

**As Reported by the Senate Finance and Financial Institutions  
Committee**

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

**Am. Sub. H. B. No. 16**

**Representatives Calvert, Allen, C. Evans, Flowers, Hartnett, McGregor,  
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J. Stewart, Walcher, White, Widowfield  
Senators Padgett, Clancy, Roberts**

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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  
occurrences or upon determination of the absolute obligor or  
issuer.

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

(1) By which either:

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

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

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

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

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

upon the direction of, the absolute obligor or the issuer, as 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~~ thirteen 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 representatives, appointed by the current speaker of the house of representatives. If the current speaker of the house of representatives, in the current speaker's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall remain vacant.

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

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

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

election of its officers, and shall organize by selecting a 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 359  
provisions of which pertaining to such designations, and the 360  
designations so made, remain in full force and effect as 361  
continuing grants of authority. Each agency designated by or 362  
pursuant to Section 56.09 of H.B. 298 of the 119th general 363  
assembly or this section may exercise any statutory powers it has 364  
under any other section of the Revised Code to accomplish the 365  
purposes of this section within the agency's specified region. The 366  
regions served by agencies shall not overlap. The director may 367  
reduce, expand, or otherwise modify the region served by, or limit 368  
the authority of, any such agency. 369

**Sec. 123.10.** (A) The director of administrative services 370  
shall regulate the rate of tolls to be collected on the public 371  
works of the state, and shall fix all rentals and collect all 372  
tolls, rents, fines, commissions, fees, and other revenues arising 373  
from any source in the public works, including the sale, 374  
construction, purchase, or rental of property, except that the 375  
director shall not collect a commission or fee from a real estate 376  
broker or the private owner when real property is leased or rented 377  
to the state. 378

(B) There is hereby created in the state treasury the state 379  
architect's fund which shall consist of money received by the 380  
department of administrative services under division (A) of this 381  
section, fees paid under section 123.17 of the Revised Code, 382  
transfers of money to the fund authorized by the general assembly, 383  
and such amount of the investment earnings of the administrative 384

building fund created in division (C) of this section as the 385  
director of budget and management determines to be appropriate and 386  
in excess of the amounts required to meet estimated federal 387  
arbitrage rebate requirements. Money in the fund shall be used by 388  
the department of administrative services for the following 389  
purposes: 390

(1) To pay personnel and other administrative expenses of the 391  
department; 392

(2) To pay the cost of conducting evaluations of public 393  
works; 394

(3) To pay the cost of building design specifications; 395

(4) To pay the cost of providing project management services; 396

(5) To pay the cost of operating the local administration 397  
competency certification program prescribed by section 123.17 of 398  
the Revised Code; 399

(6) Any other purposes that the director of administrative 400  
services determines to be necessary for the department to execute 401  
its duties under this chapter. 402

(C) There is hereby created in the state treasury the 403  
administrative building fund which shall consist of proceeds of 404  
obligations authorized to pay the cost of capital facilities. 405  
Except as provided in division (B) of this section, all investment 406  
earnings of the fund shall be credited to the fund. The fund shall 407  
be used to pay the cost of capital facilities designated by or 408  
pursuant to an act of the general assembly. The director of budget 409  
and management shall approve and provide a voucher for payments of 410  
amounts from the fund that represent the portion of investment 411  
earnings to be rebated or to be paid to the federal government in 412  
order to maintain the exclusion from gross income for federal 413  
income tax purposes on interest on those obligations pursuant to 414  
section 148(f) of the Internal Revenue Code. 415

As used in this division, "capital facilities" has the same 416  
meaning as under section 152.09 of the Revised Code. 417

Sec. 123.17. (A) As used in this section, "institution of 418  
higher education" means a state university or college, as defined 419  
in section 3345.12 of the Revised Code, or a state community 420  
college. 421

(B) The state architect shall establish a local 422  
administration competency certification program to certify 423  
institutions of higher education to administer capital facilities 424  
projects pursuant to section 3345.51 of the Revised Code without 425  
the supervision, control, or approval of the department of 426  
administrative services. The program shall offer instruction in 427  
the administration of capital facilities projects for employees of 428  
institutions of higher education who are responsible for such 429  
administration and who are selected by their employing 430  
institutions to participate in the program. 431

(C) The program shall provide instruction about the 432  
provisions of Chapters 9., 123., and 153. of the Revised Code and 433  
any rules or policies adopted by the department regarding the 434  
planning, design, and construction of capital facilities, 435  
including all of the following: 436

(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 441  
competency certification to any institution of higher education if 442  
all of the following apply: 443

(1) The institution applied for certification on a form and 444

in a manner prescribed by the state architect.

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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 capital facilities projects has completed the certification program to ensure that any capital facilities project undertaken by the institution will be administered successfully and in accordance with all provisions of the Revised Code, and the board of trustees of the institution provides written assurance to the state architect that the institution will select new employees to participate in the certification program as necessary to compensate for employee turnover.

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

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

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

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

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(E) The state architect shall establish the amount of the fee required to be paid by any institution of higher education that seeks certification under this section. Any fees received under

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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  
~~151.08~~, 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 reports or recommendations of financial advisors or consultants relating to those obligations;

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

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

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

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

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

(B) Issuers of obligations pursuant to section 3318.085 or Chapter 175., 3366., 3706., 3737., 5537., 6121., or 6123. of the Revised Code shall submit to the director copies of the

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 604  
public obligations with respect to which fractionalized interests 605  
have been publicly issued, such as certificates of participation, 606  
shall submit a report to the director of the amounts payable from 607  
state appropriations under those public obligations during the 608  
then current and next two fiscal years, identifying the 609  
appropriation or intended appropriation from which payment is 610  
expected to be made. 611

(D)(1) Information relating generally to the historic, 612  
current, or future demographics or economy or financial condition 613  
or funds or general operations of the state, and descriptions of 614  
any state contractual obligations relating to public obligations, 615  
to be contained in any offering document, continuing disclosure 616  
document, or written presentation prepared, approved, or provided, 617  
or committed to be provided, by an issuer in connection with the 618  
original issuance and sale of, or rating, remarketing, or credit 619  
enhancement facilities relating to, public obligations referred to 620  
in division (A) of this section shall be approved as to format and 621  
accuracy by the director before being presented, published, or 622  
disseminated in preliminary, draft, or final form, or publicly 623  
filed in paper, electronic, or other format. 624

(2) Except for information described in division (D)(1) of 625  
this section that is to be contained in an offering document, 626  
continuing disclosure document, or written presentation, division 627  
(D)(1) of this section does not inhibit direct communication 628  
between an issuer and a rating agency, remarketing agent, or 629  
credit enhancement provider concerning an issuance of public 630  
obligations referred to in division (A) of this section or matters 631

associated with that issuance. 632

(3) The materials approved and provided pursuant to division 633  
(D) of this section are the information relating to the particular 634  
subjects provided by the state or state agencies that are required 635  
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 730  
the claim by agreeing to accept monthly or other periodic 731  
payments. The agreement may require security for payment of the 732  
claim. 733

(3) Add fees to recover the cost of processing checks or 734  
other draft instruments returned for insufficient funds and the 735  
cost of providing electronic payment options. 736

(F)(1) Except as provided in division (F)(2) of this section, 737  
if the attorney general finds, after investigation, that any claim 738  
due and owing to the state is uncollectible, the attorney general, 739  
with the consent of the chief officer of the agency reporting the 740  
claim, may do the following: 741

(a) Sell, convey, or otherwise transfer the claim to one or 742  
more private entities for collection; 743

(b) Cancel the claim or cause it to be cancelled. 744

(2) The attorney general shall cancel or cause to be 745  
cancelled an unsatisfied claim on the date that is forty years 746  
after the date the claim is certified. 747

**Sec. 131.021.** (A) As used in this section, "tax" means all 748  
taxes and fees, including any penalties, additional charges, and 749  
interest charges, administered by the tax commissioner. "Tax" 750  
excludes any taxes and fees that are paid to a county auditor or 751  
treasurer. 752

(B) Any pending tax liability that the commissioner 753

determines is owed to the state, but that is not final, may be 754  
certified to the attorney general pursuant to, and for purposes 755  
of, section 131.02 of the Revised Code if a party who may owe the 756  
tax liability has filed for bankruptcy and the tax liability is a 757  
prepetition bankruptcy debt. Nothing in this section and section 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 district;	879 880
(6) A joint ambulance district, the clerk of the board of trustees;	881 882
(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 participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations. 911  
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(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner. 918  
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(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise. 921  
922  
923

(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged. 924  
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(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt of payment of money to a future time. 928  
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(S) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and includes any laws of the United States providing for application of that code. 932  
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(T) "Issuer" means any public issuer and any nonprofit corporation authorized to issue securities for or on behalf of any public issuer. 936  
937  
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,	972
sidewalks, and viaducts;	973
(2) Any number of off-street parking facilities;	974
(3) In the case of a county, any number of permanent	975
improvements for courthouse, jail, county offices, and other	976
county buildings, and related facilities;	977
(4) In the case of a school district, any number of	978
facilities and buildings for school district purposes, and related	979
facilities.	980
(AA) "Outstanding," referring to securities, means securities	981
that have been issued, delivered, and paid for, except any of the	982
following:	983
(1) Securities canceled upon surrender, exchange, or	984
transfer, or upon payment or redemption;	985
(2) Securities in replacement of which or in exchange for	986
which other securities have been issued;	987
(3) Securities for the payment, or redemption or purchase for	988
cancellation prior to maturity, of which sufficient moneys or	989
investments, in accordance with the applicable legislation or	990
other proceedings or any applicable law, by mandatory sinking fund	991
redemption requirements, mandatory sinking fund requirements, or	992
otherwise, have been deposited, and credited for the purpose in a	993
bond retirement fund or with a trustee or paying or escrow agent,	994
whether at or prior to their maturity or redemption, and, in the	995
case of securities to be redeemed prior to their stated maturity,	996
notice of redemption has been given or satisfactory arrangements	997
have been made for giving notice of that redemption, or waiver of	998
that notice by or on behalf of the affected security holders has	999

been filed with the subdivision or its agent for the purpose. 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  
conditions applicable to, or providing for the security or sale or  
award of, public obligations, and includes the provisions set  
forth or incorporated in those public obligations and proceedings.

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

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

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

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

(GG) "Public obligations" means both of the following:

(1) Securities;

(2) Obligations of a public issuer to make payments under  
installment sale, lease, lease purchase, or similar agreements,  
which obligations bear interest or interest equivalent.

(HH) "Refund" means to fund and retire outstanding  
securities, including advance refunding with or without payment or  
redemption prior to maturity.

(II) "Register" means the books kept and maintained by the  
registrar for registration, exchange, and transfer of registered  
securities.

(JJ) "Registrar" means the person responsible for keeping the  
register for the particular registered securities, designated by  
or pursuant to the proceedings.

(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.

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

(MM) "Subdivision" means any of the following:	1093
(1) A county, including a county that has adopted a charter under Article X, Ohio Constitution;	1094 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	1122
under section 307.052 of the Revised Code;	1123
(15) A fire and ambulance district organized under section	1124
505.375 of the Revised Code;	1125
(16) A fire district organized under division (C) of section	1126
505.37 of the Revised Code;	1127
(17) Any other political subdivision or taxing district or	1128
other local public body or agency authorized by this chapter or	1129
other laws to issue Chapter 133. securities.	1130
(NN) "Taxing authority" means in the case of the following	1131
subdivisions:	1132
(1) A county, a county library district, or a regional	1133
library district, the board or boards of county commissioners, or	1134
other legislative authority of a county that has adopted a charter	1135
under Article X, Ohio Constitution, but with respect to such a	1136
library district acting solely as agent for the board of trustees	1137
of that district;	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	1141
district, a joint recreation district, a fire and ambulance	1142
district, or a joint fire district, the board of trustees of the	1143
district;	1144
(5) A joint township hospital district, the joint township	1145
hospital board;	1146
(6) A detention facility district or a district organized	1147
under section 2151.65 of the Revised Code, a combined district	1148
organized under sections 2152.41 and 2151.65 of the Revised Code,	1149
or a joint emergency medical services district, the joint board of	1150
county commissioners;	1151

(7) A township, a fire district organized under division (C) 1152  
of section 505.37 of the Revised Code, or a township police 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  
maturities, are exchanged on stated amounts of bonds or  
investments, or on notional amounts;~~

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

~~(SS)~~ "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.

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

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

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

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

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

Such employees are included in the definition of member as

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 obligations, and such other provisions as the issuing authority determines, including limitations, conditions, or qualifications, relating to any of the foregoing.

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

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

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

(I) Except to the extent that rights are restricted by the

bond proceedings, any owner of obligations or provider of a credit  
enhancement facility may by any suitable form of legal proceedings  
protect and enforce any rights relating to obligations or that  
facility under the laws of this state or granted by the bond  
proceedings. Those rights include the right to compel the  
performance of all applicable duties of the issuing authority and  
the state. Each duty of the issuing authority and that authority's  
officers, staff, and employees, and of each state entity or  
agency, or using district or using institution, and its officers,  
members, staff, or employees, undertaken pursuant to the bond  
proceedings, is hereby established as a duty of the entity or  
individual having authority to perform that duty, specifically  
enjoined by law and resulting from an office, trust, or station  
within the meaning of section 2731.01 of the Revised Code. The  
individuals who are from time to time the issuing authority,  
members or officers of the issuing authority, or those members'  
designees acting pursuant to section 154.02 of the Revised Code,  
or the issuing authority's officers, staff, or employees, are not  
liable in their personal capacities on any obligations or  
otherwise under the bond proceedings.

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

(a) Obligations in the form of bond anticipation notes, and  
may provide for the renewal of those notes from time to time by  
the issuance of new notes. The holders of notes or appertaining  
interest coupons have the right to have debt service on those  
notes paid solely from the moneys and special funds that are or  
may be pledged to that payment, including the proceeds of bonds or  
renewal notes or both, as the issuing authority provides in the

bond proceedings authorizing the notes. Notes may be additionally 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. 1624

(P) Subject to the bond proceedings pertaining to any 1625  
obligations then outstanding in accordance with their terms, the 1626  
issuing authority may in the bond proceedings pledge all, or such 1627  
portion as the issuing authority determines, of the moneys in the 1628  
bond service fund to the payment of debt service on particular 1629  
obligations, and for the establishment and maintenance of any 1630  
reserves for payment of particular debt service. 1631

(Q) The issuing authority shall by the fifteenth day of July 1632  
of each fiscal year, certify or cause to be certified to the 1633  
office of budget and management the total amount of moneys 1634  
required during the current fiscal year to meet in full all debt 1635  
service on the respective obligations and any related financing 1636  
costs payable from the applicable bond service fund and not from 1637  
the proceeds of refunding or renewal obligations. The issuing 1638  
authority shall make or cause to be made supplemental 1639  
certifications to the office of budget and management for each 1640  
debt service payment date and at such other times during each 1641  
fiscal year as may be provided in the bond proceedings or 1642  
requested by that office. Debt service, costs of credit 1643  
enhancement facilities, and other financing costs shall be set 1644  
forth separately in each certification. If and so long as the 1645  
moneys to the credit of the bond service fund, together with any 1646  
other moneys available for the purpose, are insufficient to meet 1647  
in full all payments when due of the amount required as stated in 1648  
the certificate or otherwise, the office of budget and management 1649  
shall at the times as provided in the bond proceedings, and 1650  
consistent with any particular provisions in sections 151.03 to 1651  
151.09 and 151.40 of the Revised Code, transfer a sufficient 1652

amount to the bond service fund from the pledged revenues in the  
case of obligations issued pursuant to section 151.40 of the  
Revised Code, and in the case of other obligations from the  
revenues derived from excises, taxes, and other revenues,  
including net state lottery proceeds in the case of obligations  
referred to in section 151.03 of the Revised Code.

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

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

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

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

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

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

(S) The treasurer of state shall have responsibility for 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 university 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 1716  
this section. 1717

(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 1871  
department of natural resources. The designation of lands as state 1872  
parks under divisions (M)(1) to (3) of this section is conclusive 1873  
and such lands shall be under the control of and administered by 1874  
the division of parks and recreation. No order or proceeding 1875  
designating lands as state parks or park purchase areas is subject 1876  
to any appeal or review by any officer, board, commission, or 1877  
court. 1878

(N) "Bond service fund" means the applicable fund created for 1879  
and pledged to the payment of bond service charges under section 1880  
154.20, 154.21, ~~or 154.22~~, or 154.23 of the Revised Code, 1881  
including all moneys and investments, and earnings from 1882  
investments, credited and to be credited thereto. 1883

(O) "Improvement fund" means the applicable fund created for 1884  
the payment of costs of capital facilities under section 154.20, 1885  
154.21, ~~or 154.22~~, or 3383.09 of the Revised Code, including all 1886  
moneys and investments, and earnings from investments, credited 1887  
and to be credited thereto. 1888

(P) "Special funds" or "funds" means, except where the 1889  
context does not permit, the bond service funds, the improvements 1890  
funds, and any other funds for similar or different purposes 1891  
created under bond proceedings, including all moneys and 1892  
investments, and earnings from investments, credited and to be 1893  
credited thereto. 1894

(Q) "Year" unless the context indicates a different meaning 1895  
or intent, means a calendar year beginning on the first day of 1896  
January and ending on the thirty-first day of December. 1897

(R) "Fiscal year" means the period of twelve months beginning 1898  
on the first day of July and ending on the thirtieth day of June. 1899

(S) "Issuing authority" means the treasurer of state or the officer or employee who by law performs the functions of that office. 1900  
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(T) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code. 1903  
1904

(U) "Ohio cultural facility" and "Ohio sports facility" have the same meanings as in section 3383.01 of the Revised Code. 1905  
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**Sec. 154.02.** (A) Pursuant to the provisions of Chapter 154. of the Revised Code, the issuing authority may issue obligations as from time to time authorized by or pursuant to act or resolution of the general assembly, consistent with such limitations thereon, subject to section 154.12 of the Revised Code, as the general assembly may thereby prescribe as to principal amount, bond service charges, or otherwise, and shall cause the proceeds thereof to be applied to those capital facilities designated by or pursuant to act of the general assembly for mental hygiene and retardation, state supported and assisted institutions of higher education, including technical education, ~~and~~ and parks and recreation, Ohio cultural facilities, and Ohio sports facilities. 1907  
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(B) The authority provided by Chapter 154. of the Revised Code is in addition to any other authority provided by law for the same or similar purposes, except as may otherwise specifically be provided in Chapter 154. of the Revised Code. In case any section or provision of Chapter 154. of the Revised Code or in case any covenant, stipulation, obligation, resolution, trust agreement, indenture, lease agreement, act, or action, or part thereof, made, assumed, entered into, or taken under Chapter 154. of the Revised Code, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision of Chapter 1920  
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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.

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**Sec. 755.16.** (A) Any municipal corporation, township, township park district, county, or school district, jointly with one or more other municipal corporations, townships, township park districts, counties, or school districts or with an educational service center, in any combination, and a joint recreation district, may acquire property for, construct, operate, and maintain any parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, indoor recreation centers, or community centers, ~~and any.~~ Any school district or educational service center may provide by the erection of any school or educational service center building or ~~school~~ premises, or by the enlargement of, addition to, or reconstruction or improvement of any school or educational service center building or ~~school~~ premises, for the inclusion of any such parks, recreational facilities, and community centers to be jointly acquired, constructed, operated, and maintained. Any municipal corporation, township, township park district, county, or school district, jointly with one or more other municipal corporations, townships, township park districts, counties, or school districts or with an educational service center, in any combination, and a joint recreation district, may equip, operate, and maintain ~~such~~ those parks, recreational facilities, and community centers and may appropriate money for them. An educational service center also may appropriate money for purposes of equipping, operating, and maintaining those parks, recreational facilities, and community centers.

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Any municipal corporation, township, township park district, county, ~~or~~ school district, or educational service center agreeing to jointly acquire, construct, operate, or maintain parks, recreational facilities, and community centers pursuant to this section may contribute lands, money, other personal property, or

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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

<u>(C) To increase administrators' and teachers' skills in using student assessment data to improve instructional decisions;</u>	2177
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<u>(D) To align district and building budget allocations with student performance data.</u>	2179
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<b>Sec. 3305.01.</b> 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 university 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
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(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
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(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
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(1) The employee is a member of the faculty of a public institution of higher education.	2198
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(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
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(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	2204
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higher education serving in a position comparable to a position in  
the unclassified civil service. 2207  
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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, governing authority of any community school established under Chapter 3314. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.

(B) "Teacher" means all of the following:

(1) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3319.08 of the Revised Code in a position for which the person is required to have a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(2) Any person employed as a teacher by a community school pursuant to Chapter 3314. of the Revised Code;

(3) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

(4) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, the university of Toledo, and the medical ~~college~~ university of Ohio at Toledo;

(5) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board

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

means all salary, wages, and other earnings paid to a teacher by 2326  
reason of the teacher's employment, including compensation paid 2327  
pursuant to a supplemental contract. The salary, wages, and other 2328  
earnings shall be determined prior to determination of the amount 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 waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	2357 2358 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	2384 2385 2386

the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2387  
401(a)(17), as amended. For a teacher who first establishes 2388  
membership before July 1, 1996, the annual compensation that may 2389  
be taken into account by the retirement system shall be determined 2390  
under division (d)(3) of section 13212 of the "Omnibus Budget 2391  
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 2392

(j) Payments made under division (B), (C), or (E) of section 2393  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 2394  
No. 3 of the 119th general assembly, Section 3 of Amended 2395  
Substitute Senate Bill No. 164 of the 124th general assembly, or 2396  
Amended Substitute House Bill No. 405 of the 124th general 2397  
assembly; 2398

(k) Anything of value received by the teacher that is based 2399  
on or attributable to retirement or an agreement to retire. 2400

(3) The retirement board shall determine by rule both of the 2401  
following: 2402

(a) Whether particular forms of earnings are included in any 2403  
of the categories enumerated in this division; 2404

(b) Whether any form of earnings not enumerated in this 2405  
division is to be included in compensation. 2406

Decisions of the board made under this division shall be 2407  
final. 2408

(M) "Superannuate" means both of the following: 2409

(1) A former teacher receiving from the system a retirement 2410  
allowance under section 3307.58 or 3307.59 of the Revised Code; 2411

(2) A former teacher receiving a benefit from the system 2412  
under a plan established under section 3307.81 of the Revised 2413  
Code, except that "superannuate" does not include a former teacher 2414  
who is receiving a benefit based on disability under a plan 2415  
established under section 3307.81 of the Revised Code. 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 which retirement system is paying the benefit.

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

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

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

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

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

For purposes of assistance provided under sections 3318.40 to

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 2451  
Code means a joint vocational school district established pursuant 2452  
to section 3311.18 of the Revised Code. 2453

(E) "School district board" means the board of education of a 2454  
school district. 2455

(F) "Net bonded indebtedness" means the difference between 2456  
the sum of the par value of all outstanding and unpaid bonds and 2457  
notes which a school district board is obligated to pay, and any 2458  
amounts the school district is obligated to pay under 2459  
lease-purchase agreements entered into under section 3313.375 of 2460  
the Revised Code, ~~and the par value of bonds authorized by the~~ 2461  
~~electors but not yet issued, the proceeds of which can lawfully be~~ 2462  
~~used for the project,~~ and the amount held in the sinking fund and 2463  
other indebtedness retirement funds for their redemption. Notes 2464  
issued for school buses in accordance with section 3327.08 of the 2465  
Revised Code, notes issued in anticipation of the collection of 2466  
current revenues, and bonds issued to pay final judgments shall 2467  
not be considered in calculating the net bonded indebtedness. 2468

"Net bonded indebtedness" does not include indebtedness 2469  
arising from the acquisition of land to provide a site for 2470  
classroom facilities constructed, acquired, or added to pursuant 2471  
to sections 3318.01 to 3318.20 of the Revised Code or the par 2472  
value of bonds that have been authorized by the electors and the 2473  
proceeds of which will be used by the district to provide any part 2474  
of its portion of the basic project cost. 2475

(G) "Board of elections" means the board of elections of the 2476  
county containing the most populous portion of the school 2477

district.	2478
(H) "County auditor" means the auditor of the county in which	2479
the greatest value of taxable property of such school district is	2480
located.	2481
(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  
school district as listed and assessed for taxation on the tax 2546  
duplicates. 2547

(Q) "Percentile" means the percentile in which the school 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 project and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility;

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

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

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

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

If the school district board determines that an existing facility has historical value or for other good cause determines that an existing facility should be renovated in lieu of acquiring a comparable facility by new construction, the commission may approve the expenditure of project funds for the renovation of that facility up to but not exceeding one hundred per cent of the estimated cost of acquiring a comparable facility by new

construction, as long as the commission determines that the  
facility when renovated can be operationally efficient, will be  
adequate for the future needs of the district, and will comply  
with the other provisions of this division.

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

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

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

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

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

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

The commission at its discretion may waive current design specifications it has adopted for projects under sections 3318.01

to 3318.20 of the Revised Code when assessing an application for  
additional assistance under this division for the renovation of  
classroom facilities constructed or renovated under a school  
district's previous project. If the commission finds that a school  
district's existing classroom facilities are adequate to meet all  
of the school district's needs, the commission may determine that  
no additional state assistance be awarded to a school district  
under this division.

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

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

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

**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 Revised Code apply to any project under sections 3318.40 to 3318.45 of the Revised Code.	2880 2881 2882
(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal <del>biennium</del> <u>year</u> . In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.	2883 2884 2885 2886 2887 2888 2889 2890 2891 2892 2893 2894 2895 2896
(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.	2897 2898 2899 2900 2901 2902 2903 2904 2905 2906 2907 2908 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 2977  
trustees or the board of regents. This model shall include a 2978  
review of fiduciary responsibilities, ethics, and fiscal 2979  
management. Use of this model by members of boards of trustees and 2980  
the board of regents shall be voluntary. 2981

This section does not apply to the three members of the board 2982  
of trustees of the northeastern Ohio universities college of 2983  
medicine who are presidents of state universities. 2984

Sec. 3333.072. The Ohio board of regents, after consulting 2985  
with the state colleges and universities and with the office of 2986  
budget and management, shall adopt rules in accordance with 2987  
Chapter 119. of the Revised Code to govern the allocation of state 2988  
capital appropriations to state colleges and universities. In 2989  
drafting the rules, the board shall incorporate the 2990  
recommendations of the final report of the commission to study 2991  
higher education debt service, issued June 28, 1994, as these 2992  
recommendations have been utilized and modified in procedures 2993  
developed by the board and the office of budget and management 2994  
since the report was issued. 2995

**Sec. 3334.01.** As used in this chapter: 2996

(A) "Aggregate original principal amount" means the aggregate 2997  
of the initial offering prices to the public of college savings 2998  
bonds, exclusive of accrued interest, if any. "Aggregate original 2999  
principal amount" does not mean the aggregate accreted amount 3000  
payable at maturity or redemption of such bonds. 3001

(B) "Beneficiary" means:	3002
(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 professional tuition; or	3003 3004 3005 3006 3007 3008
(2) An individual designated by the contributor under a variable college savings program contract as the individual whose tuition and other higher education expenses will be paid from a variable college savings program account.	3009 3010 3011 3012
(C) "Capital appreciation bond" means a bond for which the following is true:	3013 3014
(1) The principal amount is less than the amount payable at maturity or early redemption; and	3015 3016
(2) No interest is payable on a current basis.	3017
(D) "Tuition credit" means a credit of the Ohio tuition trust authority purchased under section 3334.09 of the Revised Code.	3018 3019
(E) "College savings bonds" means revenue and other obligations issued on behalf of the state or any agency or issuing authority thereof as a zero-coupon or capital appreciation bond, and designated as college savings bonds as provided in this chapter. "College savings bond issue" means any issue of bonds of which any part has been designated as college savings bonds.	3020 3021 3022 3023 3024 3025
(F) "Institution of higher education" means a state institution of higher education, a private college, university, or other postsecondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career	3026 3027 3028 3029 3030 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  
university law enforcement officer. If the state university law  
enforcement officer files an appeal that results in that officer's  
acquittal of the felony or conviction of a misdemeanor, or in the  
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 3185  
community college, and includes the applicable board of trustees 3186  
or, in the case of a university branch district, any other 3187  
managing authority. 3188

(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  
pledge without any physical delivery thereof or further act, and  
the lien of any such pledge is valid and binding against all  
parties having claims of any kind against the institution,  
irrespective of whether such parties have notice thereof, and  
shall create a perfected security interest for all purposes of  
Chapter 1309. of the Revised Code, without the necessity for  
separation or delivery of funds or for the filing or recording of  
the bond proceedings by which such pledge is created or any  
certificate, statement, or other document with respect thereto;  
and the pledge of such available receipts and funds shall be  
effective and the money therefrom and thereof may be applied to  
the purposes for which pledged without necessity for any act of  
appropriation.

