

# AN ACT

To amend sections 9.98, 105.41, 123.10, 125.28, 126.11, 131.02, 133.01, 145.011, 151.01, 151.04, 154.01, 154.02, 154.07, 755.16, 755.18, 2716.11, 3305.01, 3307.01, 3318.01, 3318.02, 3318.03, 3318.04, 3318.11, 3318.37, 3318.41, 3333.045, 3334.01, 3345.04, 3345.12, 3345.17, 3345.31, 3345.32, 3345.50, 3345.71, 3350.01, 3350.02, 3350.03, 3350.04, 3350.05, 3383.01, 3383.02, 3383.07, 3770.073, 5537.01, 5540.01, 5709.61, 5709.62, 5709.632, 5709.75, 5709.91, 5733.121, and 5747.12, to enact sections 105.42, 122.012, 123.17, 131.021, 154.23, 1541.23, 2743.712, 3301.21, 3333.072, 3345.51, 5715.70, and 5715.701, and to repeal section 123.023 of the Revised Code and to amend Sections 6 and 31 of Am. Sub. H.B. 95 of the 125th General Assembly, to amend 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, and to amend Sections 18.02, 18.16, 22, 26.10, 26.14, 26.19, 26.23, 26.48, and 27 of Am. Sub. S.B. 189 of the 125th General Assembly to make capital and other appropriations, to change the name of the Medical College of Ohio at Toledo to the Medical University of Ohio at Toledo, to amend the versions of sections 3305.01 and 3307.01 of the Revised Code that are scheduled to take effect August 1, 2005, to continue the provisions of this act on and after that effective date, and to provide authorization and conditions for the operation of state programs.

*Be it enacted by the General Assembly of the State of Ohio:*

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

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

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

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

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

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

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

(F) "Commercial paper" means bonds with one or more maturities of three hundred sixty-five days or less which, under the bond proceedings, are

expected to be funded by the issuance of additional bonds with maturities of three hundred sixty-five days or less, whether or not ultimately to be funded with long term bonds.

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

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

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

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

(K) "Interest rate period" means that period of time during which an interest rate or rates established under a floating rate interest structure will pertain, which periods may be altered or 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 provided for in the bond proceedings.

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

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

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

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

(3) Five members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall represent the office of the state architect and engineer, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio historical society, one of whom shall represent the Ohio building authority, and one of whom shall represent the public at large;

(4) One member, who shall be a former president of the senate, appointed by the current president of the senate. If the current president of the senate, in the current president'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.

(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 chairperson and other officers as it considers necessary. Board members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

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

- (1) Employ or hire on a consulting basis professional, technical, and clerical employees as are necessary for the performance of its duties;
- (2) Hold public hearings at times and places as determined by the board;
- (3) Adopt, amend, or rescind rules necessary to accomplish the duties of the board as set forth in this section;
- (4) Sponsor, conduct, and support such social events as the board may authorize and consider appropriate for the employees of the board,

employees and members of the general assembly, employees of persons under contract with the board or otherwise engaged to perform services on the premises of capitol square, or other persons as the board may consider appropriate. Subject to the requirements of Chapter 4303. of the Revised Code, the board may provide beer, wine, and intoxicating liquor, with or without charge, for those events and may use funds only from the sale of goods and services fund to purchase the beer, wine, and intoxicating liquor the board provides.

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

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

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

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

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

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

(6) Maintain and preserve the capitol square, in accordance with guidelines issued by the United States secretary of the interior for application of the secretary's standards for rehabilitation adopted in 36 C.F.R. part 67.

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

(2) Fees, receipts, and revenues received by the board from the state

underground parking garage constitute available receipts as defined in section 152.09 of the Revised Code, and may be pledged to the payment of bond service charges on obligations issued by the Ohio building authority pursuant to Chapter 152. of the Revised Code to improve or finance capital facilities useful to the board. The authority may, with the consent of the board, provide in the bond proceedings for a pledge of all or a portion of those fees, receipts, and revenues as the authority determines. The authority may provide in the bond proceedings or by separate agreement with the board for the transfer of those fees, receipts, and revenues to the appropriate bond service fund or bond service reserve fund as required to pay the bond service charges when due, and any such provision for the transfer of those fees, receipts, and revenues shall be controlling notwithstanding any other provision of law pertaining to those fees, receipts, and revenues.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 122.012. The director of development may designate any governmental entity as an agency of the state to act within a specified region



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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The planning, design, and construction process;
- (2) Contract requirements;
- (3) Construction management;
- (4) Project management.

(D) The state architect shall award local administration competency certification to any institution of higher education if all of the following apply:

(1) The institution applied for certification on a form and in a manner prescribed by the state architect.

(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.

(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.

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

(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.

(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.

(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 this section shall be paid into the state treasury to the credit of the state architect's fund established under section 123.10 of the Revised Code.

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

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

(2) All agencies that occupy space in the old blind school or the Ohio departments building or that occupy warehouse space in the general services facility shall reimburse the department of administrative services for the cost

of occupying the space. The director of administrative services shall determine the amount of debt service, if any, to be charged to building tenants and shall collect reimbursements for it.

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

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

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

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

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

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

submit to the director:

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

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

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

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

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

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

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

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

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

(b) Promptly after each sale of those obligations: final terms, including a maturity schedule; names of the original 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 if not previously submitted pursuant to division (A) of this section.

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

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

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

(3) The materials approved and provided pursuant to division (D) of this section are the information relating to the particular subjects provided by the state or state agencies that are required or contemplated by any applicable state or federal securities laws and any commitments by the state or state agencies made under those laws. Reliance for the purpose should not be

placed on any other information publicly provided, in any format including electronic, by any state agency for other purposes, including general information provided to the public or to portions of the public. A statement to that effect shall be included in those materials so approved or provided.

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

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

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

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

(G) As used in this section, "interest rate hedge" has the same meaning as in section 9.98 of the Revised Code; "credit enhancement facilities," "debt charges," "fractionalized interests in public obligations," "obligor," "public issuer," and "securities" have the same meanings as in section 133.01 of the Revised Code; "public obligation" has the same meaning as in division (GG)(2) of section 133.01 of the Revised Code; "obligations" means securities or public obligations or fractionalized interests in them; "issuers" means issuers of securities or state obligors on public obligations; "offering document" means an official statement, offering circular, private

placement memorandum, or prospectus, or similar document; and "director" means the director of budget and management or the employee of the office of budget and management designated by the director for the purpose.

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

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

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

- (a) The assessment or case number;
- (b) The tax pursuant to which the assessment is made;
- (c) The reason for the liability, including, if applicable, that a penalty or interest is due;
- (d) An explanation of how and when interest will be added to the amount assessed;
- (e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

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

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

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

- (1) Compromise the claim;



(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

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

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

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

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

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

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

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

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

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

(B) "Anticipatory securities" means securities, including notes, issued in

anticipation of the issuance of other securities.

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

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

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

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

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

(H) "Credit enhancement facilities" means letters of credit, lines of credit, stand-by, contingent, or firm securities purchase agreements, insurance, or surety arrangements, guarantees, and other arrangements that provide for direct or contingent payment of debt charges, for security or additional security in the event of nonpayment or default in respect of securities, or for making payment of debt charges to and at the option and on demand of securities holders or at the option of the issuer or upon certain conditions occurring under put or similar arrangements, or for otherwise

supporting the credit or liquidity of the securities, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, interest rate hedge, and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facility and the security for that payment and reimbursement.

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

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

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

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

- (1) A county, the county auditor;
- (2) A municipal corporation, the city auditor or village clerk or

clerk-treasurer, or the officer who, by virtue of a charter, has the duties and functions provided in the Revised Code for the city auditor or village clerk or clerk-treasurer;

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

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

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

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

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

(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;

(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;

(10) A joint fire district, the clerk of the board of trustees of that district;

(11) A regional or county library district, the person responsible for the financial affairs of that district;

(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;

(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;

(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;

(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.

(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.

(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.

(O) "Fully registered securities" means securities in certificated or

uncertificated form, registered as to both principal and interest in the name of the owner.

(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.

(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.

(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.

(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.

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

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

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

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

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

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

(Z) "One purpose" relating to permanent improvements means any one permanent improvement or group or category of permanent improvements

for the same utility, enterprise, system, or project, development or redevelopment project, or for or devoted to the same general purpose, function, or use or for which self-supporting securities, based on the same or different sources of revenues, may be issued or for which special assessments may be levied by a single ordinance or resolution. "One purpose" includes, but is not limited to, in any case any off-street parking facilities relating to another permanent improvement, and:

(1) Any number of roads, highways, streets, bridges, sidewalks, and viaducts;

(2) Any number of off-street parking facilities;

(3) In the case of a county, any number of permanent improvements for courthouse, jail, county offices, and other county buildings, and related facilities;

(4) In the case of a school district, any number of facilities and buildings for school district purposes, and related facilities.

(AA) "Outstanding," referring to securities, means securities that have been issued, delivered, and paid for, except any of the following:

(1) Securities canceled upon surrender, exchange, or transfer, or upon payment or redemption;

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

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

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

(CC) "Permanent improvement" or "improvement" means any property, asset, or improvement certified by the fiscal officer, which certification is conclusive, as having an estimated life or period of usefulness of five years

or more, and includes, but is not limited to, real estate, buildings, and personal property and interests in real estate, buildings, and personal property, equipment, furnishings, and site improvements, and reconstruction, rehabilitation, renovation, installation, improvement, enlargement, and extension of property, assets, or improvements so certified as having an estimated life or period of usefulness of five years or more. The acquisition of all the stock ownership of a corporation is the acquisition of a permanent improvement to the extent that the value of that stock is represented by permanent improvements. A permanent improvement for parking, highway, road, and street purposes includes resurfacing, but does not include ordinary repair.

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

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

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

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

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

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

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

(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:

- (1) A county, including a county that has adopted a charter under Article X, Ohio Constitution;
- (2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;
- (3) A school district;
- (4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;



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

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

(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;

(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;

(9) A township police district organized under section 505.48 of the Revised Code;

(10) A township;

(11) A joint fire district organized under section 505.371 of the Revised Code;

(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;

(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;

(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;

(15) A fire and ambulance district organized under section 505.375 of the Revised Code;

(16) A fire district organized under division (C) of section 505.37 of the Revised Code;

(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.

(NN) "Taxing authority" means in the case of the following subdivisions:

(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;

(2) A municipal corporation, the legislative authority;

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

(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;

(5) A joint township hospital district, the joint township hospital board;

(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;

(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees;

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

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

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

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

(QQ) "Year" means the calendar year.

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

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

~~(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 ~~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 colleges shall be subject to the obligations imposed by Chapter 145. of the Revised Code.

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

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

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

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

(4) "Costs of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, and of the financing of those costs. "Costs of capital facilities" includes, without limitation, and in addition to costs referred to in section 151.03, 151.04,

151.05, 151.06, 151.07, 151.08, 151.09, or 151.40 of the Revised Code, the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the issuing authority, costs of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, financing costs, interest on obligations from their date to the time when interest is to be paid from sources other than proceeds of obligations, amounts necessary to establish any reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by or borrowed from any person or governmental agency or entity for the payment of any item of costs of capital facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing of those costs, and the placing of the capital facilities in use and operation, including any one, part of, or combination of those classes of costs and expenses.

