. Prior to 7739
the release of funds for renovation, state agencies shall have 7740
performed a comprehensive energy audit for each project. The 7741
Department of Administrative Services shall review and approve 7742
proposals from state agencies to use these funds for energy 7743
conservation. Public school districts and state-supported and 7744
state-assisted institutions of higher education are not eligible 7745
for funding from this item. 7746

RIVERSOUTH DEVELOPMENT 7747

The amount reappropriated for the foregoing appropriation 7748
item CAP-868, Riversouth Development, is \$9,000,000. 7749

Sec. 18.16.	SOS SECRETARY OF STATE		7750
CAP-002	Voting Machines	\$ 5,800,000	7751
	Total Secretary of State	\$ 5,800,000	7752
	TOTAL Administrative Building Fund	\$ 163,084,591	7753
		<u>172,084,591</u>	

VOTING MACHINES 7754

The foregoing appropriation item CAP-002, Voting Machines, 7755
shall be used to purchase upgraded voting equipment. Appropriation 7756
item CAP-002, Voting Machines, shall match federal funds provided 7757
through the Help America Vote Act of 2002. 7758

Sec. 22. All items set forth in this section are hereby 7759
appropriated out of any moneys in the state treasury to the credit 7760
of the ~~Arts~~ Cultural and Sports Facilities Building Fund (Fund 7761
030) that are not otherwise appropriated: 7762

Reappropriations

	AFC ARTS AND SPORTS <u>CULTURAL</u> FACILITIES COMMISSION		7763
CAP-003	Center of Science and Industry - Toledo	\$ 12,268	7764
CAP-004	Valentine Theatre	\$ 1,111	7765
CAP-005	Center of Science and Industry - Columbus	\$ 181,636	7766
CAP-010	Sandusky State Theatre Improvements	\$ 1,000,000	7767
CAP-017	Zion Center of the National Afro-American Museum	\$ 488,232	7768
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$ 2,395	7769
CAP-033	Woodward Opera House Renovation	\$ 1,050,000	7770
CAP-037	Canton Palace Theatre Renovations	\$ 1,066,126	7771
CAP-038	Center Exhibit Replacement	\$ 750,000	7772
CAP-041	Cleveland Playhouse	\$ 500,000	7773
CAP-042	Statewide Site Exhibit/Renovation &	\$ 625,000	7774

	Construction			
CAP-043	Statewide Site Repairs	\$	454,000	7775
CAP-046	Cincinnati Museum Center Improvements	\$	500,000	7776
CAP-052	Akron Art Museum	\$	6,634,666	7777
CAP-053	Powers Auditorium Improvements	\$	200,000	7778
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	7779
CAP-057	Comprehensive Master Plan	\$	180,000	7780
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	7781
CAP-061	Statewide Arts Facilities Planning	\$	35,931	7782
CAP-063	Robins Theatre Renovations	\$	1,000,000	7783
CAP-064	Bramley Historic House	\$	75,000	7784
CAP-066	Delaware County Cultural Arts Center	\$	40,000	7785
CAP-068	Perry County Historical Society	\$	100,000	7786
CAP-069	Cleveland Institute of Art	\$	750,000	7787
CAP-071	Cleveland Institute of Music	\$	750,000	7788
CAP-072	West Side Arts Consortium	\$	138,000	7789
CAP-074	Stan Hywet Hall & Gardens	\$	250,000	7790
CAP-075	McKinley Museum Improvements	\$	125,000	7791
CAP-076	Spring Hill Historic Home	\$	125,000	7792
CAP-077	Western Reserve Ballet Improvements	\$	100,000	7793
CAP-078	Midland Theatre	\$	175,000	7794
CAP-079	Lorain Palace Civic Theatre	\$	200,000	7795
CAP-080	Great Lakes Historical Society	\$	150,000	7796
CAP-734	Hayes Presidential Center	\$	75,000	7797
CAP-745	Historic Sites and Museums	\$	750,000	7798
CAP-753	Buffington Island State Memorial	\$	91,500	7799
CAP-770	Serpent Mound State Memorial	\$	295,000	7800
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	7801
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	7802
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	7803

CAP-791	Harrison Tomb and Site Renovations	\$	149,500	7804
CAP-796	Moundbuilders State Memorial	\$	530,000	7805
CAP-806	Grant Boyhood Home Improvements	\$	68,333	7806
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	7807
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	7808
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	7809
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	7810
CAP-821	Lorain County Historical Society	\$	300,000	7811
CAP-822	Madison County Historic Schoolhouse	\$	40,000	7812
CAP-823	Marion Palace Theatre	\$	825,000	7813
CAP-824	McConnellsville Opera House	\$	75,000	7814
CAP-825	Secrest Auditorium	\$	75,000	7815
CAP-826	Renaissance Theatre	\$	50,000	7816
CAP-827	Trumpet in the Land	\$	100,000	7817
CAP-828	Becky Thatcher Showboat	\$	30,000	7818
CAP-829	Mid Ohio Valley Players	\$	50,000	7819
CAP-830	The Anchorage	\$	50,000	7820
CAP-831	Wayne County Historical Society	\$	300,000	7821
CAP-833	Promont House Museum	\$	200,000	7822
CAP-836	Fairfield Outdoor Theatre	\$	100,000	7823
CAP-837	Lake County Historical Society	\$	250,000	7824
CAP-839	Hancock Historical Society	\$	75,000	7825
CAP-840	Riversouth Development	\$	10,000,000	7826
			<u>1,000,000</u>	7827
CAP-841	Ft. Piqua Hotel	\$	200,000	7828
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	7829
Total Arts and Sports <u>Cultural</u> Facilities		\$	43,970,114	7830
Commission			<u>34,470,114</u>	
TOTAL Arts <u>CULTURAL</u> and Sports Facilities Building		\$	43,970,114	7831
Fund			<u>34,470,114</u>	
COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT				7832
CONTRACTS				7833

Notwithstanding division (A) of section 3383.07 of the Revised Code, the Ohio ~~Arts and Sports~~ Cultural Facilities Commission, with respect to the foregoing appropriation item CAP-005, Center of Science and Industry - Columbus, may administer all or part of capital facilities project contracts involving exhibit fabrication and installation as determined by the Department of Administrative Services, the Center of Science and Industry - Columbus, and the Ohio ~~Arts and Sports~~ Cultural Facilities Commission in review of the project plans. The Ohio ~~Arts and Sports~~ Cultural Facilities Commission shall enter into a contract with the Center of Science and Industry - Columbus to administer the exhibit fabrication and installation contracts and such contracts are not subject to Chapter 123. or 153. of the Revised Code.

SPORTS FACILITIES IMPROVEMENTS - AKRON

The amount reappropriated to the ~~Arts~~ Cultural and Sports Facilities Building Fund (Fund 030), CAP-024, Sports Facilities Improvements - Akron, is the unallotted and unencumbered balance in the Sports Facilities Building Fund (Fund 024), CAP-024, Sports Facilities Improvements - Akron.

REDS HALL OF FAME

The amount reappropriated to the ~~Arts~~ Cultural and Sports Facilities Building Fund (Fund 030), CAP-025, Reds Hall of Fame, is the unallotted and unencumbered balance in the Sports Facilities Building Fund (Fund 024), CAP-025, Reds Hall of Fame.

AKRON ART MUSEUM

The amount reappropriated for the foregoing appropriation item CAP-052, Akron Art Museum, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-052, Akron Art Museum, plus \$1,634,666.

RIVERSOUTH DEVELOPMENT 7864

The amount reappropriated for the foregoing appropriation 7865
item CAP-840, Riversouth Development, is the unencumbered and 7866
unallotted balance as of June 30, 2004, in appropriation item 7867
CAP-840, Riversouth Development, minus \$9,000,000. 7868

MARINA DISTRICT/ICE ARENA DEVELOPMENT 7869

The amount reappropriated to the ~~Arts~~ Cultural and Sports 7870
 Facilities Building Fund (Fund 030), CAP-843, Marina District/Ice 7871
 Arena Development, is the unallotted and unencumbered balance in 7872
 the Sports Facilities Building Fund (Fund 024), CAP-073, Marina 7873
 District/Ice Arena Development. 7874

Reappropriations

Sec. 26.10. UAK UNIVERSITY OF AKRON 7875

CAP-008	Basic Renovations	\$	3,394,867	7876
CAP-047	Polsky Building Renovation	\$	577,185	7877
CAP-049	Basic Renovations - Wayne	\$	270,316	7878
CAP-054	Auburn Science/Whitby Rehabilitation	\$	4,099,600	7879
CAP-061	Asbestos Abatement	\$	29,650	7880
CAP-063	Child Care Facility	\$	149,998	7881
CAP-075	Infrastructure Materials/Rehabilitation	\$	102,932	7882
CAP-076	Supercritical Fluid Technology	\$	17,500	7883
CAP-080	UAK/Medina Technology Link	\$	43,307	7884
CAP-081	Classroom/Office Building - Arts/Sciences	\$	21,710	7885
CAP-091	Student Affairs Building	\$	1,235,626	7886
CAP-095	Online Math	\$	29,305	7887
CAP-097	Ohio NMR Consortium	\$	96,500	7888
CAP-098	Guzzetta Hall Addition	\$	7,784,808	7889
CAP-099	D Wing Expansion	\$	243,750	7890
CAP-100	Classroom Office Addition-Design	\$	120,120	7891
CAP-101	National Polymer Processing Center	\$	1,000,000	7892

CAP-102	Scanning Raman Spectrometer	\$	635	7893
CAP-104	Nanoscale Polymers Manufacturing	\$	237,500	7894
CAP-105	Hydrogen Production and Storage	\$	169,000	7895
CAP-107	Stan Hywet Hall and Gardens	\$	500,000	7896
CAP-108	Weathervane Theatre, Akron	\$	100,000	7897
CAP-109	Case Barlow Farm, Hudson	\$	100,000	7898
CAP-110	Springfield HS/UAK Distance Learning Project	\$	382,000	7899
Total University of Akron		\$	20,706,309	7900

STAN HYWET HALL AND GARDENS 7901

The amount reappropriated for the foregoing appropriation item CAP-107, Stan Hywet Hall and Gardens, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-107, Stan Hywet Hall and Gardens, plus \$500,000. 7902
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WEATHERVANE THEATRE, AKRON 7906