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

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

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

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

(4) The rates or rentals or other charges for the use of or  
right to use the facilities financed by the obligations, or other  
properties the revenues or receipts from which are pledged to the  
obligations, and rules for assuring use and occupancy thereof,

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 obligations. 3435  
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(I) Such obligations may be secured additionally by a trust agreement or indenture between the institution of higher education and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without this state but authorized to exercise trust powers within this state. Any such agreement or indenture may contain the resolution authorizing the issuance of the obligations, any provisions that may be contained in the bond proceedings as authorized by this section, and other provisions which are customary or appropriate in an agreement or indenture of such type, including: 3437  
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(1) Maintenance of each pledge, trust agreement, and indenture, or other instrument comprising part of the bond proceedings until the institution of higher education has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made; 3447  
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(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the institution of higher education made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing; 3452  
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(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations; 3459  
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(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen; 3463  
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(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 3471  
officer or employee having authority to perform such duty, 3472  
specially enjoined by law resulting from an office, trust, or 3473  
station within the meaning of section 2731.01 of the Revised Code. 3474  
The persons who are at the time the members of the board of 3475  
trustees or the managing directors of the institution or its 3476  
officers or employees are not liable in their personal capacities 3477  
on such obligations, or lease, or other agreement of the 3478  
institution. 3479

(K) The authority to issue obligations includes authority to: 3480

(1) Issue obligations in the form of bond anticipation notes 3481  
and to renew them from time to time by the issuance of new notes. 3482  
Such notes are payable solely from the available receipts and 3483  
funds that may be pledged to the payment of such bonds, or from 3484  
the proceeds of such bonds or renewal notes, or both, as the 3485  
institution of higher education provides in its resolution 3486  
authorizing such notes. Such notes may be additionally secured by 3487  
covenants of the institution to the effect that it will do such or 3488  
all things necessary for the issuance of such bonds or renewal 3489  
notes in appropriate amount, and either exchange such bonds or 3490  
renewal notes therefor or apply the proceeds thereof to the extent 3491  
necessary, to make full payment of the bond service charges on 3492  
such notes at the time or times contemplated, as provided in such 3493  
resolution. Subject to the provisions of this division, all 3494  
references to obligations in this section apply to such 3495  
anticipation notes. 3496

(2) Issue obligations to refund, including funding and 3497  
retirement of, obligations previously issued to pay costs of 3498  
facilities. Such obligations may be issued in amounts sufficient 3499  
for payment of the principal amount of the obligations to be so 3500  
refunded, any redemption premiums thereon, principal maturities of 3501  
any obligations maturing prior to the redemption of any other 3502  
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 3535  
lease under authority of this section or section 3345.07, 3345.11, 3536  
3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code is 3537  
not a sale as used in Chapter 5739. of the Revised Code. 3538

(N) The authority granted by this section is cumulative with 3539  
the authority granted to institutions of higher education under 3540  
Chapter 154. of the Revised Code, and nothing in this section 3541  
impairs or limits the authority granted by Chapter 154. of the 3542  
Revised Code. In any lease, agreement, or commitment made by an 3543  
institution of higher education under Chapter 154. of the Revised 3544  
Code, it may agree to restrict or subordinate any pledge it may 3545  
thereafter make under authority of this section. 3546

(O) Title to lands acquired under this section and sections 3547  
3345.07 and 3345.11 of the Revised Code by a state university or 3548  
college shall be taken in the name of the state. 3549

(P) Except where costs of facilities are to be paid in whole 3550  
or in part from funds appropriated by the general assembly, 3551  
section 125.81 of the Revised Code and the requirement for 3552  
certification with respect thereto under section 153.04 of the 3553  
Revised Code do not apply to such facilities. 3554

(Q) A state university or college may sell or lease lands or 3555  
interests in land owned by it or by the state for its use, or 3556  
facilities authorized to be acquired or constructed by it under 3557  
section 3345.07 or 3345.11 of the Revised Code, to permit the 3558  
purchasers or lessees thereof to acquire, construct, equip, 3559

furnish, reconstruct, alter, enlarge, remodel, renovate, 3560  
rehabilitate, improve, maintain, repair, or maintain and operate 3561  
thereon and to provide by lease or otherwise to such institution, 3562  
facilities authorized in section 3345.07 or 3345.11 of the Revised 3563  
Code. Such land or interests therein shall be sold for such 3564  
appraised value, or leased, and on such terms as the board of 3565  
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. 3719

Sec. 3345.51. (A) Notwithstanding anything to the contrary in 3720  
sections 123.01 and 123.15 of the Revised Code, a state 3721  
university, the medical university of Ohio at Toledo, the 3722  
northeastern Ohio universities college of medicine, or a state 3723  
community college may administer any capital facilities project 3724  
for the construction, reconstruction, improvement, renovation, 3725  
enlargement, or alteration of a public improvement under its 3726  
jurisdiction for which funds are appropriated by the general 3727  
assembly without the supervision, control, or approval of the 3728  
department of administrative services as specified in those 3729  
sections, if all of the following occur: 3730

(1) The institution is certified by the state architect under 3731  
section 123.17 of the Revised Code; 3732

(2) Within sixty days after the effective date of the section 3733  
of an act in which the general assembly initially makes an 3734  
appropriation for the project, the board of trustees of the 3735  
institution notifies the Ohio board of regents in writing of its 3736  
request to administer the capital facilities project and the board 3737  
of regents approves that request pursuant to division (B) of this 3738  
section; 3739

(3) The board of trustees passes a resolution stating its 3740  
intent to comply with section 153.13 of the Revised Code and the 3741  
guidelines established pursuant to section 153.16 of the Revised 3742  
Code and all laws that govern the selection of consultants, 3743  
preparation and approval of contract documents, receipt of bids, 3744

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

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

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(D) The board of regents, in consultation with higher

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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  
following: 3781

(1) Conditions under which the board of regents may revoke 3782  
the authority of an institution to administer a capital facilities 3783  
project under this section, including the failure of an 3784  
institution to maintain a sufficient number of employees who have 3785  
successfully completed the certification program under section 3786  
123.17 of the Revised Code; 3787

(2) A process for institutions to remedy any problems found 3788  
by an audit conducted pursuant to division (C) of this section, 3789  
including the improper use of state funds or violations of Chapter 3790  
9., 123., or 153. of the Revised Code. 3791

(E) If the board of regents revokes an institution's 3792  
authority to administer a capital facilities project, the 3793  
department of administrative services shall administer the capital 3794  
facilities project. The board of regents also may require an 3795  
institution, for which the board revoked authority to administer a 3796  
capital facilities project, to acquire a new local administration 3797  
competency certification pursuant to section 123.17 of the Revised 3798  
Code. 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  
university 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  
~~college~~ university. 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 ~~college~~ university of Ohio. 3876

**Sec. 3350.05.** The general assembly shall support the medical 3877  
~~college~~ university 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 ~~college~~ university 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 provides programs or activities in areas directly concerned with culture;	3901 3902 3903
(2) A regional arts and cultural district as defined in section 3381.01 of the Revised Code.	3904 3905
(C) "Cultural project" means all or any portion of an Ohio cultural facility for which the general assembly has specifically authorized the spending of money, or made an appropriation, pursuant to division (D)(3) or (E) of section 3383.07 of the Revised Code.	3906 3907 3908 3909 3910
(D) "Cooperative contract" means a contract between the Ohio cultural facilities commission and a cultural organization providing the terms and conditions of the cooperative use of an Ohio cultural facility.	3911 3912 3913 3914
(E) "Costs of operation" means amounts required to manage an Ohio cultural facility that are incurred following the completion of construction of its cultural project, provided that both of the following apply:	3915 3916 3917 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 from which is dedicated to that purpose.	3921 3922
(2) The commission and the cultural organization have executed an agreement with respect to either of those funds.	3923 3924
(F) "General building services" means general building services for an Ohio cultural facility or an Ohio sports facility, including, but not limited to, general custodial care, security,	3925 3926 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 3994  
facility. 3995

(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 4024  
stadium, arena, motorsports complex, or other capital facility in 4025  
this state, a primary purpose of which is to provide a site or 4026  
venue for the presentation to the public of either motorsports 4027  
events or events of one or more major or minor league professional 4028  
athletic or sports teams that are associated with the state or 4029  
with a city or region of the state, which facility is, in the case 4030  
of a motorsports complex, owned by the state or governmental 4031  
agency, or in all other instances, is owned by or is located on 4032  
real property owned by the state or a governmental agency, and 4033  
including all parking facilities, walkways, and other auxiliary 4034  
facilities, equipment, furnishings, and real and personal property 4035  
and interests and rights therein, that may be appropriate for or 4036  
used for or in connection with the facility or its operation, for 4037  
capital costs of which state funds are spent pursuant to this 4038  
chapter. A facility constructed as an Ohio sports facility may be 4039  
both an Ohio cultural facility and an Ohio sports facility. 4040

(P) "Motorsports" means sporting events in which motor 4041  
vehicles are driven on a clearly demarcated tracked surface. 4042

**Sec. 3383.02.** (A) There is hereby created the Ohio cultural 4043  
facilities commission. ~~Notwithstanding any provision to the~~ 4044  
~~contrary contained in Chapter 152. of the Revised Code, the~~ The 4045  
commission shall engage in and provide for the development, 4046  
performance, and presentation or making available of culture and 4047  
professional sports and athletics to the public in this state, and 4048  
the provision of training or education in culture, by the exercise 4049  
of its powers under this chapter, including the provision, 4050

operation, management, and cooperative use of Ohio cultural 4051  
facilities and Ohio sports facilities. The commission is a body 4052  
corporate and politic, an agency of state government and an 4053  
instrumentality of the state, performing essential governmental 4054  
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  
representatives shall be for the balance of the then legislative  
biennium. Each member shall hold office from the date of the  
member's appointment until the end of the term for which the  
member was appointed. Any member appointed to fill a vacancy  
occurring prior to the expiration of the term for which the  
member's predecessor was appointed shall hold office for the  
remainder of such term. Any member shall continue in office  
subsequent to the expiration date of the member's term until the  
member's successor takes office, or until a period of sixty days  
has elapsed, whichever occurs first.

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

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

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

(G) All expenses incurred in carrying out this chapter are  
payable solely from money accrued under this chapter or

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 4149  
authority, construction services may be provided by the authority 4150  
if the authority determines it should provide those services. 4151~~

~~(2)~~ For a cultural project other than a state historical 4152  
facility, construction services may be provided on behalf of the 4153  
state by the Ohio cultural facilities commission, or by a 4154  
governmental agency or a cultural organization that occupies, will 4155  
occupy, or is responsible for the Ohio cultural facility, as 4156  
determined by the commission. Construction services to be provided 4157  
by a governmental agency or a cultural organization shall be 4158  
specified in an agreement between the commission and the 4159  
governmental agency or cultural organization. The agreement, or 4160  
any actions taken under it, are not subject to Chapter 123. or 4161  
153. of the Revised Code, except for sections 123.081 and 153.011 4162  
of the Revised Code, and shall be subject to Chapter 4115. of the 4163  
Revised Code. 4164

~~(3)~~(2) For a cultural project that is a state historical 4165  
facility, construction services may be provided by the Ohio 4166  
cultural facilities commission or by a cultural organization that 4167  
occupies, will occupy, or is responsible for the facility, as 4168  
determined by the commission. The construction services to be 4169  
provided by the cultural organization shall be specified in an 4170  
agreement between the commission and the cultural organization. 4171  
That agreement, and any actions taken under it, are not subject to 4172  
Chapter 123., 153., or 4115. of the Revised Code. 4173

(B) For an Ohio sports facility that is financed in part by 4174  
~~the Ohio building authority obligations issued pursuant to Chapter 4175  
154. of the Revised Code,~~ construction services shall be provided 4176

on behalf of the state by or at the direction of the governmental 4177  
agency or nonprofit corporation that will own or be responsible 4178  
for the management of the facility, all as determined by the Ohio 4179  
cultural facilities commission. Any construction services to be 4180  
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 4213  
facility. No state funds, including any state bond proceeds, shall 4214  
be spent on the construction of any cultural project under this 4215  
chapter unless, with respect to the cultural project and to the 4216  
Ohio cultural facility related to the project, all of the 4217  
following apply: 4218

(1) The Ohio cultural facilities commission has determined 4219  
that there is a need for the cultural project and the Ohio 4220  
cultural facility related to the project in the region of the 4221  
state in which the Ohio cultural facility is located or for which 4222  
the facility is proposed. 4223

(2) The commission has determined that, as an indication of 4224  
substantial regional support for the cultural project, the 4225  
cultural organization has made provision satisfactory to the 4226  
commission, in its sole discretion, for local contributions 4227  
amounting to not less than fifty per cent of the total state 4228  
funding for the cultural project. 4229

(3) The general assembly has specifically authorized the 4230  
spending of money on, or made an appropriation for, the 4231  
construction of the cultural project, or for rental payments 4232  
relating to the financing of the construction of the cultural 4233  
project. Authorization to spend money, or an appropriation, for 4234  
planning the cultural project does not constitute authorization to 4235  
spend money on, or an appropriation for, construction of the 4236  
cultural project. 4237

(E) No state funds, including any state bond proceeds, shall 4238  
be spent on the construction of any state historical facility 4239

under this chapter unless the general assembly has specifically 4240  
authorized the spending of money on, or made an appropriation for, 4241  
the construction of the state historical project related to the 4242  
facility, or for rental payments relating to the financing of the 4243  
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  
cease utilizing the facility prior to the expiration of that  
established period. Such a motorsports organization shall be  
liable to the state for any state funds used on the construction  
costs of the facility.

**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. 4333  
4334

**Sec. 5537.01.** As used in this chapter: 4335

(A) "Commission" means the Ohio turnpike commission created 4336  
by section 5537.02 of the Revised Code or, if that commission is 4337  
abolished, the board, body, officer, or commission succeeding to 4338  
the principal functions thereof or to which the powers given by 4339  
this chapter to the commission are given by law. 4340

(B) "Project" or "turnpike project" means any express or 4341  
limited access highway, super highway, or motorway constructed, 4342  
operated, or improved, under the jurisdiction of the commission 4343  
and pursuant to this chapter, at a location or locations reviewed 4344  
by the turnpike oversight committee and approved by the governor, 4345  
including all bridges, tunnels, overpasses, underpasses, 4346  
interchanges, entrance plazas, approaches, those portions of 4347  
connecting public roads that serve interchanges and are determined 4348  
by the commission and the director of transportation to be 4349  
necessary for the safe merging of traffic between the turnpike 4350  
project and those public roads, toll booths, service facilities, 4351  
and administration, storage, and other buildings, property, and 4352  
facilities that the commission considers necessary for the 4353  
operation or policing of the project, together with all property 4354  
and rights which may be acquired by the commission for the 4355  
construction, maintenance, or operation of the project, and 4356  
includes any sections or extensions of a turnpike project 4357  
designated by the commission as such for the particular purpose. 4358  
Each turnpike project shall be separately designated, by name or 4359  
number, and may be constructed, improved, or extended in such 4360  
sections as the commission may from time to time determine. 4361  
Construction includes the improvement and renovation of a 4362  
previously constructed project, including additional interchanges, 4363

whether or not the project was initially constructed by the 4364  
commission. 4365

(C) "Cost," as applied to construction of a turnpike project, 4366  
includes the cost of construction, including bridges over or under 4367  
existing highways and railroads, acquisition of all property 4368  
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 4432  
combination thereof, authorizing, or authorizing or providing for 4433  
the terms and conditions applicable to, or providing for the 4434  
security or sale or award or liquidity of, bonds, and includes the 4435  
provisions set forth or incorporated in those bonds and bond 4436  
proceedings. 4437

(J) "Bond service charges" means principal, including any 4438  
mandatory sinking fund or mandatory redemption requirements for 4439  
the retirement of bonds, and interest and any redemption premium 4440  
payable on bonds, as those payments come due and are payable to 4441  
the bondholder or to a person making payment under a credit 4442  
enhancement facility of those bond service charges to a 4443  
bondholder. 4444

(K) "Bond service fund" means the applicable fund created by 4445  
the bond proceedings for and pledged to the payment of bond 4446  
service charges on bonds provided for by those proceedings, 4447  
including all moneys and investments, and earnings from 4448  
investments, credited and to be credited to that fund as provided 4449  
in the bond proceedings. 4450

(L) "Bonds" means bonds, notes, including notes anticipating 4451  
bonds or other notes, commercial paper, certificates of 4452  
participation, or other evidences of obligation, including any 4453  
interest coupons pertaining thereto, issued by the commission 4454  
pursuant to this chapter. 4455

(M) "Net revenues" means revenues lawfully available to pay 4456  
both current operating expenses of the commission and bond service 4457

charges in any fiscal year or other specified period, less current 4458  
operating expenses of the commission and any amount necessary to 4459  
maintain a working capital reserve for that period. 4460

(N) "Pledged revenues" means net revenues, moneys and 4461  
investments, and earnings on those investments, in the applicable 4462  
bond service fund and any other special funds, and the proceeds of 4463  
any bonds issued for the purpose of refunding prior bonds, all as 4464  
lawfully available and by resolution of the commission committed 4465  
for application as pledged revenues to the payment of bond service 4466  
charges on particular issues of bonds. 4467

(O) "Service facilities" means service stations, restaurants, 4468  
and other facilities for food service, roadside parks and rest 4469  
areas, parking, camping, tenting, rest, and sleeping facilities, 4470  
hotels or motels, and all similar and other facilities providing 4471  
services to the traveling public in connection with the use of a 4472  
turnpike project and owned, leased, licensed, or operated by the 4473  
commission. 4474

(P) "Service revenues" means those revenues of the commission 4475  
derived from its ownership, leasing, licensing, or operation of 4476  
service facilities. 4477

(Q) "Special funds" means the applicable bond service fund 4478  
and any accounts and subaccounts in that fund, any other funds or 4479  
accounts permitted by and established under, and identified as a 4480  
"special fund" or "special account" in, the bond proceedings, 4481  
including any special fund or account established for purposes of 4482  
rebate or other requirements under federal income tax laws. 4483

(R) "State agencies" means the state, officers of the state, 4484  
and boards, departments, branches, divisions, or other units or 4485  
agencies of the state. 4486

(S) "State taxes" means receipts of the commission from the 4487  
proceeds of state taxes or excises levied and collected, or 4488

appropriated by the general assembly to the commission, for the 4489  
purposes and functions of the commission. State taxes do not 4490  
include tolls, or investment earnings on state taxes except on 4491  
those state taxes referred to in Section 5a of Article XII, Ohio 4492  
Constitution. 4493

(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 agency, political subdivision, or other local, interstate, or regional governmental agency, and any combination of those agencies.	4521 4522 4523 4524
(Y) "Property" has the same meaning as in section 1.59 of the Revised Code, and includes interests in property.	4525 4526
(Z) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," " <u>interest rate hedge</u> ," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.	4527 4528 4529 4530 4531
(AA) "Outstanding," as applied to bonds, means outstanding in accordance with the terms of the bonds and the applicable bond proceedings.	4532 4533 4534
(BB) "Ohio turnpike system" or "system" means all existing and future turnpike projects constructed, operated, and maintained under the jurisdiction of the commission.	4535 4536 4537
<b>Sec. 5540.01.</b> As used in this chapter:	4538
(A) "Transportation improvement district" or "district" means a transportation improvement district designated pursuant to section 5540.02 of the Revised Code.	4539 4540 4541
(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.	4542 4543 4544 4545 4546 4547 4548

(C) "Project" means a street, highway, or other 4549  
transportation project constructed or improved under this chapter 4550  
and includes all bridges, tunnels, overpasses, underpasses, 4551  
interchanges, approaches, those portions of connecting streets or 4552  
highways that serve interchanges and are determined by the 4553  
district to be necessary for the safe merging of traffic between 4554  
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 4710  
Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended; 4711

(c) Its average rate of unemployment, during the most recent 4712  
twelve-month period for which data are available, is equal to at 4713  
least one hundred twenty-five per cent of the average rate of 4714  
unemployment for the state of Ohio for the same period; 4715

(d) There is a prevalence of commercial or industrial 4716  
structures in the area that are vacant or demolished, or are 4717  
vacant and the taxes charged thereon are delinquent, and 4718  
certification of the area as an enterprise zone would likely 4719  
result in the reduction of the rate of vacant or demolished 4720  
structures or the rate of tax delinquency in the area; 4721

(e) The population of all census tracts in the area, 4722  
according to the federal census of 2000, decreased by at least ten 4723  
per cent between the years 1980 and 2000; 4724

(f) At least fifty-one per cent of the residents of the area 4725  
have incomes of less than eighty per cent of the median income of 4726  
residents of the municipal corporation or municipal corporations 4727  
in which the area is located, as determined in the same manner 4728  
specified under section 119(b) of the "Housing and Community 4729  
Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as 4730  
amended; 4731

(g) The area contains structures previously used for 4732  
industrial purposes, but currently not so used due to age, 4733

obsolescence, deterioration, relocation of the former occupant's 4734  
operations, or cessation of operations resulting from unfavorable 4735  
economic conditions either generally or in a specific economic 4736  
sector; 4737

(h) It is located within one or more adjacent city, local, or 4738  
exempted village school districts, the income-weighted tax 4739  
capacity of each of which is less than seventy per cent of the 4740  
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 certified by the director of development as:

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

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

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

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

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

(C) "Facility" means an enterprise's place of business in a zone, including land, buildings, machinery, equipment, and other materials, except inventory, used in business. "Facility" includes land, buildings, machinery, production and station equipment, other equipment, and other materials, except inventory, used in business to generate electricity, provided that, for purposes of sections 5709.61 to 5709.69 of the Revised Code, the value of the property at such a facility shall be reduced by the value, if any, that is not apportioned under section 5727.15 of the Revised Code

to the taxing district in which the facility is physically 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 5080  
of years the property is to be exempted. The board of education, 5081  
by resolution adopted by a majority of the board, shall approve or 5082  
disapprove the agreement and certify a copy of the resolution to 5083  
the legislative authority not later than fourteen days prior to 5084  
the date stipulated by the legislative authority as the date upon 5085  
which approval of the agreement is to be formally considered by 5086  
the legislative authority. The board of education may include in 5087  
the resolution conditions under which the board would approve the 5088  
agreement, including the execution of an agreement to compensate 5089  
the school district under division (B) of section 5709.82 of the 5090  
Revised Code. The legislative authority may approve the agreement 5091  
at any time after the board of education certifies its resolution 5092  
approving the agreement to the legislative authority, or, if the 5093  
board approves the agreement conditionally, at any time after the 5094  
conditions are agreed to by the board and the legislative 5095  
authority. 5096

If a board of education has adopted a resolution waiving its 5097  
right to approve agreements and the resolution remains in effect, 5098  
approval of an agreement by the board is not required under this 5099  
division. If a board of education has adopted a resolution 5100  
allowing a legislative authority to deliver the notice required 5101  
under this division fewer than forty-five business days prior to 5102  
the legislative authority's approval of the agreement, the 5103  
legislative authority shall deliver the notice to the board not 5104  
later than the number of days prior to such approval as prescribed 5105  
by the board in its resolution. If a board of education adopts a 5106

resolution waiving its right to approve agreements or shortening 5107  
the notification period, the board shall certify a copy of the 5108  
resolution to the legislative authority. If the board of education 5109  
rescinds such a resolution, it shall certify notice of the 5110  
rescission to the legislative authority. 5111

(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  
may waive or reduce the amount of the fee charged against an  
enterprise, but such a waiver or reduction does not affect the  
obligations of the legislative authority or the tax incentive  
review council to comply with section 5709.68 or 5709.85 of the  
Revised Code.

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

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

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

(K) An agreement entered into under this section may include  
a provision requiring the enterprise to create one or more

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 5268  
zone is located and to which the proposal applies, and whether the 5269  
enterprise satisfies one of the following criteria: 5270

(1) The enterprise currently has no operations in this state 5271  
and, subject to approval of the agreement, intends to establish 5272  
operations in the zone; 5273

(2) The enterprise currently has operations in this state 5274  
and, subject to approval of the agreement, intends to establish 5275  
operations at a new location in the zone that would not result in 5276  
a reduction in the number of employee positions at any of the 5277  
enterprise's other locations in this state; 5278

(3) The enterprise, subject to approval of the agreement, 5279  
intends to relocate operations, currently located in another 5280  
state, to the zone; 5281

(4) The enterprise, subject to approval of the agreement, 5282  
intends to expand operations at an existing site in the zone that 5283  
the enterprise currently operates; 5284

(5) The enterprise, subject to approval of the agreement, 5285  
intends to relocate operations, currently located in this state, 5286  
to the zone, and the director of development has issued a waiver 5287  
for the enterprise under division (B) of section 5709.633 of the 5288  
Revised Code. 5289

(C) If the legislative authority or board determines that the 5290  
enterprise is so qualified and satisfies one of the criteria 5291  
described in divisions (B)(1) to (5) of this section, the 5292  
legislative authority or board may, after complying with section 5293

5709.83 of the Revised Code and on or before October 15, 2009, 5294  
and, in the case of a board of commissioners, with the consent of 5295  
the legislative authority of each affected municipal corporation 5296  
or of the board of township trustees, enter into an agreement with 5297  
the enterprise under which the enterprise agrees to establish, 5298  
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 5455  
environmental cleanup of the property paid from state or local 5456  
government funds. 5457

(3) The amount of the lien is equal to or greater than twelve 5458  
times the fair market value of the property. 5459

(4) The board determines the debt is uncollectible. 5460

(B) The board shall reduce a release given pursuant to this 5461  
section to writing and the county treasurer shall sign and deliver 5462  
it to the owner of the property. 5463

Sec. 5715.701. The county recorder shall discharge a lien 5464  
described in section 5715.70 of the Revised Code when the release 5465  
described in that section is presented to the county recorder. In 5466  
addition to the discharge on the records by the recorder, the 5467  
release shall be recorded in a book kept for that purpose by the 5468  
recorder. The recorder is entitled to the fees for such recording 5469  
as provided by section 317.32 of the Revised Code for recording 5470  
deeds. 5471

Sec. 5733.121. If a corporation entitled to a refund under 5472  
section 5733.11 or 5733.12 of the Revised Code is indebted to this 5473  
state for any tax, workers' compensation premium due under section 5474  
4123.35 of the Revised Code, unemployment compensation 5475  
contribution due under section 4141.25 of the Revised Code, ~~or~~ 5476  
unemployment compensation payment in lieu of contribution under 5477  
section 4141.241 of the Revised Code, certified claim under 5478  
section 131.02 or 131.021 of the Revised Code, or fee that is paid 5479

to the state or to the clerk of courts pursuant to section 4505.06 5480  
of the Revised Code, or any charge, penalty, or interest arising 5481  
from such a tax, workers' compensation premium, unemployment 5482  
compensation contribution, ~~or~~ unemployment compensation payment in 5483  
lieu of contribution under section 4141.241 of the Revised Code, 5484  
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 ~~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 Code. 5632  
5633

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members: 5634  
5635  
5636  
5637  
5638  
5639

(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes; 5640  
5641  
5642

(2) A person denied membership pursuant to section 3307.24 of the Revised Code; 5643  
5644

(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate; 5645  
5646

(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501. 5647  
5648  
5649

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund. 5650  
5651

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter. 5652  
5653  
5654

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year. 5655  
5656  
5657  
5658  
5659

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in 5660  
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	5696
leave, including payments made under a plan established pursuant	5697
to section 124.39 of the Revised Code or any other plan	5698
established by the employer;	5699
(b) Payments made for accrued but unused vacation leave,	5700
including payments made pursuant to section 124.13 of the Revised	5701
Code or a plan established by the employer;	5702
(c) Payments made for vacation pay covering concurrent	5703
periods for which other salary, compensation, or benefits under	5704
this chapter are paid;	5705
(d) Amounts paid by the employer to provide life insurance,	5706
sickness, accident, endowment, health, medical, hospital, dental,	5707
or surgical coverage, or other insurance for the teacher or the	5708
teacher's family, or amounts paid by the employer to the teacher	5709
in lieu of providing the insurance;	5710
(e) Incidental benefits, including lodging, food, laundry,	5711
parking, or services furnished by the employer, use of the	5712
employer's property or equipment, and reimbursement for	5713
job-related expenses authorized by the employer, including moving	5714
and travel expenses and expenses related to professional	5715
development;	5716
(f) Payments made by the employer in exchange for a member's	5717
waiver of a right to receive any payment, amount, or benefit	5718
described in division (L)(2) of this section;	5719
(g) Payments by the employer for services not actually	5720
rendered;	5721

(h) Any amount paid by the employer as a retroactive increase 5722  
in salary, wages, or other earnings, unless the increase is one of 5723  
the following: 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 5757  
assembly; 5758

(k) Anything of value received by the teacher that is based 5759  
on or attributable to retirement or an agreement to retire. 5760

(3) The retirement board shall determine by rule both of the 5761  
following: 5762

(a) Whether particular forms of earnings are included in any 5763  
of the categories enumerated in this division; 5764

(b) Whether any form of earnings not enumerated in this 5765  
division is to be included in compensation. 5766

Decisions of the board made under this division shall be 5767  
final. 5768

(M) "Superannuate" means both of the following: 5769

(1) A former teacher receiving from the system a retirement 5770  
allowance under section 3307.58 or 3307.59 of the Revised Code; 5771

(2) A former teacher receiving a benefit from the system 5772  
under a plan established under section 3307.81 of the Revised 5773  
Code, except that "superannuate" does not include a former teacher 5774  
who is receiving a benefit based on disability under a plan 5775  
established under section 3307.81 of the Revised Code. 5776

For purposes of sections 3307.35 and 3307.353 of the Revised 5777  
Code, "superannuate" also means a former teacher receiving from 5778  
the system a combined service retirement benefit paid in 5779  
accordance with section 3307.57 of the Revised Code, regardless of 5780  
which retirement system is paying the benefit. 5781

**Section 2.02.** That the existing versions of sections 3305.01 5782  
and 3307.01 of the Revised Code that are scheduled to take effect 5783  
August 1, 2005, are hereby repealed. 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			5795
TOTAL Wildlife Fund			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			5804
TOTAL Public School Building Fund			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 Revised Code. 5838  
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 Facilities	\$ 7,600,000	5845
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

**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 20 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

Notwithstanding any provision of law to the contrary, the 5946  
Director of Budget and Management, with the written concurrence of 5947  
the Director of Public Safety, may transfer cash temporarily from 5948  
the Highway Safety Fund (Fund 036) to the Highway Safety Building 5949  
Fund (Fund 025), where such cash may be used to fund the projects 5950  
appropriated in Section 15.01 of this act. At such time as 5951  
obligations are issued for Highway Safety Building Fund projects, 5952  
the Director of Budget and Management shall transfer from the 5953  
Highway Safety Building Fund to the Highway Safety Fund any 5954  
amounts originally transferred to the Highway Safety Building Fund 5955  
under this section. 5956

**Section 16.01.** All items set forth in Sections 16.02 to 16.10 5957  
of this act are hereby appropriated out of any moneys in the state 5958  
treasury to the credit of the Administrative Building Fund (Fund 5959  
026) that are not otherwise appropriated. 5960

Appropriations

<b>Section 16.02. ADJ ADJUTANT GENERAL</b>			5961
CAP-036	Roof Replacement - Various	\$ 180,000	5962
CAP-038	Electrical Systems - Various	\$ 180,000	5963
CAP-039	Camp Perry Facility Improvements	\$ 200,000	5964
CAP-044	Replace Windows/Doors - Various	\$ 160,000	5965
CAP-045	Plumbing Renovations - Various	\$ 200,000	5966
CAP-046	Paving Renovations - Various	\$ 280,000	5967
CAP-050	HVAC Systems - Various	\$ 320,000	5968
CAP-056	Masonry Repairs/Renovations - Various	\$ 180,000	5969
CAP-060	Facility Protections Measures	\$ 300,000	5970
CAP-061	Repair/Renovate Waste Water System	\$ 200,000	5971
CAP-063	Rickenbacker International Airport	\$ 5,000,000	5972
CAP-065	Construct Marysville Armory/Community Center	\$ 2,994,000	5973
CAP-068	Norwalk Armory Storage Facility	\$ 15,000	5974
Total Adjutant General			\$ 10,209,000 5975

Appropriations

<b>Section 16.03. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>			5977
CAP-773	Governor's Residence Renovations	\$ 160,032	5978
CAP-826	Surface Road Building Renovations	\$ 200,000	5979
CAP-834	Capital Improvements Tracking System	\$ 750,000	5980
CAP-838	SOCC Renovations	\$ 532,042	5981
CAP-852	North High Building Complex	\$ 10,375,000	5982
CAP-855	Office Space Planning	\$ 5,274,502	5983
CAP-859	eSecure Ohio	\$ 1,750,000	5984