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

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

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

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

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

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

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

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

(C) Each issue of obligations shall be authorized by resolution or order

of the issuing authority. The bond proceedings shall provide for or authorize the manner for determining the principal amount or maximum principal amount of obligations of an issue, the principal maturity or maturities, the interest rate or rates, the date of and the dates of payment of interest on the obligations, their denominations, and the place or places of payment of debt service which may be within or outside the state. Unless otherwise provided by law, the latest principal maturity may not be later than the earlier of the thirty-first day of December of the twenty-fifth calendar year after the year of issuance of the particular obligations or of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to obligations. The purpose of the obligations may be stated in the bond proceedings in general terms, such as, as applicable, "financing or assisting in the financing of projects as provided in Section 2l of Article VIII, Ohio Constitution," "financing or assisting in the financing of highway capital improvement projects as provided in Section 2m of Article VIII, Ohio Constitution," "paying costs of capital facilities for a system of common schools throughout the state as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of capital facilities for state-supported and state-assisted institutions of higher education as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of coal research and development as authorized by Section 15 of Article VIII, Ohio Constitution," "financing or assisting in the financing of local subdivision capital improvement projects as authorized by Section 2m of Article VIII, Ohio Constitution," "paying costs of conservation projects as authorized by Section 2o of Article VIII, Ohio Constitution," or "paying costs of revitalization projects as authorized by Section 2o of Article VIII, Ohio Constitution."

(D) The issuing authority may appoint or provide for the appointment of paying agents, bond registrars, securities depositories, clearing corporations, and transfer agents, and may without need for any other approval retain or contract for the services of underwriters, investment bankers, financial advisers, accounting experts, marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the issuing authority to carry out the issuing authority's functions under this chapter. When the issuing authority is the Ohio public facilities commission, the issuing authority also may without need for any other approval retain or contract for the services of attorneys and other professionals for that purpose. Financing costs are payable, as may be provided in the bond

proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose.

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

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

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

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

(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, commission, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;

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

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

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

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

(9) The funding, refunding, or advance refunding, or other provision for payment, of obligations that will then no longer be outstanding for purposes

of this section or of the applicable bond proceedings;

(10) Amendment of the bond proceedings;

(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 secured by covenants of the issuing authority to the effect that the issuing authority and the state will do all things necessary for the issuance of bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide moneys to pay when due the debt service on the notes, and apply their proceeds to the extent necessary, to make full and timely payment of debt service on the notes as provided in the applicable bond proceedings. In the bond proceedings authorizing the issuance of bond anticipation notes the issuing authority shall set forth for the bonds anticipated an estimated schedule of annual principal payments the latest of which shall be no later than provided in division (C) of this section. While the notes are outstanding there shall be deposited, as shall be provided in the bond proceedings for those notes, from the sources authorized for payment of debt service on the bonds, amounts sufficient to pay the principal of the bonds anticipated as set forth in that estimated schedule during the time the notes are outstanding, which amounts shall be used solely to pay the principal of those notes or of the bonds anticipated.

(b) Obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued. Refunding obligations may be issued in amounts sufficient to pay or to provide for repayment of the principal amount, including principal amounts maturing prior to the redemption of the remaining prior obligations, any redemption premium, and interest accrued or to accrue to the maturity or redemption date or dates, payable on the prior

obligations, and related financing costs and any expenses incurred or to be incurred in connection with that issuance and refunding. Subject to the applicable bond proceedings, the portion of the proceeds of the sale of refunding obligations issued under division (J)(1)(b) of this section to be applied to debt service on the prior obligations shall be credited to an appropriate separate account in the bond service fund and held in trust for the purpose by the issuing authority or by a corporate trustee. Obligations authorized under this division shall be considered to be issued for those purposes for which the prior obligations were issued.

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

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

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

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

(2) Payments received by the state under interest rate hedges entered into as credit enhancement facilities under this chapter shall be deposited to

the credit of the bond service fund for the obligations to which those credit enhancement facilities relate.

(M) The full faith and credit, revenue, and taxing power of the state are and shall be pledged to the timely payment of debt service on outstanding obligations as it comes due, all in accordance with Section 2k, 2l, 2m, 2n, 2o, or 15 of Article VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 151.07, 151.08, or 151.09 of the Revised Code. Moneys referred to in Section 5a of Article XII, Ohio Constitution, may not be pledged or used for the payment of debt service except on obligations referred to in section 151.06 of the Revised Code. Net state lottery proceeds, as provided for and referred to in section 3770.06 of the Revised Code, may not be pledged or used for the payment of debt service except on obligations referred to in section 151.03 of the Revised Code. The state covenants, and that covenant shall be controlling notwithstanding any other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, shall, so long as any obligations are outstanding in accordance with their terms, maintain statutory authority for and cause to be levied, collected and applied sufficient pledged excises, taxes, and revenues of the state so that the revenues shall be sufficient in amounts to pay debt service when due, to establish and maintain any reserves and other requirements, and to pay financing costs, including costs of or relating to credit enhancement facilities, all as provided for in the bond proceedings. Those excises, taxes, and revenues are and shall be deemed to be levied and collected, in addition to the purposes otherwise provided for by law, to provide for the payment of debt service and financing costs in accordance with sections 151.01 to 151.09 of the Revised Code and the bond proceedings.

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

excises, taxes, and revenues to pay debt service on obligations outstanding in accordance with their terms.

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

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

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

(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 keeping records, making reports, and making payments, relating to any arbitrage rebate requirements under the applicable bond proceedings.

Sec. 151.04. This section applies to obligations as defined in this section.

(A) As used in this section:

(1) "Costs of capital facilities" include related direct administrative expenses and allocable portions of direct costs of the using institution.

(2) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of capital facilities for state-supported or state-assisted institutions of higher education.

(3) "State-supported or state-assisted institutions of higher education" means a state university or college, or community college district, technical college district, university branch district, or state community college, or other institution for education, including technical education, beyond the high school, receiving state support or assistance for its expenses of operation. "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.

(4) "Using institution" means the state-supported or state-assisted institution of higher education, or two or more institutions acting jointly, that are the ultimate users of capital facilities for state-supported and state-assisted institutions of higher education financed with net proceeds of obligations.

(B) The issuing authority shall issue obligations to pay costs of capital facilities for state-supported and state-assisted institutions of higher education pursuant to Section 2n of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section.

(C) Net proceeds of obligations shall be deposited into the higher education improvement fund created by division (F) of section 154.21 of the Revised Code.

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

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

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

(B) "Obligations" means bonds, notes, or other evidences of obligation, including interest coupons pertaining thereto, issued pursuant to Chapter 154. of the Revised Code.

(C) "Bond proceedings" means the order or orders, resolution or resolutions, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms and conditions applicable to, or

providing for the security of, obligations issued pursuant to Chapter 154. of the Revised Code, and the provisions contained in such obligations.

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

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

(F) "Institutions of higher education" and "state supported or state assisted institutions of higher education" means the state universities identified in section 3345.011 of the Revised Code, the ~~medical college~~ university of Ohio at Toledo, the northeastern Ohio universities college of medicine, state universities or colleges at any time created, community college districts, university branch districts, and technical college districts at any time established or operating under Chapter 3354., 3355., or 3357. of the Revised Code, and other institutions for education, including technical education, beyond the high school, receiving state support or assistance for their expenses of operation.

(G) "Governing body" means:

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

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

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

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

(I) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations. If not prohibited by the applicable bond proceedings, bond service charges may include costs relating to credit enhancement facilities that are related to

and represent, or are intended to provide a source of payment of or limitation on, other bond service charges.

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

(K) "Costs of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the commission or issuing authority and department of administrative services, or other designees of the commission under section 154.17 of the Revised Code, cost of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, legal fees, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when interest is to be covered from sources other than proceeds of obligations, amounts necessary to establish reserves as required by the bond proceedings, costs of audits, the reimbursement of all moneys advanced or applied by or borrowed from any governmental agency, whether to or by the commission or others, from whatever source provided, for the payment of any item or items of cost of the capital facilities, any share of the cost undertaken by the commission pursuant to arrangements made with governmental agencies under division (H) of section 154.06 of the Revised Code, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or



incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing thereof and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses.

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

(M) "State parks" means:

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

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

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

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

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

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

(P) "Special funds" or "funds" means, except where the context does not permit, the bond service funds, the improvements funds, and any other funds

for similar or different purposes created under bond proceedings, including all moneys and investments, and earnings from investments, credited and to be credited thereto.

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

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

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

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

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

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~~ parks and recreation, Ohio cultural facilities, and Ohio sports facilities.

(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 154. of the Revised Code or any other covenant, stipulation, obligation, resolution, trust agreement, indenture, lease, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under such chapter, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity or any application thereof affect any legal

and valid application thereof, and each such section, provision, covenant, stipulation, obligation, resolution, trust agreement, indenture, lease, agreement, act, or action, or part thereof, shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

Sec. 154.07. For the respective purposes provided in sections 154.20, 154.21, ~~and 154.22,~~ and 154.23 of the Revised Code, the issuing authority may issue obligations of the state of Ohio as provided in Chapter 154. of the Revised Code, provided that the holders or owners of obligations shall have no right to have excises or taxes levied by the general assembly for the payment of the bond service charges. The right of holders and owners to payment of bond service charges shall be limited to the revenues or receipts and funds pledged thereto in accordance with Chapter 154. of the Revised Code, and each obligation shall bear on its face a statement to that effect. Chapter 154. of the Revised Code does not permit, and no provision of that chapter shall be applied to authorize or grant, a pledge of charges for the treatment or care of mental hygiene and retardation patients to bond service charges on obligations other than those issued for capital facilities for mental hygiene and retardation, or a pledge of any receipts of or on behalf of state supported or state assisted institutions of higher education to bond service charges on obligations other than those issued for capital facilities for state supported or state assisted institutions of higher education, or a pledge of receipts with respect to parks and recreation to bond service charges on obligations other than those issued for capital facilities for parks and recreation, or a pledge of revenues or receipts received by or on behalf of any state agency to bond service charges on obligations other than those issued for capital facilities which are in whole or in part useful to, constructed by, or financed by the state agency that receives the revenues or receipts so pledged.

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

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

(C) For purposes of this section, "available receipts" means any revenues or receipts derived by the Ohio public facilities commission from the operation, leasing, or other disposition of capital facilities financed under this section, the proceeds of obligations issued under this section and section 154.11 or 154.12 of the Revised Code, and also means any gifts, grants, donations, and pledges, and receipts thereon, available for the payment of bond service charges on obligations issued under this section. The issuing authority may pledge all, or such portion as it determines, of the available receipts to the payment of bond service charges on obligations issued under this section and section 154.11 or 154.12 of the Revised Code and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to such available receipts as authorized by this chapter, which provisions shall be controlling notwithstanding any other provision of law pertaining thereto.

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

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

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.

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 services to the joint venture, as may be agreed upon. Any agreement shall specify the rights of the parties in any lands or personal property contributed.

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

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

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

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

~~(a)~~ (a) They are acquired, constructed, operated, or maintained by

political subdivisions, ~~school districts, or a joint recreation district~~ an educational service center pursuant to division (A) of this section.

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

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

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

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

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

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

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

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

(B) That the affiant has ~~good reason~~ a reasonable basis to believe ~~and does believe~~ that the person named in the affidavit as the garnishee may have property, other than personal earnings, of the judgment debtor that is

not exempt under the law of this state or the United States;

(C) A description of the property.

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

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

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

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

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

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

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

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

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

(D) To align district and building budget allocations with student performance data.

Sec. 3305.01. As used in this chapter:

(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.

(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.

(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:

(1) The employee is a member of the faculty of a public institution of higher education.

(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.

(3) If section 124.11 of the Revised Code does not apply to the public institution of higher education, the employee is a member of the administrative staff of a public institution of higher education serving in a position comparable to a position in the unclassified civil service.

In all cases of doubt, the board of trustees of the public institution of higher education shall determine whether any person is an academic or administrative employee for purposes of this chapter, and the board's



decision shall be final.

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

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

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

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

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

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

Sec. 3307.01. As used in this chapter:

(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 ~~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 shall be final.