The amount reappropriated for the foregoing appropriation item CAP-108, Weathervane Theatre, Akron, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-108, Weathervane Theatre, Akron, plus \$100,000. 7907
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CASE BARLOW FARM, HUDSON 7911

The amount reappropriated for the foregoing appropriation item CAP-109, Case Barlow Farm, Hudson, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-109, Case Barlow Farm, Hudson, plus \$100,000. 7912
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SPRINGFIELD HS/UAK DISTANCE LEARNING PROJECT 7916

The amount reappropriated for the foregoing appropriation item CAP-110, Springfield HS/UAK Distance Learning Project, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-110, Springfield HS/UAK Distance Learning Project, plus \$382,000. 7917
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Reappropriations

Sec. 26.14.	CLS CLEVELAND STATE UNIVERSITY		7922
CAP-007	Stilwell Hall Completion	\$ 25,160	7923
CAP-023	Basic Renovations	\$ 4,173,262	7924
CAP-067	17th - 18th Street Block	\$ 164,026	7925
CAP-069	Great Lakes Museum for Science, Environment, and Technology	\$ 200,000	7926
CAP-088	Asbestos Abatement	\$ 1,636,687	7927
CAP-092	Handicapped Requirements	\$ 17,148	7928
CAP-101	Classroom Building Conversion	\$ 50,000	7929
CAP-109	Classroom Upgrade	\$ 533,031	7930
CAP-112	Land Acquisitions	\$ 16,803	7931
CAP-114	Geographic Information Systems	\$ 77,738	7932
CAP-117	Landscaping/Sidewalks/Stairs	\$ 29,350	7933
CAP-118	Structural Concrete Rehabilitation	\$ 36,893	7934
CAP-125	College of Education Building	\$ 9,386,384	7935
CAP-126	Electrical System Upgrades Phase 2	\$ 1,072,619	7936
CAP-127	Fire Alarm System Upgrade	\$ 400,000	7937
CAP-128	Property Acquisition	\$ 2,886,556	7938
CAP-130	WVIZ Technology Center	\$ 1,000,000	7939
CAP-135	Law Building Stair Renovation	\$ 6,669	7940
CAP-136	University Center HVAC Phase 1	\$ 3,843	7941
CAP-137	University Center Elevator Upgrades	\$ 26,545	7942
CAP-138	Student Services	\$ 142,174	7943
CAP-139	Landscape, Sidewalk Replacement	\$ 5,845	7944
CAP-142	Rhodes Tower Library Roof Replacement	\$ 1,170,372	7945
CAP-143	Cleveland Food Bank	\$ 500,000	7946
CAP-144	Rhodes Tower Plaza Renovation Phase 2	\$ 1,300,000	7947
CAP-145	Cleveland Manufactures Technology Complex	\$ 500,000	7948
CAP-146	Rhodes Tower Exterior Renovation	\$ 56,709	7949
<u>CAP-155</u>	<u>Cleveland Playhouse</u>	<u>\$ 500,000</u>	7950

Total Cleveland State University	\$ 25,417,813	7951
	<u>25,917,813</u>	
BASIC RENOVATIONS		7952
The amount reappropriated for the foregoing appropriation		7953
item CAP-023, Basic Renovations, is the unencumbered and		7954
unallotted balance as of June 30, 2004, in appropriation item		7955
CAP-023, Basic Renovations, plus \$9,122.		7956
<u>CLEVELAND PLAYHOUSE</u>		7957
<u>The amount reappropriated for the foregoing appropriation</u>		7958
<u>item CAP-155, Cleveland Playhouse, is the unencumbered and</u>		7959
<u>unallotted balance as of June 30, 2004, in appropriation item</u>		7960
<u>CAP-155, Cleveland Playouse, plus \$500,000.</u>		7961

Reappropriations

Sec. 26.19. SSC SHAWNEE STATE UNIVERSITY		7962
CAP-004 Basic Renovations	\$ 1,468,735	7963
CAP-008 Massie Hall Renovation	\$ 54,541	7964
CAP-010 Land Acquisition	\$ 116,917	7965
CAP-016 Library Building	\$ 10,777	7966
CAP-017 Math/Science Building	\$ 17,061	7967
CAP-029 Fine Arts Class and Lab Building	\$ 108,704	7968
CAP-030 Utilities and Landscaping	\$ 4,679	7969
CAP-037 ADA Modifications	\$ 53,188	7970
CAP-039 Central Heating Plant Replacement	\$ 5,215	7971
CAP-040 Chiller Replacement	\$ 12,054	7972
CAP-041 Kricker Hall Renovation	\$ 1,932	7973
CAP-042 Sidewalk/Plaza Replacement	\$ 250,276	7974
CAP-043 Communication/Data Upgrade	\$ 23,079	7975
CAP-044 Land Acquisition	\$ 343,830	7976
CAP-045 Rehabilitation of Health Sciences Building Phase I	\$ 1,681,974	7977
CAP-046 Digital Infrastructure	\$ 81,153	7978

CAP-047	Natatorium Rehabilitation	\$	450,000	7979
CAP-048	Facilities Building Renovation	\$	242,120	7980
Total Shawnee State University		\$	4,926,235	7981

BASIC RENOVATIONS 7982

The amount reappropriated for the foregoing appropriation 7983
item CAP-004, Basic Renovations, shall be \$53,917 plus the 7984
unencumbered and unallotted balance as of June 30, 2004. 7985

Sec. 26.23. MCO MEDICAL COLLEGE UNIVERSITY OF OHIO 7986

CAP-010	Basic Renovations	\$	123,787	7987
CAP-046	Instructional and Data Processing Equipment	\$	490,676	7988
CAP-048	Medical Informatics Data Highway	\$	6,803	7989
CAP-049	Center for Classrooms of the Future	\$	5,460	7990
CAP-053	ADA Modifications	\$	8,258	7991
CAP-062	Waterproofing	\$	3,381	7992
CAP-066	Core Research Facility	\$	2,193,940	7993
CAP-067	Student Services	\$	553	7994
CAP-072	Campus Substation Repairs	\$	5,317	7995
CAP-074	Mulford Library Roof	\$	1,740	7996
CAP-076	Supplemental Renovations	\$	16,306	7997
CAP-077	Academic Classroom Improvements	\$	400,000	7998
CAP-078	Clinical Academic Renovation	\$	700,000	7999
CAP-079	Campus Waterproofing	\$	41,500	8000
Total Medical College <u>University</u> of Ohio		\$	3,997,721	8001

Reappropriations

Sec. 26.48. STC STARK TECHNICAL COLLEGE 8003

CAP-004	Basic Renovations	\$	537,874	8004
CAP-015	Loop Road Property Acquisition/Development	\$	629	8005
CAP-024	Phase 2 Renovations	\$	252	8006

CAP-027	Information Technology Learning Center	\$	10,000	8007
CAP-030	Northside Development Parking Lot - Phase II	\$	77,423	8008
CAP-031	Student Services	\$	31,087	8009
CAP-032	Automotive Technology Building Addition	\$	1,719,554	8010
Total Stark Technical College		\$	2,376,819	8011
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	576,230,916	8012
			<u>576,730,916</u>	

Sec. 27. All items set forth in this section are hereby 8014
appropriated out of any moneys in the state treasury to the credit 8015
of the Parks and Recreation Improvement Fund (Fund 035) that are 8016
not otherwise appropriated: 8017

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES				8018
CAP-005	Cowan Lake State Park	\$	23,445	8019
CAP-008	Delaware State Park	\$	56,223	8020
CAP-011	Findley State Park	\$	22,856	8021
CAP-012	Land Acquisition	\$	6,800,000	8022
CAP-016	Hueston Woods State Park	\$	23,258	8023
CAP-017	Indian Lake State Park	\$	130,288	8024
CAP-019	Lake Hope State Park	\$	6,776	8025
CAP-025	Punderson State Park	\$	1,163	8026
CAP-029	Salt Fork State Park	\$	127,555	8027
CAP-032	West Branch State Park	\$	200,895	8028
CAP-045	Mary J. Thurston State Park Marina/Dock	\$	300,000	8029
CAP-051	Buck Creek State Park	\$	250	8030
CAP-064	Geneva State Park	\$	4,182	8031
CAP-069	Hocking Hills State Park	\$	87,756	8032
CAP-070	Lake Logan State Park	\$	600	8033
CAP-093	Portage Lakes State Park	\$	13,373	8034
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	8035

CAP-119	Forked Run State Park	\$	27,747	8036
CAP-162	Shawnee State Park	\$	760	8037
CAP-205	Deer Creek State Park	\$	19,051	8038
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	5,494,293	8039
CAP-331	Park Boating Facilities	\$	2,688,216	8040
CAP-390	State Park Maintenance Facility Development	\$	1,656,339	8041
CAP-701	Buckeye Lake Dam Rehabilitation	\$	427,756	8042
CAP-702	Upgrade Underground Storage Tanks	\$	234,134	8043
CAP-703	Cap Abandoned Water Wells	\$	78,000	8044
CAP-718	Grand Lake St. Mary's State Park	\$	251,882	8045
CAP-719	Indian Lake State Park	\$	1,000	8046
CAP-727	Riverfront Improvements	\$	1,275,000	8047
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000	8048
CAP-748	Local Parks Projects	\$	3,269,000	8049
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000	8050
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000	8051
CAP-836	State Parks Renovation/Upgrading	\$	350	8052
CAP-876	Statewide Trails Program	\$	1,168,398	8053
CAP-927	Mohican State Park	\$	96,816	8054
CAP-928	Handicapped Accessibility	\$	472,555	8055
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383	8056
CAP-931	Wastewater/Water Systems Upgrade	\$	2,804,375	8057
	Total Department of Natural Resources	\$	30,102,675	8058
	TOTAL Parks and Recreation Improvement Fund	\$	30,102,675	8059
	<u>CUYAHOGA VALLEY SCENIC RAILROAD</u>			8060
	<u>The amount reappropriated for the foregoing appropriation</u>			8061
	<u>item CAP-827, Cuyahoga Valley Scenic Railroad, is the unencumbered</u>			8062
	<u>and unallotted balance as of June 30, 2004, in appropriation item</u>			8063