CAP-864	eGovernment Infrastructure	\$	250,000	5985
CAP-865	DAS Building Security	\$	140,000	5986
CAP-866	OH*1 Network	\$	4,000,000	5987
CAP-867	Lausche Building Connector	\$	500,000	5988
CAP-868	Riversouth Development	\$	9,500,000	5989
Total Department of Administrative Services		\$	33,431,576	5990

Appropriations

**Section 16.04. AGR DEPARTMENT OF AGRICULTURE** 5992

CAP-039	Renovate Weights/Measures Building	\$	307,655	5993
CAP-042	Reynoldsburg Complex Security Improvements	\$	110,000	5994
CAP-043	Building and Grounds Renovation	\$	500,000	5995
CAP-049	Consumer Analytical Laboratory	\$	110,000	5996
CAP-050	Plant Industries Building Planning	\$	650,000	5997
Total Department of Agriculture		\$	1,677,655	5998

Appropriations

**Section 16.05. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD** 6000

CAP-010	Rotunda Renovation	\$	1,400,000	6001
CAP-015	Sound System Upgrades	\$	400,000	6002
CAP-018	HVAC Improvements	\$	476,750	6003
Total Capitol Square Review and Advisory Board		\$	2,276,750	6004

**SOUND SYSTEM UPGRADES** 6005

The foregoing appropriation item CAP-015, Sound System Upgrades, shall be used by Ohio Governmental Television to administer the statehouse sound system upgrade project. 6006  
6007  
6008

Appropriations

**Section 16.06. EXP EXPOSITIONS COMMISSION** 6009

CAP-037	Electrical Upgrades	\$	2,400,000	6010
CAP-056	Building Renovations	\$	1,600,000	6011
CAP-072	Emergency Renovations and Equipment	\$	1,000,000	6012

Replacement

Total Expositions Commission \$ 5,000,000 6013

Appropriations

**Section 16.07. DNR DEPARTMENT OF NATURAL RESOURCES 6015**

CAP-742 Fountain Square Building and Telephone \$ 500,000 6016

System Improvements

CAP-744 Multi-Agency Radio Communications \$ 3,100,059 6017

Equipment - MARCS

CAP-747 DNR Fairgrounds Areas - General \$ 500,000 6018

Upgrading

Total Department of Natural Resources \$ 4,100,059 6019

Appropriations

**Section 16.08. DHS DEPARTMENT OF PUBLIC SAFETY 6021**

CAP-078 Upgrade/Replacement of State EOC \$ 525,000 6022

Equipment/System

CAP-081 NOAA National Weather Radio Coverage \$ 219,900 6023

Total Department of Public Safety \$ 744,900 6024

Appropriations

**Section 16.09. OSB SCHOOL FOR THE BLIND 6025**

CAP-774 Glass Windows/E Wall of Natatorium \$ 63,726 6026

CAP-775 Renovation of Science Lab Greenhouse \$ 58,850 6027

CAP-776 Renovating Recreation Area \$ 213,900 6028

CAP-777 New Classrooms for Secondary MH Program \$ 880,407 6029

CAP-778 Renovation of Student Health Service \$ 144,375 6030

Area

CAP-779 Replacement of Cottage Windows \$ 208,725 6031

CAP-780 New School Lighting \$ 184,500 6032

CAP-781 Food Prep. Area Air Conditioning \$ 67,250 6033

Total School for the Blind \$ 1,821,733 6034

Appropriations

<b>Section 16.10.</b> OSD SCHOOL FOR THE DEAF			6035
CAP-777	Boilers, Blowers, and Controls for the School Complex	\$ 841,469	6036
CAP-778	Central Warehouse	\$ 706,194	6037
CAP-779	Storage Barn	\$ 330,850	6038
	Total School for the Deaf	\$ 1,878,513	6039
	TOTAL Administrative Building Fund	\$ 61,140,186	6040

**Section 16.11.** The Ohio Building Authority is hereby 6041  
authorized to issue and sell, in accordance with Section 2i of 6042  
Article VIII, Ohio Constitution, and Chapter 152. and other 6043  
applicable sections of the Revised Code, original obligations in 6044  
an aggregate principal amount not to exceed \$65,000,000 in 6045  
addition to the original issuance of obligations heretofore 6046  
authorized by prior acts of the General Assembly. The authorized 6047  
obligations shall be issued, subject to applicable constitutional 6048  
and statutory limitations, to pay costs associated with previously 6049  
authorized capital facilities and the capital facilities referred 6050  
to in Sections 16.02 to 16.10 of this act. 6051

**Section 17.01.** All items set forth in this section are hereby 6052  
appropriated out of any moneys in the state treasury to the credit 6053  
of the Adult Correctional Building Fund (Fund 027) that are not 6054  
otherwise appropriated. 6055

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION			6056
STATEWIDE AND CENTRAL OFFICE PROJECTS			6057
CAP-007	Asbestos/Hazardous Waste Removal	\$ 1,000,000	6058
CAP-017	Security Improvements - Statewide	\$ 5,000,000	6059
CAP-111	General Building Renovations	\$ 31,550,000	6060
CAP-141	Multi-Agency Radio Communications System Equipment	\$ 1,900,000	6061
CAP-187	Mandown Alert Communication System -	\$ 2,650,000	6062

Statewide

Total Statewide and Central Office Projects	\$	42,100,000	6063
TOTAL Department of Rehabilitation and Correction	\$	42,100,000	6064
TOTAL ADULT CORRECTIONAL BUILDING FUND	\$	42,100,000	6065

**Section 17.02.** The Ohio Building Authority is hereby 6067  
 authorized to issue and sell, in accordance with Section 2i of 6068  
 Article VIII, Ohio Constitution, and Chapter 152. and section 6069  
 307.021 of the Revised Code, original obligations in an aggregate 6070  
 principal amount not to exceed \$12,000,000 in addition to the 6071  
 original issuance of obligations heretofore authorized by prior 6072  
 acts of the General Assembly. The authorized obligations shall be 6073  
 issued subject to applicable constitutional and statutory 6074  
 limitations, to pay costs associated with previously authorized 6075  
 capital facilities and the capital facilities referred to in 6076  
 Section 17.01 of this act for the Department of Rehabilitation and 6077  
 Correction. 6078

**Section 18.01.** All items set forth in this section are hereby 6079  
 appropriated out of any moneys in the state treasury to the credit 6080  
 of the Juvenile Correctional Building Fund (Fund 028) that are not 6081  
 otherwise appropriated. 6082

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES 6083

CAP-801	Fire Suppression/Safety/Security	\$	2,081,447	6084
CAP-803	General Institutional Renovations	\$	3,806,860	6085
CAP-837	Sanitary Safety & Other Renovations - Indian River	\$	3,641,875	6086
CAP-838	Education and Programming Expansion - ORV	\$	1,400,000	6087
Total Department of Youth Services		\$	10,930,182	6088
TOTAL Juvenile Correctional Building Fund		\$	10,930,182	6089

**Section 18.02.** The Ohio Building Authority is hereby 6091  
 authorized to issue and sell, in accordance with Section 2i of 6092  
 Article VIII, Ohio Constitution, and Chapter 152. and other 6093  
 applicable sections of the Revised Code, original obligations in 6094  
 an aggregate principal amount not to exceed \$8,000,000 in addition 6095  
 to the original issuance of obligations heretofore authorized by 6096  
 prior acts of the General Assembly. The authorized obligations 6097  
 shall be issued, subject to applicable constitutional and 6098  
 statutory limitations, to pay the costs associated with previously 6099  
 authorized capital facilities and the capital facilities referred 6100  
 to in Section 18.01 of this act for the Department of Youth 6101  
 Services. 6102

**Section 19.01.** All items set forth in this section are hereby 6103  
 appropriated out of any moneys in the state treasury to the credit 6104  
 of the Cultural and Sports Facilities Building Fund (Fund 030) 6105  
 that are not otherwise appropriated. 6106

Appropriations

AFC CULTURAL FACILITIES COMMISSION			6107
CAP-010	Sandusky State Theatre Improvements	\$ 325,000	6108
CAP-013	Stambaugh Hall Improvements	\$ 250,000	6109
CAP-033	Woodward Opera House Renovation	\$ 100,000	6110
CAP-038	Center Exhibit Replacement	\$ 816,000	6111
CAP-043	Statewide Site Repairs	\$ 100,000	6112
CAP-044	National Underground Railroad Freedom Center	\$ 4,150,000	6113
CAP-046	Cincinnati Museum Center Improvements	\$ 250,000	6114
CAP-052	Akron Art Museum	\$ 1,012,500	6115
CAP-053	Powers Auditorium Improvements - Eleanor Beecher Flad Pavilion	\$ 250,000	6116
CAP-065	Beck Center for the Cultural Arts	\$ 100,000	6117
CAP-069	Cleveland Institute of Art	\$ 250,000	6118

CAP-071	Cleveland Institute of Music	\$	750,000	6119
CAP-073	Marina District/Ice Arena Development	\$	3,500,000	6120
CAP-074	Stan Hywet Hall & Gardens - West Vista Restoration	\$	750,000	6121
CAP-745	Emergency Repairs	\$	838,560	6122
CAP-769	Rankin House State Memorial	\$	192,000	6123
CAP-781	Archives and Library Automation	\$	624,000	6124
CAP-784	Center Rehabilitation	\$	960,000	6125
CAP-806	Grant Boyhood Home Improvements	\$	480,000	6126
CAP-812	Schuster Arts Center	\$	5,500,000	6127
CAP-823	Marion Palace Theatre	\$	750,000	6128
CAP-826	Renaissance Theatre	\$	750,000	6129
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	6130
CAP-835	Jamestown Opera House	\$	125,000	6131
CAP-844	Charles A. Eulett Education Center/Edge of Appalachia Museum Center	\$	1,850,000	6132
CAP-845	Lima Historic Athletic Field	\$	100,000	6133
CAP-846	Butler Palace Theatre	\$	100,000	6134
CAP-847	Voice of America Museum	\$	275,000	6135
CAP-848	Oxford Arts Center ADA Project	\$	72,000	6136
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	6137
CAP-850	Westcott House Historic Site	\$	75,000	6138
CAP-851	General Lytle Homestead - Harmony Hill	\$	50,000	6139
CAP-852	Miami Township Community Amphitheatre	\$	50,000	6140
CAP-853	Western Reserve Historical Society	\$	1,000,000	6141
CAP-854	Steamship Mather Museum	\$	100,000	6142
CAP-855	Rock and Roll Hall of Fame	\$	250,000	6143
CAP-856	Friendly Inn Settlement House Historic Site	\$	250,000	6144
CAP-857	Merrick House Historic Site	\$	250,000	6145
CAP-858	Strongsville Historic Building	\$	100,000	6146

CAP-859	Arts Castle	\$	100,000	6147
CAP-860	Great Lakes Historical Society	\$	325,000	6148
CAP-861	Ohio Glass Museum	\$	250,000	6149
CAP-862	Goll Wood Homestead	\$	50,000	6150
CAP-863	Ariel Theatre	\$	100,000	6151
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	6152
CAP-865	Kennedy Stone House	\$	15,000	6153
CAP-866	Sports Facilities Improvements - Cincinnati	\$	4,350,000	6154
CAP-867	Ensemble Theatre	\$	450,000	6155
CAP-868	Taft Museum	\$	500,000	6156
CAP-869	Art Academy of Cincinnati	\$	100,000	6157
CAP-870	Riverbend Pavilion Improvements	\$	250,000	6158
CAP-871	Cincinnati Art & Technology Academy - Longworth Hall	\$	100,000	6159
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	6160
CAP-873	John Bloomfield Home Restoration	\$	115,000	6161
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	6162
CAP-875	Hocking County Historical Society - Schempp House	\$	10,000	6163
CAP-876	Art Deco Markay Theater	\$	200,000	6164
CAP-877	Harvey Wells House	\$	100,000	6165
CAP-878	Bryn Du	\$	250,000	6166
CAP-879	Broad Street Historical Renovation	\$	300,000	6167
CAP-880	Amherst Historical Society	\$	35,000	6168
CAP-881	COSI - Toledo	\$	1,900,000	6169
CAP-882	Ohio Theatre - Toledo	\$	100,000	6170
CAP-883	Chester Academy Historic Site Renovations	\$	25,000	6171
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	6172
CAP-885	Montgomery County Historical Society Archives	\$	100,000	6173

CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	6174
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	6175
CAP-888	Preble County Historical Society	\$	100,000	6176
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	6177
CAP-890	Pro Football Hall of Fame	\$	400,000	6178
CAP-891	MAPS Air Museum	\$	15,000	6179
CAP-892	Foundation Community Theatre	\$	50,000	6180
CAP-893	William McKinley Library Restoration	\$	250,000	6181
CAP-894	Hale Farm & Village	\$	250,000	6182
CAP-895	Blossom Music Center	\$	2,512,500	6183
CAP-896	Richard Howe House	\$	100,000	6184
CAP-897	Ward-Thomas Museum	\$	30,000	6185
CAP-898	Packard Music Hall Renovation Project	\$	100,000	6186
CAP-899	Holland Theatre	\$	100,000	6187
CAP-900	Van Wert Historical Society	\$	32,000	6188
CAP-901	Warren County Historical Society	\$	225,000	6189
CAP-902	Marietta Colony Theatre	\$	335,000	6190
CAP-903	West Salem Village Opera House	\$	92,000	6191
CAP-904	Beavercreek Community Theater	\$	100,000	6192
CAP-905	Smith Orr Homestead	\$	100,000	6193
	Total Cultural Facilities Commission	\$	43,592,560	6194
	TOTAL Cultural and Sports Facilities Building Fund	\$	43,592,560	6195

**Section 19.02.** The Treasurer of State is hereby authorized to 6197  
issue and sell, in accordance with Section 2i of Article VIII, 6198  
Ohio Constitution, and Chapter 154., as amended by this act, and 6199  
other applicable sections of the Revised Code, original 6200  
obligations in an aggregate principal amount not to exceed 6201  
\$35,000,000 in addition to the original issuance of obligations 6202  
heretofore authorized by prior acts of the General Assembly. The 6203  
authorized obligations shall be issued, subject to applicable 6204  
constitutional and statutory limitations, to pay costs of capital 6205  
facilities as defined in section 154.01 of the Revised Code, 6206

including construction as defined in division (H) of section 6207  
3383.01 of the Revised Code, of the Ohio cultural facilities 6208  
designated in Section 19.01 of this act. 6209

**Section 20.01.** All items set forth in this section are hereby 6210  
appropriated out of any moneys in the state treasury to the credit 6211  
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 6212  
not otherwise appropriated. 6213

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 6214

STATEWIDE AND LOCAL PROJECTS 6215

CAP-012	Land Acquisition	\$	750,000	6216
CAP-051	Buck Creek State Park - Camp/Dock Renovations	\$	25,000	6217
CAP-060	East Fork State Park Renovation	\$	50,000	6218
CAP-080	Atwood Lake Conservancy District	\$	75,000	6219
CAP-083	John Bryan State Park Shelter Construction	\$	30,000	6220
CAP-084	Findley State Park General Improvements	\$	12,500	6221
CAP-085	The Wilds Carnivore Center	\$	1,000,000	6222
CAP-086	Scippo Creek Conservation	\$	75,000	6223
CAP-087	Belpre City Swimming Pool	\$	125,000	6224
CAP-705	Ohio-Erie Canal Tuscarawas River Logjam Removal	\$	25,000	6225
CAP-748	Local Parks Projects - Statewide	\$	2,511,079	6226
CAP-753	Project Planning	\$	1,144,316	6227
CAP-881	Dam Rehabilitation	\$	5,000,000	6228
CAP-931	Wastewater/Water Systems Upgrades	\$	2,900,000	6229
Total Statewide and Local Projects		\$	13,722,895	6230
Total Department of Natural Resources		\$	13,722,895	6231
TOTAL Ohio Parks and Natural Resources Fund		\$	13,722,895	6232

**Section 20.02.** The Ohio Public Facilities Commission, upon 6234  
the request of the Director of Natural Resources, is hereby 6235  
authorized to issue and sell, in accordance with Section 21 of 6236  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 6237  
sections 151.01 and 151.05 of the Revised Code, original 6238  
obligations in an aggregate principal amount not to exceed 6239  
\$14,000,000 in addition to the original issuance of obligations 6240  
heretofore authorized by prior acts of the General Assembly. These 6241  
authorized obligations shall be issued, subject to applicable 6242  
constitutional and statutory limitations, as needed to provide 6243  
sufficient moneys to the credit of the Ohio Parks and Natural 6244  
Resources Fund (Fund 031) to pay costs of capital facilities as 6245  
defined in sections 151.01 and 151.05 of the Revised Code. 6246

**Section 20.03.** For the projects appropriated in Section 20.01 6247  
of this act, the Department of Natural Resources shall 6248  
periodically prepare and submit to the Director of Budget and 6249  
Management the estimated design, planning, and engineering costs 6250  
of capital-related work to be done by the Department of Natural 6251  
Resources for each project. Based on the estimates, the Director 6252  
of Budget and Management may release appropriations from the 6253  
foregoing appropriation item CAP-753, Project Planning, to pay for 6254  
design, planning, and engineering costs incurred by the Department 6255  
of Natural Resources for such projects. Upon release of the 6256  
appropriations by the Director of Budget and Management, the 6257  
Department of Natural Resources shall pay for these expenses from 6258  
the Capital Expenses Fund (Fund 4S9), and be reimbursed by Fund 6259  
031 using an intrastate voucher. 6260

**Section 21.01.** All items set forth in this section are hereby 6261  
appropriated out of any moneys in the state treasury to the credit 6262  
of the School Building Program Assistance Fund (Fund 032) that are 6263

not otherwise appropriated.		6264
	Appropriations	
SFC SCHOOL FACILITIES COMMISSION		6265
CAP-770 School Building Program Assistance	\$ 541,600,000	6266
Total School Facilities Commission	\$ 541,600,000	6267
TOTAL School Building Program Assistance Fund	\$ 541,600,000	6268
SCHOOL BUILDING PROGRAM ASSISTANCE		6269
The foregoing appropriation item CAP-770, School Building		6270
Program Assistance, shall be used by the School Facilities		6271
Commission to provide funding to school districts that receive		6272
conditional approval from the Commission pursuant to Chapter 3318.		6273
of the Revised Code.		6274
<b>Section 21.02.</b> The Ohio Public Facilities Commission is		6275
hereby authorized to issue and sell, in accordance with Section 2n		6276
of Article VIII, Ohio Constitution, and Chapter 151. and		6277
particularly sections 151.01 and 151.03 of the Revised Code,		6278
original obligations in an aggregate principal amount not to		6279
exceed \$530,000,000, in addition to the original issuance of		6280
obligations heretofore authorized by prior acts of the General		6281
Assembly. The authorized obligations shall be issued, subject to		6282
applicable constitutional and statutory limitations, to pay the		6283
costs to the state of constructing classroom facilities pursuant		6284
to sections 3318.01 to 3318.35 of the Revised Code.		6285
<b>Section 22.01.</b> All items set forth in Sections 22.02 to 22.05		6286
are hereby appropriated out of any moneys in the state treasury to		6287
the credit of the Mental Health Facilities Improvement Fund (Fund		6288
033) that are not otherwise appropriated.		6289
<b>Section 22.02.</b> ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION		6290
SERVICES		6291

CAP-002	Community Assistance Projects	\$	100,000	6292
Total Department of Alcohol and Drug Addiction Services		\$	100,000	6293

COMMUNITY ASSISTANCE PROJECTS 6294

Of the foregoing appropriation item CAP-002, Community Assistance Projects, \$100,000 shall be used for the Stella Maris Community Recovery Center.	6295
	6296
	6297

Appropriations

**Section 22.03. DMH DEPARTMENT OF MENTAL HEALTH** 6298

CAP-479	Community Assistance Projects	\$	1,800,000	6299
CAP-978	Infrastructure Improvements	\$	8,050,000	6300
CAP-989	Cleveland Christian Home	\$	100,000	6301
Total Department of Mental Health		\$	9,950,000	6302

COMMUNITY ASSISTANCE PROJECTS 6303

Of the foregoing appropriation item CAP-479, Community Assistance Projects, \$200,000 shall be used for the Center for Families and Children and \$100,000 shall be used for the Berea Children's Home.	6304
	6305
	6306
	6307

Appropriations

**Section 22.04. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES** 6308

DEVELOPMENTAL DISABILITIES 6309

STATEWIDE AND CENTRAL OFFICE PROJECTS 6310

CAP-480	Community Assistance Projects	\$	9,475,000	6311
CAP-955	Statewide Development Centers	\$	3,257,257	6312
Total Statewide and Central Office Projects		\$	12,732,257	6313
TOTAL Department of Mental Retardation and Developmental Disabilities		\$	12,732,257	6314

TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND	\$	22,782,257	6315
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COMMUNITY ASSISTANCE PROJECTS 6316

The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code.

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

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

**Section 22.06.** (A) No capital improvement appropriations made

in Sections 22.01 to 22.05 of this act shall be released for 6347  
planning or for improvement, renovation, or construction or 6348  
acquisition of capital facilities if a governmental agency, as 6349  
defined in section 154.01 of the Revised Code, does not own the 6350  
real property that constitutes the capital facilities or on which 6351  
the capital facilities are or will be located. This restriction 6352  
shall not apply in any of the following circumstances: 6353

(1) The governmental agency has a long-term (at least fifteen 6354  
years) lease of, or other interest (such as an easement) in, the 6355  
real property. 6356

(2) In the case of an appropriation for capital facilities 6357  
that, because of their unique nature or location, will be owned or 6358  
be part of facilities owned by a separate nonprofit organization 6359  
and made available to the governmental agency for its use or 6360  
operated by the nonprofit organization under contract with the 6361  
governmental agency, the nonprofit organization either owns or has 6362  
a long-term (at least fifteen years) lease of the real property or 6363  
other capital facility to be improved, renovated, constructed, or 6364  
acquired and has entered into a joint or cooperative use 6365  
agreement, approved by the Department of Mental Health or the 6366  
Department of Mental Retardation and Developmental Disabilities, 6367  
whichever is applicable, with the governmental agency for that 6368  
agency's use of and right to use the capital facilities to be 6369  
financed and, if applicable, improved, the value of such use or 6370  
right to use being, as determined by the parties, reasonably 6371  
related to the amount of the appropriation. 6372

(B) In the case of capital facilities referred to in division 6373  
(A)(2) of this section, the joint or cooperative use agreement 6374  
shall include, as a minimum, provisions that: 6375

(1) Specify the extent and nature of that joint or 6376  
cooperative use, extending for not fewer than fifteen years, with 6377

the value of such use or right to use to be, as determined by the 6378  
parties and approved by the approving department, reasonably 6379  
related to the amount of the appropriation; 6380

(2) Provide for pro rata reimbursement to the state should 6381  
the arrangement for joint or cooperative use by a governmental 6382  
agency be terminated; 6383

(3) Provide that procedures to be followed during the capital 6384  
improvement process will comply with appropriate applicable state 6385  
laws and rules, including provisions of this act. 6386

**Section 22.07.** The Treasurer of State is hereby authorized to 6387  
issue and sell in accordance with Section 2i of Article VIII, Ohio 6388  
Constitution, and Chapter 154. of the Revised Code, particularly 6389  
section 154.20 of the Revised Code, original obligations in an 6390  
aggregate principal amount not to exceed \$20,000,000 in addition 6391  
to the original issuance of obligations heretofore authorized by 6392  
prior acts of the General Assembly. The authorized obligations 6393  
shall be issued, subject to applicable constitutional and 6394  
statutory limitations, to pay costs of capital facilities as 6395  
defined in section 154.01 of the Revised Code for mental hygiene 6396  
and retardation. 6397

**Section 23.01.** All items set forth in Sections 23.02 to 23.45 6398  
are hereby appropriated out of any moneys in the state treasury to 6399  
the credit of the Higher Education Improvement Fund (Fund 034) 6400  
that are not otherwise appropriated. 6401

Appropriations

**Section 23.02.** OEB OHIO EDUCATIONAL TELECOMMUNICATIONS 6402  
NETWORK COMMISSION 6403  
6404  
CAP-001 Educational TV and Radio Equipment \$ 1,027,038 6405

Total Ohio Educational Telecommunications		6406
Network Commission	\$ 1,027,038	6407

Appropriations

<b>Section 23.03. BOARD OF REGENTS AND STATE INSTITUTIONS OF</b>		6409
HIGHER EDUCATION		6410

BOR BOARD OF REGENTS		6411
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CAP-025 Instructional and Data Processing	\$ 28,268,395	6412
Equipment		

CAP-029 Ohio Library and Information Network	\$ 8,100,000	6413
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CAP-030 Ohio Supercomputer Center Expansion	\$ 6,750,000	6414
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CAP-032 Research Facility Action and Investment	\$ 5,000,000	6415
Funds		

CAP-064 Eminent Scholars Capital Grants	\$ 900,000	6416
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CAP-068 Third Frontier	\$ 50,000,000	6417
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CAP-070 Dark Fiber	\$ 4,500,000	6418
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CAP-072 Cleveland Clinic Heart Center	\$ 5,000,000	6419
Infrastructure Project		

CAP-076 OSU Agricultural Building	\$ 1,500,000	6420
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CAP-077 Center for Structural Biology at Case	\$ 1,000,000	6421
Western Reserve University		

CAP-078 One Cleveland Broadband Network	\$ 500,000	6422
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CAP-079 Central Ohio Technology Corridor -	\$ 500,000	6423
Dublin		

CAP-080 Ohio State University Supercomputer	\$ 50,000	6424
Center Aerospace & Defense Initiative		

CAP-081 Youngstown Market Ready Incubator	\$ 750,000	6425
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Total Board of Regents	\$ 112,818,395	6426
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<b>Section 23.04. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS</b>		6428
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The foregoing appropriation item CAP-032, Research Facility		6429
Action and Investment Funds, shall be used for a program of grants		6430
to be administered by the Board of Regents to provide timely		6431

availability of capital facilities for research programs and 6432  
research-oriented instructional programs at or involving 6433  
state-supported and state-assisted institutions of higher 6434  
education. 6435

The Board of Regents shall adopt rules under Chapter 119. of 6436  
the Revised Code relative to the application for and approval of 6437  
projects funded from appropriation item CAP-032, Research Facility 6438  
Action and Investment Funds. The rules shall be reviewed and 6439  
approved by the Legislative Committee on Education Oversight. The 6440  
Board of Regents shall inform the President of the Senate and the 6441  
Speaker of the House of Representatives of each project 6442  
application for funding received. Each project receiving a 6443  
commitment for funding by the Board of Regents under the rules 6444  
shall be reported to the President of the Senate and the Speaker 6445  
of the House of Representatives. 6446

**Section 23.05. EMINENT SCHOLARS CAPITAL GRANTS** 6447

The foregoing appropriation item CAP-064, Eminent Scholars 6448  
Capital Grants, shall be used by the Ohio Board of Regents to make 6449  
grants to state colleges and universities and nonprofit Ohio 6450  
institutions of higher education holding certificates of 6451  
authorization issued under section 1713.02 of the Revised Code 6452  
that receive endowment grants from appropriation item 235-451, 6453  
Eminent Scholars. The capital grants shall be used to acquire, 6454  
renovate, rehabilitate, or construct facilities and purchase 6455  
equipment to be used by an Eminent Scholar in the conduct of 6456  
research, and shall require a 50 per cent match from recipient 6457  
campuses. 6458

The Board of Regents shall convene an Eminent Scholars 6459  
Advisory Panel, which shall make recommendations for the 6460  
administration of the Eminent Scholars program, including the 6461  
award of capital grants. The panel's recommendations for capital 6462

awards from appropriation item CAP-064, Eminent Scholars Capital  
Grants, shall require the approval of the Board of Regents. 6463  
6464

**Section 23.06. THIRD FRONTIER** 6465

The foregoing appropriation item CAP-068, Third Frontier, 6466  
shall be used to acquire, renovate, or construct facilities and 6467  
purchase equipment for research programs, technology development, 6468  
product development, and commercialization programs at or 6469  
involving state-supported and state-assisted institutions of 6470  
higher education. The funds shall be used to make grants awarded 6471  
on a competitive basis, and shall be administered by the Third 6472  
Frontier Commission. Expenditure of these funds shall comply with 6473  
Section 2n of Article VIII, Ohio Constitution, and sections 151.01 6474  
and 151.04 of the Revised Code for the period beginning July 1, 6475  
2004, and ending June 30, 2006. 6476

The Third Frontier Commission shall develop guidelines 6477  
relative to the application for and selection of projects funded 6478  
from appropriation item CAP-068, Third Frontier. The commission 6479  
may develop these guidelines in consultation with other interested 6480  
parties. The Board of Regents and all state-assisted and 6481  
state-supported institutions of higher education shall take all 6482  
actions necessary to implement grants awarded by the Third 6483  
Frontier Commission. 6484

The foregoing appropriation item CAP-068, Third Frontier, for 6485  
which an appropriation is made from the Higher Education 6486  
Improvement Fund (Fund 034), is determined to consist of capital 6487  
improvements and capital facilities for state-supported and 6488  
state-assisted institutions of higher education, and is designated 6489  
for the capital facilities to which proceeds of obligations in the 6490  
Higher Education Improvement Fund (Fund 034) are to be applied. 6491

**Section 23.07. REIMBURSEMENT FOR PROJECT COSTS** 6492

Appropriations made in Sections 23.08 to 23.45 of this act 6493  
for purposes of costs of capital facilities for the interim 6494  
financing of which the particular institution has previously 6495  
issued its own obligations anticipating the possibility of future 6496  
state appropriations to pay all or a portion of such costs, as 6497  
contemplated in division (B) of section 3345.12 of the Revised 6498  
Code, shall be paid directly to the institution or the paying 6499  
agent for those outstanding obligations in the full principal 6500  
amount of those obligations then to be paid from the anticipated 6501  
appropriation, and shall be timely applied to the retirement of a 6502  
like principal amount of the institution's obligations. 6503

Appropriations made in Sections 23.08 to 23.45 of this act 6504  
for purposes of costs of capital facilities, all or a portion of 6505  
which costs the particular institution has paid from the 6506  
institution's moneys that were temporarily available and which 6507  
expenditures were reasonably expected at the time of the advance 6508  
by the institution to be reimbursed from the proceeds of 6509  
obligations issued by the state, shall be directly paid to the 6510  
institution in the full amounts of those payments, and shall be 6511  
timely applied to the reimbursement of those temporarily available 6512  
moneys. All reimbursements are subject to review and approval 6513  
through the capital release process. 6514