"Teacher" does not include any academic or administrative employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code.

(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:

(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;

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

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

(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.

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

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

(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.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means the actuarial consultant to the state teachers retirement board, who shall be either of the following:

- (1) A member of the American academy of actuaries;
- (2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the following:

- (1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;
- (2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;
- (3) Has any discretionary authority or responsibility in the administration of the system.

(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(2) Compensation does not include any of the following:

- (a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;
- (b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;
- (c) Payments made for vacation pay covering concurrent periods for

which other salary, compensation, or benefits under this chapter are paid;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;

(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(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;

(g) Payments by the employer for services not actually rendered;

(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:

(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;

(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;

(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;

(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.

(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus

Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.

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

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

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

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

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

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

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

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

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

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 this section and in divisions (A), (C), and (D) of section 3318.03 and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised Code means a joint vocational school district established pursuant to section 3311.18 of the Revised Code.

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

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

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

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

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

(I) "Tax duplicates" means the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code.

(J) "Required level of indebtedness" means:

(1) In the case of school districts in the first percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code.

(2) In the case of school districts ranked in a subsequent percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project minus one)].

(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the school district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project.

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing classroom facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a school district may have to pay to undertake a classroom facilities project.

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

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

(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion

of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code.

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

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

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

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

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

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

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

(B) Based upon the most recent assessment conducted pursuant to division (A) of this section, the commission shall conduct on-site visits to school districts identified as having classroom facility needs to confirm the findings of the periodic assessment and further evaluate the classroom facility needs of the district. The evaluation shall assess the district's need to construct or acquire new classroom facilities and may include an assessment of the district's need for building additions or for the reconstruction of existent buildings in lieu of constructing or acquiring replacement buildings.

(C)(1) Except as provided in division (C)(2) of this section, on-site visits performed on or after May 20, 1997, shall be performed in the order specified in this division. The first round of on-site visits first succeeding the



effective date of this amendment, May 20, 1997, shall be limited to the school districts in the first through fifth percentiles, excluding districts that are ineligible for funding under this chapter pursuant to section 3318.04 of the Revised Code. The second round of on-site visits shall be limited to the school districts in the first through tenth percentiles, excluding districts that are ineligible for funding under this chapter pursuant to section 3318.04 of the Revised Code. Each succeeding round of on-site visits shall be limited to the percentiles included in the immediately preceding round of on-site visits plus the next five percentiles. Except for the first round of on-site visits, no round of on-site visits shall commence unless eighty per cent of the districts for which on-site visits were performed during the immediately preceding round, have had projects approved under section 3318.04 of the Revised Code.

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

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

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

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

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

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

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

- (1) The needs of the school district for additional classroom facilities;
- (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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code.

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

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

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

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

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

(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.

(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal ~~biennium~~ year. 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.

(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.

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

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

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

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

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

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

(F) Costs in excess of those approved by the commission under section 3318.091 of the Revised Code shall be payable only as provided in sections



3318.042 and 3318.083 of the Revised Code.

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

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

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

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

The Ohio board of regents shall work with the attorney general, the auditor of state, and the Ohio ethics commission to develop a model for training members of the boards of trustees of all state universities and colleges and members of the board of regents regarding the authority and responsibilities of a board of trustees or the board of regents. This model shall include a review of fiduciary responsibilities, ethics, and fiscal management. Use of this model by members of boards of trustees and the board of regents shall be voluntary.

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

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

Sec. 3334.01. As used in this chapter:

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

(B) "Beneficiary" means:

(1) An individual designated by the purchaser under a tuition payment contract or through a scholarship program as the individual on whose behalf tuition credits purchased under the contract or awarded through the scholarship program will be applied toward the payment of undergraduate, graduate, or professional tuition; or

(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.

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

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

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

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

(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.

(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 colleges and schools under Chapter 3332. of the Revised Code, or an accredited college, university, or other postsecondary institution located outside this state that is accredited by an accrediting organization or professional association recognized by the authority. To be considered an institution of higher education, an institution shall meet the definition of an eligible educational institution under section 529 of the Internal Revenue Code.

(G) "Issuing authority" means any authority, commission, body, agency,

or individual empowered by the Ohio Constitution or the Revised Code to issue bonds or any other debt obligation of the state or any agency or department thereof. "Issuer" means the issuing authority or, if so designated under division (B) of section 3334.04 of the Revised Code, the treasurer of state.

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

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

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

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

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

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

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

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

(M) "Principal amount" refers to the initial offering price to the public

of an obligation, exclusive of the accrued interest, if any. "Principal amount" does not refer to the aggregate accreted amount payable at maturity or redemption of an obligation.

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

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

(P) "Other higher education expenses" means room and board and books, supplies, equipment, and nontuition-related fees associated with the cost of attendance of a beneficiary at an institution of higher education, but only to the extent that such expenses meet the definition of "qualified higher education expenses" under section 529 of the Internal Revenue Code. "Other higher education expenses" does not include tuition as defined in division (H) of this section.

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

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

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

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

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

(C)(1) The board of trustees of an institution listed in division (B) of this section shall not designate an employee of the institution as a state university law enforcement officer pursuant to that division on a permanent basis, on a temporary basis, for a probationary term, or on other than a

permanent basis if the employee previously has been convicted of or has pleaded guilty to a felony.

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

(i) Pleads guilty to a felony;

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

(b) The board of trustees shall suspend from employment as a state university law enforcement officer an employee designated as a state university law enforcement officer under division (B) of this section if that employee is convicted, after trial, of a felony. If the state university law enforcement officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the state university law enforcement officer does not file a timely appeal, 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 ~~college~~ university of Ohio at Toledo, and includes its board of trustees.

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

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

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

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

(6) "Facilities" means housing and dining facilities, auxiliary facilities, or education facilities, and includes any one, part of, or any combination of such facilities, and further includes site improvements, utilities, machinery, furnishings, and any separate or connected buildings, structures, improvements, sites, open space and green space areas, utilities or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, such facilities.

(7) "Obligations" means bonds or notes or other evidences of obligation, including interest coupons pertaining thereto, authorized to be issued under this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or

3358.10 of the Revised Code.

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

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

(10) "Costs of facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the institution of higher education or state agency, cost of engineering, architectural services, design, plans, specifications and surveys, estimates of cost, legal fees, fees and expenses of trustees, depositories, bond registrars, and paying agents for the obligations, cost of issuance of the obligations and financing costs and fees and expenses of financial advisers and consultants in connection therewith, interest on the obligations from the date thereof to the time when interest is to be covered by available receipts or other sources other than proceeds of the obligations, amounts necessary to establish reserves as required by the bond proceedings, costs of audits, the reimbursements of all moneys advanced or applied by or borrowed from the institution or others, from whatever source provided, including any temporary advances from state appropriations, for the payment of any item or items of cost of facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of facilities, the financing thereof and the placing of them in use and operation, including any one, part of, or combination of such classes of costs and expenses.

(11) "Available receipts" means all moneys received by the institution of higher education, including income, revenues, and receipts from the operation, ownership, or control of facilities, grants, gifts, donations, and

pledges and receipts therefrom, receipts from fees and charges, and the proceeds of the sale of obligations, including proceeds of obligations issued to refund obligations previously issued, but excluding any special fee, and receipts therefrom, charged pursuant to division (D) of section 154.21 of the Revised Code.

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

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

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

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

(C) Obligations shall be secured by a pledge of and lien on all or such part of the available receipts of the institution of higher education as it provides for in the bond proceedings, excluding moneys raised by taxation and state appropriations. Such pledge and lien may be made prior to all other expenses, claims, or payments, excepting any pledge of such available receipts previously made to the contrary and except as provided by any existing restrictions on the use thereof, or such pledge and lien may be made subordinate to such other expenses, claims, or payments, as provided in the bond proceedings. Obligations may be additionally secured by covenants of the institution to make, fix, adjust, collect, and apply such charges, rates, fees, rentals, and other items of available receipts as will produce pledged available receipts sufficient to meet bond service charges, reserve, and other requirements provided for in the bond proceedings. Notwithstanding this and any other sections of the Revised Code, the holders or owners of the obligations shall not be given the right and shall have no right to have excises or taxes levied by the general assembly for the payment of bond service charges thereon, and each such obligation shall bear on its face a statement to that effect and to the effect that the right to such payment is limited to the available receipts and special funds pledged to such purpose under the bond proceedings.



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

(D) The bond proceedings for obligations shall provide for the purpose thereof and the principal amount or maximum principal amount, and provide for or authorize the manner of determining the principal maturity or maturities, the sale price including any permitted discount, the interest rate or rates, which may be a variable rate or rates, or the maximum interest rate, the date of the obligations and the date or dates of payment of interest thereon, their denominations, the manner of sale thereof, and the establishment within or without the state of a place or places of payment of bond service charges. The bond proceedings also shall provide for a pledge of and lien on available receipts of the institution of higher education as provided in division (C) of this section, and a pledge of and lien on such fund or funds provided in the bond proceedings arising from available receipts, which pledges and liens may provide for parity with obligations theretofore or thereafter issued by the institution. The available receipts so pledged and thereafter received by the institution and 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, rentals, other charges, or regulations;

(5) The use and expenditure of the pledged available receipts in such manner and to such extent as shall be determined, which may include provision for the payment of the expenses of operation, maintenance, and repair of facilities so that such expenses, or part thereof, shall be paid or provided as a charge prior or subsequent to the payment of bond service charges and any other payments required to be made by the bond proceedings;

(6) Limitations on the issuance of additional obligations;

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

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

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

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

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

(F) Such obligations may have the seal of the institution of higher education or a facsimile thereof affixed thereto or printed thereon and shall be executed by such officers as are designated in the bond proceedings, which execution may be by facsimile signatures. Any obligations may be

executed by an officer who, on the date of execution, is the proper officer although on the date of such obligations such person was not the proper officer. In case any officer whose signature or a facsimile of whose signature appears on any such obligation ceases to be such officer before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the person had remained such officer until such delivery; and in case the seal of the institution has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal continues to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

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

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

(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:

(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;

(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;

(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;

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

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

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

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

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

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

accrue to the maturity date or dates of redemption of such obligations, and any expenses incurred or to be incurred in connection with such refunding or the issuance of the obligations.

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

(M) All facilities purchased, acquired, constructed, or owned by an institution of higher education, or financed in whole or in part by obligations issued by an institution, and used for the purposes of the institution or other publicly owned and controlled college or university, is public property used exclusively for a public purpose, and such property and the income therefrom is exempt from all taxation and assessment within this state, including ad valorem and excise taxes. The obligations, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, are at all times free from taxation within the state. The transfer of tangible personal property by lease under authority of this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code is not a sale as used in Chapter 5739. of the Revised Code.

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

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

(P) Except where costs of facilities are to be paid in whole or in part

from funds appropriated by the general assembly, section 125.81 of the Revised Code and the requirement for certification with respect thereto under section 153.04 of the Revised Code do not apply to such facilities.

(Q) A state university or college may sell or lease lands or interests in land owned by it or by the state for its use, or facilities authorized to be acquired or constructed by it under section 3345.07 or 3345.11 of the Revised Code, to permit the purchasers or lessees thereof to acquire, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, or maintain and operate thereon and to provide by lease or otherwise to such institution, facilities authorized in section 3345.07 or 3345.11 of the Revised Code. Such land or interests therein shall be sold for such appraised value, or leased, and on such terms as the board of trustees determines. All deeds or other instruments relating to such sales or leases shall be executed by such officer of the state university or college as the board of trustees designates. The state university or college shall hold, invest, or use the proceeds of such sales or leases for the same purposes for which proceeds of borrowings may be used under sections 3345.07 and 3345.11 of the Revised Code.