CAP-827, Cuyahoga Valley Scenic Railroad, minus \$2,716,666. 8064

Section 36.02. That existing Sections 18.02, 18.16, 22, 8065
 26.10, 26.14, 26.19, 26.23, 26.48, and 27 of Am. Sub. S.B. 189 of 8066
 the 125th General Assembly are hereby repealed. 8067

Section 37.01. That Sections 6 and 31 of Am. Sub. H.B. 95 of 8068
 the 125th General Assembly be amended to read as follows: 8069

Sec. 6. PAY ACCRUED LEAVE LIABILITY 8070

Accrued Leave Liability Fund Group 8071

806	995-666	Accrued Leave Fund	\$	70,783,792	\$	78,296,200	8072
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807	995-667	Disability Fund	\$	47,269,465	\$	50,098,308	8073
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TOTAL ALF Accrued Leave Liability 8074

Fund Group	\$	118,053,257	\$	128,394,508	8075
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Agency Fund Group 8076

808	995-668	State Employee Health	\$	312,724,593	\$	371,450,611	8077
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Benefit Fund

809	995-669	Dependent Care	\$	3,691,169	\$	4,060,286	8078
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Spending Account

810	995-670	Life Insurance	\$	1,925,110	\$	1,992,489	8079
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Investment Fund

811	995-671	Parental Leave Benefit	\$	4,350,302	\$	4,785,332	8080
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Fund

<u>813</u>	<u>995-672</u>	<u>Health Care Spending</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u>	8081
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Account

TOTAL AGY Agency Fund Group	\$	322,691,174	\$	382,288,718	8082
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384,288,718

TOTAL ALL BUDGET FUND GROUPS	\$	440,744,431	\$	510,683,226	8083
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512,683,226

ACCRUED LEAVE LIABILITY FUND 8084

The foregoing appropriation item 995-666, Accrued Leave Fund, 8085

shall be used to make payments from the Accrued Leave Liability Fund (Fund 806), pursuant to section 125.211 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 DISABILITY LEAVE BENEFIT FUND 8090

The foregoing appropriation item 995-667, Disability Fund, shall be used to make payments from the State Employee Disability 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 8097

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

<u>Spending Account Fund (Fund 813) during fiscal year 2005.</u>	8117
DEPENDENT CARE SPENDING ACCOUNT	8118
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.	8119 8120 8121 8122 8123 8124
LIFE INSURANCE INVESTMENT FUND	8125
The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.	8126 8127 8128 8129 8130 8131 8132
PARENTAL LEAVE BENEFIT FUND	8133
The foregoing appropriation item 995-671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 811) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.	8134 8135 8136 8137 8138 8139
<u>HEALTH CARE SPENDING ACCOUNT</u>	8140
<u>There is hereby established in the state treasury the Health Care Spending Account Fund (Fund 813). The foregoing appropriation item 995-672, Health Care Spending Account, shall be used to make payments from the fund. The fund shall be under the supervision of the Department of Administrative Services and shall be used to make payments pursuant to state employees' participation in a</u>	8141 8142 8143 8144 8145 8146

flexible spending account for non-insured health care expenses 8147
pursuant to Section 125 of the Internal Revenue Code. All income 8148
derived from investment of the fund shall accrue to the fund. 8149

If it is determined by the Director of Administrative 8150
Services that additional appropriation amounts are necessary, the 8151
Director of Administrative Services may request that the Director 8152
of Budget and Management increase such amounts. Such amounts are 8153
hereby appropriated. 8154

Sec. 31. CEB CONTROLLING BOARD 8155

General Revenue Fund 8156

GRF 911-401	Emergency	\$	5,000,000	\$	5,000,000	8157
	Purposes/Contingencies				<u>7,500,000</u>	

GRF 911-404	Mandate Assistance	\$	1,462,500	\$	1,462,500	8158
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GRF 911-441	Ballot Advertising	\$	887,500	\$	487,500	8159
	Costs					

TOTAL GRF General Revenue Fund	\$	7,350,000	\$	6,950,000	8160
				<u>9,450,000</u>	

State Special Revenue Fund Group 8161

5E2 911-601	Disaster Services	\$	4,000,000	\$	0	8162
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TOTAL SSR State Special 8163

Revenue Fund Group	\$	4,000,000	\$	0	8164
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TOTAL ALL BUDGET FUND GROUPS	\$	11,350,000	\$	6,950,000	8165
				<u>9,450,000</u>	

FEDERAL SHARE 8166

In transferring appropriations to or from appropriation items 8167
that have federal shares identified in this act, the Controlling 8168
Board shall add or subtract corresponding amounts of federal 8169
matching funds at the percentages indicated by the state and 8170
federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 8171
95 of the 125th General Assembly. Such changes are hereby 8172

appropriated.	8173
DISASTER ASSISTANCE	8174
Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Emergency Purposes Fund to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.	8175 8176 8177 8178 8179 8180 8181 8182
SOUTHERN OHIO CORRECTIONAL FACILITY COST	8183
The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the Emergency Purposes Fund for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.	8184 8185 8186 8187 8188 8189
DISASTER SERVICES	8190
Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the foregoing appropriation item 911-601, Disaster Services, to a Department of Public Safety General Revenue Fund appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding for disaster aid requests that meet the Emergency Management Agency's criteria for assistance.	8191 8192 8193 8194 8195 8196 8197 8198 8199 8200 8201 8202
The foregoing appropriation item 911-601, Disaster Services,	8203

shall be used by the Controlling Board, pursuant to requests	8204
submitted by state agencies, to transfer cash and appropriation	8205
authority to any fund and appropriation item for the payment of	8206
state agency program expenses as follows:	8207
(A) The southern Ohio flooding, referred to as	8208
FEMA-DR-1164-OH;	8209
(B) The flood/storm disaster referred to as FEMA-DR-1227-OH;	8210
(C) The Southern Ohio flooding, referred to as	8211
FEMA-DR-1321-OH;	8212
(D) The flooding referred to as FEMA-DR-1339-OH;	8213
(E) The tornado/storms referred to as FEMA-DR-1343-OH;	8214
(F) Other disasters declared by the Governor, if the Director	8215
of Budget and Management determines that sufficient funds exist	8216
beyond the expected program costs of these disasters.	8217
The unencumbered balance of appropriation item 911-601,	8218
Disaster Services, at the end of fiscal year 2004 is transferred	8219
to fiscal year 2005 for use under the same appropriation item.	8220
MANDATE ASSISTANCE	8221
(A) The foregoing appropriation item 911-404, Mandate	8222
Assistance, shall be used to provide financial assistance to local	8223
units of government, school districts, and fire departments for	8224
the cost of the following three unfunded state mandates:	8225
(1) The cost to county prosecutors for prosecuting certain	8226
felonies that occur on the grounds of state institutions operated	8227
by the Department of Rehabilitation and Correction and the	8228
Department of Youth Services;	8229
(2) The cost, primarily to small villages and townships, of	8230
providing firefighter training and equipment or gear;	8231
(3) The cost to school districts of in-service training for	8232

child abuse detection. 8233

(B) The Department of Commerce, the Office of Criminal 8234
 Justice Services, and the Department of Education may prepare and 8235
 submit to the Controlling Board one or more requests to transfer 8236
 appropriations from appropriation item 911-404, Mandate 8237
 Assistance. The state agencies charged with this administrative 8238
 responsibility are listed below, as well as the estimated annual 8239
 amounts that may be used for each program of state financial 8240
 assistance. 8241

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Office of Criminal	\$146,500	8244
	Justice Services		8245
Firefighter Training	Department of	\$731,000	8246
Costs	Commerce		
Child Abuse Detection	Department of	\$585,000	8247
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 8248
 year for appropriation item 911-404, Mandate Assistance, the 8249
 Department of Commerce, the Office of Criminal Justice Services, 8250
 and the Department of Education may request from the Controlling 8251
 Board that amounts smaller or larger than these estimated annual 8252
 amounts be transferred to each program. 8253

(D) In addition to making the initial transfers requested by 8254
 the Department of Commerce, the Office of Criminal Justice 8255
 Services, and the Department of Education, the Controlling Board 8256
 may transfer appropriations received by a state agency under this 8257
 section back to appropriation item 911-404, Mandate Assistance, or 8258
 to one or more of the other programs of state financial assistance 8259
 identified under this section. 8260

(E) It is expected that not all costs incurred by local units 8261

of government, school districts, and fire departments under each 8262
of the three programs of state financial assistance identified 8263
under this section will be fully reimbursed by the state. 8264
Reimbursement levels may vary by program and shall be based on: 8265
the relationship between the appropriation transfers requested by 8266
the Department of Commerce, the Office of Criminal Justice 8267
Services, and the Department of Education and provided by the 8268
Controlling Board for each of the programs; the rules and 8269
procedures established for each program by the administering state 8270
agency; and the actual costs incurred by local units of 8271
government, school districts, and fire departments. 8272

(F) Each of these programs of state financial assistance 8273
shall be carried out as follows: 8274

(1) PROSECUTION COSTS 8275

(a) Appropriations may be transferred to the Office of 8276
Criminal Justice Services to cover local prosecution costs for 8277
aggravated murder, murder, felonies of the first degree, and 8278
felonies of the second degree that occur on the grounds of 8279
institutions operated by the Department of Rehabilitation and 8280
Correction and the Department of Youth Services. 8281

(b) Upon a delinquency filing in juvenile court or the return 8282
of an indictment for aggravated murder, murder, or any felony of 8283
the first or second degree that was committed at a Department of 8284
Youth Services or a Department of Rehabilitation and Correction 8285
institution, the affected county may, in accordance with rules 8286
that the Office of Criminal Justice Services shall adopt, apply to 8287
the Office of Criminal Justice Services for a grant to cover all 8288
documented costs that are incurred by the county prosecutor's 8289
office. 8290

(c) Twice each year, the Office of Criminal Justice Services 8291
shall designate counties to receive grants from those counties 8292

that have submitted one or more applications in compliance with 8293
the rules that have been adopted by the Office of Criminal Justice 8294
Services for the receipt of such grants. In each year's first 8295
round of grant awards, if sufficient appropriations have been 8296
made, up to a total of \$100,000 may be awarded. In each year's 8297
second round of grant awards, the remaining appropriations 8298
available for this purpose may be awarded. 8299