Appropriations

			Appropriations	
<b>Section 23.08. UAK UNIVERSITY OF AKRON</b>				6515
CAP-008	Basic Renovations	\$	3,673,967	6516
CAP-047	Polsky Building	\$	2,800,918	6517
CAP-049	Basic Renovations-Wayne	\$	122,466	6518
CAP-054	Auburn West Tower Rehabilitation Phase	\$	8,316,562	6519
II				
CAP-077	Leigh Hall Phase II	\$	1,680,000	6520
CAP-113	Student & Administrative Services	\$	905,464	6521

	Building Phase II		
CAP-114	Facilities Enhancement Building H Phase	\$ 628,277	6522
	II		
CAP-115	Medina County University Center	\$ 1,000,000	6523
	Total University of Akron	\$ 19,127,654	6524

Appropriations

	<b>Section 23.09. BGU BOWLING GREEN STATE UNIVERSITY</b>		6526
CAP-009	Basic Renovations	\$ 3,319,413	6527
CAP-060	Basic Renovations-Firelands	\$ 191,849	6528
CAP-112	Biology Laboratory Building Phase II	\$ 11,334,113	6529
CAP-126	Re-Roof East, West, and North Bldgs	\$ 600,000	6530
CAP-127	Instructional Laboratory Phase I	\$ 123,735	6531
CAP-128	Perrysburg Heights Multipurpose Facility	\$ 500,000	6532
CAP-129	Wood County Senior Kitchen Project	\$ 500,000	6533
	Total Bowling Green University	\$ 16,569,110	6534

Appropriations

	<b>Section 23.10. CSU CENTRAL STATE UNIVERSITY</b>		6536
CAP-022	Basic Renovations	\$ 739,133	6537
CAP-084	Academic Facility-Phase II	\$ 3,734,139	6538
	Total Central State University	\$ 4,473,272	6539

Appropriations

	<b>Section 23.11. UCN UNIVERSITY OF CINCINNATI</b>		6540
CAP-009	Basic Renovations	\$ 7,022,622	6541
CAP-018	Basic Renovations-Clermont	\$ 198,926	6542
CAP-054	Basic Renovations-Walters	\$ 336,439	6543
CAP-131	Cinergy Convention Center	\$ 2,500,000	6544
CAP-174	Classroom/Teaching Laboratory	\$ 3,280,000	6545
	Renovations		
CAP-176	Network Expansion	\$ 1,820,000	6546
CAP-205	Medical Science Building	\$ 5,870,374	6547

CAP-209	Library Renovations	\$	1,450,000	6548
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	2,632,000	6549
CAP-263	Swift Rehabilitation	\$	9,000,000	6550
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	619,579	6551
CAP-269	Raymond Walters Veterinary College	\$	1,244,131	6552
CAP-313	Expand Clermont	\$	657,770	6553
CAP-329	Uptown Consortium Renovation of Turner Place	\$	250,000	6554
Total University of Cincinnati		\$	36,881,841	6555

Appropriations

**Section 23.12. CLS CLEVELAND STATE UNIVERSITY** 6557

CAP-023	Basic Renovations	\$	3,267,875	6558
CAP-125	College of Education Building	\$	8,057,262	6559
CAP-130	WVIZ Technology Center/Playhouse Square	\$	750,000	6560
CAP-152	Rhodes Tower-Data Center Relocation	\$	1,000,000	6561
CAP-153	University Annex-Vacation and Demolition	\$	49,390	6562
CAP-154	Main Classroom Stair Tower & Entry	\$	1,500,000	6563
CAP-155	Cleveland Playhouse	\$	250,000	6564
CAP-156	Physical Education Building Rehabilitation	\$	1,000,000	6565
Total Cleveland State University		\$	15,874,527	6566

Appropriations

**Section 23.13. KSU KENT STATE UNIVERSITY** 6568

CAP-022	Basic Renovations	\$	3,573,078	6569
CAP-105	Basic Renovations-East Liverpool	\$	151,408	6570
CAP-106	Basic Renovations-Geauga	\$	45,607	6571
CAP-107	Basic Renovations-Salem	\$	105,640	6572
CAP-108	Basic Renovations-Stark	\$	325,358	6573
CAP-110	Basic Renovations-Ashtabula	\$	177,801	6574
CAP-111	Basic Renovations-Trumbull	\$	347,695	6575

CAP-112	Basic Renovations-Tuscarawas	\$	171,699	6576
CAP-212	Health Science Building, Planning	\$	705,720	6577
CAP-235	Rehabilitation of Franklin Hall	\$	13,923,684	6578
CAP-260	Land Acquisitions & Improvements-East Liverpool	\$	638,419	6579
CAP-261	Addition/Renovation of Classrooms-Geauga	\$	246,878	6580
CAP-262	Gym Renovation Planning-Salem	\$	490,213	6581
CAP-263	Parking Lot & Roadway Paving-Stark	\$	162,076	6582
CAP-264	Fine Arts Building & New Campus Center-Stark	\$	1,000,000	6583
CAP-265	Science Lab Addition-Trumbull	\$	991,786	6584
CAP-266	Fine & Performing Arts Center - Tuscarawas	\$	844,655	6585
CAP-267	Columbiana County Port Authority	\$	875,000	6586
CAP-268	Canton Convention Center	\$	735,000	6587
	Total Kent State University	\$	25,511,717	6588

Appropriations

	<b>Section 23.14. MUN MIAMI UNIVERSITY</b>			6590
CAP-018	Basic Renovations	\$	3,361,718	6591
CAP-066	Basic Renovations - Hamilton	\$	338,149	6592
CAP-069	Basic Renovations - Middletown	\$	342,582	6593
CAP-113	Academic/Administrative Renovation Projects - Hamilton	\$	561,504	6594
CAP-127	Campus Steam Loop Connections	\$	1,457,000	6595
CAP-142	Engineering & Applied Science Facility	\$	3,200,000	6596
CAP-145	Campus Chilled Water Efficiency Upgrade	\$	725,000	6597
CAP-146	Information Technology Systems Upgrade	\$	1,201,284	6598
CAP-150	Student & Community Center	\$	2,530,865	6599
CAP-157	Presser Hall Rehabilitation	\$	3,015,740	6600
CAP-158	Psychology & Animal Care Facility	\$	2,500,000	6601
	Total Miami University	\$	19,233,842	6602

		Appropriations	
<b>Section 23.15. OSU OHIO STATE UNIVERSITY</b>			6604
CAP-074	Basic Renovations	\$ 16,087,255	6605
CAP-149	Basic Renovations - Regional Campuses	\$ 1,364,700	6606
CAP-255	Supplemental Renovations - OARDC	\$ 1,563,997	6607
CAP-427	Morrill Hall - 1st Floor Rehabilitation	\$ 603,137	6608
CAP-486	Larkins Hall Addition and Rehabilitation	\$ 6,417,109	6609
CAP-487	Robinson Laboratory Replacement	\$ 24,200,000	6610
CAP-531	Plant & Animal Agrosecurity Research Facility	\$ 4,830,718	6611
CAP-534	Main Library Rehabilitation/Expansion	\$ 8,000,000	6612
CAP-535	Psychology Building	\$ 13,600,000	6613
CAP-701	OSU Cancer Program Expansion	\$ 2,000,000	6614
CAP-702	Smith Laboratory Rehabilitation	\$ 2,800,000	6615
CAP-704	Warner Library and Student Center	\$ 1,070,766	6616
CAP-705	Hopewell Hall Science Suite	\$ 508,408	6617
CAP-712	OSU Mansfield - Third Street Project	\$ 234,000	6618
Total Ohio State University		\$ 83,280,090	6619
		Appropriations	
<b>Section 23.16. OHU OHIO UNIVERSITY</b>			6621
CAP-020	Basic Renovations	\$ 4,359,577	6622
CAP-095	Basic Renovations - Eastern	\$ 161,266	6623
CAP-098	Basic Renovations - Lancaster	\$ 220,122	6624
CAP-099	Basic Renovations - Zanesville	\$ 208,065	6625
CAP-113	Basic Renovations - Chillicothe	\$ 191,356	6626
CAP-114	Basic Renovations - Ironton	\$ 109,277	6627
CAP-115	Bennett Hall Interior Renovation Phase II	\$ 101,793	6628
CAP-155	Brasee Hall Interior Renovations	\$ 835,520	6629
CAP-172	Elson Hall Renovation Phase III	\$ 909,284	6630
CAP-203	Classroom Improvements	\$ 50,000	6631

CAP-214	Science/Fine Arts Renovation Phase II	\$	305,000	6632
CAP-216	Proctorville Planning and Site Improvements	\$	448,831	6633
CAP-222	Clippinger Lab Planning	\$	112,709	6634
CAP-223	Alden Library Planning	\$	150,000	6635
CAP-224	University Center Replacement	\$	11,390,000	6636
CAP-225	Lausche Heating Plant	\$	4,800,000	6637
CAP-226	New Grounds Maintenance Building	\$	259,064	6638
CAP-227	Chillicothe Parking & Roadway	\$	480,000	6639
CAP-228	Shoemaker Center Air Conditioning	\$	271,000	6640
CAP-230	Kettering Medical Center - Nixon Research Facility	\$	450,000	6641
CAP-231	Supplemental Renovations - Ironton	\$	100,000	6642
Total Ohio University		\$	25,912,864	6643

Appropriations

**Section 23.17. SSC SHAWNEE STATE UNIVERSITY** 6645

CAP-004	Basic Renovations	\$	792,535	6646
CAP-044	Land Acquisition	\$	227,681	6647
CAP-051	Rhodes Center Rehabilitation	\$	1,315,586	6648
Total Shawnee State University		\$	2,335,802	6649

Appropriations

**Section 23.18. UTO UNIVERSITY OF TOLEDO** 6651

CAP-010	Basic Renovations	\$	3,762,792	6652
CAP-105	Gillham Hall Rehabilitation	\$	2,000,000	6653
CAP-122	Bowman-Oddy Instructional Labs	\$	6,000,000	6654
CAP-123	Classrooms, Instructional & Research Labs, Program & Design	\$	5,206,304	6655
Total University of Toledo		\$	16,969,096	6656

Appropriations

**Section 23.19. WSU WRIGHT STATE UNIVERSITY** 6658

CAP-015	Basic Renovations	\$	2,752,255	6659
CAP-064	Basic Renovations - Lake	\$	91,232	6660
CAP-115	Russ Engineering Expansion	\$	369,000	6661
CAP-116	Rike Hall Renovation	\$	2,000,000	6662
CAP-119	Science Lab Renovations (Planning)	\$	5,720,940	6663
CAP-120	Lake Campus University Center	\$	1,420,709	6664
CAP-127	Rehabilitate Festival Playhouse	\$	1,000,000	6665
CAP-128	Glenn Helen Preserve Eco Art Classroom	\$	25,000	6666
Total Wright State University		\$	13,379,136	6667

Appropriations

**Section 23.20. YSU YOUNGSTOWN STATE UNIVERSITY** 6669

CAP-014	Basic Renovations	\$	2,355,915	6670
CAP-108	Youngstown Convocation Center	\$	2,000,000	6671
CAP-113	Campus Development	\$	2,095,731	6672
CAP-114	Steam Distribution & Central Utility Plant Upgrade	\$	500,000	6673
CAP-125	Campus-wide Building Systems Upgrades	\$	743,040	6674
CAP-126	Technology Upgrades	\$	2,267,081	6675
CAP-127	Recreation and Wellness Center	\$	1,000,000	6676
CAP-131	Masonry Restoration	\$	619,200	6677
Total Youngstown State University		\$	11,580,967	6678

Appropriations

**Section 23.21. MCO MEDICAL UNIVERSITY OF OHIO** 6680

CAP-010	Basic Renovations	\$	1,197,170	6681
CAP-066	Core Research Facility	\$	2,000,000	6682
CAP-076	Supplemental Renovations	\$	863,287	6683
CAP-078	Clinical Academic Renovation	\$	585,949	6684
Total Medical University of Ohio		\$	4,646,406	6685

Appropriations

**Section 23.22. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF** 6687

MEDICINE			6688
CAP-018	Basic Renovations	\$ 426,790	6689
CAP-048	Rehabilitation of Multi-Disciplinary Laboratories	\$ 1,346,879	6690
Total Northeastern Ohio Universities College of Medicine		\$ 1,773,669	6691

Appropriations

<b>Section 23.23.</b>	CTC CINCINNATI STATE COMMUNITY COLLEGE		6693
CAP-013	Basic Renovations	\$ 747,037	6694
CAP-030	Student Life and Education Center	\$ 2,865,422	6695
CAP-037	Classroom Technology Enhancements	\$ 792,372	6696
Total Cincinnati State Community College		\$ 4,404,831	6697

Appropriations

<b>Section 23.24.</b>	CLT CLARK STATE COMMUNITY COLLEGE		6698
CAP-006	Basic Renovations	\$ 396,136	6699
CAP-039	Clark State Health and Education Center	\$ 100,000	6700
CAP-041	Student/Technology Center	\$ 1,270,607	6701
CAP-042	Springfield Second Harvest Foodbank Building	\$ 100,000	6702
CAP-043	Tecumseh Health and Education Center	\$ 100,000	6703
Total Clark State Community College		\$ 1,966,743	6704

Appropriations

<b>Section 23.25.</b>	CTI COLUMBUS STATE COMMUNITY COLLEGE		6706
CAP-006	Basic Renovations	\$ 1,126,207	6707
CAP-052	Building E Construction	\$ 19,732,839	6708
Total Columbus State Community College		\$ 20,859,046	6709

Appropriations

<b>Section 23.26.</b>	CCC CUYAHOGA COMMUNITY COLLEGE		6710
CAP-031	Basic Renovations	\$ 2,428,960	6711

CAP-079	Cleveland Art Museum Improvements	\$	3,000,000	6712
CAP-094	Collegewide Wayfinding Signage System	\$	1,067,510	6713
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$	1,491,522	6714
CAP-096	Health Care Technology Building - Eastern	\$	6,050,264	6715
Total Cuyahoga Community College		\$	14,038,256	6716

Appropriations

**Section 23.27. ESC EDISON STATE COMMUNITY COLLEGE** 6717

CAP-006	Basic Renovations	\$	268,039	6718
Total Edison State Community College		\$	268,039	6719

Appropriations

**Section 23.28. JTC JEFFERSON COMMUNITY COLLEGE** 6721

CAP-022	Basic Renovations	\$	210,806	6722
CAP-043	Replacement of Administrative Hardware and Software System	\$	320,860	6723
Total Jefferson Community College		\$	531,666	6724

Appropriations

**Section 23.29. LCC LAKELAND COMMUNITY COLLEGE** 6726

CAP-006	Basic Renovations	\$	827,053	6727
CAP-045	Instructional Use Building	\$	2,433,264	6728
Total Lakeland Community College		\$	3,260,317	6729

Appropriations

**Section 23.30. LOR LORAIN COUNTY COMMUNITY COLLEGE** 6731

CAP-005	Basic Renovations	\$	937,172	6732
CAP-044	Learning Technology Center	\$	8,857,919	6733
Total Lorain County Community College		\$	9,795,091	6734

Appropriations

<b>Section 23.31. NTC NORTHWEST STATE COMMUNITY COLLEGE</b>			6736
CAP-003	Basic Renovations	\$ 255,977	6737
CAP-022	Branch Campus Facility	\$ 400,000	6738
Total Northwest State Community College			\$ 655,977 6739

Appropriations

<b>Section 23.32. OTC OWENS COMMUNITY COLLEGE</b>			6741
CAP-019	Basic Renovations	\$ 1,231,693	6742
CAP-039	Academic Services Building, Phase II - Findlay	\$ 3,160,268	6743
CAP-040	Fire and Police Training Site for Homeland Security, Phase II	\$ 1,000,000	6744
Total Owens Community College			\$ 5,391,961 6745

Appropriations

<b>Section 23.33. RGC RIO GRANDE COMMUNITY COLLEGE</b>			6747
CAP-005	Basic Renovations	\$ 341,403	6748
CAP-025	Student Center	\$ 125,000	6749
CAP-026	Supplemental Renovations	\$ 200,000	6750
Total Rio Grande Community College			\$ 666,403 6751

Appropriations

<b>Section 23.34. SCC SINCLAIR COMMUNITY COLLEGE</b>			6753
CAP-007	Basic Renovations	\$ 1,860,925	6754
CAP-059	National Composite Center	\$ 2,000,000	6755
Total Sinclair Community College			\$ 3,860,925 6756

Appropriations

<b>Section 23.35. SOC SOUTHERN STATE COMMUNITY COLLEGE</b>			6758
CAP-010	Basic Renovations	\$ 250,644	6759
CAP-011	Supplemental Renovations	\$ 100,000	6760
Total Southern State Community College			\$ 350,644 6761

Appropriations

<b>Section 23.36.</b>		TTC TERRA STATE COMMUNITY COLLEGE	6763
CAP-009	Basic Renovations	\$ 287,915	6764
CAP-020	New Health and Science Building	\$ 2,967,947	6765
Total Terra State Community College		\$ 3,255,862	6766

Appropriations

<b>Section 23.37.</b>		WTC WASHINGTON STATE COMMUNITY COLLEGE	6768
CAP-006	Basic Renovations	\$ 231,224	6769
Total Washington State Community College		\$ 231,224	6770

Appropriations

<b>Section 23.38.</b>		BTC BELMONT TECHNICAL COLLEGE	6772
CAP-008	Basic Renovations	\$ 194,718	6773
Total Belmont Technical College		\$ 194,718	6774

Appropriations

<b>Section 23.39.</b>		COT CENTRAL OHIO TECHNICAL COLLEGE	6776
CAP-003	Basic Renovations	\$ 165,714	6777
CAP-012	Warner Library and Student Center	\$ 718,558	6778
CAP-013	Hopewell Hall Science Suite	\$ 354,765	6779
CAP-014	Founders Hopewell Halls	\$ 5,158	6780
Total Central Ohio Technical College		\$ 1,244,195	6781

Appropriations

<b>Section 23.40.</b>		HTC HOCKING TECHNICAL COLLEGE	6783
CAP-019	Basic Renovations	\$ 425,525	6784
CAP-042	McClenaghan Center for Hospitality Training	\$ 1,283,437	6785
CAP-044	Hocking College Fire and Emergency Training Center	\$ 250,000	6786
Total Hocking Technical College		\$ 1,958,962	6787

Appropriations

<b>Section 23.41. LTC JAMES RHODES STATE COLLEGE</b>			6789
CAP-004	Basic Renovations	\$ 271,100	6790
Total James Rhodes State College		\$ 271,100	6791

Appropriations

<b>Section 23.42. MTC MARION TECHNICAL COLLEGE</b>			6793
CAP-004	Basic Renovations	\$ 103,485	6794
Total Marion Technical College		\$ 103,485	6795

Appropriations

<b>Section 23.43. MAT ZANE STATE COLLEGE</b>			6797
CAP-007	Basic Renovations	\$ 253,769	6798
CAP-021	Lighting/HVAC Replacement	\$ 547,039	6799
CAP-022	Improve Campus Entrance	\$ 175,000	6800
Total Zane State College		\$ 975,808	6801

Appropriations

<b>Section 23.44. NCC NORTH CENTRAL TECHNICAL COLLEGE</b>			6803
CAP-003	Basic Renovations	\$ 384,097	6804
CAP-014	Kee Hall Roof Rehabilitation	\$ 509,000	6805
CAP-015	Richland/Braintree Incubator	\$ 250,000	6806
CAP-018	Fallerius Renovation Phase II	\$ 480,073	6807
Total North Central Technical College		\$ 1,623,170	6808

Appropriations

<b>Section 23.45. STC STARK TECHNICAL COLLEGE</b>			6810
CAP-004	Basic Renovations	\$ 438,295	6811
CAP-035	Business Technologies Addition Rehabilitation	\$ 1,378,892	6812
CAP-037	Fuel Cell Initiative	\$ 250,000	6813
Total Stark Technical College		\$ 2,067,187	6814

Total Board of Regents and State		6815
Institutions of Higher Education	\$ 488,343,998	6816
TOTAL Higher Education Improvement Fund	\$ 489,371,036	6817

**Section 23.46. DEBT SERVICE FORMULA ALLOCATION** 6819

Based on the foregoing appropriations in Sections 23.08 to 6820  
 23.45 of this act, from Fund 034, Higher Education Improvement 6821  
 Fund, the following higher education institutions shall be 6822  
 responsible for the specified amounts as part of the debt service 6823  
 component of the instructional subsidy beginning in fiscal year 6824  
 2006: 6825

INSTITUTION	AMOUNT	
University of Akron	\$ 13,702,944	6827
University of Akron - Wayne	\$ 628,277	6828
Bowling Green State University	\$ 11,334,113	6829
Bowling Green State University - Firelands	\$ 723,735	6830
Central State University	\$ 1,734,139	6831
University of Cincinnati	\$ 24,671,953	6832
University of Cincinnati - Clermont	\$ 657,770	6833
University of Cincinnati - Walters	\$ 1,244,131	6834
Cleveland State University	\$ 11,606,653	6835
Kent State University	\$ 13,923,684	6836
Kent State University - Ashtabula	\$ 705,720	6837
Kent State University - East Liverpool	\$ 638,419	6838
Kent State University - Geauga	\$ 246,878	6839
Kent State University - Salem	\$ 490,213	6840
Kent State University - Stark	\$ 1,162,076	6841
Kent State University - Trumbull	\$ 991,786	6842
Kent State University - Tuscarawas	\$ 844,655	6843
Miami University	\$ 12,099,024	6844
Miami University - Hamilton	\$ 561,504	6845
Miami University - Middletown	\$ 2,530,865	6846
Ohio State University	\$ 57,017,109	6847

Ohio State University - Marion	\$	603,137	6848
Ohio State University - Newark	\$	1,579,174	6849
Ohio State University - OARDC	\$	4,830,718	6850
Ohio University	\$	16,502,709	6851
Ohio University - Eastern	\$	564,064	6852
Ohio University - Chillicothe	\$	852,793	6853
Ohio University - Southern	\$	448,831	6854
Ohio University - Lancaster	\$	835,520	6855
Ohio University - Zanesville	\$	909,284	6856
Shawnee State University	\$	1,543,267	6857
University of Toledo	\$	13,206,304	6858
Wright State University	\$	9,089,940	6859
Wright State University - Lake	\$	1,420,709	6860
Youngstown State University	\$	7,225,052	6861
Medical University of Ohio	\$	3,449,236	6862
Northeastern Ohio Universities College of Medicine	\$	1,346,879	6863
Cincinnati State Community College	\$	3,657,795	6864
Clark State Community College	\$	1,270,607	6865
Columbus State Community College	\$	5,360,556	6866
Cuyahoga Community College	\$	8,609,295	6867
Jefferson Community College	\$	320,860	6868
Lakeland Community College	\$	2,433,264	6869
Lorain County Community College	\$	8,857,919	6870
Owens Community College	\$	4,160,268	6871
Terra State Community College	\$	2,967,947	6872
Central Ohio Technical College	\$	1,078,481	6873
Hocking Technical College	\$	1,283,437	6874
Zane State College	\$	722,040	6875
North Central Technical College	\$	989,073	6876
Stark Technical College	\$	1,378,892	6877

Institutions not listed above shall not have a debt service 6878  
obligation as a result of these appropriations. 6879

Within sixty days after the effective date of this section, 6880  
any institution of higher education may notify the Board of 6881  
Regents of its intention not to proceed with any project 6882  
appropriated in this act. Upon receiving such notification, the 6883  
Board of Regents may release the institution from its debt service 6884  
obligation for the specific project. 6885

**Section 23.47.** For all of the foregoing appropriation items 6886  
from the Higher Education Improvement Fund (Fund 034) that require 6887  
local funds to be contributed by any state-supported or 6888  
state-assisted institution of higher education, the Ohio Board of 6889  
Regents shall not recommend that any funds be released until the 6890  
recipient institution demonstrates to the Board of Regents and the 6891  
Office of Budget and Management that the local funds contribution 6892  
requirement has been secured or satisfied. The local funds shall 6893  
be in addition to the foregoing appropriations. 6894

**Section 23.48.** The Ohio Public Facilities Commission is 6895  
hereby authorized to issue and sell, in accordance with Section 2n 6896  
of Article VIII, Ohio Constitution, Chapter 151. and particularly 6897  
sections 151.01 and 151.04 of the Revised Code, original 6898  
obligations in an aggregate principal amount not to exceed 6899  
\$476,000,000, in addition to the original issuance of obligations 6900  
heretofore authorized by prior acts of the General Assembly. The 6901  
authorized obligations shall be issued, subject to applicable 6902  
constitutional and statutory limitations, to pay costs of capital 6903  
facilities as defined in sections 151.01 and 151.04 of the Revised 6904  
Code for state-supported and state-assisted institutions of higher 6905  
education. 6906

**Section 23.49.** None of the foregoing capital improvements 6907  
appropriations for state-supported or state-assisted institutions 6908  
of higher education shall be expended until the particular 6909

appropriation has been recommended for release by the Ohio Board 6910  
of Regents and released by the Director of Budget and Management 6911  
or the Controlling Board. Either the institution concerned, or the 6912  
Ohio Board of Regents with the concurrence of the institution 6913  
concerned, may initiate the request to the Director of Budget and 6914  
Management or the Controlling Board for the release of the 6915  
particular appropriations. 6916

**Section 23.50.** (A) No capital improvement appropriations made 6917  
in Sections 23.02 to 23.45 of this act shall be released for 6918  
planning or for improvement, renovation, construction, or 6919  
acquisition of capital facilities if the institution of higher 6920  
education or the state does not own the real property on which the 6921  
capital facilities are or will be located. This restriction does 6922  
not apply in any of the following circumstances: 6923

(1) The institution has a long-term (at least fifteen years) 6924  
lease of, or other interest (such as an easement) in, the real 6925  
property. 6926

(2) The Ohio Board of Regents certifies to the Controlling 6927  
Board that undue delay will occur if planning does not proceed 6928  
while the property or property interest acquisition process 6929  
continues. In this case, funds may be released upon approval of 6930  
the Controlling Board to pay for planning through the development 6931  
of schematic drawings only. 6932

(3) In the case of an appropriation for capital facilities 6933  
that, because of their unique nature or location, will be owned or 6934  
will be part of facilities owned by a separate nonprofit 6935  
organization or public body and will be made available to the 6936  
institution of higher education for its use, the nonprofit 6937  
organization or public body either owns or has a long-term (at 6938  
least fifteen years) lease of the real property or other capital 6939

facility to be improved, renovated, constructed, or acquired and  
has entered into a joint or cooperative use agreement with the  
institution of higher education that meets the requirements of  
division (C) of this section.

(B) Any foregoing appropriations which require cooperation  
between a technical college and a branch campus of a university  
may be released by the Controlling Board upon recommendation by  
the Ohio Board of Regents that the facilities proposed by the  
institutions are:

(1) The result of a joint planning effort by the university  
and the technical college, satisfactory to the Ohio Board of  
Regents;

(2) Facilities that will meet the needs of the region in  
terms of technical and general education, taking into  
consideration the totality of facilities which will be available  
after the completion of these projects;

(3) Planned to permit maximum joint use by the university and  
technical college of the totality of facilities which will be  
available upon their completion; and

(4) To be located on or adjacent to the branch campus of the  
university.