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

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

Sec. 3345.31. The boards of trustees of a state university, the board of trustees of the medical ~~college~~ university of Ohio at Toledo, the board of trustees of the northeastern Ohio universities college of medicine, the board of trustees of a technical college or community college district, and the board of control of the Ohio agricultural research and development center may establish compensation plans, including schedules of hourly rates, for the compensation of all employees and may establish rules or policies for the administration of their respective compensation plans.

The provisions of this section do not apply to employees for whom the

state employment relations board establishes appropriate bargaining units pursuant to section 4117.06 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

statements be accompanied by documentation specified by rule of the board.

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

(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses under section 3315.33, 3333.12, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 5910.032, or 5919.34 of the Revised Code unless that person has filed a statement of selective service status with that person's institution of higher education.

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

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

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



the board of trustees of the institution notifies the Ohio board of regents in writing of its intent to administer the capital facilities project;

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

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

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

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

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

(3) The board of trustees passes a resolution stating its intent to comply with section 153.13 of the Revised Code and the guidelines established pursuant to section 153.16 of the Revised Code and all laws that govern the

selection of consultants, preparation and approval of contract documents, receipt of bids, and award of contracts with respect to the project.

(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.

(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.

(D) 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 establishing criteria for monitoring capital facilities projects administered by institutions under this section. The criteria shall include the following:

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

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

Code.

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

Sec. 3345.71. As used in sections 3345.72 to 3345.77 of the Revised Code:

(A) "State university or college" means any state university listed in section 3345.011 of the Revised Code, the northeastern Ohio universities college of medicine, the medical ~~college~~ university of Ohio at Toledo, any community college under Chapter 3354. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

(B) "Fiscal watch" means the existence of a fiscal watch declared under section 3345.72 of the Revised Code.

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

of the board constitutes a quorum.

Sec. 3350.02. The board of trustees of the medical ~~college~~ university of Ohio at Toledo shall annually elect from its members a ~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson; and they may also appoint a secretary of the board, a treasurer, and such other officers of the ~~college~~ university as the interest of the ~~college~~ university requires, who may be members of the board. The treasurer, before entering upon the discharge of ~~his~~ the officer duties of treasurer, shall give bond to the state for the faithful performance of ~~his~~ the official duties of treasurer and the proper accounting for all moneys coming into ~~his~~ the treasurer's care. The amount of said bond shall be determined by the board, but shall not be for a sum less than the estimated amount which may come into ~~his~~ the treasurer's control at any time. Said bond shall be approved by the attorney general.

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

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

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

Title to any property taken in the name of the Toledo state college of medicine shall be deemed to have been taken in the name of the medical ~~college~~ university of Ohio.

Sec. 3350.05. The general assembly shall support the medical ~~college~~ university of Ohio at Toledo by such sums and in such manner as it may provide, except that no state funds shall be provided under this section unless such ~~college~~ university meets the requirements of section 3333.11 of the Revised Code. Support may also come from other sources.

Sec. 3383.01. As used in this chapter:

(A) "Culture" means any of the following:

(1) Visual, musical, dramatic, graphic, design, and other arts, including, but not limited to, architecture, dance, literature, motion pictures, music, painting, photography, sculpture, and theater, and the provision of training or education in these arts;

(2) The presentation or making available, in museums or other indoor or outdoor facilities, of principles of science and their development, use, or application in business, industry, or commerce or of the history, heritage, development, presentation, and uses of the arts described in division (A)(1) of this section and of transportation;

(3) The preservation, presentation, or making available of features of archaeological, architectural, environmental, or historical interest or significance in a state historical facility or a local historical facility.

(B) "Cultural organization" means either of the following:

(1) A governmental agency or Ohio nonprofit corporation that provides programs or activities in areas directly concerned with culture;

(2) A regional arts and cultural district as defined in section 3381.01 of the Revised Code.

(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.

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

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

(1) Those amounts either:

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

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

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

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

(G) "Governmental agency" means a state agency, a state-supported or

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

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

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

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

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

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

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

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

in Columbus;

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

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

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

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

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

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

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

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

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

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

(O) "Ohio sports facility" means all or a portion of a stadium, arena, motorsports complex, or other capital facility in this state, a primary purpose

of which is to provide a site or venue for the presentation to the public of either motorsports events or events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state, which facility is, in the case of a motorsports complex, owned by the state or governmental agency, or in all other instances, is owned by or is located on real property owned by the state or a governmental agency, and including all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real and personal property and interests and rights therein, that may be appropriate for or used for or in connection with the facility or its operation, for capital costs of which state funds are spent pursuant to this chapter. A facility constructed as an Ohio sports facility may be both an Ohio cultural facility and an Ohio sports facility.

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

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

(B) The commission shall consist of ten members, seven of whom shall be voting members and three of whom shall be nonvoting members. The seven voting members shall be appointed by the governor, with the advice and consent of the senate, from different geographical regions of the state. In addition, one of the voting members shall represent the state architect. Not more than four of the members appointed by the governor shall be affiliated with the same political party. The nonvoting members shall be the staff director of the Ohio arts council, a member of the senate appointed by



the president of the senate, and a member of the house of representatives appointed by the speaker of the house.

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

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

(E) Organizational meetings of the commission shall be held 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 commission shall incur no liability or obligation beyond such money.

(H) The commission shall file an annual report of its activities and finances with the governor, director of budget and management, speaker of

the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.

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

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

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

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

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

~~(3)~~(2) For a cultural project that is a state historical facility, construction

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

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

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

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

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

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

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

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

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

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

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

(2) As an indication of substantial local support for the facility, the commission has received a financial and development plan satisfactory to it,

and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

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

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

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

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

(2) Any motorsports organization that commits to using the facility for an established period of time shall give the political subdivision in which the facility is located not less 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.

Sec. 5537.01. As used in this chapter:

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

(B) "Project" or "turnpike project" means any express or limited access highway, super highway, or motorway constructed, operated, or improved, under the jurisdiction of the commission and pursuant to this chapter, at a location or locations reviewed by the turnpike oversight committee and approved by the governor, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, those portions of connecting public roads that serve interchanges and are determined by the commission and the director of transportation to be necessary for the safe merging of traffic between the turnpike project and those public roads, toll booths, service facilities, and administration, storage, and other buildings, property, and facilities that the commission considers necessary for the operation or policing of the project, together with all property and rights which may be acquired by the commission for the construction,

maintenance, or operation of the project, and includes any sections or extensions of a turnpike project designated by the commission as such for the particular purpose. Each turnpike project shall be separately designated, by name or number, and may be constructed, improved, or extended in such sections as the commission may from time to time determine. Construction includes the improvement and renovation of a previously constructed project, including additional interchanges, whether or not the project was initially constructed by the commission.

(C) "Cost," as applied to construction of a turnpike project, includes the cost of construction, including bridges over or under existing highways and railroads, acquisition of all property acquired by the commission for the construction, demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which the buildings or structures may be moved, site clearance, improvement, and preparation, diverting public roads, interchanges with public roads, access roads to private property, including the cost of land or easements therefor, all machinery, furnishings, and equipment, communications facilities, financing expenses, interest prior to and during construction and for one year after completion of construction, traffic estimates, indemnity and surety bonds and premiums on insurance, title work and title commitments, insurance, and guarantees, engineering, feasibility studies, and legal expenses, plans, specifications, surveys, estimates of cost and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing or operating a project, administrative expenses, and any other expense that may be necessary or incident to the construction of the project, the financing of the construction, and the placing of the project in operation. Any obligation or expense incurred by the department of transportation with the approval of the commission for surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project, or by the federal government with the approval of the commission for any public road projects which must be reimbursed as a condition to the exercise of any of the powers of the commission under this chapter, shall be regarded as a part of the cost of the project and shall be reimbursed to the state or the federal government, as the case may be, from revenues, state taxes, or the proceeds of bonds as authorized by this chapter.

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

(E) "Revenues" means all tolls, service revenues, investment income on special funds, rentals, gifts, grants, and all other moneys coming into the possession of or under the control of the commission by virtue of this

chapter, except the proceeds from the sale of bonds. "Revenues" does not include state taxes.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

turnpike project.

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

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

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

(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.

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

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

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

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

Sec. 5540.01. As used in this chapter:

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

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

(C) "Project" means a street, highway, or other transportation project constructed or improved under this chapter and includes all bridges, tunnels, overpasses, underpasses, interchanges, approaches, those portions of connecting streets or highways that serve interchanges and are determined by the district to be necessary for the safe merging of traffic between the project and those streets or highways, service facilities, and administration, storage, and other buildings, property, and facilities, that the district considers necessary for the operation of the project, together with all property and rights that must be acquired by the district for the construction, maintenance, or operation of the project.

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

(E) "Owner" includes any person having any title or interest in any

property authorized to be acquired by a district under this chapter.

(F) "Revenues" means all moneys received by a district with respect to the lease, sublease, or sale, including installment sale, conditional sale, or sale under a lease-purchase agreement, of a project, any gift or grant received with respect to a project, tolls, proceeds of bonds to the extent the use thereof for payment of principal or of premium, if any, or interest on the bonds is authorized by the district, proceeds from any insurance, condemnation, or guaranty pertaining to a project or property mortgaged to secure bonds or pertaining to the financing of a project, and income and profit from the investment of the proceeds of bonds or of any revenues.

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

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

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

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

(K) "Bond service fund" means the applicable fund created by the bond

proceedings for and pledged to the payment of bond service charges on bonds provided for by those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to that fund as provided in the bond proceedings.

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

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

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

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

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

(Q) "Refund" means to fund and retire outstanding bonds, including

advance refunding with or without payment or redemption prior to stated maturity.

(R) "Property" includes interests in property.

(S) "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.

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

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

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

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

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

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

(b) It is located in a county designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended;

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

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

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

(f) At least fifty-one per cent of the residents of the area have incomes of less than eighty per cent of the median income of residents of the

municipal corporation or municipal corporations in which the area is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

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

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

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

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

(2) An area with a single continuous boundary designated in 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 located. In the case of such a facility that is physically located in two adjacent taxing districts, the property located in each taxing district constitutes a separate facility.

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

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

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

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

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



taxation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(V) "Remediate" means to make expenditures to clean up an environmentally contaminated facility so that it is no longer environmentally

contaminated that equal at least ten per cent of the real property market value of the facility prior to such expenditures as determined for the purposes of property taxation.

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

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

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

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

(B) Any enterprise that wishes to enter into an agreement with a municipal corporation under division (C) of this section shall submit a proposal to the legislative authority of the municipal corporation on a form

prescribed by the director of development, together with the application fee established under section 5709.68 of the Revised Code. The form shall require the following information:

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

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

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

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

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

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

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the assessed value of tangible personal property first used in business at the project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except that, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or

value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

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

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

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

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

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

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

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

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

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed seventy-five per cent in any year for which that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) Except as otherwise provided in this division, an agreement entered

into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the 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 of study at a school or other



educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

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

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

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

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

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

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

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

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

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

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

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

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

(C) If the legislative authority or board determines that the enterprise is so qualified and satisfies one of the criteria described in divisions (B)(1) to (5) of this section, the legislative authority or board may, after complying with section 5709.83 of the Revised Code and on or before October 15, 2009, and, in the case of a board of commissioners, with the consent of the

legislative authority of each affected municipal corporation or of the board of township trustees, enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

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

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

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

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

(F) With the approval of the legislative authority of a municipal

corporation or the board of township trustees of a township in which a zone is designated under division (A)(2) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board to negotiate and administer agreements with regard to that zone under this section.

(G) When an agreement is entered into pursuant to this section, the legislative authority or board of commissioners 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.

(H) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed 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.

(I) 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 of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

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

infrastructure improvements and for the service payments authorized for the purpose of housing renovations. ~~Moneys~~

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

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

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

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

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

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

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

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

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

(4) The board determines the debt is uncollectible.