(d) If for a given round of grants there are insufficient 8300
appropriations to make grant awards to all the eligible counties, 8301
the first priority shall be given to counties with cases involving 8302
aggravated murder and murder; second priority shall be given to 8303
cases involving a felony of the first degree; and third priority 8304
shall be given to cases involving a felony of the second degree. 8305
Within these priorities, the grant awards shall be based on the 8306
order in which the applications were received, except that 8307
applications for cases involving a felony of the first or second 8308
degree shall not be considered in more than two consecutive rounds 8309
of grant awards. 8310

(2) FIREFIGHTER TRAINING COSTS 8311

Appropriations may be transferred to the Department of 8312
Commerce for use as full or partial reimbursement to local units 8313
of government and fire departments for the cost of firefighter 8314
training and equipment or gear. In accordance with rules that the 8315
department shall adopt, a local unit of government or fire 8316
department may apply to the department for a grant to cover all 8317
documented costs that are incurred to provide firefighter training 8318
and equipment or gear. The department shall make grants within the 8319
limits of the funding provided, with priority given to fire 8320
departments that serve small villages and townships. 8321

(3) CHILD ABUSE DETECTION TRAINING COSTS 8322

Appropriations may be transferred to the Department of 8323

Education for disbursement to local school districts as full or 8324
partial reimbursement for the cost of providing in-service 8325
training for child abuse detection. In accordance with rules that 8326
the department shall adopt, a local school district may apply to 8327
the department for a grant to cover all documented costs that are 8328
incurred to provide in-service training for child abuse detection. 8329
The department shall make grants within the limits of the funding 8330
provided. 8331

(G) Any moneys allocated within appropriation item 911-404, 8332
Mandate Assistance, not fully utilized may, upon application of 8333
the Ohio Public Defender Commission, and with the approval of the 8334
Controlling Board, be disbursed to boards of county commissioners 8335
to provide additional reimbursement for the costs incurred by 8336
counties in providing defense to indigent defendants pursuant to 8337
Chapter 120. of the Revised Code. 8338

The amount to be disbursed to each county shall be allocated 8339
proportionately on the basis of the total amount of reimbursement 8340
paid to each county as a percentage of the amount of reimbursement 8341
paid to all of the counties during the most recent state fiscal 8342
year for which data is available and as calculated by the Ohio 8343
Public Defender Commission. 8344

BALLOT ADVERTISING COSTS 8345

Pursuant to requests submitted by the Ohio Ballot Board, the 8346
Controlling Board shall approve transfers from the foregoing 8347
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 8348
Ballot Board appropriation item in order to reimburse county 8349
boards of elections for the cost of public notices associated with 8350
statewide ballot initiatives. 8351

Of the foregoing appropriation item 911-441, Ballot 8352
Advertising Costs, the Director of Budget and Management shall 8353
transfer any amounts that are not needed for the purpose of 8354

reimbursing county boards of elections for the cost of public 8355
 notices associated with statewide ballot initiatives to 8356
 appropriation item 911-404, Mandate Assistance. 8357

Section 37.02. That existing Sections 6 and 31 of Am. Sub. 8358
 H.B. 95 of the 125th General Assembly are hereby repealed. 8359

Section 37.03. The amendments by this act of Sections 6 and 8360
 31 of Am. Sub. H.B. 95 of the 125th General Assembly are not 8361
 subject to the referendum. Therefore, under Ohio Constitution, 8362
 Article II, Section 1d and section 1.471 of the Revised Code, the 8363
 amendments go into immediate effect when this act becomes law. 8364

Section 37.04. That Sections 89, 89.04, and 89.08 of Am. Sub. 8365
 H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 8366
 189 of the 125th General Assembly, be amended to read as follows: 8367

Sec. 89. BOR BOARD OF REGENTS 8368

General Revenue Fund				8369	
GRF 235-321 Operating Expenses	\$	3,336,284	\$	2,767,219	8370
GRF 235-401 Lease Rental Payments	\$	246,500,700	\$	216,836,400	8371
GRF 235-402 Sea Grants	\$	274,895	\$	274,895	8372
GRF 235-403 Math/Science Teaching Improvement	\$	1,757,614	\$	1,757,614	8373
GRF 235-404 College Readiness Initiatives	\$	3,152,603	\$	3,401,759	8374
GRF 235-406 Articulation and Transfer	\$	733,200	\$	733,200	8375
GRF 235-408 Midwest Higher Education Compact	\$	82,500	\$	82,500	8376
GRF 235-409 Information System	\$	1,185,879	\$	1,154,671	8377
GRF 235-414 State Grants and Scholarship	\$	1,219,719	\$	1,211,373	8378

Administration						
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	8379
GRF 235-417	Ohio Learning Network	\$	3,413,046	\$	3,327,720	8380
GRF 235-418	Access Challenge	\$	67,568,622	\$	67,568,622	8381
GRF 235-420	Success Challenge	\$	51,113,077	\$	56,113,077	8382
GRF 235-428	Appalachian New	\$	1,179,893	\$	1,147,895	8383
Economy Partnership						
GRF 235-451	Eminent Scholars	\$	0	\$	1,462,500	8384
GRF 235-454	Research Challenge	\$	18,330,000	\$	18,330,000	8385
GRF 235-455	EnterpriseOhio Network	\$	1,505,262	\$	1,465,650	8386
GRF 235-474	Area Health Education	\$	1,722,226	\$	1,676,670	8387
Centers Program						
Support						
GRF 235-477	Access Improvement	\$	1,048,664	\$	1,080,124	8388
Projects						
GRF 235-501	State Share of	\$	1,534,189,277	\$	1,559,096,031	8389
Instruction						
GRF 235-502	Student Support	\$	870,675	\$	848,908	8390
Services						
GRF 235-503	Ohio Instructional	\$	111,966,343	\$	115,325,333	8391
Grants						
GRF 235-504	War Orphans	\$	4,672,321	\$	4,672,321	8392
Scholarships						
GRF 235-507	OhioLINK	\$	7,028,392	\$	7,028,392	8393
GRF 235-508	Air Force Institute of	\$	2,096,523	\$	2,053,860	8394
Technology						
GRF 235-509	Displaced Homemakers	\$	204,865	\$	199,743	8395
GRF 235-510	Ohio Supercomputer	\$	4,208,472	\$	4,103,260	8396
Center						
GRF 235-511	Cooperative Extension	\$	25,644,863	\$	25,644,863	8397
Service						
GRF 235-513	Ohio University	\$	311,977	\$	305,178	8398
Voinovich Center						

GRF 235-514	Central State Supplement	\$ 11,039,203	\$ 11,039,203	8399
GRF 235-515	Case Western Reserve University School of Medicine	\$ 3,303,612	\$ 3,212,271	8400
GRF 235-518	Capitol Scholarship Programs	\$ 245,000	\$ 245,000	8401
GRF 235-519	Family Practice	\$ 5,529,432	\$ 5,391,196	8402
GRF 235-520	Shawnee State Supplement	\$ 2,082,289	\$ 2,082,289	8403
GRF 235-521	The Ohio State University Glenn Institute	\$ 311,977	\$ 305,178	8404
GRF 235-524	Police and Fire Protection	\$ 209,046	\$ 203,819	8405
GRF 235-525	Geriatric Medicine	\$ 820,696	\$ 800,179	8406
GRF 235-526	Primary Care Residencies	\$ 2,730,013	\$ 2,661,762	8407
GRF 235-527	Ohio Aerospace Institute	\$ 1,933,607	\$ 1,882,767	8408
GRF 235-530	Academic Scholarships	\$ 7,800,000	\$ 7,800,000	8409
GRF 235-531	Student Choice Grants	\$ 52,139,646	\$ 52,139,646	8410
GRF 235-534	Student Workforce Development Grants	\$ 2,437,500	\$ 2,437,500	8411
GRF 235-535	Ohio Agricultural Research and Development Center	\$ 35,830,188	\$ 35,830,188	8412
GRF 235-536	The Ohio State University Clinical Teaching	\$ 13,565,885	\$ 13,565,885	8413
GRF 235-537	University of Cincinnati Clinical Teaching	\$ 11,157,756	\$ 11,157,756	8414

GRF 235-538	Medical College <u>University</u> of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	8415
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	8416
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	8417
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	8418
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	424,033	\$	424,033	8419
GRF 235-547	School of International Business	\$	1,264,611	\$	1,232,996	8420
GRF 235-549	Part-time Student Instructional Grants	\$	14,036,622	\$	14,457,721	8421
GRF 235-552	Capital Component	\$	18,711,936	\$	18,711,936	8422
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,074,550	\$	2,993,937	8423
GRF 235-554	Computer Science Graduate Education	\$	2,577,209	\$	2,512,779	8424
GRF 235-555	Library Depositories	\$	1,775,467	\$	1,731,080	8425
GRF 235-556	Ohio Academic Resources Network	\$	3,657,009	\$	3,803,289	8426
GRF 235-558	Long-term Care Research	\$	230,906	\$	225,134	8427
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	121,586	\$	118,546	8428

GRF 235-572	The Ohio State University Clinic Support	\$ 1,400,394	\$ 1,362,259	8429
GRF 235-583	Urban University Programs	\$ 5,692,236	\$ 5,553,506	8430
GRF 235-585	Ohio University Innovation Center	\$ 41,596	\$ 40,556	8431
GRF 235-587	Rural University Projects	\$ 1,224,510	\$ 1,224,510	8432
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$ 853,262	\$ 853,262	8433
GRF 235-595	International Center for Water Resources Development	\$ 137,352	\$ 133,918	8434
GRF 235-596	Hazardous Materials Program	\$ 339,647	\$ 331,156	8435
GRF 235-599	National Guard Scholarship Program	\$ 14,752,916	\$ 16,078,208	8436
GRF 235-909	Higher Education General Obligation Debt Service	\$ 97,668,000	\$ 130,967,600	8437
TOTAL GRF	General Revenue Fund	\$ 2,444,993,342	\$ 2,483,736,601	8438
	General Services Fund Group			8439
220 235-614	Program Approval and Reauthorization	\$ 400,000	\$ 400,000	8440
456 235-603	Sales and Services	\$ 500,002	\$ 500,003	8441
TOTAL GSF	General Services Fund Group	\$ 900,002	\$ 900,003	8442 8443
	Federal Special Revenue Fund Group			8444
3H2 235-608	Human Services Project	\$ 1,500,000	\$ 1,500,000	8445
3N6 235-605	State Student	\$ 2,196,680	\$ 2,196,680	8446