(C) The Ohio Board of Regents shall adopt rules regarding the  
release of moneys from all the foregoing appropriations for  
capital facilities for all state-supported or state-assisted  
institutions of higher education. In the case of capital  
facilities referred to in division (A)(3) of this section, the  
joint or cooperative use agreements shall include, as a minimum,  
provisions that:

(1) Specify the extent and nature of that joint or  
cooperative use, extending for not fewer than fifteen years, with

the value of such use or right to use to be, as to be determined 6970  
by the parties and approved by the Board of Regents, reasonably 6971  
related to the amount of the appropriations; 6972

(2) Provide for pro rata reimbursement to the state should 6973  
the arrangement for joint or cooperative use be terminated; 6974

(3) Provide that procedures to be followed during the capital 6975  
improvement process will comply with appropriate applicable state 6976  
laws and rules, including provisions of this act; and 6977

(4) Provide for payment or reimbursement to the institution 6978  
of its administrative costs incurred as a result of the facilities 6979  
project, not to exceed 1.5 per cent of the appropriated amount. 6980

(D) Upon the recommendation of the Ohio Board of Regents, the 6981  
Controlling Board may approve the transfer of appropriations for 6982  
projects requiring cooperation between institutions from one 6983  
institution to another institution with the approval of both 6984  
institutions. 6985

(E) Notwithstanding section 127.14 of the Revised Code, the 6986  
Controlling Board, upon the recommendation of the Ohio Board of 6987  
Regents, may transfer amounts appropriated to the Ohio Board of 6988  
Regents to accounts of state-supported or state-assisted 6989  
institutions created for that same purpose. 6990

**Section 23.51.** The requirements of Chapters 123. and 153. of 6991  
the Revised Code, with respect to the powers and duties of the 6992  
Director of Administrative Services, and the requirements of 6993  
section 127.16 of the Revised Code, with respect to the 6994  
Controlling Board, shall not apply to projects of community 6995  
college districts, which include Cuyahoga Community College, 6996  
Jefferson Community College, Lakeland Community College, Lorain 6997  
County Community College, Rio Grande Community College, and 6998  
Sinclair Community College; and technical college districts which 6999

include Belmont Technical College, Central Ohio Technical College, 7000  
Hocking Technical College, James Rhodes State College, Marion 7001  
Technical College, Zane State College, North Central Technical 7002  
College, and Stark Technical College. 7003

**Section 23.52.** Those institutions locally administering 7004  
capital improvement projects pursuant to section 3345.50 of the 7005  
Revised Code may: 7006

(A) Establish charges for recovering costs directly related 7007  
to project administration as defined by the Director of 7008  
Administrative Services. The Department of Administrative Services 7009  
shall review and approve these administrative charges when such 7010  
charges are in excess of 1.5 per cent of the total construction 7011  
budget. 7012

(B) Seek reimbursement from state capital appropriations to 7013  
the institution for the in-house design services performed by the 7014  
institution for such capital projects. Acceptable charges shall be 7015  
limited to design document preparation work that is done by the 7016  
institution. These reimbursable design costs shall be shown as 7017  
"A/E fees" within the project's budget that is submitted to the 7018  
Controlling Board or the Director of Budget and Management as part 7019  
of a request for release of funds. The reimbursement for in-house 7020  
design shall not exceed seven per cent of the estimated 7021  
construction cost. 7022

**Section 24.01.** All items set forth in this section are hereby 7023  
appropriated out of any moneys in the state treasury to the credit 7024  
of the Parks and Recreation Improvement Fund (Fund 035) that are 7025  
not otherwise appropriated. 7026

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 7027  
CAP-004 Burr Oak Lodge \$ 150,000 7028

CAP-012	Land Acquisition	\$	243,663	7029
CAP-088	Muskingum River Lock and Dam	\$	250,000	7030
CAP-234	State Park Campgrounds, Cabins, and Lodges	\$	2,712,500	7031
CAP-331	Park Boating Facilities	\$	7,588,383	7032
CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$	4,000,000	7033
CAP-718	Grand Lake St. Mary's State Park Erosion Control Project	\$	450,000	7034
CAP-748	Local Park Projects	\$	2,715,000	7035
CAP-753	Project Planning	\$	175,000	7036
CAP-848	Hazardous Dam Repair - Statewide	\$	1,325,000	7037
CAP-876	Statewide Trails	\$	1,101,500	7038
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$	2,500,000	7039
Total Department of Natural Resources		\$	23,211,046	7040
TOTAL Parks and Recreation Improvement Fund		\$	23,211,046	7041

FEDERAL REIMBURSEMENT 7042

All reimbursements received from the federal government for 7043  
any expenditures made pursuant to this section shall be deposited 7044  
in the state treasury to the credit of the Parks and Recreation 7045  
Improvement Fund (Fund 035). 7046

LOCAL PARKS PROJECTS 7047

Of the foregoing appropriation item CAP-748, Local Parks 7048  
Projects, \$75,000 shall be used for the Springfield Arts Veterans' 7049  
Park; \$50,000 shall be used for the Village of Bentleyville Park; 7050  
\$25,000 shall be used for the Cleveland Police and Firefighters 7051  
Memorial Park; \$100,000 shall be used for the Parma Heights 7052  
Greenbriar Park; \$125,000 shall be used for the Fairborn Park 7053  
Entrance Project; \$250,000 shall be used for the Greene County 7054  
Soccer Park; \$750,000 shall be used for the Banks Park; \$400,000 7055  
shall be used for the Colerain Township Park Improvements; 7056

\$200,000 shall be used for the Colerain Township Heritage Park; 7057  
\$75,000 shall be used for the London Park Project; \$50,000 shall 7058  
be used for Somerset Park Improvements; \$50,000 shall be used for 7059  
Meadowbrook Park; \$25,000 shall be used for Early Hill Park; 7060  
\$25,000 shall be used for the Wright-Flyer Aviation Park; \$200,000 7061  
shall be used for Madison Township Park; \$10,000 shall be used for 7062  
the Wellington Soccer Field Park; \$10,000 shall be used for the 7063  
Greenwich Township Baseball Field Park Improvements; \$20,000 shall 7064  
be used for the City of London Sports Park; \$25,000 shall be used 7065  
for the Pleasant Hill Park Ball Field Project; and \$250,000 shall 7066  
be used for the Education Gateway at Sippo Lake Park. 7067

STATEWIDE TRAILS PROGRAM 7068

Of the foregoing appropriation item CAP-876, Statewide 7069  
Trails, \$85,000 shall be used for the Williamsburg-Batavia 7070  
hike/bike trail; \$16,500 shall be used for the South Milford Road 7071  
Bike Trail Project; \$125,000 shall be used for the Tri-County 7072  
Triangle Trail in Fayette county; \$100,00 shall be used for the 7073  
Tri-County Triangle Trail in Highland County; \$125,000 shall be 7074  
used for the Tri-County Triangle Trail in Ross county; \$550,000 7075  
shall be used for the Camp Chase Ohio to Erie Trail; and \$100,000 7076  
shall be used for the Holmes County Park District - Rails to 7077  
Trails. 7078

**Section 24.02.** For the appropriations in Section 24.01 of 7079  
this act, the Department of Natural Resources shall periodically 7080  
prepare and submit to the Director of Budget and Management the 7081  
estimated design, planning, and engineering costs of 7082  
capital-related work to be done by the Department of Natural 7083  
Resources for each project. Based on the estimates, the Director 7084  
of Budget and Management may release appropriations from the 7085  
foregoing appropriation item CAP-753, Project Planning, within the 7086  
Parks and Recreation Improvement Fund (Fund 035), to pay for 7087

design, planning, and engineering costs incurred by the Department 7088  
of Natural Resources for the projects. Upon release of the 7089  
appropriations by the Director of Budget and Management, the 7090  
Department of Natural Resources shall pay for these expenses from 7091  
the Parks Capital Expenses Fund (Fund 227), and be reimbursed by 7092  
the Parks and Recreation Improvement Fund (Fund 035) using an 7093  
intrastate voucher. 7094

**Section 24.03.** The Treasurer of State is hereby authorized to 7095  
issue and sell, in accordance with Section 2i of Article VIII, 7096  
Ohio Constitution, and Chapter 154. of the Revised Code, 7097  
particularly section 154.22 of the Revised Code, original 7098  
obligations in an aggregate principal amount not to exceed 7099  
\$22,000,000, in addition to the original issuance of obligations 7100  
heretofore authorized by prior acts of the General Assembly. The 7101  
authorized obligations shall be issued, subject to applicable 7102  
constitutional and statutory limitations, to pay the costs of 7103  
capital facilities for parks and recreation as defined in section 7104  
154.01 of the Revised Code. 7105

**Section 24.04.** (A) No capital improvement appropriations made 7106  
in Section 24.01 of this act shall be released for planning or for 7107  
improvement, renovation, or construction or acquisition of capital 7108  
facilities if a governmental agency, as defined in section 154.01 7109  
of the Revised Code, does not own the real property that 7110  
constitutes the capital facilities or on which the capital 7111  
facilities are or will be located. This restriction does not apply 7112  
in any of the following circumstances: 7113

(1) The governmental agency has a long-term (at least fifteen 7114  
years) lease of, or other interest (such as an easement) in, the 7115  
real property. 7116

(2) In the case of an appropriation for capital facilities 7117

for parks and recreation that, because of their unique nature or  
location, will be owned or be part of facilities owned by a  
separate nonprofit organization and made available to the  
governmental agency for its use or operated by the nonprofit  
organization under contract with the governmental agency, the  
nonprofit organization either owns or has a long-term (at least  
fifteen years) lease of the real property or other capital  
facility to be improved, renovated, constructed, or acquired and  
has entered into a joint or cooperative use agreement, approved by  
the Department of Natural Resources, with the governmental agency  
for that agency's use of and right to use the capital facilities  
to be financed and, if applicable, improved, the value of such use  
or right to use being, as determined by the parties, reasonably  
related to the amount of the appropriation.

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

(1) Specify the extent and nature of that joint or  
cooperative use, extending for not fewer than fifteen years, with  
the value of such use or right to use to be, as determined by the  
parties and approved by the approving department, reasonably  
related to the amount of the appropriation;

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

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

**Section 25.01.** All items set forth in this section are hereby  
appropriated out of any moneys in the state treasury to the credit

of the State Capital Improvements Fund (Fund 038) that are not 7148  
otherwise appropriated. 7149

	Appropriations	
PWC PUBLIC WORKS COMMISSION		7150
CAP-150 Local Public Infrastructure	\$ 120,000,000	7151
Total Public Works Commission	\$ 120,000,000	7152
TOTAL State Capital Improvements Fund	\$ 120,000,000	7153

The foregoing appropriation item CAP-150, Local Public 7154  
Infrastructure, shall be used in accordance with sections 164.01 7155  
to 164.12 of the Revised Code. The Director of the Public Works 7156  
Commission may certify to the Director of Budget and Management 7157  
that a need exists to appropriate investment earnings to be used 7158  
in accordance with sections 164.01 to 164.12 of the Revised Code. 7159  
If the Director of Budget and Management determines pursuant to 7160  
division (D) of section 164.08 and section 164.12 of the Revised 7161  
Code that investment earnings are available to support additional 7162  
appropriations, such amounts are hereby appropriated. 7163

**Section 25.02.** The Ohio Public Facilities Commission is 7164  
hereby authorized to issue and sell, in accordance with Section 2m 7165  
of Article VIII, Ohio Constitution, and sections 151.01, as 7166  
amended by this act, and 151.08 of the Revised Code, original 7167  
obligations of the state, in an aggregate principal amount not to 7168  
exceed \$120,000,000, in addition to the original obligations 7169  
heretofore authorized by prior acts of the General Assembly. These 7170  
authorized obligations shall be issued and sold from time to time 7171  
and in amounts necessary to ensure sufficient moneys to the credit 7172  
of the State Capital Improvements Fund (Fund 038) to pay costs 7173  
charged to that fund, as estimated by the Director of Budget and 7174  
Management. 7175

**Section 26.01.** All items set forth in this section are hereby 7176

appropriated out of any moneys in the state treasury to the credit 7177  
 of the Clean Ohio Conservation Fund (Fund 056) that are not 7178  
 otherwise appropriated. 7179

		Appropriations	
PWC PUBLIC WORKS COMMISSION			7180
CAP-152	Clean Ohio Conservation	\$ 37,500,000	7181
Total Public Works Commission		\$ 37,500,000	7182
TOTAL Clean Ohio Conservation Fund		\$ 37,500,000	7183

The foregoing appropriation item CAP-152, Clean Ohio 7184  
 Conservation, shall be used in accordance with sections 164.20 to 7185  
 164.27 of the Revised Code. If the Public Works Commission 7186  
 receives refunds due to project overpayments that are discovered 7187  
 during the post-project audit, the Director of the Public Works 7188  
 Commission may certify to the Director of Budget and Management 7189  
 that refunds have been received. If the Director of Budget and 7190  
 Management determines that project refunds are available to 7191  
 support additional appropriations, such amounts are hereby 7192  
 appropriated. 7193

**Section 26.02.** The Ohio Public Facilities Commission is 7194  
 hereby authorized to issue and sell, in accordance with Section 20 7195  
 of Article VIII, Ohio Constitution, and sections 151.01 and 151.09 7196  
 of the Revised Code, original obligations in an aggregate 7197  
 principal amount not to exceed \$50,000,000, in addition to the 7198  
 original issuance of obligations heretofore authorized by prior 7199  
 acts of the General Assembly. These authorized obligations shall 7200  
 be issued, subject to applicable constitutional and statutory 7201  
 limitations, as needed to ensure sufficient moneys to the credit 7202  
 of the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio 7203  
 Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail 7204  
 Fund (Fund 061) to pay costs of conservation projects as defined 7205  
 in sections 151.01 and 151.09 of the Revised Code. 7206

**Section 26.03.** All items set forth in this section are hereby 7207  
appropriated out of any moneys in the state treasury to the credit 7208  
of the Clean Ohio Agricultural Easement Fund (Fund 057) that are 7209  
not otherwise appropriated. 7210

Appropriations

AGR DEPARTMENT OF AGRICULTURE 7211

CAP-047	Clean Ohio Agricultural Easement	\$	6,250,000	7212
Total	Department of Agriculture	\$	6,250,000	7213
TOTAL	Clean Ohio Agricultural Easement Fund	\$	6,250,000	7214

**Section 26.04.** All items set forth in this section are hereby 7216  
appropriated out of any moneys in the state treasury to the credit 7217  
of the Clean Ohio Trail Fund (Fund 061), that are not otherwise 7218  
appropriated. 7219

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 7220

CAP-014	Clean Ohio Trail	\$	6,250,000	7221
Total	Department of Natural Resources	\$	6,250,000	7222
TOTAL	Clean Ohio Trail Fund	\$	6,250,000	7223

**Section 27.01. CERTIFICATION OF RENTAL PAYMENTS** 7225

Each request for release of appropriations for any and all 7226  
capital improvements and capital facilities for which 7227  
appropriations are made in this act from the proceeds of 7228  
obligations in the Administrative Building Fund (Fund 026), the 7229  
Adult Correctional Building Fund (Fund 027), the Juvenile 7230  
Correctional Building Fund (Fund 028), the Cultural and Sports 7231  
Facilities Building Fund (Fund 030), the Natural Resources 7232  
Projects Fund (Fund 031), the School Building Program Assistance 7233  
Fund (Fund 032), the Mental Health Facilities Improvement Fund 7234  
(Fund 033), the Higher Education Improvement Fund (Fund 034), and 7235  
the Parks and Recreation Improvements Fund (Fund 035) shall have 7236

the certification of the Director of Budget and Management that 7237  
sufficient General Revenue Fund moneys are appropriated for and 7238  
will be available for rental payments to the Ohio Public 7239  
Facilities Commission, the Treasurer of State, and the Ohio 7240  
Building Authority in the then-current fiscal biennium relating to 7241  
obligations or portions of obligations issued or to be issued in 7242  
that fiscal biennium to fund, in the then-current fiscal biennium, 7243  
anticipated expenditures from these funds associated with the 7244  
request. 7245

**Section 27.02. HIGHWAY SAFETY FUND CERTIFICATION OF RENTAL 7246**  
PAYMENTS 7247

No money shall be encumbered for any capital improvements and 7248  
capital facilities for which appropriations are made in excess of 7249  
the cash balances from the proceeds of obligations in the Highway 7250  
Safety Building Fund (Fund 025) unless the Director of Budget and 7251  
Management certifies that sufficient Highway Safety Fund moneys 7252  
are appropriated and available for rental payments to the Ohio 7253  
Building Authority for debt service payments by the state in the 7254  
then-current fiscal biennium relating to obligations or portions 7255  
of obligations issued or to be issued in that fiscal biennium to 7256  
fund, in the then-current fiscal biennium, anticipated 7257  
expenditures from these funds associated with related 7258  
encumbrances. 7259

**Section 28.01. CERTIFICATION OF AVAILABILITY OF MONEYS 7260**

No moneys that require release may be expended from any 7261  
appropriation contained in this act without certification of the 7262  
Director of Budget and Management that there are sufficient moneys 7263  
in the state treasury in the fund from which the appropriation is 7264  
made. Such certification shall be based on estimates of revenue, 7265  
receipts, and expenses. Nothing herein shall be construed as a 7266

limitation on the authority of the Director of Budget and	7267
Management under section 126.07 of the Revised Code.	7268
<b>Section 28.02. LIMITATIONS ON CAPITAL APPROPRIATIONS</b>	7269
The appropriations made in this act excluding those made to	7270
the State Capital Improvement Fund (Fund 038) and the State	7271
Capital Improvements Revolving Loan Fund (Fund 040) for buildings	7272
or structures, including remodeling and renovations, are limited	7273
to:	7274
(A) Acquisition of real property or interest in real	7275
property;	7276
(B) Buildings and structures, which includes construction,	7277
demolition, lighting and lighting fixtures, and all necessary	7278
utilities, heating and ventilating, plumbing, sprinkling, and	7279
sewer systems, when such systems are authorized or necessary;	7280
(C) Architectural, engineering, and professional services	7281
expenses directly related to the projects;	7282
(D) Machinery that is a part of buildings and structures at	7283
the time of initial acquisition or construction;	7284
(E) Acquisition, development, and deployment of new computer	7285
systems, including the redevelopment or integration of existing	7286
and new computer systems, but excluding regular or ongoing	7287
maintenance or support agreements;	7288
(F) Equipment that meets all the following criteria:	7289
(1) The equipment is essential in bringing the facility up to	7290
its intended use.	7291
(2) The unit cost of the equipment, and not the individual	7292
parts of a unit, is approximately \$100 or more.	7293
(3) The equipment has a useful life of five years or more.	7294

(4) The equipment is necessary for the functioning of the 7295  
particular facility or project. 7296

No equipment shall be paid for from these appropriations that 7297  
is not an integral part of or directly related to the basic 7298  
purpose or function of a facility or project for which moneys are 7299  
appropriated. This does not apply to line items for equipment. 7300

**Section 28.03. CONTINGENCY RESERVE REQUIREMENT** 7301

Any request for release of capital appropriations by the 7302  
Director of Budget and Management or the Controlling Board of 7303  
capital appropriations for projects, the contracts for which are 7304  
awarded by the Department of Administrative Services, shall 7305  
contain a contingency reserve, the amount of which shall be 7306  
determined by the Department of Administrative Services, for 7307  
payment of unanticipated project expenses. Any amount deducted 7308  
from the encumbrance for a contractor's contract as an assessment 7309  
for liquidated damages shall be added to the encumbrance for the 7310  
contingency reserve. Contingency reserve funds shall be used to 7311  
pay costs resulting from unanticipated job conditions, to comply 7312  
with rulings regarding building and other codes, to pay costs 7313  
related to errors or omissions in contract documents, to pay costs 7314  
associated with changes in the scope of work, and to pay the cost 7315  
of settlements and judgments related to the project. 7316

Any funds remaining upon completion of a project may, upon 7317  
approval of the Controlling Board, be released for the use of the 7318  
institution to which the appropriation was made for other capital 7319  
facilities projects. 7320

**Section 28.04. AGENCY ADMINISTRATION OF CAPITAL FACILITIES** 7321  
**PROJECTS** 7322

Notwithstanding sections 123.01 and 123.15 of the Revised 7323  
Code, the Director of Administrative Services may authorize the 7324

Departments of Mental Health, Mental Retardation and Developmental  
Disabilities, Alcohol and Drug Addiction Services, Agriculture,  
Job and Family Services, Rehabilitation and Correction, Youth  
Services, Public Safety and Transportation, the Ohio Veterans'  
Home, and the Rehabilitation Services Commission to administer any  
capital facilities projects the estimated cost of which, including  
design fees, construction, equipment, and contingency amounts, is  
less than \$1,500,000. Requests for authorization to administer  
capital facilities projects shall be made in writing to the  
Director of Administrative Services by the applicable state agency  
within sixty days after the effective date of the act in which the  
General Assembly initially makes an appropriation for the project.  
Upon the release of funds for such projects by the Controlling  
Board or the Director of Budget and Management, the agency may  
administer the capital project or projects for which agency  
administration has been authorized without the supervision,  
control, or approval of the Director of Administrative Services.

The state agency authorized by the Director of Administrative  
Services to administer capital facilities projects pursuant to  
this section shall comply with the applicable procedures and  
guidelines established in Chapter 153. of the Revised Code.

**Section 28.05. SATISFACTION OF JUDGMENTS AND SETTLEMENTS**  
AGAINST THE STATE

Except as otherwise provided in this section, an  
appropriation in this act or any other act may be used for the  
purpose of satisfying judgments, settlements, or administrative  
awards ordered or approved by the Court of Claims or by any other  
court of competent jurisdiction in connection with civil actions  
against the state. This authorization does not apply to  
appropriations to be applied to or used for payment of guarantees  
by or on behalf of the state, or for payments under lease

agreements relating to or debt service on bonds, notes, or other 7356  
obligations of the state. Notwithstanding any other section of law 7357  
to the contrary, this authorization includes appropriations from 7358  
funds into which proceeds or direct obligations of the state are 7359  
deposited only to the extent that the judgment, settlement, or 7360  
administrative award is for or represents capital costs for which 7361  
the appropriation may otherwise be used and is consistent with the 7362  
purpose for which any related obligations were issued or entered 7363  
into. Nothing contained in this section is intended to subject the 7364  
state to suit in any forum in which it is not otherwise subject to 7365  
suit, and it is not intended to waive or compromise any defense or 7366  
right available to the state in any suit against it. 7367

**Section 28.06. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND 7368**  
**MANAGEMENT 7369**

Notwithstanding section 126.14 of the Revised Code, 7370  
appropriations for appropriation items CAP-002, Local Jails, and 7371  
CAP-003, Community-Based Correctional Facilities, appropriated 7372  
from the Adult Correctional Building Fund (Fund 027) to the 7373  
Department of Rehabilitation and Correction shall be released upon 7374  
the written approval of the Director of Budget and Management. The 7375  
appropriations from the Public School Building Fund (Fund 021) and 7376  
the School Building Program Assistance Fund (Fund 032) to the 7377  
School Facilities Commission, from the Clean Ohio Conservation 7378  
Fund (Fund 056), the State Capital Improvement Fund (Fund 038), 7379  
and the State Capital Improvements Revolving Loan Fund (Fund 040) 7380  
to the Public Works Commission, shall be released upon 7381  
presentation of a request to release the funds, by the agency to 7382  
which the appropriation has been made, to the Director of Budget 7383  
and Management. 7384

**Section 28.07. PREVAILING WAGE REQUIREMENT 7385**

Except as provided in section 4115.04 of the Revised Code, no 7386  
moneys appropriated or reappropriated by the 126th General 7387  
Assembly shall be used for the construction of public 7388  
improvements, as defined in section 4115.03 of the Revised Code, 7389  
unless the mechanics, laborers, or workers engaged therein are 7390  
paid the prevailing rate of wages as prescribed in section 4115.04 7391  
of the Revised Code. Nothing in this section shall affect the 7392  
wages and salaries established for state employees under the 7393  
provisions of Chapter 124. of the Revised Code, or collective 7394  
bargaining agreements entered into by the state pursuant to 7395  
Chapter 4117. of the Revised Code, while engaged on force account 7396  
work, nor shall this section interfere with the use of inmate and 7397  
patient labor by the state. 7398

**Section 28.08. CAPITAL FACILITIES LEASES** 7399

Capital facilities for which appropriations are made from the 7400  
Administrative Building Fund (Fund 026), the Adult Correctional 7401  
Building Fund (Fund 027), and the Juvenile Correctional Building 7402  
Fund (Fund 028) may be leased by the Ohio Building Authority to 7403  
the Departments of Youth Services, Administrative Services, or 7404  
Rehabilitation and Correction. Other agreements may be made by the 7405  
Ohio Building Authority and those departments with respect to the 7406  
use or purchase of such capital facilities. Subject to the 7407  
approval of the director of the department or the commission, the 7408  
Ohio Building Authority may lease such capital facilities to, and 7409  
make other agreements with respect to their use or purchase with, 7410  
any governmental agency or nonprofit corporation having authority 7411  
under law to own, lease, or operate such capital facilities. The 7412  
department or the commission may sublease such capital facilities 7413  
to, and make other agreements with respect to their use or 7414  
purchase with, any such governmental agency or nonprofit 7415  
corporation, which may include provisions for transmittal of 7416

receipts of that agency or nonprofit corporation of any charges 7417  
for the use of such facilities, all upon such terms and conditions 7418  
as the parties may agree upon and any other provision of law 7419  
affecting the leasing, acquisition, or disposition of capital 7420  
facilities by such parties. 7421

**Section 28.09. APPROVAL OF EXPENDITURES BY THE DIRECTOR OF 7422**  
BUDGET AND MANAGEMENT 7423

The Director of Budget and Management shall review the 7424  
initial release of moneys for projects from the funds into which 7425  
proceeds of direct obligations of the state are deposited, and 7426  
authorize the expenditure or encumbrance of moneys from those 7427  
funds only after determining to the director's satisfaction that 7428  
either of the following apply: 7429

(A) The application of such moneys to the particular project 7430  
will not negatively affect any exemption or exclusion from federal 7431  
income tax of the interest or interest equivalent on obligations, 7432  
issued to provide moneys to the particular fund. 7433

(B) Moneys for the project will come from the proceeds of 7434  
obligations, the interest on which is not so excluded or exempt 7435  
and which have been authorized as "taxable obligations" by the 7436  
issuing authority. 7437

The director shall report any nonrelease of moneys pursuant 7438  
to this section to the Governor, the presiding officer of each 7439  
house of the General Assembly, and the agency for the use of which 7440  
the project is intended. 7441

**Section 28.10. SCHOOL FACILITIES ENCUMBRANCES AND 7442**  
REAPPROPRIATION 7443

At the request of the Executive Director of the Ohio School 7444  
Facilities Commission, the Director of Budget and Management may 7445

cancel encumbrances for school district projects from a previous 7446  
biennium if the district has not raised its local share of project 7447  
costs within one year of receiving Controlling Board approval in 7448  
accordance with section 3318.05 of the Revised Code. The Executive 7449  
Director of the Ohio School Facilities Commission shall certify 7450  
the amounts of these canceled encumbrances to the Director of 7451  
Budget and Management on a quarterly basis. The amounts of the 7452  
canceled encumbrances are hereby appropriated. 7453

**Section 28.11. OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK 7454**  
COMMISSION REAPPROPRIATION 7455

The Director of Ohio Educational Telecommunications Network 7456  
Commission shall certify and receive approval from the Director of 7457  
the Office of Budget and Management an amount necessary to 7458  
complete the Ohio Educational Telecommunications Network 7459  
Commission's previously approved and funded projects. This amount 7460  
is hereby appropriated to CAP-001, Educational TV & Radio 7461  
Equipment. 7462

**Section 28.12. CERTIFICATE OF NEED REQUIREMENT 7463**

No appropriation for a health care facility authorized under 7464  
this act may be released until the requirements of sections 7465  
3702.51 to 3702.68 of the Revised Code have been met. 7466

**Section 28.13. DISTRIBUTION OF PROCEEDS FROM ASBESTOS 7467**  
ABATEMENT LITIGATION 7468

All proceeds received by the state as a result of litigation, 7469  
judgments, settlements, or claims, filed by or on behalf of any 7470  
state agency as defined by section 1.60 of the Revised Code or 7471  
state-supported or state-assisted institution of higher education, 7472  
for damages or costs resulting from the use, removal, or hazard 7473  
abatement of asbestos materials shall be deposited in the Asbestos 7474

Abatement Distribution Fund (Fund 674). All funds deposited into 7475  
the Asbestos Abatement Distribution Fund are hereby appropriated 7476  
to the Attorney General. To the extent practicable, the proceeds 7477  
placed in the Asbestos Abatement Distribution Fund shall be 7478  
divided among the state agencies and state-supported or 7479  
state-assisted institutions of higher education in accordance with 7480  
the general provisions of the litigation regarding the percentage 7481  
of recovery. Distribution of the proceeds to each state agency or 7482  
state-supported or state-assisted institution of higher education 7483  
shall be made in accordance with the Asbestos Abatement 7484  
Distribution Plan to be developed by the Attorney General, the 7485  
General Services Division within the Department of Administrative 7486  
Services, and the Office of Budget and Management. 7487

In those circumstances where asbestos litigation proceeds are 7488  
for reimbursement of expenditures made with funds outside the 7489  
state treasury or damages to buildings not constructed with state 7490  
appropriations, direct payments shall be made to the affected 7491  
institutions of higher education. Any proceeds received for 7492  
reimbursement of expenditures made with funds within the state 7493  
treasury or damages to buildings occupied by state agencies shall 7494  
be distributed to the affected agencies with an intrastate 7495  
transfer voucher to the funds identified in the Asbestos Abatement 7496  
Distribution Plan. 7497

Such proceeds shall be used for additional asbestos abatement 7498  
or encapsulation projects, or for other capital improvements, 7499  
except that proceeds distributed to the General Revenue Fund and 7500  
other funds that are not bond improvement funds may be used for 7501  
any purpose. The Controlling Board may, for bond improvement 7502  
funds, create appropriation items or increase appropriation 7503  
authority in existing appropriation items equaling the amount of 7504  
such proceeds. Such amounts approved by the Controlling Board are 7505  
hereby appropriated. Such proceeds deposited in bond improvement 7506

funds shall not be expended until released by the Controlling Board, which shall require certification by the Director of Budget and Management that such proceeds are sufficient and available to fund the additional anticipated expenditures.

**Section 29.01.** OBLIGATIONS ISSUED UNDER ORC CHAPTER 151. 7511

The capital improvements for which appropriations are made in this act from the Ohio Parks and Natural Resources Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Higher Education Improvement Fund (Fund 034), the State Capital Improvements Fund (Fund 038), the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) are determined to be capital improvements and capital facilities for natural resources, a statewide system of common schools, state-supported and state-assisted institutions of higher education, local subdivision capital improvement projects, and conservation purposes (under the Clean Ohio program) and are designated as capital facilities to which proceeds of obligations issued under Chapter 151. of the Revised Code are to be applied.

**Section 29.02.** OBLIGATIONS ISSUED UNDER ORC CHAPTER 152. 7526

The capital improvements for which appropriations are made in this act from the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), and the Juvenile Correctional Building Fund (Fund 028) are determined to be capital improvements and capital facilities for housing state agencies and branches of state government and their functions and are designated as capital facilities to which proceeds of obligations issued under Chapter 152. of the Revised Code are to be applied.