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

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

Sec. 5733.121. If a corporation entitled to a refund under section 5733.11 or 5733.12 of the Revised Code is indebted to this state for any tax, workers' compensation premium due under section 4123.35 of the Revised Code, unemployment compensation contribution due under section 4141.25 of the Revised Code, ~~or~~ unemployment compensation payment in lieu of

contribution under section 4141.241 of the Revised Code, certified claim under section 131.02 or 131.021 of the Revised Code, or fee that is paid to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code, or any charge, penalty, or interest arising from such a tax, workers' compensation premium, unemployment compensation contribution, ~~or~~ unemployment compensation payment in lieu of contribution under section 4141.241 of the Revised Code, certified claim, or fee, the amount refundable may be applied in satisfaction of the debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded. If the corporation has more than one such debt, any debt subject to section 5739.33 or division (G) of section 5747.07 of the Revised Code shall be satisfied first. ~~This~~ Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

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

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

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

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

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

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

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

Sec. 3305.01. As used in this chapter:

(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.

(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.

(C) "Eligible employee" means any person employed as a full-time employee of a public institution of higher education.



In all cases of doubt, the board of trustees of the public institution of higher education shall determine whether any person is an eligible employee for purposes of this chapter, and the board's decision shall be final.

(D) "Electing employee" means any eligible employee who elects, pursuant to section 3305.05 or 3305.051 of the Revised Code, to participate in an alternative retirement plan provided pursuant to this chapter or an eligible employee who is required to participate in an alternative retirement plan pursuant to division (C)(4) of section 3305.05 or division (F) of section 3305.051 of the Revised Code.

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

(1) If the electing employee would be subject to Chapter 145. of the Revised Code had the employee not made an election pursuant to section 3305.05 or 3305.051 of the Revised Code, "earnable salary" as defined in division (R) of section 145.01 of the Revised Code;

(2) If the electing employee would be subject to Chapter 3307. of the Revised Code had the employee not made an election pursuant to section 3305.05 or 3305.051 of the Revised Code, "compensation" as defined in division (L) of section 3307.01 of the Revised Code;

(3) If the electing employee would be subject to Chapter 3309. of the Revised Code had the employee not made an election pursuant to section 3305.05 or 3305.051 of the Revised Code, "compensation" as defined in division (V) of section 3309.01 of the Revised Code.

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

Sec. 3307.01. As used in this chapter:

(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 shall be final.

"Teacher" does not include any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code.

(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:

(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;

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

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

(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.

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

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

(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.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means the actuarial consultant to the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the following:

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

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

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

(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including

payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter are paid;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;

(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(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;

(g) Payments by the employer for services not actually rendered;

(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:

(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;

(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;

(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;

(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.

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

who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.

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

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

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

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

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

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

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

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

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

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.

SECTION 2.02. That the existing versions of sections 3305.01 and 3307.01 of the Revised Code that are scheduled to take effect August 1, 2005, are hereby repealed.

SECTION 2.03. Sections 2.01 and 2.02 of this act shall take effect August 1, 2005.

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

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

SECTION 4.01. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 021), that are not otherwise appropriated.

		Appropriations
<b>SFC SCHOOL FACILITIES COMMISSION</b>		
CAP-622	Public School Buildings	\$ 3,000,000
Total School Facilities Commission		\$ 3,000,000
TOTAL Public School Building Fund		\$ 3,000,000

**SECTION 4.02. PUBLIC SCHOOL BUILDING FUND**

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

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

		Appropriations
<b>DHS DEPARTMENT OF PUBLIC SAFETY</b>		
CAP-072	OSHP Academy Infrastructure Phase II	\$ 750,000
CAP-079	Ironton Patrol Post	\$ 1,900,000
Total Department of Public Safety		\$ 2,650,000
TOTAL Highway Safety Fund		\$ 2,650,000

SECTION 6.01. 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 Revolving Loan Fund (Fund 040). Revenues to the State Capital Improvements Revolving Loan Fund shall consist of all repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

		Appropriations
<b>PWC PUBLIC WORKS COMMISSION</b>		
CAP-151	Revolving Loan	\$ 16,750,000
Total Public Works Commission		\$ 16,750,000
TOTAL State Capital Improvements Revolving Loan Fund		\$ 16,750,000

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

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

		Appropriations
<b>DNR DEPARTMENT OF NATURAL RESOURCES</b>		
CAP-324	Cooperative Funding for Boating Facilities	\$ 7,600,000
CAP-934	Operations Facilities Development	\$ 890,000
Total Department of Natural Resources		\$ 8,490,000
TOTAL Waterways Safety Fund		\$ 8,490,000

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

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

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

appropriated.

		Appropriations
<b>ADJ ADJUTANT GENERAL</b>		
CAP-065	Armory Construction-Federal	\$ 6,649,000
Total Adjutant General		\$ 6,649,000
Total Army National Guard Service Contract		\$ 6,649,000

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

		Appropriations
<b>JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>		
CAP-027	Various Renovations - Local Offices	\$ 2,076,956
Total Department of Job and Family Services		\$ 2,076,956
TOTAL Special Administrative Fund		\$ 2,076,956

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

		Appropriations
<b>COM DEPARTMENT OF COMMERCE</b>		
CAP-014	Office and Dorm Addition	\$ 8,190,000
CAP-016	MARCS Radio Communications	\$ 400,000
Total Department of Commerce		\$ 8,590,000
TOTAL State Fire Marshal Fund		\$ 8,590,000

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

		Appropriations
<b>ADJ ADJUTANT GENERAL</b>		
CAP-066	Armory Construction - Local	\$ 3,000,000
Total Adjutant General		\$ 3,000,000
TOTAL Community Match Armories		\$ 3,000,000

SECTION 13.01. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the



Veterans' Home Improvement Fund (Fund 604) that are not otherwise appropriated.

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

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

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

SECTION 14.02. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2o of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.40 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$50,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Clean Ohio Revitalization Fund (Fund 003) to pay costs of revitalization projects as referred to in sections 151.01 and 151.40 of the Revised Code.

SECTION 15.01. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the

Highway Safety Building Fund (Fund 025) that are not otherwise appropriated.

		Appropriations
<b>DHS DEPARTMENT OF PUBLIC SAFETY</b>		
CAP-080	Repeaters and Portable Radios	\$ 2,500,000
Total Department of Public Safety		\$ 2,500,000
TOTAL Highway Safety Building Fund		\$ 2,500,000

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

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

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

Appropriations

**SECTION 16.03. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES**

CAP-773	Governor's Residence Renovations	\$	160,032
CAP-826	Surface Road Building Renovations	\$	200,000
CAP-834	Capital Improvements Tracking System	\$	750,000
CAP-838	SOCC Renovations	\$	532,042
CAP-852	North High Building Complex	\$	10,375,000
CAP-855	Office Space Planning	\$	5,274,502
CAP-859	eSecure Ohio	\$	1,750,000
CAP-864	eGovernment Infrastructure	\$	250,000
CAP-865	DAS Building Security	\$	140,000
CAP-866	OH*1 Network	\$	4,000,000
CAP-867	Lausche Building Connector	\$	500,000
CAP-868	Riversouth Development	\$	9,500,000
Total Department of Administrative Services		\$	33,431,576

**Appropriations**

**SECTION 16.04. AGR DEPARTMENT OF AGRICULTURE**

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

**Appropriations**

**SECTION 16.05. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD**

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

**SOUND SYSTEM UPGRADES**

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

**Appropriations**

**SECTION 16.06. EXP EXPOSITIONS COMMISSION**

CAP-037	Electrical Upgrades	\$	2,400,000
CAP-056	Building Renovations	\$	1,600,000
CAP-072	Emergency Renovations and Equipment Replacement	\$	1,000,000
Total Expositions Commission		\$	5,000,000

		Appropriations
SECTION 16.07. DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-742	Fountain Square Building and Telephone System Improvements	\$ 500,000
CAP-744	Multi-Agency Radio Communications Equipment - MARCS	\$ 3,100,059
CAP-747	DNR Fairgrounds Areas - General Upgrading	\$ 500,000
Total Department of Natural Resources		\$ 4,100,059

		Appropriations
SECTION 16.08. DHS DEPARTMENT OF PUBLIC SAFETY		
CAP-078	Upgrade/Replacement of State EOC Equipment/System	\$ 525,000
CAP-081	NOAA National Weather Radio Coverage	\$ 219,900
Total Department of Public Safety		\$ 744,900

		Appropriations
SECTION 16.09. OSB SCHOOL FOR THE BLIND		
CAP-774	Glass Windows/E Wall of Natatorium	\$ 63,726
CAP-775	Renovation of Science Lab Greenhouse	\$ 58,850
CAP-776	Renovating Recreation Area	\$ 213,900
CAP-777	New Classrooms for Secondary MH Program	\$ 880,407
CAP-778	Renovation of Student Health Service Area	\$ 144,375
CAP-779	Replacement of Cottage Windows	\$ 208,725
CAP-780	New School Lighting	\$ 184,500
CAP-781	Food Prep. Area Air Conditioning	\$ 67,250
Total School for the Blind		\$ 1,821,733

		Appropriations
SECTION 16.10. OSD SCHOOL FOR THE DEAF		
CAP-777	Boilers, Blowers, and Controls for the School Complex	\$ 841,469
CAP-778	Central Warehouse	\$ 706,194
CAP-779	Storage Barn	\$ 330,850
Total School for the Deaf		\$ 1,878,513
TOTAL Administrative Building Fund		\$ 61,140,186

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

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

		Appropriations
<b>DRC DEPARTMENT OF REHABILITATION AND CORRECTION</b>		
<b>STATEWIDE AND CENTRAL OFFICE PROJECTS</b>		
CAP-007	Asbestos/Hazardous Waste Removal	\$ 1,000,000
CAP-017	Security Improvements - Statewide	\$ 5,000,000
CAP-111	General Building Renovations	\$ 31,550,000
CAP-141	Multi-Agency Radio Communications System Equipment	\$ 1,900,000
CAP-187	Mandown Alert Communication System - Statewide	\$ 2,650,000
Total Statewide and Central Office Projects		\$ 42,100,000
TOTAL Department of Rehabilitation and Correction		\$ 42,100,000
TOTAL ADULT CORRECTIONAL BUILDING FUND		\$ 42,100,000