		Incentive Grants					
3T0	235-610	National Health	\$	150,001	\$	150,001	8447
		Service Corps - Ohio					
		Loan Repayment					
312	235-609	Tech Prep	\$	183,850	\$	183,850	8448
312	235-611	Gear-up Grant	\$	1,478,245	\$	1,370,691	8449
312	235-612	Carl D. Perkins	\$	112,960	\$	112,960	8450
		Grant/Plan					
		Administration					
312	235-615	Professional	\$	523,129	\$	523,129	8451
		Development					
312	235-616	Workforce Investment	\$	850,000	\$	850,000	8452
		Act Administration					
312	235-631	Federal Grants	\$	3,444,949	\$	3,150,590	8453
TOTAL FED		Federal Special Revenue					8454
Fund Group			\$	10,439,814	\$	10,037,901	8455
State Special Revenue		Fund Group					8456
4E8	235-602	Higher Educational	\$	20,000	\$	20,000	8457
		Facility Commission					
		Administration					
4P4	235-604	Physician Loan	\$	476,870	\$	476,870	8458
		Repayment					
649	235-607	The Ohio State	\$	760,000	\$	760,000	8459
		University					
		Highway/Transportation					
		Research					
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	8460
TOTAL SSR		State Special Revenue					8461
Fund Group			\$	2,149,870	\$	2,149,870	8462
TOTAL ALL BUDGET		FUND GROUPS	\$	2,458,483,028	\$	2,496,824,375	8463
Sec. 89.04.		STATE SHARE OF INSTRUCTION					8465

As soon as practicable during each fiscal year of the 8466
2003-2005 biennium in accordance with instructions of the Board of 8467
Regents, each state-assisted institution of higher education shall 8468
report its actual enrollment to the Board of Regents. 8469

The Board of Regents shall establish procedures required by 8470
the system of formulas set out below and for the assignment of 8471
individual institutions to categories described in the formulas. 8472
The system of formulas establishes the manner in which aggregate 8473
expenditure requirements shall be determined for each of the three 8474
components of institutional operations. In addition to other 8475
adjustments and calculations described below, the subsidy 8476
entitlement of an institution shall be determined by subtracting 8477
from the institution's aggregate expenditure requirements income 8478
to be derived from the local contributions assumed in calculating 8479
the subsidy entitlements. The local contributions for purposes of 8480
determining subsidy support shall not limit the authority of the 8481
individual boards of trustees to establish fee levels. 8482

The General Studies and Technical models shall be adjusted by 8483
the Board of Regents so that the share of state subsidy earned by 8484
those models is not altered by changes in the overall local share. 8485
A lower-division fee differential shall be used to maintain the 8486
relationship that would have occurred between these models and the 8487
baccalaureate models had an assumed share of 37 per cent been 8488
funded. 8489

In defining the number of full-time equivalent (FTE) students 8490
for state subsidy purposes, the Board of Regents shall exclude all 8491
undergraduate students who are not residents of Ohio, except those 8492
charged in-state fees in accordance with reciprocity agreements 8493
made pursuant to section 3333.17 of the Revised Code or employer 8494
contracts entered into pursuant to section 3333.32 of the Revised 8495
Code. 8496

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT	8497
(1) INSTRUCTION AND SUPPORT SERVICES	8498
MODEL	8499
General Studies I	8500
General Studies II	8501
General Studies III	8502
Technical I	8503
Technical III	8504
Baccalaureate I	8505
Baccalaureate II	8506
Baccalaureate III	8507
Masters and Professional I	8508
Masters and Professional II	8509
Masters and Professional III	8510
Medical I	8511
Medical II	8512
MPD I	8513
(2) STUDENT SERVICES	8514
For this purpose, FTE counts shall be weighted to reflect	8515
differences among institutions in the numbers of students enrolled	8516
on a part-time basis. The student services subsidy per FTE shall	8517
be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all	8518
models.	8519
(B) PLANT OPERATION AND MAINTENANCE (POM)	8520
(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY	8521
Space undergoing renovation shall be funded at the rate	8522
allowed for storage space.	8523
In the calculation of square footage for each campus, square	8524
footage shall be weighted to reflect differences in space	8525
utilization.	8526

The space inventories for each campus shall be those 8527
determined in the fiscal year 2003 state share of instruction 8528
calculation, adjusted for changes attributable to the construction 8529
or renovation of facilities for which state appropriations were 8530
made or local commitments were made prior to January 1, 1995. 8531

Only 50 per cent of the space permanently taken out of 8532
operation in fiscal year 2004 or fiscal year 2005 that is not 8533
otherwise replaced by a campus shall be deleted from the plant 8534
operation and maintenance space inventory. 8535

The square-foot-based plant operation and maintenance subsidy 8536
for each campus shall be determined as follows: 8537

(a) For each standard room type category shown below, the 8538
subsidy-eligible net assignable square feet (NASF) for each campus 8539
shall be multiplied by the following rates, and the amounts summed 8540
for each campus to determine the total gross square-foot-based POM 8541
expenditure requirement: 8542

	FY 2004	FY 2005	
Classrooms	\$5.80	\$6.04	8544
Laboratories	\$7.22	\$7.53	8545
Offices	\$5.80	\$6.04	8546
Audio Visual Data Processing	\$7.22	\$7.53	8547
Storage	\$2.57	\$2.68	8548
Circulation	\$7.31	\$7.62	8549
Other	\$5.80	\$6.04	8550

(b) The total gross square-foot POM expenditure requirement 8551
shall be allocated to models in proportion to each campus's 8552
activity-based POM weight multiplied by the two- or five-year 8553
average subsidy-eligible FTEs for all models. 8554

(c) The amounts allocated to models in division (B)(1)(b) of 8555
this section shall be multiplied by the ratio of subsidy-eligible 8556
FTE students to total FTE students reported in each model, and the 8557

amounts summed for all models. To this total amount shall be added 8558
 an amount to support roads and grounds expenditures, which shall 8559
 also be multiplied by the ratio of subsidy-eligible FTE students 8560
 to total FTEs reported for each model. From this total amount, the 8561
 amounts for Doctoral I and Doctoral II shall be subtracted to 8562
 produce the square-foot-based POM subsidy. 8563

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 8564

(a) The number of subsidy-eligible FTE students in each model 8565
 shall be multiplied by the following rates for each campus for 8566
 each fiscal year. 8567

	FY 2004	FY 2005	
General Studies I	\$ 552	\$ 560	8568
General Studies II	\$ 696	\$ 705	8569
General Studies III	\$1,608	\$1,651	8570
Technical I	\$ 777	\$ 806	8571
Technical III	\$1,501	\$1,570	8572
Baccalaureate I	\$ 700	\$ 706	8573
Baccalaureate II	\$1,250	\$1,232	8574
Baccalaureate III	\$1,520	\$1,458	8575
Masters and Professional I	\$1,258	\$1,301	8576
Masters and Professional II	\$2,817	\$2,688	8577
Masters and Professional III	\$3,832	\$3,712	8578
Medical I	\$2,663	\$2,669	8579
Medical II	\$3,837	\$4,110	8580
MPD I	\$1,213	\$1,233	8581

(b) The sum of the products for each campus determined in 8583
 division (B)(2)(a) of this section for all models except Doctoral 8584
 I and Doctoral II for each fiscal year shall be weighted by a 8585
 factor to reflect sponsored research activity and job 8586
 training-related public services expenditures to determine the 8587
 total activity-based POM subsidy. 8588

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS	8589
(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS	8590
The calculation of the core subsidy entitlement shall consist	8591
of the following components:	8592
(a) For each campus and for each fiscal year, the core	8593
subsidy entitlement shall be determined by multiplying the amounts	8594
listed above in divisions (A)(1) and (2) and (B)(2) of this	8595
section less assumed local contributions, by (i) average	8596
subsidy-eligible FTEs for the two-year period ending in the prior	8597
year for all models except Doctoral I and Doctoral II; and (ii)	8598
average subsidy-eligible FTEs for the five-year period ending in	8599
the prior year for all models except Doctoral I and Doctoral II.	8600
(b) In calculating the core subsidy entitlements for Medical	8601
II models only, the Board of Regents shall use the following count	8602
of FTE students:	8603
(i) For those medical schools whose current year enrollment,	8604
including students repeating terms, is below the base enrollment,	8605
the Medical II FTE enrollment shall equal: 65 per cent of the base	8606
enrollment plus 35 per cent of the current year enrollment	8607
including students repeating terms, where the base enrollment is:	8608
The Ohio State University	1010 8609
University of Cincinnati	833 8610
Medical College <u>University</u> of Ohio at	650 8611
Toledo	
Wright State University	433 8612
Ohio University	433 8613
Northeastern Ohio Universities College of	433 8614
Medicine	
(ii) For those medical schools whose current year enrollment,	8615
excluding students repeating terms, is equal to or greater than	8616
the base enrollment, the Medical II FTE enrollment shall equal the	8617

base enrollment plus the FTE for repeating students. 8618

(iii) Students repeating terms may be no more than five per 8619
cent of current year enrollment. 8620

(c) The Board of Regents shall compute the sum of the two 8621
calculations listed in division (C)(1)(a) of this section and use 8622
the greater sum as the core subsidy entitlement. 8623

The POM subsidy for each campus shall equal the greater of 8624
the square-foot-based subsidy or the activity-based POM subsidy 8625
component of the core subsidy entitlement. 8626

(d) The state share of instruction provided for doctoral 8627
students shall be based on a fixed percentage of the total 8628
appropriation. In each fiscal year of the biennium not more than 8629
10.34 per cent of the total state share of instruction shall be 8630
reserved to implement the recommendations of the Graduate Funding 8631
Commission. It is the intent of the General Assembly that the 8632
doctoral reserve not exceed 10.34 per cent of the total state 8633
share of instruction to implement the recommendations of the 8634
Graduate Funding Commission. The Board of Regents may reallocate 8635
up to two per cent in each fiscal year of the reserve among the 8636
state-assisted universities on the basis of a quality review as 8637
specified in the recommendations of the Graduate Funding 8638
Commission. No such reallocation shall occur unless the Board of 8639
Regents, in consultation with representatives of state-assisted 8640
universities, determines that sufficient funds are available for 8641
this purpose. 8642