The owners or holders of obligations issued under Chapter 7536

152. of the Revised Code have no right to have excises or taxes 7537  
levied by the General Assembly for the payment of interest or 7538  
principal thereon. 7539

**Section 29.03. OBLIGATIONS ISSUED UNDER ORC CHAPTER 154.** 7540

The capital improvements for which appropriations are made in 7541  
this act from the Cultural and Sports Facilities Building Fund 7542  
(Fund 030), the Mental Health Facilities Improvement Fund (Fund 7543  
033), and the Parks and Recreation Improvement Fund (Fund 035) are 7544  
determined to be capital improvements and capital facilities for 7545  
housing state agencies and branches of government, mental hygiene 7546  
and retardation, and parks and recreation and are designated as 7547  
capital facilities to which proceeds of obligations issued under 7548  
Chapter 154. of the Revised Code are to be applied. 7549

The owners or holders of obligations issued under Chapter 7550  
154. of the Revised Code have no right to have excises or taxes 7551  
levied by the General Assembly for the payment of principal or 7552  
interest thereon. 7553

**Section 30.01. TRANSFER OF OPEN ENCUMBRANCES** 7554

Upon the request of the agency to which a capital project 7555  
appropriation item is appropriated, the Director of Budget and 7556  
Management may transfer open encumbrance amounts between separate 7557  
encumbrances for the project appropriation item to the extent that 7558  
any reductions in encumbrances are agreed to by the contracting 7559  
vendor and the agency. 7560

**Section 31.01. LITIGATION PROCEEDS TO THE ADMINISTRATIVE** 7561  
**BUILDING FUND** 7562

Any proceeds received by the State of Ohio as the result of 7563  
litigation or a settlement agreement related to any liability for 7564  
the planning, design, engineering, construction, or construction 7565

management of such facilities operated by the Department of 7566  
Administrative Services shall be deposited into the Administrative 7567  
Building Fund (Fund 026). 7568

**Section 32.01. COAL RESEARCH AND DEVELOPMENT BONDS 7569**

The Ohio Public Facilities Commission, upon the request of 7570  
the Director of the Ohio Coal Development Office with the advice 7571  
of the Technical Advisory Committee created in section 1551.35 of 7572  
the Revised Code and the approval of the Director of the Air 7573  
Quality Development Authority, is hereby authorized to issue and 7574  
sell, in accordance with Section 15 of Article VIII, Ohio 7575  
Constitution, and Chapter 151., and particularly sections 151.01 7576  
and 151.07 and other applicable sections of the Revised Code, 7577  
bonds or other obligations of the State of Ohio heretofore 7578  
authorized by prior acts of the General Assembly. The obligations 7579  
shall be issued, subject to applicable constitutional and 7580  
statutory limitations, to provide sufficient moneys to the credit 7581  
of the Coal Research and Development Fund created in section 7582  
1555.15 of the Revised Code to pay costs charged to such fund when 7583  
due as estimated by the Director of the Ohio Coal Development 7584  
Office. 7585

**Section 33.01. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 7586**

The Ohio Administrative Knowledge System (OAKS) will be an 7587  
enterprise resource planning system that will replace the state's 7588  
central services infrastructure systems, including the Central 7589  
Accounting System, the Human Resources/Payroll System, the Capital 7590  
Improvements Projects Tracking System, the Fixed Assets Management 7591  
System, and the Procurement System. The Department of 7592  
Administrative Services, in conjunction with the Office of Budget 7593  
and Management, may acquire the system, including, but not limited 7594  
to, the enterprise resource planning software and installation and 7595

implementation thereof pursuant to Chapter 125. of the Revised 7596  
Code. Any lease-purchase arrangement utilized under Chapter 125. 7597  
of the Revised Code, including any fractionalized interest herein 7598  
as defined in division (N) of section 133.01 of the Revised Code, 7599  
shall provide at the end of the lease period that OAKS shall 7600  
become the property of the state. 7601

**Section 34.01. PUBLIC ASSISTANCE RECONCILIATION FUND** 7602

There is hereby created in the state treasury the Public 7603  
Assistance Reconciliation Fund (Fund 5AX). The fund, a state 7604  
special revenue fund, shall be used by the Department of Job and 7605  
Family Services to reimburse Ohio's federal TANF block grant 7606  
according to the process agreed to by the department and the 7607  
federal government. If both the Director of Job and Family 7608  
Services and the Director of Budget and Management determine that 7609  
sufficient cash is available in the fund, the fund also may be 7610  
used to provide cash in fiscal year 2005 for income maintenance to 7611  
the counties. Notwithstanding any state law restrictions to the 7612  
contrary, the Director of Budget and Management may, at the 7613  
request of the Director of Job and Family Services, transfer cash 7614  
either into or out of the Public Assistance Reconciliation Fund to 7615  
or from any other fund appropriated to the department. The amounts 7616  
are hereby appropriated and the Director of Budget and Management 7617  
shall establish a new appropriation item for the appropriation. 7618

Notwithstanding Section 145 of Am. Sub. H.B. 95 of the 125th 7619  
General Assembly as amended by Section 64 of Am. Sub. S.B. 189 of 7620  
the 125th General Assembly, the Director of Budget and Management 7621  
may, at the request of the Director of Job and Family Services, 7622  
transfer up to \$76,500,000 from the Federal Fiscal Relief Fund 7623  
(Fund 5Y9) to the Public Assistance Reconciliation Fund (Fund 7624  
5AX). Such amounts are hereby appropriated. Any federal funds 7625  
reimbursed to the Department as a result of this transfer shall be 7626

deposited to the Federal Fiscal Relief Fund. 7627

Notwithstanding Section 2 of Am. Sub. S.B. 170 of the 124th 7628  
General Assembly, the Director of Budget and Management may, at 7629  
the request of the Director of Job and Family Services, transfer 7630  
cash from the Child Support Special Payment Fund (Fund 5T2) to the 7631  
Public Assistance Reconciliation Fund (Fund 5AX). The amounts 7632  
shall not exceed the cash balance in the fund and are hereby 7633  
appropriated. 7634

This section is not subject to the referendum. Therefore, 7635  
under Ohio Constitution, Article II, Section 1d and section 1.471 7636  
of the Revised Code, this section goes into immediate effect when 7637  
this act becomes law. 7638

**Section 35.01.** Sections 3.01 to 32.01 of this act shall 7639  
remain in full force and effect commencing on July 1, 2004, and 7640  
terminating on June 30, 2006, for the purpose of drawing money 7641  
from the state treasury in payment of liabilities lawfully 7642  
incurred hereunder, and on June 30, 2006, and not before, the 7643  
moneys hereby appropriated shall lapse into the funds from which 7644  
they are severally appropriated. Because if, under Section 1c of 7645  
Article II, Ohio Constitution, Sections 3.01 to 32.01 of this act 7646  
do not take effect until after July 1, 2004, Sections 3.01 to 7647  
32.01 of this act shall be and remain in full force and effect 7648  
commencing on that later effective date. 7649

**Section 36.01.** That Sections 18.02, 18.16, 22, 26.10, 26.14, 7650  
26.19, 26.23, 26.48, and 27 of Am. Sub. S.B. 189 of the 125th 7651  
General Assembly be amended to read as follows: 7652

**Sec. 18.02.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 7653

CAP-773	Governor's Residence Renovations	\$	4,705	7654
CAP-809	Hazardous Substance Abatement	\$	1,688,120	7655

CAP-811	Health/EPA Laboratory Facilities	\$	20,840,003	7656
CAP-813	Heer Building Renovation	\$	1,500,000	7657
CAP-822	Americans with Disabilities Act	\$	1,535,675	7658
CAP-826	Office Services Building Renovation	\$	1,250,000	7659
CAP-827	Statewide Communications System	\$	72,787,285	7660
CAP-834	Capital Improvements Tracking System	\$	407,600	7661
CAP-835	Energy Conservation Projects	\$	1,817,260	7662
CAP-837	Major Computer Purchases	\$	1,824,884	7663
CAP-838	SOCC Renovations	\$	2,148,691	7664
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	7665
CAP-848	ODOT Building Boiler Replacement	\$	155,981	7666
CAP-849	Facility Planning and Development	\$	4,445,184	7667
CAP-850	Education Building Renovations	\$	308,482	7668
CAP-852	North High Building Complex Renovations	\$	2,689,102	7669
CAP-855	Office Space Planning	\$	70,300	7670
CAP-859	eSecure Ohio	\$	2,500,000	7671
CAP-860	Structured Cabling	\$	397,155	7672
CAP-864	eGovernment Infrastructure	\$	1,047,000	7673
CAP-865	DAS Building Security	\$	78,100	7674
CAP-867	Lausche Building Connector	\$	963,200	7675
<u>CAP-868</u>	<u>Riversouth Development</u>	<u>\$</u>	<u>9,000,000</u>	7676
Total Department of Administrative Services		\$	<del>118,516,627</del> <u>127,516,627</u>	7677

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 7678

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. 7679  
7680  
7681

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 7682  
7683  
7684  
7685

Services. Upon a determination by the Department of Administrative 7686  
Services that the requesting agency cannot fund the asbestos 7687  
abatement project or other toxic materials removal through 7688  
existing capital and operating appropriations, the department may 7689  
request the release of funds for such projects by the Controlling 7690  
Board. State agencies intending to fund asbestos abatement or 7691  
other toxic materials removal through existing capital and 7692  
operating appropriations shall notify the Director of 7693  
Administrative Services of the nature and scope prior to 7694  
commencing the project. 7695

Only agencies that have received appropriations for capital 7696  
projects from the Administrative Building Fund (Fund 026) are 7697  
eligible to receive funding from this item. Public school 7698  
districts are not eligible. 7699

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 7700

The foregoing appropriation item CAP-822, Americans with 7701  
Disabilities Act, shall be used to renovate state-owned facilities 7702  
to provide access for physically disabled persons in accordance 7703  
with Title II of the Americans with Disabilities Act. 7704

Prior to the release of funds for renovation, state agencies 7705  
shall perform self-evaluations of state-owned facilities 7706  
identifying barriers to access to service. State agencies shall 7707  
prioritize access barriers and develop a transition plan for the 7708  
removal of these barriers. The Department of Administrative 7709  
Services shall review proposals from state agencies to use these 7710  
funds for Americans with Disabilities Act renovations. 7711

Only agencies that have received appropriations for capital 7712  
projects from the Administrative Building Fund (Fund 026) are 7713  
eligible to receive funding from this item. Public school 7714  
districts are not eligible. 7715

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 7716

There is hereby continued a Multi-Agency Radio Communications 7717  
System (MARCS) Steering Committee consisting of the designees of 7718  
the Directors of Administrative Services, Public Safety, Natural 7719  
Resources, Transportation, Rehabilitation and Correction, and 7720  
Budget and Management. The Director of Administrative Services or 7721  
the director's designee shall chair the committee. The committee 7722  
shall provide assistance to the Director of Administrative 7723  
Services for effective and efficient implementation of the MARCS 7724  
system as well as develop policies for the ongoing management of 7725  
the system. Upon dates prescribed by the Directors of 7726  
Administrative Services and Budget and Management, the MARCS 7727  
Steering Committee shall report to the directors on the progress 7728  
of MARCS implementation and the development of policies related to 7729  
the system. 7730

The foregoing appropriation item CAP-827, Statewide 7731  
Communications System, shall be used to purchase or construct the 7732  
components of MARCS that are not specific to any one agency. The 7733  
equipment may include, but is not limited to, multi-agency 7734  
equipment at the Emergency Operations Center/Joint Dispatch 7735  
Facility, computer and telecommunication equipment used for the 7736  
functioning and integration of the system, communications towers, 7737  
tower sites, tower equipment, and linkages among towers and 7738  
between towers and the State of Ohio Network for Integrated 7739  
Communication (SONIC) system. The Director of Administrative 7740  
Services shall, with the concurrence of the MARCS Steering 7741  
Committee, determine the specific use of funds. 7742

Spending from this appropriation item shall not be subject to 7743  
Chapters 123. and 153. of the Revised Code. 7744

**ENERGY CONSERVATION PROJECTS** 7745

The foregoing appropriation item CAP-835, Energy Conservation 7746  
Projects, shall be used to perform energy conservation 7747

renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

RIVERSOUTH DEVELOPMENT

The amount reappropriated for the foregoing appropriation item CAP-868, Riversouth Development, is \$9,000,000.

**Sec. 18.16.** SOS SECRETARY OF STATE

CAP-002	Voting Machines	\$	5,800,000
Total	Secretary of State	\$	5,800,000
TOTAL	Administrative Building Fund	\$	<del>163,084,591</del> <u>172,084,591</u>

VOTING MACHINES

The foregoing appropriation item CAP-002, Voting Machines, shall be used to purchase upgraded voting equipment. Appropriation item CAP-002, Voting Machines, shall match federal funds provided through the Help America Vote Act of 2002.

**Sec. 22.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the ~~Arts~~ Cultural and Sports Facilities Building Fund (Fund 030) that are not otherwise appropriated:

Reappropriations

AFC ~~ARTS AND SPORTS~~ CULTURAL FACILITIES COMMISSION

CAP-003	Center of Science and Industry - Toledo	\$	12,268
CAP-004	Valentine Theatre	\$	1,111

CAP-005	Center of Science and Industry - Columbus	\$	181,636	7776
CAP-010	Sandusky State Theatre Improvements	\$	1,000,000	7777
CAP-017	Zion Center of the National Afro-American Museum	\$	488,232	7778
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$	2,395	7779
CAP-033	Woodward Opera House Renovation	\$	1,050,000	7780
CAP-037	Canton Palace Theatre Renovations	\$	1,066,126	7781
CAP-038	Center Exhibit Replacement	\$	750,000	7782
<del>CAP-041</del>	<del>Cleveland Playhouse</del>	<del>\$</del>	<del>500,000</del>	7783
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	625,000	7784
CAP-043	Statewide Site Repairs	\$	454,000	7785
CAP-046	Cincinnati Museum Center Improvements	\$	500,000	7786
CAP-052	Akron Art Museum	\$	6,634,666	7787
CAP-053	Powers Auditorium Improvements	\$	200,000	7788
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	7789
CAP-057	Comprehensive Master Plan	\$	180,000	7790
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	7791
CAP-061	Statewide Arts Facilities Planning	\$	35,931	7792
CAP-063	Robins Theatre Renovations	\$	1,000,000	7793
CAP-064	Bramley Historic House	\$	75,000	7794
CAP-066	Delaware County Cultural Arts Center	\$	40,000	7795
CAP-068	Perry County Historical Society	\$	100,000	7796
CAP-069	Cleveland Institute of Art	\$	750,000	7797
CAP-071	Cleveland Institute of Music	\$	750,000	7798
CAP-072	West Side Arts Consortium	\$	138,000	7799
CAP-074	Stan Hywet Hall & Gardens	\$	250,000	7800
CAP-075	McKinley Museum Improvements	\$	125,000	7801
CAP-076	Spring Hill Historic Home	\$	125,000	7802
CAP-077	Western Reserve Ballet Improvements	\$	100,000	7803

CAP-078	Midland Theatre	\$	175,000	7804
CAP-079	Lorain Palace Civic Theatre	\$	200,000	7805
CAP-080	Great Lakes Historical Society	\$	150,000	7806
CAP-734	Hayes Presidential Center	\$	75,000	7807
CAP-745	Historic Sites and Museums	\$	750,000	7808
CAP-753	Buffington Island State Memorial	\$	91,500	7809
CAP-770	Serpent Mound State Memorial	\$	295,000	7810
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	7811
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	7812
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	7813
CAP-791	Harrison Tomb and Site Renovations	\$	149,500	7814
CAP-796	Moundbuilders State Memorial	\$	530,000	7815
CAP-806	Grant Boyhood Home Improvements	\$	68,333	7816
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	7817
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	7818
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	7819
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	7820
CAP-821	Lorain County Historical Society	\$	300,000	7821
CAP-822	Madison County Historic Schoolhouse	\$	40,000	7822
CAP-823	Marion Palace Theatre	\$	825,000	7823
CAP-824	McConnellsville Opera House	\$	75,000	7824
CAP-825	Secrest Auditorium	\$	75,000	7825
CAP-826	Renaissance Theatre	\$	50,000	7826
CAP-827	Trumpet in the Land	\$	100,000	7827
CAP-828	Becky Thatcher Showboat	\$	30,000	7828
CAP-829	Mid Ohio Valley Players	\$	50,000	7829
CAP-830	The Anchorage	\$	50,000	7830
CAP-831	Wayne County Historical Society	\$	300,000	7831
CAP-833	Promont House Museum	\$	200,000	7832
CAP-836	Fairfield Outdoor Theatre	\$	100,000	7833

CAP-837	Lake County Historical Society	\$	250,000	7834
CAP-839	Hancock Historical Society	\$	75,000	7835
CAP-840	Riversouth Development	\$	<del>10,000,000</del>	7836
			<u>1,000,000</u>	7837
CAP-841	Ft. Piqua Hotel	\$	200,000	7838
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	7839
Total <del>Arts and Sports</del> <u>Cultural</u> Facilities		\$	<del>43,970,114</del>	7840
Commission			<u>34,470,114</u>	
TOTAL <del>Arts</del> <u>CULTURAL</u> and Sports Facilities Building		\$	<del>43,970,114</del>	7841
Fund			<u>34,470,114</u>	

COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT 7842

CONTRACTS 7843

Notwithstanding division (A) of section 3383.07 of the 7844  
Revised Code, the Ohio ~~Arts and Sports~~ Cultural Facilities 7845  
Commission, with respect to the foregoing appropriation item 7846  
CAP-005, Center of Science and Industry - Columbus, may administer 7847  
all or part of capital facilities project contracts involving 7848  
exhibit fabrication and installation as determined by the 7849  
Department of Administrative Services, the Center of Science and 7850  
Industry - Columbus, and the Ohio ~~Arts and Sports~~ Cultural 7851  
Facilities Commission in review of the project plans. The Ohio 7852  
~~Arts and Sports~~ Cultural Facilities Commission shall enter into a 7853  
contract with the Center of Science and Industry - Columbus to 7854  
administer the exhibit fabrication and installation contracts and 7855  
such contracts are not subject to Chapter 123. or 153. of the 7856  
Revised Code. 7857

SPORTS FACILITIES IMPROVEMENTS - AKRON 7858

The amount reappropriated to the ~~Arts~~ Cultural and Sports 7859  
Facilities Building Fund (Fund 030), CAP-024, Sports Facilities 7860  
Improvements - Akron, is the unallotted and unencumbered balance 7861  
in the Sports Facilities Building Fund (Fund 024), CAP-024, Sports 7862  
Facilities Improvements - Akron. 7863

REDS HALL OF FAME	7864
The amount reappropriated to the <del>Arts</del> <u>Cultural</u> and Sports	7865
Facilities Building Fund (Fund 030), CAP-025, Reds Hall of Fame,	7866
is the unallotted and unencumbered balance in the Sports	7867
Facilities Building Fund (Fund 024), CAP-025, Reds Hall of Fame.	7868
<u>AKRON ART MUSEUM</u>	7869
<u>The amount reappropriated for the foregoing appropriation</u>	7870
<u>item CAP-052, Akron Art Museum, is the unencumbered and unallotted</u>	7871
<u>balance as of June 30, 2004, in appropriation item CAP-052, Akron</u>	7872
<u>Art Museum, plus \$1,634,666.</u>	7873
<u>RIVERSOUTH DEVELOPMENT</u>	7874
<u>The amount reappropriated for the foregoing appropriation</u>	7875
<u>item CAP-840, Riversouth Development, is the unencumbered and</u>	7876
<u>unallotted balance as of June 30, 2004, in appropriation item</u>	7877
<u>CAP-840, Riversouth Development, minus \$9,000,000.</u>	7878
MARINA DISTRICT/ICE ARENA DEVELOPMENT	7879
The amount reappropriated to the <del>Arts</del> <u>Cultural</u> and Sports	7880
Facilities Building Fund (Fund 030), CAP-843, Marina District/Ice	7881
Arena Development, is the unallotted and unencumbered balance in	7882
the Sports Facilities Building Fund (Fund 024), CAP-073, Marina	7883
District/Ice Arena Development.	7884

Reappropriations

<b>Sec. 26.10. UAK UNIVERSITY OF AKRON</b>		7885
CAP-008 Basic Renovations	\$ 3,394,867	7886
CAP-047 Polsky Building Renovation	\$ 577,185	7887
CAP-049 Basic Renovations - Wayne	\$ 270,316	7888
CAP-054 Auburn Science/Whitby Rehabilitation	\$ 4,099,600	7889
CAP-061 Asbestos Abatement	\$ 29,650	7890
CAP-063 Child Care Facility	\$ 149,998	7891
CAP-075 Infrastructure Materials/Rehabilitation	\$ 102,932	7892

CAP-076	Supercritical Fluid Technology	\$	17,500	7893
CAP-080	UAK/Medina Technology Link	\$	43,307	7894
CAP-081	Classroom/Office Building - Arts/Sciences	\$	21,710	7895
CAP-091	Student Affairs Building	\$	1,235,626	7896
CAP-095	Online Math	\$	29,305	7897
CAP-097	Ohio NMR Consortium	\$	96,500	7898
CAP-098	Guzzetta Hall Addition	\$	7,784,808	7899
CAP-099	D Wing Expansion	\$	243,750	7900
CAP-100	Classroom Office Addition-Design	\$	120,120	7901
CAP-101	National Polymer Processing Center	\$	1,000,000	7902
CAP-102	Scanning Raman Spectrometer	\$	635	7903
CAP-104	Nanoscale Polymers Manufacturing	\$	237,500	7904
CAP-105	Hydrogen Production and Storage	\$	169,000	7905
CAP-107	Stan Hywet Hall and Gardens	\$	500,000	7906
CAP-108	Weathervane Theatre, Akron	\$	100,000	7907
CAP-109	Case Barlow Farm, Hudson	\$	100,000	7908
CAP-110	Springfield HS/UAK Distance Learning Project	\$	382,000	7909
Total University of Akron		\$	20,706,309	7910
<u>STAN HYWET HALL AND GARDENS</u>				7911
<u>The amount reappropriated for the foregoing appropriation</u>				7912
<u>item CAP-107, Stan Hywet Hall and Gardens, is the unencumbered and</u>				7913
<u>unallotted balance as of June 30, 2004, in appropriation item</u>				7914
<u>CAP-107, Stan Hywet Hall and Gardens, plus \$500,000.</u>				7915
<u>WEATHERVANE THEATRE, AKRON</u>				7916
<u>The amount reappropriated for the foregoing appropriation</u>				7917
<u>item CAP-108, Weathervane Theatre, Akron, is the unencumbered and</u>				7918
<u>unallotted balance as of June 30, 2004, in appropriation item</u>				7919
<u>CAP-108, Weathervane Theatre, Akron, plus \$100,000.</u>				7920
<u>CASE BARLOW FARM, HUDSON</u>				7921

The amount reappropriated for the foregoing appropriation 7922  
item CAP-109, Case Barlow Farm, Hudson, is the unencumbered and 7923  
unallotted balance as of June 30, 2004, in appropriation item 7924  
CAP-109, Case Barlow Farm, Hudson, plus \$100,000. 7925

SPRINGFIELD HS/UAK DISTANCE LEARNING PROJECT 7926

The amount reappropriated for the foregoing appropriation 7927  
item CAP-110, Springfield HS/UAK Distance Learning Project, is the 7928  
unencumbered and unallotted balance as of June 30, 2004, in 7929  
appropriation item CAP-110, Springfield HS/UAK Distance Learning 7930  
Project, plus \$382,000. 7931

Reappropriations

**Sec. 26.14. CLS CLEVELAND STATE UNIVERSITY** 7932

CAP-007	Stilwell Hall Completion	\$	25,160	7933
CAP-023	Basic Renovations	\$	4,173,262	7934
CAP-067	17th - 18th Street Block	\$	164,026	7935
CAP-069	Great Lakes Museum for Science, Environment, and Technology	\$	200,000	7936
CAP-088	Asbestos Abatement	\$	1,636,687	7937
CAP-092	Handicapped Requirements	\$	17,148	7938
CAP-101	Classroom Building Conversion	\$	50,000	7939
CAP-109	Classroom Upgrade	\$	533,031	7940
CAP-112	Land Acquisitions	\$	16,803	7941
CAP-114	Geographic Information Systems	\$	77,738	7942
CAP-117	Landscaping/Sidewalks/Stairs	\$	29,350	7943
CAP-118	Structural Concrete Rehabilitation	\$	36,893	7944
CAP-125	College of Education Building	\$	9,386,384	7945
CAP-126	Electrical System Upgrades Phase 2	\$	1,072,619	7946
CAP-127	Fire Alarm System Upgrade	\$	400,000	7947
CAP-128	Property Acquisition	\$	2,886,556	7948
CAP-130	WVIZ Technology Center	\$	1,000,000	7949
CAP-135	Law Building Stair Renovation	\$	6,669	7950

CAP-136	University Center HVAC Phase 1	\$	3,843	7951
CAP-137	University Center Elevator Upgrades	\$	26,545	7952
CAP-138	Student Services	\$	142,174	7953
CAP-139	Landscape, Sidewalk Replacement	\$	5,845	7954
CAP-142	Rhodes Tower Library Roof Replacement	\$	1,170,372	7955
CAP-143	Cleveland Food Bank	\$	500,000	7956
CAP-144	Rhodes Tower Plaza Renovation Phase 2	\$	1,300,000	7957
CAP-145	Cleveland Manufactures Technology Complex	\$	500,000	7958
CAP-146	Rhodes Tower Exterior Renovation	\$	56,709	7959
<u>CAP-155</u>	<u>Cleveland Playhouse</u>	<u>\$</u>	<u>500,000</u>	7960
Total Cleveland State University		\$	<u>25,417,813</u>	7961
			<u>25,917,813</u>	

BASIC RENOVATIONS 7962

The amount reappropriated for the foregoing appropriation 7963  
item CAP-023, Basic Renovations, is the unencumbered and 7964  
unallotted balance as of June 30, 2004, in appropriation item 7965  
CAP-023, Basic Renovations, plus \$9,122. 7966

CLEVELAND PLAYHOUSE 7967

The amount reappropriated for the foregoing appropriation 7968  
item CAP-155, Cleveland Playhouse, is the unencumbered and 7969  
unallotted balance as of June 30, 2004, in appropriation item 7970  
CAP-155, Cleveland Playouse, plus \$500,000. 7971

Reappropriations

**Sec. 26.19. SSC SHAWNEE STATE UNIVERSITY** 7972

CAP-004	Basic Renovations	\$	1,468,735	7973
CAP-008	Massie Hall Renovation	\$	54,541	7974
CAP-010	Land Acquisition	\$	116,917	7975
CAP-016	Library Building	\$	10,777	7976
CAP-017	Math/Science Building	\$	17,061	7977
CAP-029	Fine Arts Class and Lab Building	\$	108,704	7978

CAP-030	Utilities and Landscaping	\$	4,679	7979
CAP-037	ADA Modifications	\$	53,188	7980
CAP-039	Central Heating Plant Replacement	\$	5,215	7981
CAP-040	Chiller Replacement	\$	12,054	7982
CAP-041	Kricker Hall Renovation	\$	1,932	7983
CAP-042	Sidewalk/Plaza Replacement	\$	250,276	7984
CAP-043	Communication/Data Upgrade	\$	23,079	7985
CAP-044	Land Acquisition	\$	343,830	7986
CAP-045	Rehabilitation of Health Sciences Building Phase I	\$	1,681,974	7987
CAP-046	Digital Infrastructure	\$	81,153	7988
CAP-047	Natatorium Rehabilitation	\$	450,000	7989
CAP-048	Facilities Building Renovation	\$	242,120	7990
Total Shawnee State University		\$	4,926,235	7991

BASIC RENOVATIONS 7992

The amount reappropriated for the foregoing appropriation 7993  
item CAP-004, Basic Renovations, shall be \$53,917 plus the 7994  
unencumbered and unallotted balance as of June 30, 2004. 7995

**Sec. 26.23. MCO MEDICAL COLLEGE UNIVERSITY OF OHIO** 7996

CAP-010	Basic Renovations	\$	123,787	7997
CAP-046	Instructional and Data Processing Equipment	\$	490,676	7998
CAP-048	Medical Informatics Data Highway	\$	6,803	7999
CAP-049	Center for Classrooms of the Future	\$	5,460	8000
CAP-053	ADA Modifications	\$	8,258	8001
CAP-062	Waterproofing	\$	3,381	8002
CAP-066	Core Research Facility	\$	2,193,940	8003
CAP-067	Student Services	\$	553	8004
CAP-072	Campus Substation Repairs	\$	5,317	8005
CAP-074	Mulford Library Roof	\$	1,740	8006
CAP-076	Supplemental Renovations	\$	16,306	8007

CAP-077	Academic Classroom Improvements	\$	400,000	8008
CAP-078	Clinical Academic Renovation	\$	700,000	8009
CAP-079	Campus Waterproofing	\$	41,500	8010
Total Medical <del>College</del> <u>University</u> of Ohio		\$	3,997,721	8011

Reappropriations

<b>Sec. 26.48. STC STARK TECHNICAL COLLEGE</b>				8013
CAP-004	Basic Renovations	\$	537,874	8014
CAP-015	Loop Road Property	\$	629	8015
Acquisition/Development				
CAP-024	Phase 2 Renovations	\$	252	8016
CAP-027	Information Technology Learning Center	\$	10,000	8017
CAP-030	Northside Development Parking Lot -	\$	77,423	8018
Phase II				
CAP-031	Student Services	\$	31,087	8019
CAP-032	Automotive Technology Building Addition	\$	1,719,554	8020
Total Stark Technical College		\$	2,376,819	8021
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	<del>576,230,916</del>	8022
			<u>576,730,916</u>	

**Sec. 27.** All items set forth in this section are hereby 8024  
appropriated out of any moneys in the state treasury to the credit 8025  
of the Parks and Recreation Improvement Fund (Fund 035) that are 8026  
not otherwise appropriated: 8027

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES				8028
CAP-005	Cowan Lake State Park	\$	23,445	8029
CAP-008	Delaware State Park	\$	56,223	8030
CAP-011	Findley State Park	\$	22,856	8031
CAP-012	Land Acquisition	\$	6,800,000	8032
CAP-016	Hueston Woods State Park	\$	23,258	8033
CAP-017	Indian Lake State Park	\$	130,288	8034
CAP-019	Lake Hope State Park	\$	6,776	8035

CAP-025	Punderson State Park	\$	1,163	8036
CAP-029	Salt Fork State Park	\$	127,555	8037
CAP-032	West Branch State Park	\$	200,895	8038
CAP-045	Mary J. Thurston State Park Marina/Dock	\$	300,000	8039
CAP-051	Buck Creek State Park	\$	250	8040
CAP-064	Geneva State Park	\$	4,182	8041
CAP-069	Hocking Hills State Park	\$	87,756	8042
CAP-070	Lake Logan State Park	\$	600	8043
CAP-093	Portage Lakes State Park	\$	13,373	8044
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	8045
CAP-119	Forked Run State Park	\$	27,747	8046
CAP-162	Shawnee State Park	\$	760	8047
CAP-205	Deer Creek State Park	\$	19,051	8048
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	5,494,293	8049
CAP-331	Park Boating Facilities	\$	2,688,216	8050
CAP-390	State Park Maintenance Facility Development	\$	1,656,339	8051
CAP-701	Buckeye Lake Dam Rehabilitation	\$	427,756	8052
CAP-702	Upgrade Underground Storage Tanks	\$	234,134	8053
CAP-703	Cap Abandoned Water Wells	\$	78,000	8054
CAP-718	Grand Lake St. Mary's State Park	\$	251,882	8055
CAP-719	Indian Lake State Park	\$	1,000	8056
CAP-727	Riverfront Improvements	\$	1,275,000	8057
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000	8058
CAP-748	Local Parks Projects	\$	3,269,000	8059
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000	8060
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000	8061
CAP-836	State Parks Renovation/Upgrading	\$	350	8062
CAP-876	Statewide Trails Program	\$	1,168,398	8063

CAP-927	Mohican State Park	\$	96,816	8064
CAP-928	Handicapped Accessibility	\$	472,555	8065
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383	8066
CAP-931	Wastewater/Water Systems Upgrade	\$	2,804,375	8067
Total Department of Natural Resources		\$	30,102,675	8068
TOTAL Parks and Recreation Improvement Fund		\$	30,102,675	8069

CUYAHOGA VALLEY SCENIC RAILROAD 8070

The amount reappropriated for the foregoing appropriation 8071  
item CAP-827, Cuyahoga Valley Scenic Railroad, is the unencumbered 8072  
and unallotted balance as of June 30, 2004, in appropriation item 8073  
CAP-827, Cuyahoga Valley Scenic Railroad, minus \$2,716,666. 8074

**Section 36.02.** That existing Sections 18.02, 18.16, 22, 8075  
26.10, 26.14, 26.19, 26.23, 26.48, and 27 of Am. Sub. S.B. 189 of 8076  
the 125th General Assembly are hereby repealed. 8077

**Section 37.01.** That Sections 6 and 31 of Am. Sub. H.B. 95 of 8078  
the 125th General Assembly be amended to read as follows: 8079