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

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

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

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

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

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

CAP-071	Cleveland Institute of Music	\$	750,000
CAP-073	Marina District/Ice Arena Development	\$	3,500,000
CAP-074	Stan Hywet Hall & Gardens - West Vista Restoration	\$	750,000
CAP-745	Emergency Repairs	\$	838,560
CAP-769	Rankin House State Memorial	\$	192,000
CAP-781	Archives and Library Automation	\$	624,000
CAP-784	Center Rehabilitation	\$	960,000
CAP-806	Grant Boyhood Home Improvements	\$	480,000
CAP-812	Schuster Arts Center	\$	5,500,000
CAP-823	Marion Palace Theatre	\$	750,000
CAP-826	Renaissance Theatre	\$	750,000
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000
CAP-835	Jamestown Opera House	\$	125,000
CAP-844	Charles A. Eulett Education Center/Edge of Appalachia Museum Center	\$	1,850,000
CAP-845	Lima Historic Athletic Field	\$	100,000
CAP-846	Butler Palace Theatre	\$	100,000
CAP-847	Voice of America Museum	\$	275,000
CAP-848	Oxford Arts Center ADA Project	\$	72,000
CAP-849	Clark County Community Arts Expansion Project	\$	500,000
CAP-850	Westcott House Historic Site	\$	75,000
CAP-851	General Lytle Homestead - Harmony Hill	\$	50,000
CAP-852	Miami Township Community Amphitheatre	\$	50,000
CAP-853	Western Reserve Historical Society	\$	1,000,000
CAP-854	Steamship Mather Museum	\$	100,000
CAP-855	Rock and Roll Hall of Fame	\$	250,000
CAP-856	Friendly Inn Settlement House Historic Site	\$	250,000
CAP-857	Merrick House Historic Site	\$	250,000
CAP-858	Strongsville Historic Building	\$	100,000
CAP-859	Arts Castle	\$	100,000
CAP-860	Great Lakes Historical Society	\$	325,000
CAP-861	Ohio Glass Museum	\$	250,000
CAP-862	Goll Wood Homestead	\$	50,000
CAP-863	Ariel Theatre	\$	100,000
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000
CAP-865	Kennedy Stone House	\$	15,000
CAP-866	Sports Facilities Improvements - Cincinnati	\$	4,350,000
CAP-867	Ensemble Theatre	\$	450,000
CAP-868	Taft Museum	\$	500,000
CAP-869	Art Academy of Cincinnati	\$	100,000
CAP-870	Riverbend Pavilion Improvements	\$	250,000
CAP-871	Cincinnati Art & Technology Academy - Longworth Hall	\$	100,000
CAP-872	Music Hall: Over-The-Rhine	\$	750,000
CAP-873	John Bloomfield Home Restoration	\$	115,000
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000
CAP-875	Hocking County Historical Society - Schempp House	\$	10,000
CAP-876	Art Deco Markay Theater	\$	200,000
CAP-877	Harvey Wells House	\$	100,000
CAP-878	Bryn Du	\$	250,000
CAP-879	Broad Street Historical Renovation	\$	300,000
CAP-880	Amherst Historical Society	\$	35,000
CAP-881	COSI - Toledo	\$	1,900,000
CAP-882	Ohio Theatre - Toledo	\$	100,000

CAP-883	Chester Academy Historic Site Renovations	\$	25,000
CAP-884	Bradford Ohio Railroad Museum	\$	100,000
CAP-885	Montgomery County Historical Society Archives	\$	100,000
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000
CAP-887	Aurora Outdoor Sports Complex	\$	50,000
CAP-888	Preble County Historical Society	\$	100,000
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000
CAP-890	Pro Football Hall of Fame	\$	400,000
CAP-891	MAPS Air Museum	\$	15,000
CAP-892	Foundation Community Theatre	\$	50,000
CAP-893	William McKinley Library Restoration	\$	250,000
CAP-894	Hale Farm & Village	\$	250,000
CAP-895	Blossom Music Center	\$	2,512,500
CAP-896	Richard Howe House	\$	100,000
CAP-897	Ward-Thomas Museum	\$	30,000
CAP-898	Packard Music Hall Renovation Project	\$	100,000
CAP-899	Holland Theatre	\$	100,000
CAP-900	Van Wert Historical Society	\$	32,000
CAP-901	Warren County Historical Society	\$	225,000
CAP-902	Marietta Colony Theatre	\$	335,000
CAP-903	West Salem Village Opera House	\$	92,000
CAP-904	Beavercreek Community Theater	\$	100,000
CAP-905	Smith Orr Homestead	\$	100,000
	Total Cultural Facilities Commission	\$	43,592,560
	TOTAL Cultural and Sports Facilities Building Fund	\$	43,592,560

SECTION 19.02. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154., as amended by this act, and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$35,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in section 154.01 of the Revised Code, including construction as defined in division (H) of section 3383.01 of the Revised Code, of the Ohio cultural facilities designated in Section 19.01 of this act.

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

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES  
STATEWIDE AND LOCAL PROJECTS



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

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

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

SECTION 21.01. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the School Building Program Assistance Fund (Fund 032) that are not otherwise appropriated.

		Appropriations
<b>SFC SCHOOL FACILITIES COMMISSION</b>		
CAP-770	School Building Program Assistance	\$ 541,600,000
Total School Facilities Commission		\$ 541,600,000
TOTAL School Building Program Assistance Fund		\$ 541,600,000

**SCHOOL BUILDING PROGRAM ASSISTANCE**

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

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

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

**SECTION 22.02. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES**

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

**COMMUNITY ASSISTANCE PROJECTS**

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

Center.

		Appropriations
<b>SECTION 22.03. DMH DEPARTMENT OF MENTAL HEALTH</b>		
CAP-479	Community Assistance Projects	\$ 1,800,000
CAP-978	Infrastructure Improvements	\$ 8,050,000
CAP-989	Cleveland Christian Home	\$ 100,000
Total Department of Mental Health		\$ 9,950,000

**COMMUNITY ASSISTANCE PROJECTS**

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.

		Appropriations
<b>SECTION 22.04. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES</b>		
<b>STATEWIDE AND CENTRAL OFFICE PROJECTS</b>		
CAP-480	Community Assistance Projects	\$ 9,475,000
CAP-955	Statewide Development Centers	\$ 3,257,257
Total Statewide and Central Office Projects		\$ 12,732,257
TOTAL Department of Mental Retardation and Developmental Disabilities		\$ 12,732,257
<b>TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND</b>		<b>\$ 22,782,257</b>

**COMMUNITY ASSISTANCE PROJECTS**

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

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

(2) In the case of an appropriation for capital facilities 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 Mental Health or the Department of Mental Retardation and Developmental Disabilities, whichever is applicable, 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;

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

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

SECTION	23.02.	OEB	OHIO	Appropriations EDUCATIONAL
<b>TELECOMMUNICATIONS NETWORK COMMISSION</b>				
CAP-001	Educational TV and Radio Equipment		\$	1,027,038
Total Ohio Educational Telecommunications Network Commission				\$ 1,027,038

SECTION 23.03. BOARD OF REGENTS AND STATE INSTITUTIONS OF HIGHER EDUCATION				Appropriations
<b>BOR BOARD OF REGENTS</b>				
CAP-025	Instructional and Data Processing Equipment		\$	28,268,395
CAP-029	Ohio Library and Information Network		\$	8,100,000
CAP-030	Ohio Supercomputer Center Expansion		\$	6,750,000

CAP-032	Research Facility Action and Investment Funds	\$	5,000,000
CAP-064	Eminent Scholars Capital Grants	\$	900,000
CAP-068	Third Frontier	\$	50,000,000
CAP-070	Dark Fiber	\$	4,500,000
CAP-072	Cleveland Clinic Heart Center Infrastructure Project	\$	5,000,000
CAP-076	OSU Agricultural Building	\$	1,500,000
CAP-077	Center for Structural Biology at Case Western Reserve University	\$	1,000,000
CAP-078	One Cleveland Broadband Network	\$	500,000
CAP-079	Central Ohio Technology Corridor - Dublin	\$	500,000
CAP-080	Ohio State University Supercomputer Center Aerospace & Defense Initiative	\$	50,000
CAP-081	Youngstown Market Ready Incubator	\$	750,000
Total Board of Regents		\$	112,818,395

#### SECTION 23.04. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS

The foregoing appropriation item CAP-032, Research Facility Action and Investment Funds, shall be used for a program of grants to be administered by the Board of Regents to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education.

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

#### SECTION 23.05. EMINENT SCHOLARS CAPITAL GRANTS

The foregoing appropriation item CAP-064, Eminent Scholars Capital Grants, shall be used by the Ohio Board of Regents to make grants to state colleges and universities and nonprofit Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code that receive endowment grants from appropriation item 235-451, Eminent Scholars. The capital grants shall be used to acquire, renovate, rehabilitate, or construct facilities and purchase equipment to be

used by an Eminent Scholar in the conduct of research, and shall require a 50 per cent match from recipient campuses.

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

#### SECTION 23.06. THIRD FRONTIER

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

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

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

#### SECTION 23.07. REIMBURSEMENT FOR PROJECT COSTS

Appropriations made in Sections 23.08 to 23.45 of this act for purposes of costs of capital facilities for the interim financing of which the particular institution has previously issued its own obligations anticipating the

possibility of future state appropriations to pay all or a portion of such costs, as contemplated in division (B) of section 3345.12 of the Revised Code, shall be paid directly to the institution or the paying agent for those outstanding obligations in the full principal amount of those obligations then to be paid from the anticipated appropriation, and shall be timely applied to the retirement of a like principal amount of the institution's obligations.

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

		Appropriations
<b>SECTION 23.08. UAK UNIVERSITY OF AKRON</b>		
CAP-008	Basic Renovations	\$ 3,673,967
CAP-047	Polsky Building	\$ 2,800,918
CAP-049	Basic Renovations-Wayne	\$ 122,466
CAP-054	Auburn West Tower Rehabilitation Phase II	\$ 8,316,562
CAP-077	Leigh Hall Phase II	\$ 1,680,000
CAP-113	Student & Administrative Services Building Phase II	\$ 905,464
CAP-114	Facilities Enhancement Building H Phase II	\$ 628,277
CAP-115	Medina County University Center	\$ 1,000,000
Total University of Akron		\$ 19,127,654

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

		Appropriations
<b>SECTION 23.10. CSU CENTRAL STATE UNIVERSITY</b>		
CAP-022	Basic Renovations	\$ 739,133
CAP-084	Academic Facility-Phase II	\$ 3,734,139



Total Central State University \$ 4,473,272

## Appropriations

## SECTION 23.11. UCN UNIVERSITY OF CINCINNATI

CAP-009	Basic Renovations	\$	7,022,622
CAP-018	Basic Renovations-Clermont	\$	198,926
CAP-054	Basic Renovations-Walters	\$	336,439
CAP-131	Cinergy Convention Center	\$	2,500,000
CAP-174	Classroom/Teaching Laboratory Renovations	\$	3,280,000
CAP-176	Network Expansion	\$	1,820,000
CAP-205	Medical Science Building	\$	5,870,374
CAP-209	Library Renovations	\$	1,450,000
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	2,632,000
CAP-263	Swift Rehabilitation	\$	9,000,000
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	619,579
CAP-269	Raymond Walters Veterinary College	\$	1,244,131
CAP-313	Expand Clermont	\$	657,770
CAP-329	Uptown Consortium Renovation of Turner Place	\$	250,000
Total University of Cincinnati		\$	36,881,841

## Appropriations

## SECTION 23.12. CLS CLEVELAND STATE UNIVERSITY

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

## Appropriations

## SECTION 23.13. KSU KENT STATE UNIVERSITY

CAP-022	Basic Renovations	\$	3,573,078
CAP-105	Basic Renovations-East Liverpool	\$	151,408
CAP-106	Basic Renovations-Geauga	\$	45,607
CAP-107	Basic Renovations-Salem	\$	105,640
CAP-108	Basic Renovations-Stark	\$	325,358
CAP-110	Basic Renovations-Ashtabula	\$	177,801
CAP-111	Basic Renovations-Trumbull	\$	347,695
CAP-112	Basic Renovations-Tuscarawas	\$	171,699
CAP-212	Health Science Building, Planning	\$	705,720
CAP-235	Rehabilitation of Franklin Hall	\$	13,923,684
CAP-260	Land Acquisitions & Improvements-East Liverpool	\$	638,419
CAP-261	Addition/Renovation of Classrooms-Geauga	\$	246,878
CAP-262	Gym Renovation Planning-Salem	\$	490,213
CAP-263	Parking Lot & Roadway Paving-Stark	\$	162,076

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CAP-264	Fine Arts Building & New Campus Center-Stark	\$	1,000,000
CAP-265	Science Lab Addition-Trumbull	\$	991,786
CAP-266	Fine & Performing Arts Center - Tuscarawas	\$	844,655
CAP-267	Columbiana County Port Authority	\$	875,000
CAP-268	Canton Convention Center	\$	735,000
Total Kent State University		\$	25,511,717