The amount so reserved shall be allocated to universities in 8643
proportion to their share of the total number of Doctoral I 8644
equivalent FTEs as calculated on an institutional basis using the 8645
greater of the two-year or five-year FTEs for the period fiscal 8646
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 8647
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 8648

adjusted to reflect the effects of doctoral review and subsequent 8649
changes in Doctoral I equivalent enrollments. For the purposes of 8650
this calculation, Doctoral I equivalent FTEs shall equal the sum 8651
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 8652

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 8653

In addition to and after the other adjustment noted above, in 8654
fiscal year 2004, no campus shall receive a state share of 8655
instruction allocation that is less than 100 per cent of the prior 8656
year's state share of instruction amount. In fiscal year 2005, no 8657
campus shall receive a state share of instruction allocation that 8658
is less than 99 per cent of what that campus' state share of 8659
instruction would have been had the allocation in fiscal year 2004 8660
been not less than 99 per cent, rather than 100 per cent, of the 8661
prior year's state share of instruction amount. 8662

(3) CAPITAL COMPONENT DEDUCTION 8663

After all other adjustments have been made, state share of 8664
instruction earnings shall be reduced for each campus by the 8665
amount, if any, by which debt service charged in Am. H.B. No. 748 8666
of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd 8667
General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, 8668
and H.B. No. 675 of the 124th General Assembly for that campus 8669
exceeds that campus's capital component earnings. The sum of the 8670
amounts deducted shall be transferred to appropriation item 8671
235-552, Capital Component, in each fiscal year. 8672

(D) REDUCTIONS IN EARNINGS 8673

If the total state share of instruction earnings in any 8674
fiscal year exceed the total appropriations available for such 8675
purposes, the Board of Regents shall proportionately reduce the 8676
state share of instruction earnings for all campuses by a uniform 8677
percentage so that the system wide sum equals available 8678
appropriations. 8679

(E) EXCEPTIONAL CIRCUMSTANCES	8680
Adjustments may be made to the state share of instruction	8681
payments and other subsidies distributed by the Board of Regents	8682
to state-assisted colleges and universities for exceptional	8683
circumstances. No adjustments for exceptional circumstances may be	8684
made without the recommendation of the Chancellor and the approval	8685
of the Controlling Board.	8686
(F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF	8687
INSTRUCTION	8688
The standard provisions of the state share of instruction	8689
calculation as described in the preceding sections of temporary	8690
law shall apply to any reductions made to appropriation line item	8691
235-501, State Share of Instruction, before the Board of Regents	8692
has formally approved the final allocation of the state share of	8693
instruction funds for any fiscal year.	8694
Any reductions made to appropriation line item 235-501, State	8695
Share of Instruction, after the Board of Regents has formally	8696
approved the final allocation of the state share of instruction	8697
funds for any fiscal year, shall be uniformly applied to each	8698
campus in proportion to its share of the final allocation.	8699
(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION	8700
The state share of instruction payments to the institutions	8701
shall be in substantially equal monthly amounts during the fiscal	8702
year, unless otherwise determined by the Director of Budget and	8703
Management pursuant to section 126.09 of the Revised Code.	8704
Payments during the first six months of the fiscal year shall be	8705
based upon the state share of instruction appropriation estimates	8706
made for the various institutions of higher education according to	8707
Board of Regents enrollment estimates. Payments during the last	8708
six months of the fiscal year shall be distributed after approval	8709
of the Controlling Board upon the request of the Board of Regents.	8710

(H) LAW SCHOOL SUBSIDY 8711

The state share of instruction to state-supported 8712
universities for students enrolled in law schools in fiscal year 8713
2004 and fiscal year 2005 shall be calculated by using the number 8714
of subsidy-eligible FTE law school students funded by state 8715
subsidy in fiscal year 1995 or the actual number of 8716
subsidy-eligible FTE law school students at the institution in the 8717
fiscal year, whichever is less. 8718

Sec. 89.08. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 8719
MEDICINE 8720

The foregoing appropriation item 235-515, Case Western 8721
Reserve University School of Medicine, shall be disbursed to Case 8722
Western Reserve University through the Board of Regents in 8723
accordance with agreements entered into as provided for by section 8724
3333.10 of the Revised Code, provided that the state support per 8725
full-time medical student shall not exceed that provided to 8726
full-time medical students at state universities. 8727

CAPITAL SCHOLARSHIP PROGRAM 8728

The foregoing appropriation item 235-518, Capital Scholarship 8729
Program, shall be used by the Board of Regents to provide 8730
scholarships to undergraduates of Ohio's four-year public and 8731
private institutions of higher education participating in the 8732
Washington Center Internship Program. A scholarship of \$1,800 8733
shall be awarded to students enrolled in an institution operating 8734
on a quarter system, and a scholarship of \$2,300 shall be awarded 8735
to students enrolled in an institution operating on a semester 8736
system. The number of scholarships awarded shall be limited by the 8737
amounts appropriated in fiscal years 2004 and 2005. The Washington 8738
Center shall match the scholarships awarded to students as 8739
follows: \$1,200 for students enrolled in an institution operating 8740

on a quarter system, and \$1,700 for students enrolled in an 8741
institution operating on a semester system. 8742

FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE 8743
RESIDENCIES 8744

The Board of Regents shall develop plans consistent with 8745
existing criteria and guidelines as may be required for the 8746
distribution of appropriation items 235-519, Family Practice, 8747
235-525, Geriatric Medicine, and 235-526, Primary Care 8748
Residencies. 8749

SHAWNEE STATE SUPPLEMENT 8750

The foregoing appropriation item 235-520, Shawnee State 8751
Supplement, shall be used by Shawnee State University as detailed 8752
by both of the following: 8753

(A) To allow Shawnee State University to keep its 8754
undergraduate fees below the statewide average, consistent with 8755
its mission of service to an economically depressed Appalachian 8756
region; 8757

(B) To allow Shawnee State University to employ new faculty 8758
to develop and teach in new degree programs that meet the needs of 8759
Appalachians. 8760

POLICE AND FIRE PROTECTION 8761

The foregoing appropriation item 235-524, Police and Fire 8762
Protection, shall be used for police and fire services in the 8763
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 8764
Portsmouth, Xenia Township (Greene County), Rootstown Township, 8765
and the City of Nelsonville that may be used to assist these local 8766
governments in providing police and fire protection for the 8767
central campus of the state-affiliated university located therein. 8768
Each participating municipality and township shall receive at 8769
least \$5,000 each year. Funds shall be distributed according to 8770

the methodology employed by the Board of Regents in the previous	8771
biennium.	8772
PRIMARY CARE RESIDENCIES	8773
The foregoing appropriation item 235-526, Primary Care	8774
Residencies, shall be distributed in each fiscal year of the	8775
biennium, based on whether or not the institution has submitted	8776
and gained approval for a plan. If the institution does not have	8777
an approved plan, it shall receive five per cent less funding per	8778
student than it would have received from its annual allocation.	8779
The remaining funding shall be distributed among those	8780
institutions that meet or exceed their targets.	8781
OHIO AEROSPACE INSTITUTE	8782
The foregoing appropriation item 235-527, Ohio Aerospace	8783
Institute, shall be distributed by the Board of Regents under	8784
section 3333.042 of the Revised Code.	8785
ACADEMIC SCHOLARSHIPS	8786
The foregoing appropriation item 235-530, Academic	8787
Scholarships, shall be used to provide academic scholarships to	8788
students under section 3333.22 of the Revised Code.	8789
STUDENT CHOICE GRANTS	8790
The foregoing appropriation item 235-531, Student Choice	8791
Grants, shall be used to support the Student Choice Grant Program	8792
created by section 3333.27 of the Revised Code. The unencumbered	8793
balance of appropriation item 235-531, Student Choice Grants, at	8794
the end of fiscal year 2004 shall be transferred to fiscal year	8795
2005 for use under the same appropriation item to maintain grant	8796
award amounts in fiscal year 2005 equal to the awards provided in	8797
fiscal year 2004. The amounts transferred are hereby appropriated.	8798
STUDENT WORKFORCE DEVELOPMENT GRANTS	8799
The foregoing appropriation item 235-534, Student Workforce	8800

Development Grants, shall be used to support the Student Workforce 8801
Development Grant Program. Of the appropriated funds available, 8802
the Board of Regents shall distribute grants to each eligible 8803
student in an academic year. The size of each grant award shall be 8804
determined by the Board of Regents based on the amount of funds 8805
available for the program. 8806

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 8807

The foregoing appropriation item 235-535, Ohio Agricultural 8808
Research and Development Center, shall be disbursed through the 8809
Board of Regents to The Ohio State University in monthly payments, 8810
unless otherwise determined by the Director of Budget and 8811
Management pursuant to section 126.09 of the Revised Code. The 8812
Ohio Agricultural Research and Development Center shall not be 8813
required to remit payment to The Ohio State University during the 8814
2003-2005 biennium for cost reallocation assessments. The cost 8815
reallocation assessments include, but are not limited to, any 8816
assessment on state appropriations to the center. The Ohio 8817
Agricultural Research and Development Center, in conjunction with 8818
the Third Frontier Commission, shall provide for an independently 8819
evaluated self-study of research excellence and commercial 8820
relevance in a manner to be prescribed by the Third Frontier 8821
Commission. 8822

Of the foregoing appropriation item 235-535, Ohio 8823
Agricultural Research and Development Center, \$470,164 in fiscal 8824
year 2004 and \$458,410 in fiscal year 2005 shall be used to 8825
purchase equipment. 8826

Of the foregoing appropriation item 235-535, Ohio 8827
Agricultural Research and Development Center, \$827,141 in fiscal 8828
year 2004 and \$806,463 in fiscal year 2005 shall be distributed to 8829
the Piketon Agricultural Research and Extension Center. 8830

Of the foregoing appropriation item 235-535, Ohio 8831

Agricultural Research and Development Center, \$217,669 in fiscal 8832
year 2004 and \$212,227 in fiscal year 2005 shall be distributed to 8833
the Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 8834
State University Medical College in cooperation with The Ohio 8835
State University College of Agriculture. 8836

Of the foregoing appropriation item 235-535, Ohio 8837
Agricultural Research and Development Center, \$43,534 in fiscal 8838
year 2004 and \$42,445 in fiscal year 2005 shall be used to support 8839
the Ohio Berry Administrator. 8840