**Sec. 6. PAY ACCRUED LEAVE LIABILITY** 8080

Accrued Leave Liability Fund Group				8081
806	995-666	Accrued Leave Fund	\$ 70,783,792 \$ 78,296,200	8082
807	995-667	Disability Fund	\$ 47,269,465 \$ 50,098,308	8083
TOTAL ALF Accrued Leave Liability				8084
Fund Group		\$ 118,053,257 \$ 128,394,508		8085
Agency Fund Group				8086
808	995-668	State Employee Health	\$ 312,724,593 \$ 371,450,611	8087
Benefit Fund				
809	995-669	Dependent Care	\$ 3,691,169 \$ 4,060,286	8088
Spending Account				
810	995-670	Life Insurance	\$ 1,925,110 \$ 1,992,489	8089
Investment Fund				

811	995-671	Parental Leave Benefit	\$	4,350,302	\$	4,785,332	8090
		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>	8091
		<u>Account</u>					
TOTAL AGY	Agency Fund Group		\$	322,691,174	\$	<del>382,288,718</del>	8092
						<u>384,288,718</u>	
TOTAL ALL BUDGET	FUND GROUPS		\$	440,744,431	\$	<del>510,683,226</del>	8093
						<u>512,683,226</u>	

ACCRUED LEAVE LIABILITY FUND 8094

The foregoing appropriation item 995-666, Accrued Leave Fund, 8095  
shall be used to make payments from the Accrued Leave Liability 8096  
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 8097  
If it is determined by the Director of Budget and Management that 8098  
additional amounts are necessary, the amounts are appropriated. 8099

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 8100

The foregoing appropriation item 995-667, Disability Fund, 8101  
shall be used to make payments from the State Employee Disability 8102  
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 8103  
Revised Code. If it is determined by the Director of Budget and 8104  
Management that additional amounts are necessary, the amounts are 8105  
appropriated. 8106

STATE EMPLOYEE HEALTH BENEFIT FUND 8107

The foregoing appropriation item 995-668, State Employee 8108  
Health Benefit Fund, shall be used to make payments from the State 8109  
Employee Health Benefit Fund (Fund 808), pursuant to section 8110  
124.87 of the Revised Code. If it is determined by the Director of 8111  
Budget and Management that additional amounts are necessary, the 8112  
amounts are appropriated. 8113

At the request of the Director of Administrative Services, 8114  
the Director of Budget and Management shall transfer up to 8115  
\$250,000 in cash from the State Employee Health Benefit Fund (Fund 8116

808) to the Health Care Spending Account Fund (Fund 813) during 8117  
fiscal year 2005. This cash shall be transferred as needed to 8118  
provide an initial operating cash balance for the Health Care 8119  
Spending Account Fund and to assure adequate cash flow for the 8120  
Health Care Spending Account Fund during fiscal year 2005. Not 8121  
later than January 15, 2005, the Director of Administrative 8122  
Services shall submit a plan to the Director of Budget and 8123  
Management that provides for the repayment during fiscal year 2006 8124  
and fiscal year 2007 of all cash transfers made from the State 8125  
Employee Health Benefit Fund (Fund 808) to the Health Care 8126  
Spending Account Fund (Fund 813) during fiscal year 2005. 8127

DEPENDENT CARE SPENDING ACCOUNT 8128

The foregoing appropriation item 995-669, Dependent Care 8129  
Spending Account, shall be used to make payments from the 8130  
Dependent Care Spending Account (Fund 809) to employees eligible 8131  
for dependent care expenses. If it is determined by the Director 8132  
of Budget and Management that additional amounts are necessary, 8133  
the amounts are appropriated. 8134

LIFE INSURANCE INVESTMENT FUND 8135

The foregoing appropriation item 995-670, Life Insurance 8136  
Investment Fund, shall be used to make payments from the Life 8137  
Insurance Investment Fund (Fund 810) for the costs and expenses of 8138  
the state's life insurance benefit program pursuant to section 8139  
125.212 of the Revised Code. If it is determined by the Director 8140  
of Budget and Management that additional amounts are necessary, 8141  
the amounts are appropriated. 8142

PARENTAL LEAVE BENEFIT FUND 8143

The foregoing appropriation item 995-671, Parental Leave 8144  
Benefit Fund, shall be used to make payments from the Parental 8145  
Leave Benefit Fund (Fund 811) to employees eligible for parental 8146  
leave benefits pursuant to section 124.137 of the Revised Code. If 8147

it is determined by the Director of Budget and Management that 8148  
 additional amounts are necessary, the amounts are appropriated. 8149

HEALTH CARE SPENDING ACCOUNT 8150

There is hereby established in the state treasury the Health 8151  
 Care Spending Account Fund (Fund 813). The foregoing appropriation 8152  
 item 995-672, Health Care Spending Account, shall be used to make 8153  
 payments from the fund. The fund shall be under the supervision of 8154  
 the Department of Administrative Services and shall be used to 8155  
 make payments pursuant to state employees' participation in a 8156  
 flexible spending account for non-insured health care expenses 8157  
 pursuant to Section 125 of the Internal Revenue Code. All income 8158  
 derived from investment of the fund shall accrue to the fund. 8159

If it is determined by the Director of Administrative 8160  
 Services that additional appropriation amounts are necessary, the 8161  
 Director of Administrative Services may request that the Director 8162  
 of Budget and Management increase such amounts. Such amounts are 8163  
 hereby appropriated. 8164

**Sec. 31. CEB CONTROLLING BOARD** 8165

General Revenue Fund 8166

GRF 911-401 Emergency	\$	5,000,000	\$	<del>5,000,000</del>	8167
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Purposes/Contingencies				<u>7,500,000</u>	
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GRF 911-404 Mandate Assistance	\$	1,462,500	\$	1,462,500	8168
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GRF 911-441 Ballot Advertising	\$	887,500	\$	487,500	8169
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Costs

TOTAL GRF General Revenue Fund	\$	7,350,000	\$	<del>6,950,000</del>	8170
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9,450,000

State Special Revenue Fund Group 8171

5E2 911-601 Disaster Services	\$	4,000,000	\$	0	8172
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TOTAL SSR State Special 8173

Revenue Fund Group	\$	4,000,000	\$	0	8174
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Department of Public Safety General Revenue Fund appropriation 8204  
item to provide for assistance to political subdivisions made 8205  
necessary by natural disasters or emergencies. These transfers may 8206  
be requested and approved prior to the occurrence of any specific 8207  
natural disasters or emergencies in order to facilitate the 8208  
provision of timely assistance. The Emergency Management Agency of 8209  
the Department of Public Safety shall use the funding for disaster 8210  
aid requests that meet the Emergency Management Agency's criteria 8211  
for assistance. 8212

The foregoing appropriation item 911-601, Disaster Services, 8213  
shall be used by the Controlling Board, pursuant to requests 8214  
submitted by state agencies, to transfer cash and appropriation 8215  
authority to any fund and appropriation item for the payment of 8216  
state agency program expenses as follows: 8217

(A) The southern Ohio flooding, referred to as 8218  
FEMA-DR-1164-OH; 8219

(B) The flood/storm disaster referred to as FEMA-DR-1227-OH; 8220

(C) The Southern Ohio flooding, referred to as 8221  
FEMA-DR-1321-OH; 8222

(D) The flooding referred to as FEMA-DR-1339-OH; 8223

(E) The tornado/storms referred to as FEMA-DR-1343-OH; 8224

(F) Other disasters declared by the Governor, if the Director 8225  
of Budget and Management determines that sufficient funds exist 8226  
beyond the expected program costs of these disasters. 8227

The unencumbered balance of appropriation item 911-601, 8228  
Disaster Services, at the end of fiscal year 2004 is transferred 8229  
to fiscal year 2005 for use under the same appropriation item. 8230

MANDATE ASSISTANCE 8231

(A) The foregoing appropriation item 911-404, Mandate 8232  
Assistance, shall be used to provide financial assistance to local 8233

units of government, school districts, and fire departments for 8234  
the cost of the following three unfunded state mandates: 8235

(1) The cost to county prosecutors for prosecuting certain 8236  
felonies that occur on the grounds of state institutions operated 8237  
by the Department of Rehabilitation and Correction and the 8238  
Department of Youth Services; 8239

(2) The cost, primarily to small villages and townships, of 8240  
providing firefighter training and equipment or gear; 8241

(3) The cost to school districts of in-service training for 8242  
child abuse detection. 8243

(B) The Department of Commerce, the Office of Criminal 8244  
Justice Services, and the Department of Education may prepare and 8245  
submit to the Controlling Board one or more requests to transfer 8246  
appropriations from appropriation item 911-404, Mandate 8247  
Assistance. The state agencies charged with this administrative 8248  
responsibility are listed below, as well as the estimated annual 8249  
amounts that may be used for each program of state financial 8250  
assistance. 8251

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Office of Criminal	\$146,500	8254
	Justice Services		8255
Firefighter Training	Department of	\$731,000	8256
Costs	Commerce		
Child Abuse Detection	Department of	\$585,000	8257
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 8258  
year for appropriation item 911-404, Mandate Assistance, the 8259  
Department of Commerce, the Office of Criminal Justice Services, 8260  
and the Department of Education may request from the Controlling 8261  
Board that amounts smaller or larger than these estimated annual 8262

amounts be transferred to each program. 8263

(D) In addition to making the initial transfers requested by 8264  
the Department of Commerce, the Office of Criminal Justice 8265  
Services, and the Department of Education, the Controlling Board 8266  
may transfer appropriations received by a state agency under this 8267  
section back to appropriation item 911-404, Mandate Assistance, or 8268  
to one or more of the other programs of state financial assistance 8269  
identified under this section. 8270

(E) It is expected that not all costs incurred by local units 8271  
of government, school districts, and fire departments under each 8272  
of the three programs of state financial assistance identified 8273  
under this section will be fully reimbursed by the state. 8274  
Reimbursement levels may vary by program and shall be based on: 8275  
the relationship between the appropriation transfers requested by 8276  
the Department of Commerce, the Office of Criminal Justice 8277  
Services, and the Department of Education and provided by the 8278  
Controlling Board for each of the programs; the rules and 8279  
procedures established for each program by the administering state 8280  
agency; and the actual costs incurred by local units of 8281  
government, school districts, and fire departments. 8282

(F) Each of these programs of state financial assistance 8283  
shall be carried out as follows: 8284

(1) PROSECUTION COSTS 8285

(a) Appropriations may be transferred to the Office of 8286  
Criminal Justice Services to cover local prosecution costs for 8287  
aggravated murder, murder, felonies of the first degree, and 8288  
felonies of the second degree that occur on the grounds of 8289  
institutions operated by the Department of Rehabilitation and 8290  
Correction and the Department of Youth Services. 8291

(b) Upon a delinquency filing in juvenile court or the return 8292  
of an indictment for aggravated murder, murder, or any felony of 8293

the first or second degree that was committed at a Department of 8294  
Youth Services or a Department of Rehabilitation and Correction 8295  
institution, the affected county may, in accordance with rules 8296  
that the Office of Criminal Justice Services shall adopt, apply to 8297  
the Office of Criminal Justice Services for a grant to cover all 8298  
documented costs that are incurred by the county prosecutor's 8299  
office. 8300

(c) Twice each year, the Office of Criminal Justice Services 8301  
shall designate counties to receive grants from those counties 8302  
that have submitted one or more applications in compliance with 8303  
the rules that have been adopted by the Office of Criminal Justice 8304  
Services for the receipt of such grants. In each year's first 8305  
round of grant awards, if sufficient appropriations have been 8306  
made, up to a total of \$100,000 may be awarded. In each year's 8307  
second round of grant awards, the remaining appropriations 8308  
available for this purpose may be awarded. 8309

(d) If for a given round of grants there are insufficient 8310  
appropriations to make grant awards to all the eligible counties, 8311  
the first priority shall be given to counties with cases involving 8312  
aggravated murder and murder; second priority shall be given to 8313  
cases involving a felony of the first degree; and third priority 8314  
shall be given to cases involving a felony of the second degree. 8315  
Within these priorities, the grant awards shall be based on the 8316  
order in which the applications were received, except that 8317  
applications for cases involving a felony of the first or second 8318  
degree shall not be considered in more than two consecutive rounds 8319  
of grant awards. 8320

(2) FIREFIGHTER TRAINING COSTS 8321

Appropriations may be transferred to the Department of 8322  
Commerce for use as full or partial reimbursement to local units 8323  
of government and fire departments for the cost of firefighter 8324

training and equipment or gear. In accordance with rules that the  
department shall adopt, a local unit of government or fire  
department may apply to the department for a grant to cover all  
documented costs that are incurred to provide firefighter training  
and equipment or gear. The department shall make grants within the  
limits of the funding provided, with priority given to fire  
departments that serve small villages and townships.

(3) CHILD ABUSE DETECTION TRAINING COSTS 8332

Appropriations may be transferred to the Department of  
Education for disbursement to local school districts as full or  
partial reimbursement for the cost of providing in-service  
training for child abuse detection. In accordance with rules that  
the department shall adopt, a local school district may apply to  
the department for a grant to cover all documented costs that are  
incurred to provide in-service training for child abuse detection.  
The department shall make grants within the limits of the funding  
provided.

(G) Any moneys allocated within appropriation item 911-404,  
Mandate Assistance, not fully utilized may, upon application of  
the Ohio Public Defender Commission, and with the approval of the  
Controlling Board, be disbursed to boards of county commissioners  
to provide additional reimbursement for the costs incurred by  
counties in providing defense to indigent defendants pursuant to  
Chapter 120. of the Revised Code.

The amount to be disbursed to each county shall be allocated  
proportionately on the basis of the total amount of reimbursement  
paid to each county as a percentage of the amount of reimbursement  
paid to all of the counties during the most recent state fiscal  
year for which data is available and as calculated by the Ohio  
Public Defender Commission.

BALLOT ADVERTISING COSTS 8355

Pursuant to requests submitted by the Ohio Ballot Board, the Controlling Board shall approve transfers from the foregoing appropriation item 911-441, Ballot Advertising Costs, to an Ohio Ballot Board appropriation item in order to reimburse county boards of elections for the cost of public notices associated with statewide ballot initiatives.

Of the foregoing appropriation item 911-441, Ballot Advertising Costs, the Director of Budget and Management shall transfer any amounts that are not needed for the purpose of reimbursing county boards of elections for the cost of public notices associated with statewide ballot initiatives to appropriation item 911-404, Mandate Assistance.

**Section 37.02.** That existing Sections 6 and 31 of Am. Sub. H.B. 95 of the 125th General Assembly are hereby repealed.

**Section 37.03.** The amendments by this act of Sections 6 and 31 of Am. Sub. H.B. 95 of the 125th General Assembly are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendments go into immediate effect when this act becomes law.

**Section 37.04.** That Sections 89, 89.04, and 89.08 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 189 of the 125th General Assembly, be amended to read as follows:

**Sec. 89. BOR BOARD OF REGENTS**

General Revenue Fund						8378
GRF 235-321 Operating Expenses	\$	3,336,284	\$	2,767,219		8379
GRF 235-401 Lease Rental Payments	\$	246,500,700	\$	216,836,400		8380
GRF 235-402 Sea Grants	\$	274,895	\$	274,895		8381
GRF 235-403 Math/Science Teaching	\$	1,757,614	\$	1,757,614		8382

	Improvement					
GRF 235-404	College Readiness	\$	3,152,603	\$	3,401,759	8384
	Initiatives					
GRF 235-406	Articulation and	\$	733,200	\$	733,200	8385
	Transfer					
GRF 235-408	Midwest Higher	\$	82,500	\$	82,500	8386
	Education Compact					
GRF 235-409	Information System	\$	1,185,879	\$	1,154,671	8387
GRF 235-414	State Grants and	\$	1,219,719	\$	1,211,373	8388
	Scholarship					
	Administration					
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	8389
GRF 235-417	Ohio Learning Network	\$	3,413,046	\$	3,327,720	8390
GRF 235-418	Access Challenge	\$	67,568,622	\$	67,568,622	8391
GRF 235-420	Success Challenge	\$	51,113,077	\$	56,113,077	8392
GRF 235-428	Appalachian New	\$	1,179,893	\$	1,147,895	8393
	Economy Partnership					
GRF 235-451	Eminent Scholars	\$	0	\$	1,462,500	8394
GRF 235-454	Research Challenge	\$	18,330,000	\$	18,330,000	8395
GRF 235-455	EnterpriseOhio Network	\$	1,505,262	\$	1,465,650	8396
GRF 235-474	Area Health Education	\$	1,722,226	\$	1,676,670	8397
	Centers Program					
	Support					
GRF 235-477	Access Improvement	\$	1,048,664	\$	1,080,124	8398
	Projects					
GRF 235-501	State Share of	\$	1,534,189,277	\$	1,559,096,031	8399
	Instruction					
GRF 235-502	Student Support	\$	870,675	\$	848,908	8400
	Services					
GRF 235-503	Ohio Instructional	\$	111,966,343	\$	115,325,333	8401
	Grants					
GRF 235-504	War Orphans	\$	4,672,321	\$	4,672,321	8402
	Scholarships					

GRF 235-507	OhioLINK	\$	7,028,392	\$	7,028,392	8403
GRF 235-508	Air Force Institute of Technology	\$	2,096,523	\$	2,053,860	8404
GRF 235-509	Displaced Homemakers	\$	204,865	\$	199,743	8405
GRF 235-510	Ohio Supercomputer Center	\$	4,208,472	\$	4,103,260	8406
GRF 235-511	Cooperative Extension Service	\$	25,644,863	\$	25,644,863	8407
GRF 235-513	Ohio University Voinovich Center	\$	311,977	\$	305,178	8408
GRF 235-514	Central State Supplement	\$	11,039,203	\$	11,039,203	8409
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,303,612	\$	3,212,271	8410
GRF 235-518	Capitol Scholarship Programs	\$	245,000	\$	245,000	8411
GRF 235-519	Family Practice	\$	5,529,432	\$	5,391,196	8412
GRF 235-520	Shawnee State Supplement	\$	2,082,289	\$	2,082,289	8413
GRF 235-521	The Ohio State University Glenn Institute	\$	311,977	\$	305,178	8414
GRF 235-524	Police and Fire Protection	\$	209,046	\$	203,819	8415
GRF 235-525	Geriatric Medicine	\$	820,696	\$	800,179	8416
GRF 235-526	Primary Care Residencies	\$	2,730,013	\$	2,661,762	8417
GRF 235-527	Ohio Aerospace Institute	\$	1,933,607	\$	1,882,767	8418
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	8419
GRF 235-531	Student Choice Grants	\$	52,139,646	\$	52,139,646	8420
GRF 235-534	Student Workforce	\$	2,437,500	\$	2,437,500	8421

Development Grants						
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,830,188	\$	35,830,188	8422
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	8423
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	8424
GRF 235-538	Medical College <u>University</u> of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	8425
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	8426
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	8427
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	8428
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	424,033	\$	424,033	8429
GRF 235-547	School of International Business	\$	1,264,611	\$	1,232,996	8430
GRF 235-549	Part-time Student Instructional Grants	\$	14,036,622	\$	14,457,721	8431
GRF 235-552	Capital Component	\$	18,711,936	\$	18,711,936	8432
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,074,550	\$	2,993,937	8433

GRF 235-554	Computer Science Graduate Education	\$ 2,577,209	\$ 2,512,779	8434
GRF 235-555	Library Depositories	\$ 1,775,467	\$ 1,731,080	8435
GRF 235-556	Ohio Academic Resources Network	\$ 3,657,009	\$ 3,803,289	8436
GRF 235-558	Long-term Care Research	\$ 230,906	\$ 225,134	8437
GRF 235-561	Bowling Green State University Canadian Studies Center	\$ 121,586	\$ 118,546	8438
GRF 235-572	The Ohio State University Clinic Support	\$ 1,400,394	\$ 1,362,259	8439
GRF 235-583	Urban University Programs	\$ 5,692,236	\$ 5,553,506	8440
GRF 235-585	Ohio University Innovation Center	\$ 41,596	\$ 40,556	8441
GRF 235-587	Rural University Projects	\$ 1,224,510	\$ 1,224,510	8442
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$ 853,262	\$ 853,262	8443
GRF 235-595	International Center for Water Resources Development	\$ 137,352	\$ 133,918	8444
GRF 235-596	Hazardous Materials Program	\$ 339,647	\$ 331,156	8445
GRF 235-599	National Guard Scholarship Program	\$ 14,752,916	\$ 16,078,208	8446
GRF 235-909	Higher Education General Obligation Debt Service	\$ 97,668,000	\$ 130,967,600	8447
TOTAL GRF	General Revenue Fund	\$ 2,444,993,342	\$ 2,483,736,601	8448

General Services Fund Group				8449
220	235-614	Program Approval and Reauthorization	\$ 400,000 \$ 400,000	8450
456	235-603	Sales and Services	\$ 500,002 \$ 500,003	8451
TOTAL GSF General Services Fund Group				8452
				8453
Federal Special Revenue Fund Group				8454
3H2	235-608	Human Services Project	\$ 1,500,000 \$ 1,500,000	8455
3N6	235-605	State Student Incentive Grants	\$ 2,196,680 \$ 2,196,680	8456
3T0	235-610	National Health Service Corps - Ohio Loan Repayment	\$ 150,001 \$ 150,001	8457
312	235-609	Tech Prep	\$ 183,850 \$ 183,850	8458
312	235-611	Gear-up Grant	\$ 1,478,245 \$ 1,370,691	8459
312	235-612	Carl D. Perkins Grant/Plan Administration	\$ 112,960 \$ 112,960	8460
312	235-615	Professional Development	\$ 523,129 \$ 523,129	8461
312	235-616	Workforce Investment Act Administration	\$ 850,000 \$ 850,000	8462
312	235-631	Federal Grants	\$ 3,444,949 \$ 3,150,590	8463
TOTAL FED Federal Special Revenue Fund Group				8464
				8465
State Special Revenue Fund Group				8466
4E8	235-602	Higher Educational Facility Commission Administration	\$ 20,000 \$ 20,000	8467
4P4	235-604	Physician Loan Repayment	\$ 476,870 \$ 476,870	8468
649	235-607	The Ohio State	\$ 760,000 \$ 760,000	8469

University				
Highway/Transportation				
Research				
682 235-606 Nursing Loan Program	\$	893,000	\$ 893,000	8470
TOTAL SSR State Special Revenue				8471
Fund Group	\$	2,149,870	\$ 2,149,870	8472
TOTAL ALL BUDGET FUND GROUPS	\$	2,458,483,028	\$ 2,496,824,375	8473

**Sec. 89.04. STATE SHARE OF INSTRUCTION** 8475

As soon as practicable during each fiscal year of the 8476  
 2003-2005 biennium in accordance with instructions of the Board of 8477  
 Regents, each state-assisted institution of higher education shall 8478  
 report its actual enrollment to the Board of Regents. 8479

The Board of Regents shall establish procedures required by 8480  
 the system of formulas set out below and for the assignment of 8481  
 individual institutions to categories described in the formulas. 8482  
 The system of formulas establishes the manner in which aggregate 8483  
 expenditure requirements shall be determined for each of the three 8484  
 components of institutional operations. In addition to other 8485  
 adjustments and calculations described below, the subsidy 8486  
 entitlement of an institution shall be determined by subtracting 8487  
 from the institution's aggregate expenditure requirements income 8488  
 to be derived from the local contributions assumed in calculating 8489  
 the subsidy entitlements. The local contributions for purposes of 8490  
 determining subsidy support shall not limit the authority of the 8491  
 individual boards of trustees to establish fee levels. 8492

The General Studies and Technical models shall be adjusted by 8493  
 the Board of Regents so that the share of state subsidy earned by 8494  
 those models is not altered by changes in the overall local share. 8495  
 A lower-division fee differential shall be used to maintain the 8496  
 relationship that would have occurred between these models and the 8497  
 baccalaureate models had an assumed share of 37 per cent been 8498

funded. 8499

In defining the number of full-time equivalent (FTE) students 8500  
for state subsidy purposes, the Board of Regents shall exclude all 8501  
undergraduate students who are not residents of Ohio, except those 8502  
charged in-state fees in accordance with reciprocity agreements 8503  
made pursuant to section 3333.17 of the Revised Code or employer 8504  
contracts entered into pursuant to section 3333.32 of the Revised 8505  
Code. 8506

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 8507

(1) INSTRUCTION AND SUPPORT SERVICES 8508

MODEL	FY 2004	FY 2005	
General Studies I	\$ 4,947	\$ 4,983	8510
General Studies II	\$ 5,323	\$ 5,336	8511
General Studies III	\$ 6,883	\$ 7,120	8512
Technical I	\$ 5,913	\$ 6,137	8513
Technical III	\$ 9,522	\$ 10,026	8514
Baccalaureate I	\$ 7,623	\$ 7,721	8515
Baccalaureate II	\$ 8,584	\$ 8,864	8516
Baccalaureate III	\$ 12,559	\$ 12,932	8517
Masters and Professional I	\$ 15,867	\$ 18,000	8518
Masters and Professional II	\$ 20,861	\$ 22,141	8519
Masters and Professional III	\$ 27,376	\$ 28,190	8520
Medical I	\$ 30,867	\$ 31,819	8521
Medical II	\$ 41,495	\$ 41,960	8522
MPD I	\$ 14,938	\$ 14,966	8523

(2) STUDENT SERVICES 8524

For this purpose, FTE counts shall be weighted to reflect 8525  
differences among institutions in the numbers of students enrolled 8526  
on a part-time basis. The student services subsidy per FTE shall 8527  
be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all 8528  
models. 8529

(B) PLANT OPERATION AND MAINTENANCE (POM)			8530
(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY			8531
Space undergoing renovation shall be funded at the rate			8532
allowed for storage space.			8533
In the calculation of square footage for each campus, square			8534
footage shall be weighted to reflect differences in space			8535
utilization.			8536
The space inventories for each campus shall be those			8537
determined in the fiscal year 2003 state share of instruction			8538
calculation, adjusted for changes attributable to the construction			8539
or renovation of facilities for which state appropriations were			8540
made or local commitments were made prior to January 1, 1995.			8541
Only 50 per cent of the space permanently taken out of			8542
operation in fiscal year 2004 or fiscal year 2005 that is not			8543
otherwise replaced by a campus shall be deleted from the plant			8544
operation and maintenance space inventory.			8545
The square-foot-based plant operation and maintenance subsidy			8546
for each campus shall be determined as follows:			8547
(a) For each standard room type category shown below, the			8548
subsidy-eligible net assignable square feet (NASF) for each campus			8549
shall be multiplied by the following rates, and the amounts summed			8550
for each campus to determine the total gross square-foot-based POM			8551
expenditure requirement:			8552
	FY 2004	FY 2005	8553
Classrooms	\$5.80	\$6.04	8554
Laboratories	\$7.22	\$7.53	8555
Offices	\$5.80	\$6.04	8556
Audio Visual Data Processing	\$7.22	\$7.53	8557
Storage	\$2.57	\$2.68	8558
Circulation	\$7.31	\$7.62	8559

Other	\$5.80	\$6.04	8560
<p>(b) The total gross square-foot POM expenditure requirement 8561  shall be allocated to models in proportion to each campus's 8562  activity-based POM weight multiplied by the two- or five-year 8563  average subsidy-eligible FTEs for all models. 8564</p>			
<p>(c) The amounts allocated to models in division (B)(1)(b) of 8565  this section shall be multiplied by the ratio of subsidy-eligible 8566  FTE students to total FTE students reported in each model, and the 8567  amounts summed for all models. To this total amount shall be added 8568  an amount to support roads and grounds expenditures, which shall 8569  also be multiplied by the ratio of subsidy-eligible FTE students 8570  to total FTEs reported for each model. From this total amount, the 8571  amounts for Doctoral I and Doctoral II shall be subtracted to 8572  produce the square-foot-based POM subsidy. 8573</p>			
(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY			8574
<p>(a) The number of subsidy-eligible FTE students in each model 8575  shall be multiplied by the following rates for each campus for 8576  each fiscal year. 8577</p>			
		FY 2004	FY 2005
General Studies I		\$ 552	\$ 560
General Studies II		\$ 696	\$ 705
General Studies III		\$1,608	\$1,651
Technical I		\$ 777	\$ 806
Technical III		\$1,501	\$1,570
Baccalaureate I		\$ 700	\$ 706
Baccalaureate II		\$1,250	\$1,232
Baccalaureate III		\$1,520	\$1,458
Masters and Professional I		\$1,258	\$1,301
Masters and Professional II		\$2,817	\$2,688
Masters and Professional III		\$3,832	\$3,712
Medical I		\$2,663	\$2,669
Medical II		\$3,837	\$4,110

MPD I	\$1,213	\$1,233	8592
(b) The sum of the products for each campus determined in			8593
division (B)(2)(a) of this section for all models except Doctoral			8594
I and Doctoral II for each fiscal year shall be weighted by a			8595
factor to reflect sponsored research activity and job			8596
training-related public services expenditures to determine the			8597
total activity-based POM subsidy.			8598
(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS			8599
(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS			8600
The calculation of the core subsidy entitlement shall consist			8601
of the following components:			8602
(a) For each campus and for each fiscal year, the core			8603
subsidy entitlement shall be determined by multiplying the amounts			8604
listed above in divisions (A)(1) and (2) and (B)(2) of this			8605
section less assumed local contributions, by (i) average			8606
subsidy-eligible FTEs for the two-year period ending in the prior			8607
year for all models except Doctoral I and Doctoral II; and (ii)			8608
average subsidy-eligible FTEs for the five-year period ending in			8609
the prior year for all models except Doctoral I and Doctoral II.			8610
(b) In calculating the core subsidy entitlements for Medical			8611
II models only, the Board of Regents shall use the following count			8612
of FTE students:			8613
(i) For those medical schools whose current year enrollment,			8614
including students repeating terms, is below the base enrollment,			8615
the Medical II FTE enrollment shall equal: 65 per cent of the base			8616
enrollment plus 35 per cent of the current year enrollment			8617
including students repeating terms, where the base enrollment is:			8618
The Ohio State University		1010	8619
University of Cincinnati		833	8620
Medical College <u>University</u> of Ohio at		650	8621
Toledo			

Wright State University	433	8622
Ohio University	433	8623
Northeastern Ohio Universities College of Medicine	433	8624

(ii) For those medical schools whose current year enrollment, 8625  
excluding students repeating terms, is equal to or greater than 8626  
the base enrollment, the Medical II FTE enrollment shall equal the 8627  
base enrollment plus the FTE for repeating students. 8628

(iii) Students repeating terms may be no more than five per 8629  
cent of current year enrollment. 8630

(c) The Board of Regents shall compute the sum of the two 8631  
calculations listed in division (C)(1)(a) of this section and use 8632  
the greater sum as the core subsidy entitlement. 8633

The POM subsidy for each campus shall equal the greater of 8634  
the square-foot-based subsidy or the activity-based POM subsidy 8635  
component of the core subsidy entitlement. 8636

(d) The state share of instruction provided for doctoral 8637  
students shall be based on a fixed percentage of the total 8638  
appropriation. In each fiscal year of the biennium not more than 8639  
10.34 per cent of the total state share of instruction shall be 8640  
reserved to implement the recommendations of the Graduate Funding 8641  
Commission. It is the intent of the General Assembly that the 8642  
doctoral reserve not exceed 10.34 per cent of the total state 8643  
share of instruction to implement the recommendations of the 8644  
Graduate Funding Commission. The Board of Regents may reallocate 8645  
up to two per cent in each fiscal year of the reserve among the 8646  
state-assisted universities on the basis of a quality review as 8647  
specified in the recommendations of the Graduate Funding 8648  
Commission. No such reallocation shall occur unless the Board of 8649  
Regents, in consultation with representatives of state-assisted 8650  
universities, determines that sufficient funds are available for 8651

this purpose. 8652

The amount so reserved shall be allocated to universities in 8653  
proportion to their share of the total number of Doctoral I 8654  
equivalent FTEs as calculated on an institutional basis using the 8655  
greater of the two-year or five-year FTEs for the period fiscal 8656  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 8657  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 8658  
adjusted to reflect the effects of doctoral review and subsequent 8659  
changes in Doctoral I equivalent enrollments. For the purposes of 8660  
this calculation, Doctoral I equivalent FTEs shall equal the sum 8661  
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 8662

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 8663

In addition to and after the other adjustment noted above, in 8664  
fiscal year 2004, no campus shall receive a state share of 8665  
instruction allocation that is less than 100 per cent of the prior 8666  
year's state share of instruction amount. In fiscal year 2005, no 8667  
campus shall receive a state share of instruction allocation that 8668  
is less than 99 per cent of what that campus' state share of 8669  
instruction would have been had the allocation in fiscal year 2004 8670  
been not less than 99 per cent, rather than 100 per cent, of the 8671  
prior year's state share of instruction amount. 8672

(3) CAPITAL COMPONENT DEDUCTION 8673

After all other adjustments have been made, state share of 8674  
instruction earnings shall be reduced for each campus by the 8675  
amount, if any, by which debt service charged in Am. H.B. No. 748 8676  
of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd 8677  
General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, 8678  
and H.B. No. 675 of the 124th General Assembly for that campus 8679  
exceeds that campus's capital component earnings. The sum of the 8680  
amounts deducted shall be transferred to appropriation item 8681  
235-552, Capital Component, in each fiscal year. 8682

(D) REDUCTIONS IN EARNINGS 8683

If the total state share of instruction earnings in any 8684  
fiscal year exceed the total appropriations available for such 8685  
purposes, the Board of Regents shall proportionately reduce the 8686  
state share of instruction earnings for all campuses by a uniform 8687  
percentage so that the system wide sum equals available 8688  
appropriations. 8689

(E) EXCEPTIONAL CIRCUMSTANCES 8690

Adjustments may be made to the state share of instruction 8691  
payments and other subsidies distributed by the Board of Regents 8692  
to state-assisted colleges and universities for exceptional 8693  
circumstances. No adjustments for exceptional circumstances may be 8694  
made without the recommendation of the Chancellor and the approval 8695  
of the Controlling Board. 8696

(F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 8697  
INSTRUCTION 8698

The standard provisions of the state share of instruction 8699  
calculation as described in the preceding sections of temporary 8700  
law shall apply to any reductions made to appropriation line item 8701  
235-501, State Share of Instruction, before the Board of Regents 8702  
has formally approved the final allocation of the state share of 8703  
instruction funds for any fiscal year. 8704

Any reductions made to appropriation line item 235-501, State 8705  
Share of Instruction, after the Board of Regents has formally 8706  
approved the final allocation of the state share of instruction 8707  
funds for any fiscal year, shall be uniformly applied to each 8708  
campus in proportion to its share of the final allocation. 8709

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 8710

The state share of instruction payments to the institutions 8711  
shall be in substantially equal monthly amounts during the fiscal 8712

year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education according to Board of Regents enrollment estimates. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Board of Regents.