Appropriations

SECTION 23.14. MUN MIAMI UNIVERSITY

CAP-018	Basic Renovations	\$	3,361,718
CAP-066	Basic Renovations - Hamilton	\$	338,149
CAP-069	Basic Renovations - Middletown	\$	342,582
CAP-113	Academic/Administrative Renovation Projects - Hamilton	\$	561,504
CAP-127	Campus Steam Loop Connections	\$	1,457,000
CAP-142	Engineering & Applied Science Facility	\$	3,200,000
CAP-145	Campus Chilled Water Efficiency Upgrade	\$	725,000
CAP-146	Information Technology Systems Upgrade	\$	1,201,284
CAP-150	Student & Community Center	\$	2,530,865
CAP-157	Presser Hall Rehabilitation	\$	3,015,740
CAP-158	Psychology & Animal Care Facility	\$	2,500,000
Total Miami University		\$	19,233,842

Appropriations

SECTION 23.15. OSU OHIO STATE UNIVERSITY

CAP-074	Basic Renovations	\$	16,087,255
CAP-149	Basic Renovations - Regional Campuses	\$	1,364,700
CAP-255	Supplemental Renovations - OARDC	\$	1,563,997
CAP-427	Morrill Hall - 1st Floor Rehabilitation	\$	603,137
CAP-486	Larkins Hall Addition and Rehabilitation	\$	6,417,109
CAP-487	Robinson Laboratory Replacement	\$	24,200,000
CAP-531	Plant & Animal Agrosecurity Research Facility	\$	4,830,718
CAP-534	Main Library Rehabilitation/Expansion	\$	8,000,000
CAP-535	Psychology Building	\$	13,600,000
CAP-701	OSU Cancer Program Expansion	\$	2,000,000
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000
CAP-704	Warner Library and Student Center	\$	1,070,766
CAP-705	Hopewell Hall Science Suite	\$	508,408
CAP-712	OSU Mansfield - Third Street Project	\$	234,000
Total Ohio State University		\$	83,280,090

Appropriations

SECTION 23.16. OHU OHIO UNIVERSITY

CAP-020	Basic Renovations	\$	4,359,577
CAP-095	Basic Renovations - Eastern	\$	161,266
CAP-098	Basic Renovations - Lancaster	\$	220,122
CAP-099	Basic Renovations - Zanesville	\$	208,065
CAP-113	Basic Renovations - Chillicothe	\$	191,356

CAP-114	Basic Renovations - Ironton	\$	109,277
CAP-115	Bennett Hall Interior Renovation Phase II	\$	101,793
CAP-155	Brasee Hall Interior Renovations	\$	835,520
CAP-172	Elson Hall Renovation Phase III	\$	909,284
CAP-203	Classroom Improvements	\$	50,000
CAP-214	Science/Fine Arts Renovation Phase II	\$	305,000
CAP-216	Proctorville Planning and Site Improvements	\$	448,831
CAP-222	Clippinger Lab Planning	\$	112,709
CAP-223	Alden Library Planning	\$	150,000
CAP-224	University Center Replacement	\$	11,390,000
CAP-225	Lausche Heating Plant	\$	4,800,000
CAP-226	New Grounds Maintenance Building	\$	259,064
CAP-227	Chillicothe Parking & Roadway	\$	480,000
CAP-228	Shoemaker Center Air Conditioning	\$	271,000
CAP-230	Kettering Medical Center - Nixon Research Facility	\$	450,000
CAP-231	Supplemental Renovations - Ironton	\$	100,000
Total Ohio University		\$	25,912,864

## Appropriations

## SECTION 23.17. SSC SHAWNEE STATE UNIVERSITY

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

## Appropriations

## SECTION 23.18. UTO UNIVERSITY OF TOLEDO

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

## Appropriations

## SECTION 23.19. WSU WRIGHT STATE UNIVERSITY

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

## Appropriations

## SECTION 23.20. YSU YOUNGSTOWN STATE UNIVERSITY

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

## Appropriations

## SECTION 23.21. MCO MEDICAL UNIVERSITY OF OHIO

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

## Appropriations

## SECTION 23.22. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF MEDICINE

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

## Appropriations

## SECTION 23.23. CTC CINCINNATI STATE COMMUNITY COLLEGE

CAP-013	Basic Renovations	\$	747,037
CAP-030	Student Life and Education Center	\$	2,865,422
CAP-037	Classroom Technology Enhancements	\$	792,372
Total Cincinnati State Community College		\$	4,404,831

## Appropriations

## SECTION 23.24. CLT CLARK STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	396,136
CAP-039	Clark State Health and Education Center	\$	100,000
CAP-041	Student/Technology Center	\$	1,270,607
CAP-042	Springfield Second Harvest Foodbank Building	\$	100,000
CAP-043	Tecumseh Health and Education Center	\$	100,000
Total Clark State Community College		\$	1,966,743

## Appropriations

## SECTION 23.25. CTI COLUMBUS STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	1,126,207
CAP-052	Building E Construction	\$	19,732,839
Total Columbus State Community College		\$	20,859,046

## Appropriations

## SECTION 23.26. CCC CUYAHOGA COMMUNITY COLLEGE

CAP-031	Basic Renovations	\$	2,428,960
CAP-079	Cleveland Art Museum Improvements	\$	3,000,000
CAP-094	Collegewide Wayfinding Signage System	\$	1,067,510
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$	1,491,522
CAP-096	Health Care Technology Building - Eastern	\$	6,050,264
Total Cuyahoga Community College		\$	14,038,256

## Appropriations

## SECTION 23.27. ESC EDISON STATE COMMUNITY COLLEGE

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

## Appropriations

## SECTION 23.28. JTC JEFFERSON COMMUNITY COLLEGE

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

## Appropriations

## SECTION 23.29. LCC LAKELAND COMMUNITY COLLEGE

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

## Appropriations

## SECTION 23.30. LOR LORAIN COUNTY COMMUNITY COLLEGE

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

## Appropriations

## SECTION 23.31. NTC NORTHWEST STATE COMMUNITY

**COLLEGE**

CAP-003	Basic Renovations	\$	255,977
CAP-022	Branch Campus Facility	\$	400,000
Total Northwest State Community College		\$	655,977

**Appropriations****SECTION 23.32. OTC OWENS COMMUNITY COLLEGE**

CAP-019	Basic Renovations	\$	1,231,693
CAP-039	Academic Services Building, Phase II - Findlay	\$	3,160,268
CAP-040	Fire and Police Training Site for Homeland Security, Phase II	\$	1,000,000
Total Owens Community College		\$	5,391,961

**Appropriations****SECTION 23.33. RGC RIO GRANDE COMMUNITY COLLEGE**

CAP-005	Basic Renovations	\$	341,403
CAP-025	Student Center	\$	125,000
CAP-026	Supplemental Renovations	\$	200,000
Total Rio Grande Community College		\$	666,403

**Appropriations****SECTION 23.34. SCC SINCLAIR COMMUNITY COLLEGE**

CAP-007	Basic Renovations	\$	1,860,925
CAP-059	National Composite Center	\$	2,000,000
Total Sinclair Community College		\$	3,860,925

**Appropriations****SECTION 23.35. SOC SOUTHERN STATE COMMUNITY COLLEGE**

CAP-010	Basic Renovations	\$	250,644
CAP-011	Supplemental Renovations	\$	100,000
Total Southern State Community College		\$	350,644

**Appropriations****SECTION 23.36. TTC TERRA STATE COMMUNITY COLLEGE**

CAP-009	Basic Renovations	\$	287,915
CAP-020	New Health and Science Building	\$	2,967,947
Total Terra State Community College		\$	3,255,862

**Appropriations****SECTION 23.37. WTC WASHINGTON STATE COMMUNITY COLLEGE**

CAP-006	Basic Renovations	\$	231,224
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Total Washington State Community College	\$	231,224
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## Appropriations

## SECTION 23.38. BTC BELMONT TECHNICAL COLLEGE

CAP-008 Basic Renovations	\$	194,718
Total Belmont Technical College	\$	194,718

## Appropriations

## SECTION 23.39. COT CENTRAL OHIO TECHNICAL COLLEGE

CAP-003 Basic Renovations	\$	165,714
CAP-012 Warner Library and Student Center	\$	718,558
CAP-013 Hopewell Hall Science Suite	\$	354,765
CAP-014 Founders Hopewell Halls	\$	5,158
Total Central Ohio Technical College	\$	1,244,195

## Appropriations

## SECTION 23.40. HTC HOCKING TECHNICAL COLLEGE

CAP-019 Basic Renovations	\$	425,525
CAP-042 McClenaghan Center for Hospitality Training	\$	1,283,437
CAP-044 Hocking College Fire and Emergency Training Center	\$	250,000
Total Hocking Technical College	\$	1,958,962

## Appropriations

## SECTION 23.41. LTC JAMES RHODES STATE COLLEGE

CAP-004 Basic Renovations	\$	271,100
Total James Rhodes State College	\$	271,100

## Appropriations

## SECTION 23.42. MTC MARION TECHNICAL COLLEGE

CAP-004 Basic Renovations	\$	103,485
Total Marion Technical College	\$	103,485

## Appropriations

## SECTION 23.43. MAT ZANE STATE COLLEGE

CAP-007 Basic Renovations	\$	253,769
CAP-021 Lighting/HVAC Replacement	\$	547,039
CAP-022 Improve Campus Entrance	\$	175,000
Total Zane State College	\$	975,808

## Appropriations

## SECTION 23.44. NCC NORTH CENTRAL TECHNICAL COLLEGE

CAP-003	Basic Renovations	\$	384,097
CAP-014	Kee Hall Roof Rehabilitation	\$	509,000
CAP-015	Richland/Braintree Incubator	\$	250,000
CAP-018	Fallerius Renovation Phase II	\$	480,073
Total North Central Technical College		\$	1,623,170

Appropriations

SECTION 23.45. STC STARK TECHNICAL COLLEGE

CAP-004	Basic Renovations	\$	438,295
CAP-035	Business Technologies Addition Rehabilitation	\$	1,378,892
CAP-037	Fuel Cell Initiative	\$	250,000
Total Stark Technical College		\$	2,067,187
Total Board of Regents and State Institutions of Higher Education		\$	488,343,998
TOTAL Higher Education Improvement Fund		\$	489,371,036

SECTION 23.46. DEBT SERVICE FORMULA ALLOCATION

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

INSTITUTION	AMOUNT
University of Akron	\$ 13,702,944
University of Akron - Wayne	\$ 628,277
Bowling Green State University	\$ 11,334,113
Bowling Green State University - Firelands	\$ 723,735
Central State University	\$ 1,734,139
University of Cincinnati	\$ 24,671,953
University of Cincinnati - Clermont	\$ 657,770
University of Cincinnati - Walters	\$ 1,244,131
Cleveland State University	\$ 11,606,653
Kent State University	\$ 13,923,684
Kent State University - Ashtabula	\$ 705,720
Kent State University - East Liverpool	\$ 638,419
Kent State University - Geauga	\$ 246,878
Kent State University - Salem	\$ 490,213
Kent State University - Stark	\$ 1,162,076
Kent State University - Trumbull	\$ 991,786
Kent State University - Tuscarawas	\$ 844,655
Miami University	\$ 12,099,024
Miami University - Hamilton	\$ 561,504



Miami University - Middletown	\$	2,530,865
Ohio State University	\$	57,017,109
Ohio State University - Marion	\$	603,137
Ohio State University - Newark	\$	1,579,174
Ohio State University - OARDC	\$	4,830,718
Ohio University	\$	16,502,709
Ohio University - Eastern	\$	564,064
Ohio University - Chillicothe	\$	852,793
Ohio University - Southern	\$	448,831
Ohio University - Lancaster	\$	835,520
Ohio University - Zanesville	\$	909,284
Shawnee State University	\$	1,543,267
University of Toledo	\$	13,206,304
Wright State University	\$	9,089,940
Wright State University - Lake	\$	1,420,709
Youngstown State University	\$	7,225,052
Medical University of Ohio	\$	3,449,236
Northeastern Ohio Universities College of Medicine	\$	1,346,879
Cincinnati State Community College	\$	3,657,795
Clark State Community College	\$	1,270,607
Columbus State Community College	\$	5,360,556
Cuyahoga Community College	\$	8,609,295
Jefferson Community College	\$	320,860
Lakeland Community College	\$	2,433,264
Lorain County Community College	\$	8,857,919
Owens Community College	\$	4,160,268
Terra State Community College	\$	2,967,947
Central Ohio Technical College	\$	1,078,481
Hocking Technical College	\$	1,283,437
Zane State College	\$	722,040
North Central Technical College	\$	989,073
Stark Technical College	\$	1,378,892

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

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

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

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

SECTION 23.49. None of the foregoing capital improvements appropriations for state-supported or state-assisted institutions of higher education shall be expended until the particular appropriation has been recommended for release by the Ohio Board of Regents and released by the Director of Budget and Management or the Controlling Board. Either the institution concerned, or the Ohio Board of Regents with the concurrence of the institution concerned, may initiate the request to the Director of Budget and Management or the Controlling Board for the release of the particular appropriations.