Of the foregoing appropriation item 235-535, Ohio 8841
Agricultural Research and Development Center, \$87,067 in fiscal 8842
year 2004 and \$84,890 in fiscal year 2005 shall be used for the 8843
development of agricultural crops and products not currently in 8844
widespread production in Ohio, in order to increase the income and 8845
viability of family farmers. 8846

STATE UNIVERSITY CLINICAL TEACHING 8847

The foregoing appropriation items 235-536, The Ohio State 8848
University Clinical Teaching; 235-537, University of Cincinnati 8849
Clinical Teaching; 235-538, Medical College University of Ohio at 8850
Toledo Clinical Teaching; 235-539, Wright State University 8851
Clinical Teaching; 235-540, Ohio University Clinical Teaching; and 8852
235-541, Northeastern Ohio Universities College of Medicine 8853
Clinical Teaching, shall be distributed through the Board of 8854
Regents. 8855

Of the foregoing appropriation item 235-539, Wright State 8856
University Clinical Teaching, \$124,644 in each fiscal year of the 8857
biennium shall be for the use of Wright State University's Ellis 8858
Institute for Clinical Teaching Studies to operate the clinical 8859
facility to serve the Greater Dayton area. 8860

SCHOOL OF INTERNATIONAL BUSINESS 8861

Of the foregoing appropriation item 235-547, School of 8862
International Business, \$901,975 in fiscal year 2004 and \$879,426 8863
in fiscal year 2005 shall be used for the continued development 8864
and support of the School of International Business of the state 8865
universities of northeast Ohio. The money shall go to the 8866
University of Akron. These funds shall be used by the university 8867
to establish a School of International Business located at the 8868
University of Akron. It may confer with Kent State University, 8869
Youngstown State University, and Cleveland State University as to 8870
the curriculum and other matters regarding the school. 8871

Of the foregoing appropriation item 235-547, School of 8872
International Business, \$181,318 in fiscal year 2004 and \$176,785 8873
in fiscal year 2005 shall be used by the University of Toledo 8874
College of Business for expansion of its international business 8875
programs. 8876

Of the foregoing appropriation item 235-547, School of 8877
International Business, \$181,318 in fiscal year 2004 and \$176,785 8878
in fiscal year 2005 shall be used to support The Ohio State 8879
University BioMEMS program. 8880

PART-TIME STUDENT INSTRUCTIONAL GRANTS 8881

The foregoing appropriation item 235-549, Part-time Student 8882
Instructional Grants, shall be used to support a grant program for 8883
part-time undergraduate students who are Ohio residents and who 8884
are enrolled in degree granting programs. 8885

Eligibility for participation in the program shall include 8886
degree granting educational institutions that hold a certificate 8887
of registration from the State Board of Career Colleges and 8888
Schools, and nonprofit institutions that have a certificate of 8889
authorization issued pursuant to Chapter 1713. of the Revised 8890
Code, as well as state-assisted colleges and universities. Grants 8891
shall be given to students on the basis of need, as determined by 8892

the college, which, in making these determinations, shall give 8893
special consideration to single-parent heads-of-household and 8894
displaced homemakers who enroll in an educational degree program 8895
that prepares the individual for a career. In determining need, 8896
the college also shall consider the availability of educational 8897
assistance from a student's employer. It is the intent of the 8898
General Assembly that these grants not supplant such assistance. 8899

Section 37.05. That existing Sections 89, 89.04, and 89.08 of 8900
Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. 8901
Sub. S.B. 189 of the 125th General Assembly, are hereby repealed. 8902

Section 38.01. Notwithstanding sections 101.02 and 101.27 of 8903
the Revised Code, the term of office of the members of the Senate 8904
elected majority floor leader, assistant majority floor leader, 8905
and assistant majority whip shall be deemed to begin on the 8906
effective date of this section. Each such member shall receive, 8907
during the remainder of calendar year 2005, salary payments equal 8908
to the amounts paid under section 101.27 of the Revised Code to 8909
the members of the House of Representatives elected majority floor 8910
leader, assistant majority floor leader, and assistant majority 8911
whip, respectively, during the remainder of calendar year 2005. 8912
For calendar year 2006, they shall receive an annual salary that 8913
is equal to the annual salary prescribed under section 101.27 of 8914
the Revised Code for the members of the House of Representatives 8915
elected majority floor leader, assistant majority floor leader, 8916
and assistant majority whip, respectively. 8917

This section is not subject to the referendum. Therefore, 8918
under Ohio Constitution, Article II, Section 1d and section 1.471 8919
of the Revised Code, this section goes into immediate effect when 8920
this act becomes law. 8921

Section 39.01. Sections 151.01, 154.01, 154.02, 154.07, 8922

154.23, 3383.02, and 3383.07 of the Revised Code, as amended or 8923
enacted by this act, and Sections 39.02, 39.03, and 39.04 of this 8924
act take effect on July 1, 2005. 8925

Section 39.02. (A) All with respect to bonds of the state 8926
previously authorized and issued by the Treasurer of State to 8927
finance all or a portion of the costs of local subdivision capital 8928
improvement projects as provided for in Sections 2k and 2m of 8929
Article VIII, Ohio Constitution, and Chapter 151. of the Revised 8930
Code, including particularly Sections 151.01, 151.02, and 151.08 8931
thereof, and prior authorizations in Chapter 164. of the Revised 8932
Code (referred to in this section as "superseded matters"), on the 8933
effective date of this section: 8934

(1) The Ohio Public Facilities Commission shall succeed to 8935
and have and perform all the duties, powers, obligations, and 8936
functions, and have all the rights, of the Treasurer of State or 8937
that officer's employees as provided in or pursuant to orders 8938
relating to those bonds and those bonds themselves. All 8939
appropriations previously made to or for the purposes of the 8940
performance of those duties, powers, obligations, and functions 8941
and exercise of those rights, to the extent of remaining 8942
unexpended or unencumbered balances, are hereby transferred to and 8943
made available for use and expenditure by the Commission for 8944
purposes of performing the same duties, powers, obligations, and 8945
functions and exercising the same rights for which originally 8946
appropriated or reappropriated. 8947

(2) All related agreements and covenants of the Treasurer of 8948
State and the basic instruments and bonds, shall be and be 8949
considered as agreements and covenants of and binding upon the 8950
Commission. 8951

(3) The transfer and supersession provided for in this act 8952

does not affect the validity of any agreement or covenant, or
resolution or order, or bonds, or related documents, authorized,
entered into or issued by the Treasurer of State under the
superseded matters, and nothing in this section or in the
amendment by this act of division (A)(7) of section 151.01 of the
Revised Code shall be applied or be considered as impairing their
validity or the obligations or rights under them.

(4) All basic instruments, documents, books, papers and
records of the Treasurer of State relating to those outstanding
bonds shall be transferred to the Commission.

(5) Whenever the Treasurer of State, or any of that officer's
employees or authorized representatives, is referred to in any
contract or other document relating to those outstanding bonds,
the reference shall be considered to be to the Commission or its
appropriate officers.

(B) The amendment in Section 1 of this act to division (A)(7)
of section 151.01 of the Revised Code applies to any proceedings
commenced after its effective date and, so far as its provisions
support the actions taken, also applies to any proceedings that on
its effective date are pending, in progress, or completed, and to
the securities authorized or issued or obligations entered into
under or pursuant to those proceedings, notwithstanding the
applicable law previously in effect or any provision to the
contrary in a prior resolution, order, notice, or other
proceeding. Any proceedings pending or in progress on the
effective date of the amendment, and securities sold, issued, and
delivered, or obligations entered into under or pursuant to those
proceedings, shall be deemed to have been taken, and authorized,
sold, issued, delivered, and entered into, in conformity with the
amendment. The provisions of the Revised Code so amended by this
act shall, except as otherwise provided in division (A) of this
section, be deemed to remain applicable to securities issued or

obligations entered into under or pursuant to or in reliance on 8985
them prior to the effective date of the amendment. 8986

Section 39.03. (A) Except as otherwise provided in section 8987
154.23 of the Revised Code, as enacted by this act, with respect 8988
to the functions of the Ohio Public Facilities Commission, the 8989
Treasurer of State shall, on the effective date of this section 8990
and as provided for in this section, supersede and replace the 8991
Ohio Building Authority (referred to in this section as the 8992
"Authority") as the issuing authority in all matters relating to 8993
the issuance of obligations for the financing of Ohio cultural 8994
facilities and Ohio sports facilities, as those terms are defined 8995
in section 3383.01 of the Revised Code, for housing branches and 8996
agencies of state government (all referred to in this section as 8997
"cultural and sports capital purposes") as provided for in section 8998
154.23 of the Revised Code, as enacted by this act (all referred 8999
to in this section as "superseded matters". 9000

(B)(1) With respect to superseded matters and cultural and 9001
sports capital purposes, the Treasurer of State shall: 9002

(a) Succeed to and have and perform all of the duties, 9003
powers, obligations, and functions of the Authority and its 9004
members and officers provided for by law or rule relating to the 9005
issuance of bonds, notes, or other obligations for the purpose of 9006
paying costs of cultural and sports capital purposes; 9007

(b) Succeed to and have and perform all of the duties, 9008
powers, obligations, and functions, and have all of the rights, of 9009
the Authority and its members and officers provided for in or 9010
pursuant to resolutions, rules, agreements, trust agreements, and 9011
supplemental trust agreements (all referred to collectively in 9012
this section as "basic instruments"), and bonds, notes, and other 9013
obligations (all referred to collectively in this section as 9014
"financing obligations"), previously authorized, entered into, or 9015

issued by the Authority for cultural and sports capital purposes, 9016
which financing obligations shall be, and shall be deemed to be, 9017
obligations issued by and of the Treasurer of State; 9018

(c) Be bound by all agreements and covenants of the 9019
Authority, and basic instruments, relating to financing 9020
obligations. 9021

(2) The transfer of superseded matters to the Treasurer of 9022
State pursuant to this section does not affect the validity of any 9023
agreement or covenant, basic instrument, or financing obligation, 9024
or any related document, authorized, entered into, or issued by 9025
the Authority under Chapter 152. of the Revised Code or other 9026
laws, and nothing in this section shall be applied or considered 9027
as impairing the obligations or rights under them. 9028

(3) The Treasurer of State shall not issue any additional 9029
financing obligations pursuant to any basic instrument of the 9030
Authority, including financing obligations to refund financing 9031
obligations previously issued by the Authority. 9032