(H) LAW SCHOOL SUBSIDY

The state share of instruction to state-supported universities for students enrolled in law schools in fiscal year 2004 and fiscal year 2005 shall be calculated by using the number of subsidy-eligible FTE law school students funded by state subsidy in fiscal year 1995 or the actual number of subsidy-eligible FTE law school students at the institution in the fiscal year, whichever is less.

**Sec. 89.08. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE**

The foregoing appropriation item 235-515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Board of Regents in accordance with agreements entered into as provided for by section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

CAPITAL SCHOLARSHIP PROGRAM

The foregoing appropriation item 235-518, Capital Scholarship Program, shall be used by the Board of Regents to provide scholarships to undergraduates of Ohio's four-year public and private institutions of higher education participating in the

Washington Center Internship Program. A scholarship of \$1,800 8743  
shall be awarded to students enrolled in an institution operating 8744  
on a quarter system, and a scholarship of \$2,300 shall be awarded 8745  
to students enrolled in an institution operating on a semester 8746  
system. The number of scholarships awarded shall be limited by the 8747  
amounts appropriated in fiscal years 2004 and 2005. The Washington 8748  
Center shall match the scholarships awarded to students as 8749  
follows: \$1,200 for students enrolled in an institution operating 8750  
on a quarter system, and \$1,700 for students enrolled in an 8751  
institution operating on a semester system. 8752

FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE 8753  
RESIDENCIES 8754

The Board of Regents shall develop plans consistent with 8755  
existing criteria and guidelines as may be required for the 8756  
distribution of appropriation items 235-519, Family Practice, 8757  
235-525, Geriatric Medicine, and 235-526, Primary Care 8758  
Residencies. 8759

SHAWNEE STATE SUPPLEMENT 8760

The foregoing appropriation item 235-520, Shawnee State 8761  
Supplement, shall be used by Shawnee State University as detailed 8762  
by both of the following: 8763

(A) To allow Shawnee State University to keep its 8764  
undergraduate fees below the statewide average, consistent with 8765  
its mission of service to an economically depressed Appalachian 8766  
region; 8767

(B) To allow Shawnee State University to employ new faculty 8768  
to develop and teach in new degree programs that meet the needs of 8769  
Appalachians. 8770

POLICE AND FIRE PROTECTION 8771

The foregoing appropriation item 235-524, Police and Fire 8772

Protection, shall be used for police and fire services in the	8773
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green,	8774
Portsmouth, Xenia Township (Greene County), Rootstown Township,	8775
and the City of Nelsonville that may be used to assist these local	8776
governments in providing police and fire protection for the	8777
central campus of the state-affiliated university located therein.	8778
Each participating municipality and township shall receive at	8779
least \$5,000 each year. Funds shall be distributed according to	8780
the methodology employed by the Board of Regents in the previous	8781
biennium.	8782
 PRIMARY CARE RESIDENCIES	 8783
 The foregoing appropriation item 235-526, Primary Care	 8784
Residencies, shall be distributed in each fiscal year of the	8785
biennium, based on whether or not the institution has submitted	8786
and gained approval for a plan. If the institution does not have	8787
an approved plan, it shall receive five per cent less funding per	8788
student than it would have received from its annual allocation.	8789
The remaining funding shall be distributed among those	8790
institutions that meet or exceed their targets.	8791
 OHIO AEROSPACE INSTITUTE	 8792
 The foregoing appropriation item 235-527, Ohio Aerospace	 8793
Institute, shall be distributed by the Board of Regents under	8794
section 3333.042 of the Revised Code.	8795
 ACADEMIC SCHOLARSHIPS	 8796
 The foregoing appropriation item 235-530, Academic	 8797
Scholarships, shall be used to provide academic scholarships to	8798
students under section 3333.22 of the Revised Code.	8799
 STUDENT CHOICE GRANTS	 8800
 The foregoing appropriation item 235-531, Student Choice	 8801
Grants, shall be used to support the Student Choice Grant Program	8802

created by section 3333.27 of the Revised Code. The unencumbered  
balance of appropriation item 235-531, Student Choice Grants, at  
the end of fiscal year 2004 shall be transferred to fiscal year  
2005 for use under the same appropriation item to maintain grant  
award amounts in fiscal year 2005 equal to the awards provided in  
fiscal year 2004. The amounts transferred are hereby appropriated.

STUDENT WORKFORCE DEVELOPMENT GRANTS

The foregoing appropriation item 235-534, Student Workforce  
Development Grants, shall be used to support the Student Workforce  
Development Grant Program. Of the appropriated funds available,  
the Board of Regents shall distribute grants to each eligible  
student in an academic year. The size of each grant award shall be  
determined by the Board of Regents based on the amount of funds  
available for the program.

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

The foregoing appropriation item 235-535, Ohio Agricultural  
Research and Development Center, shall be disbursed through the  
Board of Regents to The Ohio State University in monthly payments,  
unless otherwise determined by the Director of Budget and  
Management pursuant to section 126.09 of the Revised Code. The  
Ohio Agricultural Research and Development Center shall not be  
required to remit payment to The Ohio State University during the  
2003-2005 biennium for cost reallocation assessments. The cost  
reallocation assessments include, but are not limited to, any  
assessment on state appropriations to the center. The Ohio  
Agricultural Research and Development Center, in conjunction with  
the Third Frontier Commission, shall provide for an independently  
evaluated self-study of research excellence and commercial  
relevance in a manner to be prescribed by the Third Frontier  
Commission.

Of the foregoing appropriation item 235-535, Ohio

Agricultural Research and Development Center, \$470,164 in fiscal year 2004 and \$458,410 in fiscal year 2005 shall be used to purchase equipment.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$827,141 in fiscal year 2004 and \$806,463 in fiscal year 2005 shall be distributed to the Piketon Agricultural Research and Extension Center.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$217,669 in fiscal year 2004 and \$212,227 in fiscal year 2005 shall be distributed to the Raspberry/Strawberry-Ellagic Acid Research program at The Ohio State University Medical College in cooperation with The Ohio State University College of Agriculture.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$43,534 in fiscal year 2004 and \$42,445 in fiscal year 2005 shall be used to support the Ohio Berry Administrator.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$87,067 in fiscal year 2004 and \$84,890 in fiscal year 2005 shall be used for the development of agricultural crops and products not currently in widespread production in Ohio, in order to increase the income and viability of family farmers.

STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235-536, The Ohio State University Clinical Teaching; 235-537, University of Cincinnati Clinical Teaching; 235-538, Medical College ~~University~~ of Ohio at Toledo Clinical Teaching; 235-539, Wright State University Clinical Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, Northeastern Ohio Universities College of Medicine Clinical Teaching, shall be distributed through the Board of

Regents.	8865
Of the foregoing appropriation item 235-539, Wright State University Clinical Teaching, \$124,644 in each fiscal year of the biennium shall be for the use of Wright State University's Ellis Institute for Clinical Teaching Studies to operate the clinical facility to serve the Greater Dayton area.	8866 8867 8868 8869 8870
SCHOOL OF INTERNATIONAL BUSINESS	8871
Of the foregoing appropriation item 235-547, School of International Business, \$901,975 in fiscal year 2004 and \$879,426 in fiscal year 2005 shall be used for the continued development and support of the School of International Business of the state universities of northeast Ohio. The money shall go to the University of Akron. These funds shall be used by the university to establish a School of International Business located at the University of Akron. It may confer with Kent State University, Youngstown State University, and Cleveland State University as to the curriculum and other matters regarding the school.	8872 8873 8874 8875 8876 8877 8878 8879 8880 8881
Of the foregoing appropriation item 235-547, School of International Business, \$181,318 in fiscal year 2004 and \$176,785 in fiscal year 2005 shall be used by the University of Toledo College of Business for expansion of its international business programs.	8882 8883 8884 8885 8886
Of the foregoing appropriation item 235-547, School of International Business, \$181,318 in fiscal year 2004 and \$176,785 in fiscal year 2005 shall be used to support The Ohio State University BioMEMS program.	8887 8888 8889 8890
PART-TIME STUDENT INSTRUCTIONAL GRANTS	8891
The foregoing appropriation item 235-549, Part-time Student Instructional Grants, shall be used to support a grant program for part-time undergraduate students who are Ohio residents and who are enrolled in degree granting programs.	8892 8893 8894 8895

Eligibility for participation in the program shall include 8896  
degree granting educational institutions that hold a certificate 8897  
of registration from the State Board of Career Colleges and 8898  
Schools, and nonprofit institutions that have a certificate of 8899  
authorization issued pursuant to Chapter 1713. of the Revised 8900  
Code, as well as state-assisted colleges and universities. Grants 8901  
shall be given to students on the basis of need, as determined by 8902  
the college, which, in making these determinations, shall give 8903  
special consideration to single-parent heads-of-household and 8904  
displaced homemakers who enroll in an educational degree program 8905  
that prepares the individual for a career. In determining need, 8906  
the college also shall consider the availability of educational 8907  
assistance from a student's employer. It is the intent of the 8908  
General Assembly that these grants not supplant such assistance. 8909

**Section 37.05.** That existing Sections 89, 89.04, and 89.08 of 8910  
Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. 8911  
Sub. S.B. 189 of the 125th General Assembly, are hereby repealed. 8912

**Section 38.01.** Notwithstanding sections 101.02 and 101.27 of 8913  
the Revised Code, the term of office of the members of the Senate 8914  
elected majority floor leader, assistant majority floor leader, 8915  
and assistant majority whip shall be deemed to begin on the 8916  
effective date of this section. Each such member shall receive, 8917  
during the remainder of calendar year 2005, salary payments equal 8918  
to the amounts paid under section 101.27 of the Revised Code to 8919  
the members of the House of Representatives elected majority floor 8920  
leader, assistant majority floor leader, and assistant majority 8921  
whip, respectively, during the remainder of calendar year 2005. 8922  
For calendar year 2006, they shall receive an annual salary that 8923  
is equal to the annual salary prescribed under section 101.27 of 8924  
the Revised Code for the members of the House of Representatives 8925  
elected majority floor leader, assistant majority floor leader, 8926

and assistant majority whip, respectively. 8927

This section is not subject to the referendum. Therefore, 8928  
under Ohio Constitution, Article II, Section 1d and section 1.471 8929  
of the Revised Code, this section goes into immediate effect when 8930  
this act becomes law. 8931

**Section 39.01.** Sections 151.01, 154.01, 154.02, 154.07, 8932  
154.23, 3383.02, and 3383.07 of the Revised Code, as amended or 8933  
enacted by this act, and Sections 39.02, 39.03, and 39.04 of this 8934  
act take effect on July 1, 2005. 8935

**Section 39.02.** (A) All with respect to bonds of the state 8936  
previously authorized and issued by the Treasurer of State to 8937  
finance all or a portion of the costs of local subdivision capital 8938  
improvement projects as provided for in Sections 2k and 2m of 8939  
Article VIII, Ohio Constitution, and Chapter 151. of the Revised 8940  
Code, including particularly Sections 151.01, 151.02, and 151.08 8941  
thereof, and prior authorizations in Chapter 164. of the Revised 8942  
Code (referred to in this section as "superseded matters"), on the 8943  
effective date of this section: 8944

(1) The Ohio Public Facilities Commission shall succeed to 8945  
and have and perform all the duties, powers, obligations, and 8946  
functions, and have all the rights, of the Treasurer of State or 8947  
that officer's employees as provided in or pursuant to orders 8948  
relating to those bonds and those bonds themselves. All 8949  
appropriations previously made to or for the purposes of the 8950  
performance of those duties, powers, obligations, and functions 8951  
and exercise of those rights, to the extent of remaining 8952  
unexpended or unencumbered balances, are hereby transferred to and 8953  
made available for use and expenditure by the Commission for 8954  
purposes of performing the same duties, powers, obligations, and 8955  
functions and exercising the same rights for which originally 8956

appropriated or reappropriated. 8957

(2) All related agreements and covenants of the Treasurer of 8958  
State and the basic instruments and bonds, shall be and be 8959  
considered as agreements and covenants of and binding upon the 8960  
Commission. 8961

(3) The transfer and supersession provided for in this act 8962  
does not affect the validity of any agreement or covenant, or 8963  
resolution or order, or bonds, or related documents, authorized, 8964  
entered into or issued by the Treasurer of State under the 8965  
superseded matters, and nothing in this section or in the 8966  
amendment by this act of division (A)(7) of section 151.01 of the 8967  
Revised Code shall be applied or be considered as impairing their 8968  
validity or the obligations or rights under them. 8969

(4) All basic instruments, documents, books, papers and 8970  
records of the Treasurer of State relating to those outstanding 8971  
bonds shall be transferred to the Commission. 8972

(5) Whenever the Treasurer of State, or any of that officer's 8973  
employees or authorized representatives, is referred to in any 8974  
contract or other document relating to those outstanding bonds, 8975  
the reference shall be considered to be to the Commission or its 8976  
appropriate officers. 8977

(B) The amendment in Section 1 of this act to division (A)(7) 8978  
of section 151.01 of the Revised Code applies to any proceedings 8979  
commenced after its effective date and, so far as its provisions 8980  
support the actions taken, also applies to any proceedings that on 8981  
its effective date are pending, in progress, or completed, and to 8982  
the securities authorized or issued or obligations entered into 8983  
under or pursuant to those proceedings, notwithstanding the 8984  
applicable law previously in effect or any provision to the 8985  
contrary in a prior resolution, order, notice, or other 8986  
proceeding. Any proceedings pending or in progress on the 8987

effective date of the amendment, and securities sold, issued, and 8988  
delivered, or obligations entered into under or pursuant to those 8989  
proceedings, shall be deemed to have been taken, and authorized, 8990  
sold, issued, delivered, and entered into, in conformity with the 8991  
amendment. The provisions of the Revised Code so amended by this 8992  
act shall, except as otherwise provided in division (A) of this 8993  
section, be deemed to remain applicable to securities issued or 8994  
obligations entered into under or pursuant to or in reliance on 8995  
them prior to the effective date of the amendment. 8996

**Section 39.03.** (A) Except as otherwise provided in section 8997  
154.23 of the Revised Code, as enacted by this act, with respect 8998  
to the functions of the Ohio Public Facilities Commission, the 8999  
Treasurer of State shall, on the effective date of this section 9000  
and as provided for in this section, supersede and replace the 9001  
Ohio Building Authority (referred to in this section as the 9002  
"Authority") as the issuing authority in all matters relating to 9003  
the issuance of obligations for the financing of Ohio cultural 9004  
facilities and Ohio sports facilities, as those terms are defined 9005  
in section 3383.01 of the Revised Code, for housing branches and 9006  
agencies of state government (all referred to in this section as 9007  
"cultural and sports capital purposes") as provided for in section 9008  
154.23 of the Revised Code, as enacted by this act (all referred 9009  
to in this section as "superseded matters". 9010

(B)(1) With respect to superseded matters and cultural and 9011  
sports capital purposes, the Treasurer of State shall: 9012

(a) Succeed to and have and perform all of the duties, 9013  
powers, obligations, and functions of the Authority and its 9014  
members and officers provided for by law or rule relating to the 9015  
issuance of bonds, notes, or other obligations for the purpose of 9016  
paying costs of cultural and sports capital purposes; 9017

(b) Succeed to and have and perform all of the duties, 9018

powers, obligations, and functions, and have all of the rights, of 9019  
the Authority and its members and officers provided for in or 9020  
pursuant to resolutions, rules, agreements, trust agreements, and 9021  
supplemental trust agreements (all referred to collectively in 9022  
this section as "basic instruments"), and bonds, notes, and other 9023  
obligations (all referred to collectively in this section as 9024  
"financing obligations"), previously authorized, entered into, or 9025  
issued by the Authority for cultural and sports capital purposes, 9026  
which financing obligations shall be, and shall be deemed to be, 9027  
obligations issued by and of the Treasurer of State; 9028

(c) Be bound by all agreements and covenants of the 9029  
Authority, and basic instruments, relating to financing 9030  
obligations. 9031

(2) The transfer of superseded matters to the Treasurer of 9032  
State pursuant to this section does not affect the validity of any 9033  
agreement or covenant, basic instrument, or financing obligation, 9034  
or any related document, authorized, entered into, or issued by 9035  
the Authority under Chapter 152. of the Revised Code or other 9036  
laws, and nothing in this section shall be applied or considered 9037  
as impairing the obligations or rights under them. 9038

(3) The Treasurer of State shall not issue any additional 9039  
financing obligations pursuant to any basic instrument of the 9040  
Authority, including financing obligations to refund financing 9041  
obligations previously issued by the Authority. 9042

(C) With respect to proceedings relating to superseded 9043  
matters affected by this section: 9044

(1) This section applies to any proceedings that are 9045  
commenced after the effective date of this section, and to any 9046  
proceedings that are pending, in progress, or completed on that 9047  
date, notwithstanding the applicable law previously in effect or 9048  
any provision to the contrary in a prior basic instrument, notice, 9049

or other proceeding. 9050

(2) Any proceedings of the Authority that are pending on the 9051  
effective date of this section shall be pursued and completed by 9052  
and in the name of the Treasurer of State, and any financing 9053  
obligations that are sold, issued, and delivered pursuant to those 9054  
proceedings shall be deemed to have been authorized, sold, issued, 9055  
and delivered in conformity with this section. 9056

(3) Notwithstanding division (C)(1) and (2) of this section, 9057  
the Authority may, subsequent to the effective date of this 9058  
section, meet for the purpose of better accomplishing the transfer 9059  
of superseded matters. At any such meeting the Authority may take 9060  
necessary or appropriate actions to effect an orderly transition 9061  
relating to the issuance of financing obligations, such that all 9062  
duties, powers, obligations, and functions of the Authority and 9063  
its members and officers with respect to the superseded matters or 9064  
under any leases and agreements between the Authority and the Ohio 9065  
Cultural Facilities Commission shall terminate and be of no 9066  
further force and effect as to the Authority. 9067

(D) The Authority shall prepare any necessary amendments of 9068  
or supplements to documents or basic instruments pertaining to the 9069  
duties, powers, obligations, functions, and rights relating to 9070  
superseded matters to which the Treasurer of State succeeds 9071  
pursuant to this section. The authorization by the Authority in 9072  
its basic instruments relating to superseded matters for its 9073  
officers to act in any manner on behalf of the Authority shall, on 9074  
and after the effective date of this section, be authorization for 9075  
the Treasurer of State, or the Treasurer of State's staff or 9076  
employees to whom the Treasurer of State may delegate the 9077  
function, to act in the circumstances, without necessity for 9078  
amendment of or supplement to any such documents or basic 9079  
instruments. 9080

(E) No pending judicial or administrative action or 9081  
proceeding in which the Authority, or its members or officers as 9082  
such, are a party that pertains to superseded matters shall be 9083  
affected by their transfer, but shall be prosecuted or defended in 9084  
the name of the Treasurer of State and in any such action or 9085  
proceeding the Treasurer of State, upon application to the court, 9086  
shall be substituted as a party. 9087

(F) In connection with the duties, powers, obligations, 9088  
functions, and rights relating to superseded matters and provided 9089  
for in this section, on the effective date of this section: 9090

(1) Copies of all basic instruments, documents, books, 9091  
papers, and records of the Authority shall be transferred to the 9092  
Treasurer of State upon request, without necessity for assignment, 9093  
conveyance, or other action by the Authority. 9094

(2) All appropriations previously made to or for the 9095  
Authority for the purposes of the performance of the duties, 9096  
powers, obligations, functions, and exercise of rights relating to 9097  
superseded matters, to the extent of remaining unexpended or 9098  
unencumbered balances, are hereby transferred to and made 9099  
available for use and expenditure by the Treasurer of State for 9100  
performing the same duties, powers, obligations, and functions and 9101  
exercising the same rights for which originally appropriated, and 9102  
payments for administrative expenses previously incurred in 9103  
connection with them shall be made from the applicable 9104  
administrative service fund on vouchers approved by the Treasurer 9105  
of State. 9106

(3) All leases and agreements between the Authority and the 9107  
Ohio Cultural Facilities Commission made under Chapter 152. of the 9108  
Revised Code shall, and shall be considered to, continue to bind 9109  
the Ohio Cultural Facilities Commission. Nothing in this act shall 9110  
be considered as impairing the obligations of the Ohio Cultural 9111

Facilities Commission under those leases and agreements. 9112

(4) Any lease, grant, or conveyance made to the Authority 9113  
pursuant to section 152.06 of the Revised Code shall be, and shall 9114  
be deemed to be, made to the Ohio Public Facilities Commission 9115  
pursuant to section 154.16 of the Revised Code, and the Ohio 9116  
Public Facilities Commission shall succeed to and have and perform 9117  
all of the duties, powers, obligations, and functions, and have 9118  
all of the rights, of the Authority and its members and officers 9119  
provided for in or pursuant to that lease, grant, or conveyance. 9120

(G) Whenever the Authority, or any of its members or 9121  
officers, is referred to in any contract or other document 9122  
relating to those outstanding financing obligations, the reference 9123  
shall be considered to be, as applicable, to the Ohio Public 9124  
Facilities Commission or its appropriate officers or to the 9125  
Treasurer of State or the appropriate staff of the Treasurer of 9126  
State. 9127

**Section 39.04.** (A) Sections 154.01, 154.02, 154.07, 154.23, 9128  
3383.02, and 3383.07 of the Revised Code, as amended or enacted by 9129  
this act, apply to any proceedings commenced after the effective 9130  
date of this section and, so far as their provisions support the 9131  
actions taken, also apply to any proceedings that are pending, in 9132  
progress, or completed on that date, and to the securities 9133  
authorized or issued or obligations entered into under or pursuant 9134  
to those proceedings, notwithstanding the applicable law 9135  
previously in effect or any provision to the contrary in a prior 9136  
resolution, order, notice, or other proceeding. Any proceedings 9137  
pending or in progress on the effective date of this section, and 9138  
securities sold, issued, and delivered, or obligations entered 9139  
into under or pursuant to those proceedings, shall be deemed to 9140  
have been taken, and authorized, sold, issued, delivered, and 9141  
entered into, in conformity with those sections, as amended or 9142

enacted by this act. 9143

(B) Sections 154.01, 154.02, 154.07, 3383.02, and 3383.07 of 9144  
the Revised Code shall, except as otherwise provided in division 9145  
(A) of this section, be deemed to remain applicable to securities 9146  
issued or obligations entered into under, pursuant to, or in 9147  
reliance on those sections, as they existed prior to the effective 9148  
date of this section, or Chapter 152. of the Revised Code. 9149

**Section 40.01.** (A) As used in this section, "eligible county" 9150  
means a county that has a population of less than sixty-four 9151  
thousand according to the most recent federal decennial census. 9152

(B) Notwithstanding section 321.261 of the Revised Code, if, 9153  
within sixty days after the effective date of this section, the 9154  
county treasurer and the county prosecuting attorney of an 9155  
eligible county that has a balance in its delinquent tax and 9156  
assessment collection fund greater than six hundred fifty thousand 9157  
dollars determine that not all of the money in the fund is needed 9158  
by them for the purposes of collecting delinquent taxes and 9159  
assessments, they shall notify the board of county commissioners 9160  
of that determination, in writing. Upon receiving the notice, and 9161  
after consulting with the legislative authority of each taxing 9162  
unit in the eligible county, the board of county commissioners may 9163  
adopt a resolution directing the county auditor to distribute 9164  
money in the fund to each of the taxing units in the eligible 9165  
county. The total amount of money distributed by an eligible 9166  
county under a resolution adopted under this section shall not 9167  
exceed the total amount of money credited to the eligible county's 9168  
delinquent tax and assessment collection fund during calendar 9169  
years 2001, 2002, 2003, and 2004. Moneys distributed to taxing 9170  
units under a resolution adopted under this section shall be 9171  
distributed among the taxing units in the eligible county in the 9172  
same proportions and amounts as if levied and collected as taxes. 9173

This section provides for or is essential to the 9174  
implementation of a tax levy. Therefore, under Ohio Constitution, 9175  
Article II, Section 1d, this section is not subject to the 9176  
referendum and goes into immediate effect when this act becomes 9177  
law. 9178

**Section 41.01.** The amendment by this act of sections 5709.61, 9179  
5709.62, and 5709.632 of the Revised Code shall not affect any 9180  
area in a city designated as an urban cluster in a rural 9181  
statistical area that was certified by the Director of Development 9182  
as an enterprise zone, if the Director certified such area as a 9183  
zone on or after June 26, 2003, but before the effective date of 9184  
this section. For an enterprise zone that meets the requirements 9185  
of this section, the legislative authority of a city designated as 9186  
an urban cluster in a rural statistical area may enter into 9187  
agreements with enterprises in accordance with section 5709.62 or 9188  
5709.632 of the Revised Code. On and after the effective date of 9189  
this section, no legislative authority of a city designated as an 9190  
urban cluster in a rural statistical area may designate one or 9191  
more areas within the city as proposed enterprise zones. 9192

**Section 42.01.** If any item of law that constitutes the whole 9193  
or part of a codified or uncodified section of law contained in 9194  
this act, or if any application of any item of law that 9195  
constitutes the whole or part of a codified or uncodified section 9196  
of law contained in this act, is held invalid, the invalidity does 9197  
not affect other items of law or applications of items of law that 9198  
can be given effect without the invalid item of law or 9199  
application. To this end, the items of law of which the codified 9200  
and uncodified sections contained in this act are composed, and 9201  
their applications, are independent and severable. 9202

**Section 43.01.** Except as otherwise specifically provided in 9203

this act, the amendment or enactment by this act of codified and 9204  
uncodified sections of law, and the items of which the amendments 9205  
and enactments are composed, are subject to the referendum. 9206  
Therefore, under Ohio Constitution, Article II, Section 1c and 9207  
section 1.471 of the Revised Code, the amendments and enactments, 9208  
and the items of which they are composed, except as otherwise 9209  
specifically provided in this act, take effect on the ninety-first 9210  
day after this act is filed with the Secretary of State. If, 9211  
however, a referendum petition is filed against an amendment or 9212  
enactment, or against an item it contains, the amendment or 9213  
enactment, or item, unless rejected at the referendum, takes 9214  
effect at the earliest time permitted by law. 9215

**Section 44.01.** The enactment by this act of section 3301.21 9216  
of the Revised Code, and the items of which the section is 9217  
composed, are not subject to the referendum. Therefore, under Ohio 9218  
Constitution, Article II, Section 1d and section 1.471 of the 9219  
Revised Code, the section, and the items of which it is composed, 9220  
go into immediate effect when this act becomes law. 9221

**Section 45.01.** Section 151.01 of the Revised Code is 9222  
presented in this act as a composite of the section as amended by 9223  
both Sub. H.B. 522 and H.B. 675 of the 124th General Assembly. The 9224  
General Assembly, applying the principle stated in division (B) of 9225  
section 1.52 of the Revised Code that amendments are to be 9226  
harmonized if reasonably capable of simultaneous operation, finds 9227  
that the composite is the resulting version of the section in 9228  
effect prior to the effective date of the section as presented in 9229  
this act. 9230