(C) With respect to proceedings relating to superseded 9033
matters affected by this section: 9034

(1) This section applies to any proceedings that are 9035
commenced after the effective date of this section, and to any 9036
proceedings that are pending, in progress, or completed on that 9037
date, notwithstanding the applicable law previously in effect or 9038
any provision to the contrary in a prior basic instrument, notice, 9039
or other proceeding. 9040

(2) Any proceedings of the Authority that are pending on the 9041
effective date of this section shall be pursued and completed by 9042
and in the name of the Treasurer of State, and any financing 9043
obligations that are sold, issued, and delivered pursuant to those 9044
proceedings shall be deemed to have been authorized, sold, issued, 9045
and delivered in conformity with this section. 9046

(3) Notwithstanding division (C)(1) and (2) of this section, 9047
the Authority may, subsequent to the effective date of this 9048
section, meet for the purpose of better accomplishing the transfer 9049
of superseded matters. At any such meeting the Authority may take 9050
necessary or appropriate actions to effect an orderly transition 9051
relating to the issuance of financing obligations, such that all 9052
duties, powers, obligations, and functions of the Authority and 9053
its members and officers with respect to the superseded matters or 9054
under any leases and agreements between the Authority and the Ohio 9055
Cultural Facilities Commission shall terminate and be of no 9056
further force and effect as to the Authority. 9057

(D) The Authority shall prepare any necessary amendments of 9058
or supplements to documents or basic instruments pertaining to the 9059
duties, powers, obligations, functions, and rights relating to 9060
superseded matters to which the Treasurer of State succeeds 9061
pursuant to this section. The authorization by the Authority in 9062
its basic instruments relating to superseded matters for its 9063
officers to act in any manner on behalf of the Authority shall, on 9064
and after the effective date of this section, be authorization for 9065
the Treasurer of State, or the Treasurer of State's staff or 9066
employees to whom the Treasurer of State may delegate the 9067
function, to act in the circumstances, without necessity for 9068
amendment of or supplement to any such documents or basic 9069
instruments. 9070

(E) No pending judicial or administrative action or 9071
proceeding in which the Authority, or its members or officers as 9072
such, are a party that pertains to superseded matters shall be 9073
affected by their transfer, but shall be prosecuted or defended in 9074
the name of the Treasurer of State and in any such action or 9075
proceeding the Treasurer of State, upon application to the court, 9076
shall be substituted as a party. 9077

(F) In connection with the duties, powers, obligations, 9078

functions, and rights relating to superseded matters and provided 9079
for in this section, on the effective date of this section: 9080

(1) Copies of all basic instruments, documents, books, 9081
papers, and records of the Authority shall be transferred to the 9082
Treasurer of State upon request, without necessity for assignment, 9083
conveyance, or other action by the Authority. 9084

(2) All appropriations previously made to or for the 9085
Authority for the purposes of the performance of the duties, 9086
powers, obligations, functions, and exercise of rights relating to 9087
superseded matters, to the extent of remaining unexpended or 9088
unencumbered balances, are hereby transferred to and made 9089
available for use and expenditure by the Treasurer of State for 9090
performing the same duties, powers, obligations, and functions and 9091
exercising the same rights for which originally appropriated, and 9092
payments for administrative expenses previously incurred in 9093
connection with them shall be made from the applicable 9094
administrative service fund on vouchers approved by the Treasurer 9095
of State. 9096

(3) All leases and agreements between the Authority and the 9097
Ohio Cultural Facilities Commission made under Chapter 152. of the 9098
Revised Code shall, and shall be considered to, continue to bind 9099
the Ohio Cultural Facilities Commission. Nothing in this act shall 9100
be considered as impairing the obligations of the Ohio Cultural 9101
Facilities Commission under those leases and agreements. 9102

(4) Any lease, grant, or conveyance made to the Authority 9103
pursuant to section 152.06 of the Revised Code shall be, and shall 9104
be deemed to be, made to the Ohio Public Facilities Commission 9105
pursuant to section 154.16 of the Revised Code, and the Ohio 9106
Public Facilities Commission shall succeed to and have and perform 9107
all of the duties, powers, obligations, and functions, and have 9108
all of the rights, of the Authority and its members and officers 9109

provided for in or pursuant to that lease, grant, or conveyance. 9110

(G) Whenever the Authority, or any of its members or 9111
officers, is referred to in any contract or other document 9112
relating to those outstanding financing obligations, the reference 9113
shall be considered to be, as applicable, to the Ohio Public 9114
Facilities Commission or its appropriate officers or to the 9115
Treasurer of State or the appropriate staff of the Treasurer of 9116
State. 9117

Section 39.04. (A) Sections 154.01, 154.02, 154.07, 154.23, 9118
3383.02, and 3383.07 of the Revised Code, as amended or enacted by 9119
this act, apply to any proceedings commenced after the effective 9120
date of this section and, so far as their provisions support the 9121
actions taken, also apply to any proceedings that are pending, in 9122
progress, or completed on that date, and to the securities 9123
authorized or issued or obligations entered into under or pursuant 9124
to those proceedings, notwithstanding the applicable law 9125
previously in effect or any provision to the contrary in a prior 9126
resolution, order, notice, or other proceeding. Any proceedings 9127
pending or in progress on the effective date of this section, and 9128
securities sold, issued, and delivered, or obligations entered 9129
into under or pursuant to those proceedings, shall be deemed to 9130
have been taken, and authorized, sold, issued, delivered, and 9131
entered into, in conformity with those sections, as amended or 9132
enacted by this act. 9133

(B) Sections 154.01, 154.02, 154.07, 3383.02, and 3383.07 of 9134
the Revised Code shall, except as otherwise provided in division 9135
(A) of this section, be deemed to remain applicable to securities 9136
issued or obligations entered into under, pursuant to, or in 9137
reliance on those sections, as they existed prior to the effective 9138
date of this section, or Chapter 152. of the Revised Code. 9139

Section 40.01. (A) As used in this section, "eligible county" 9140
means a county that has a population of less than sixty-four 9141
thousand according to the most recent federal decennial census. 9142

(B) Notwithstanding section 321.261 of the Revised Code, if, 9143
within sixty days after the effective date of this section, the 9144
county treasurer and the county prosecuting attorney of an 9145
eligible county that has a balance in its delinquent tax and 9146
assessment collection fund greater than six hundred fifty thousand 9147
dollars determine that not all of the money in the fund is needed 9148
by them for the purposes of collecting delinquent taxes and 9149
assessments, they shall notify the board of county commissioners 9150
of that determination, in writing. Upon receiving the notice, and 9151
after consulting with the legislative authority of each taxing 9152
unit in the eligible county, the board of county commissioners may 9153
adopt a resolution directing the county auditor to distribute 9154
money in the fund to each of the taxing units in the eligible 9155
county. The total amount of money distributed by an eligible 9156
county under a resolution adopted under this section shall not 9157
exceed the total amount of money credited to the eligible county's 9158
delinquent tax and assessment collection fund during calendar 9159
years 2001, 2002, 2003, and 2004. Moneys distributed to taxing 9160
units under a resolution adopted under this section shall be 9161
distributed among the taxing units in the eligible county in the 9162
same proportions and amounts as if levied and collected as taxes. 9163

This section provides for or is essential to the 9164
implementation of a tax levy. Therefore, under Ohio Constitution, 9165
Article II, Section 1d, this section is not subject to the 9166
referendum and goes into immediate effect when this act becomes 9167
law. 9168

Section 41.01. The amendment by this act of sections 5709.61, 9169

5709.62, and 5709.632 of the Revised Code shall not affect any 9170
area in a city designated as an urban cluster in a rural 9171
statistical area that was certified by the Director of Development 9172
as an enterprise zone, if the Director certified such area as a 9173
zone on or after June 26, 2003, but before the effective date of 9174
this section. For an enterprise zone that meets the requirements 9175
of this section, the legislative authority of a city designated as 9176
an urban cluster in a rural statistical area may enter into 9177
agreements with enterprises in accordance with section 5709.62 or 9178
5709.632 of the Revised Code. On and after the effective date of 9179
this section, no legislative authority of a city designated as an 9180
urban cluster in a rural statistical area may designate one or 9181
more areas within the city as proposed enterprise zones. 9182

Section 42.01. If any item of law that constitutes the whole 9183
or part of a codified or uncodified section of law contained in 9184
this act, or if any application of any item of law that 9185
constitutes the whole or part of a codified or uncodified section 9186
of law contained in this act, is held invalid, the invalidity does 9187
not affect other items of law or applications of items of law that 9188
can be given effect without the invalid item of law or 9189
application. To this end, the items of law of which the codified 9190
and uncodified sections contained in this act are composed, and 9191
their applications, are independent and severable. 9192

Section 43.01. Except as otherwise specifically provided in 9193
this act, the amendment or enactment by this act of codified and 9194
uncodified sections of law, and the items of which the amendments 9195
and enactments are composed, are subject to the referendum. 9196
Therefore, under Ohio Constitution, Article II, Section 1c and 9197
section 1.471 of the Revised Code, the amendments and enactments, 9198
and the items of which they are composed, except as otherwise 9199
specifically provided in this act, take effect on the ninety-first 9200

day after this act is filed with the Secretary of State. If, 9201
however, a referendum petition is filed against an amendment or 9202
enactment, or against an item it contains, the amendment or 9203
enactment, or item, unless rejected at the referendum, takes 9204
effect at the earliest time permitted by law. 9205

Section 44.01. The enactment by this act of section 3301.21 9206
of the Revised Code, and the items of which the section is 9208
composed, are not subject to the referendum. Therefore, under Ohio 9209
Constitution, Article II, Section 1d and section 1.471 of the 9210
Revised Code, the section, and the items of which it is composed, 9211
go into immediate effect when this act becomes law.

Section 45.01. Section 151.01 of the Revised Code is 9212
presented in this act as a composite of the section as amended by 9213
both Sub. H.B. 522 and H.B. 675 of the 124th General Assembly. The 9214
General Assembly, applying the principle stated in division (B) of 9215
section 1.52 of the Revised Code that amendments are to be 9216
harmonized if reasonably capable of simultaneous operation, finds 9217
that the composite is the resulting version of the section in 9218
effect prior to the effective date of the section as presented in 9219
this act. 9220