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

- (1) The institution has a long-term (at least fifteen years) lease of, or

other interest (such as an easement) in, the real property.

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

(3) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and will be made available to the institution of higher education for its use, the nonprofit organization or public body 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 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 by the parties and approved by the Board of Regents, reasonably related to the amount of the appropriations;

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

(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; and

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

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

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

SECTION 23.51. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, shall not apply to projects of community college districts, which include Cuyahoga Community College, Jefferson Community College, Lakeland Community College, Lorain County Community College, Rio Grande Community College, and Sinclair Community College; and technical college districts which include Belmont Technical College, Central Ohio Technical College, Hocking Technical College, James Rhodes State College, Marion Technical College, Zane State College, North Central Technical College, and Stark Technical College.

SECTION 23.52. Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may:

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

(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for such capital projects. Acceptable charges shall be limited to design document preparation work that is done by the institution. These

reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost.

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

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			
CAP-004	Burr Oak Lodge	\$	150,000
CAP-012	Land Acquisition	\$	243,663
CAP-088	Muskingum River Lock and Dam	\$	250,000
CAP-234	State Park Campgrounds, Cabins, and Lodges	\$	2,712,500
CAP-331	Park Boating Facilities	\$	7,588,383
CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$	4,000,000
CAP-718	Grand Lake St. Mary's State Park Erosion Control Project	\$	450,000
CAP-748	Local Park Projects	\$	2,715,000
CAP-753	Project Planning	\$	175,000
CAP-848	Hazardous Dam Repair - Statewide	\$	1,325,000
CAP-876	Statewide Trails	\$	1,101,500
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$	2,500,000
Total Department of Natural Resources		\$	23,211,046
TOTAL Parks and Recreation Improvement Fund		\$	23,211,046

#### FEDERAL REIMBURSEMENT

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

#### LOCAL PARKS PROJECTS

Of the foregoing appropriation item CAP-748, Local Parks Projects, \$75,000 shall be used for the Springfield Arts Veterans' Park; \$50,000 shall be used for the Village of Bentleyville Park; \$25,000 shall be used for the Cleveland Police and Firefighters Memorial Park; \$100,000 shall be used for the Parma Heights Greenbriar Park; \$125,000 shall be used for the Fairborn Park Entrance Project; \$250,000 shall be used for the Greene County Soccer Park; \$750,000 shall be used for the Banks Park; \$400,000 shall be used for the Colerain Township Park Improvements; \$200,000 shall be used for the Colerain Township Heritage Park; \$75,000 shall be used for the London Park Project; \$50,000 shall be used for Somerset Park

Improvements; \$50,000 shall be used for Meadowbrook Park; \$25,000 shall be used for Early Hill Park; \$25,000 shall be used for the Wright-Flyer Aviation Park; \$200,000 shall be used for Madison Township Park; \$10,000 shall be used for the Wellington Soccer Field Park; \$10,000 shall be used for the Greenwich Township Baseball Field Park Improvements; \$20,000 shall be used for the City of London Sports Park; \$25,000 shall be used for the Pleasant Hill Park Ball Field Project; and \$250,000 shall be used for the Education Gateway at Sippo Lake Park.

#### STATEWIDE TRAILS PROGRAM

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

SECTION 24.02. For the appropriations in Section 24.01 of this act, the Department of Natural Resources shall periodically prepare and submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by the Department of Natural Resources for each project. Based on the estimates, the Director of Budget and Management may release appropriations from the foregoing appropriation item CAP-753, Project Planning, within the Parks and Recreation Improvement Fund (Fund 035), to pay for design, planning, and engineering costs incurred by the Department of Natural Resources for the projects. Upon release of the appropriations by the Director of Budget and Management, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 227), and be reimbursed by the Parks and Recreation Improvement Fund (Fund 035) using an intrastate voucher.

SECTION 24.03. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$22,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The authorized

obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay the costs of capital facilities for parks and recreation as defined in section 154.01 of the Revised Code.

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

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

(2) In the case of an appropriation for capital facilities 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 otherwise appropriated.

		Appropriations
<b>PWC PUBLIC WORKS COMMISSION</b>		
CAP-150	Local Public Infrastructure	\$ 120,000,000
Total Public Works Commission		\$ 120,000,000
TOTAL State Capital Improvements Fund		\$ 120,000,000

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

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

SECTION 26.01. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 056) that are not otherwise appropriated.

		Appropriations
<b>PWC PUBLIC WORKS COMMISSION</b>		
CAP-152	Clean Ohio Conservation	\$ 37,500,000
Total Public Works Commission		\$ 37,500,000
TOTAL Clean Ohio Conservation Fund		\$ 37,500,000



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

SECTION 26.02. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2o of Article VIII, Ohio Constitution, and sections 151.01 and 151.09 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$50,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) to pay costs of conservation projects as defined in sections 151.01 and 151.09 of the Revised Code.

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

		Appropriations
<b>AGR DEPARTMENT OF AGRICULTURE</b>		
CAP-047	Clean Ohio Agricultural Easement	\$ 6,250,000
	Total Department of Agriculture	\$ 6,250,000
	TOTAL Clean Ohio Agricultural Easement Fund	\$ 6,250,000

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

		Appropriations
<b>DNR DEPARTMENT OF NATURAL RESOURCES</b>		
CAP-014	Clean Ohio Trail	\$ 6,250,000
	Total Department of Natural Resources	\$ 6,250,000
	TOTAL Clean Ohio Trail Fund	\$ 6,250,000

**SECTION 27.01. CERTIFICATION OF RENTAL PAYMENTS**

Each request for release of appropriations for any and all capital improvements and capital facilities for which appropriations are made in this act from the proceeds of obligations in the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Cultural and Sports Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), and the Parks and Recreation Improvements Fund (Fund 035) shall have the certification of the Director of Budget and Management that sufficient General Revenue Fund moneys are appropriated for and will be available for rental payments to the Ohio Public Facilities Commission, the Treasurer of State, and the Ohio Building Authority in the then-current fiscal biennium relating to obligations or portions of obligations issued or to be issued in that fiscal biennium to fund, in the then-current fiscal biennium, anticipated expenditures from these funds associated with the request.

**SECTION 27.02. HIGHWAY SAFETY FUND CERTIFICATION OF RENTAL PAYMENTS**

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

**SECTION 28.01. CERTIFICATION OF AVAILABILITY OF MONEYS**

No moneys that require release may be expended from any appropriation contained in this act without certification of the Director of Budget and Management that there are sufficient moneys in the state treasury in the fund from which the appropriation is made. Such certification

shall be based on estimates of revenue, receipts, and expenses. Nothing herein shall be construed as a limitation on the authority of the Director of Budget and Management under section 126.07 of the Revised Code.

SECTION 28.02. LIMITATIONS ON CAPITAL APPROPRIATIONS

The appropriations made in this act excluding those made to the State Capital Improvement Fund (Fund 038) and the State Capital Improvements Revolving Loan Fund (Fund 040) for buildings or structures, including remodeling and renovations, are limited to:

- (A) Acquisition of real property or interest in real property;
- (B) Buildings and structures, which includes construction, demolition, lighting and lighting fixtures, and all necessary utilities, heating and ventilating, plumbing, sprinkling, and sewer systems, when such systems are authorized or necessary;
- (C) Architectural, engineering, and professional services expenses directly related to the projects;
- (D) Machinery that is a part of buildings and structures at the time of initial acquisition or construction;
- (E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;
- (F) Equipment that meets all the following criteria:
  - (1) The equipment is essential in bringing the facility up to its intended use.
  - (2) The unit cost of the equipment, and not the individual parts of a unit, is approximately \$100 or more.
  - (3) The equipment has a useful life of five years or more.
  - (4) The equipment is necessary for the functioning of the particular facility or project.

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

SECTION 28.03. CONTINGENCY RESERVE REQUIREMENT

Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board of capital appropriations for projects, the contracts for which are awarded by the Department of

Administrative Services, shall contain a contingency reserve, the amount of which shall be determined by the Department of Administrative Services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, to pay costs associated with changes in the scope of work, and to pay the cost of settlements and judgments related to the project.

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

#### SECTION 28.04. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS

Notwithstanding sections 123.01 and 123.15 of the Revised Code, the Director of Administrative Services may authorize the 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 obligations of the state. Notwithstanding any other section of law to the contrary, this authorization includes appropriations from funds into which proceeds or direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for or represents capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, and it is not intended to waive or compromise any defense or right available to the state in any suit against it.

#### SECTION 28.06. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND MANAGEMENT

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

#### SECTION 28.07. PREVAILING WAGE REQUIREMENT

Except as provided in section 4115.04 of the Revised Code, no moneys

appropriated or reappropriated by the 126th General Assembly shall be used for the construction of public improvements, as defined in section 4115.03 of the Revised Code, unless the mechanics, laborers, or workers engaged therein are paid the prevailing rate of wages as prescribed in section 4115.04 of the Revised Code. Nothing in this section shall affect the wages and salaries established for state employees under the provisions of Chapter 124. of the Revised Code, or collective bargaining agreements entered into by the state pursuant to Chapter 4117. of the Revised Code, while engaged on force account work, nor shall this section interfere with the use of inmate and patient labor by the state.

#### SECTION 28.08. CAPITAL FACILITIES LEASES

Capital facilities for which appropriations are made from the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), and the Juvenile Correctional Building Fund (Fund 028) may be leased by the Ohio Building Authority to the Departments of Youth Services, Administrative Services, or Rehabilitation and Correction. Other agreements may be made by the Ohio Building Authority and those departments with respect to the use or purchase of such capital facilities. Subject to the approval of the director of the department or the commission, the Ohio Building Authority may lease such capital facilities to, and make other agreements with respect to their use or purchase with, any governmental agency or nonprofit corporation having authority under law to own, lease, or operate such capital facilities. The department or the commission may sublease such capital facilities to, and make other agreements with respect to their use or purchase with, any such governmental agency or nonprofit corporation, which may include provisions for transmittal of receipts of that agency or nonprofit corporation of any charges for the use of such facilities, all upon such terms and conditions as the parties may agree upon and any other provision of law affecting the leasing, acquisition, or disposition of capital facilities by such parties.

#### SECTION 28.09. APPROVAL OF EXPENDITURES BY THE DIRECTOR OF BUDGET AND MANAGEMENT

The Director of Budget and Management shall review the initial release of moneys for projects from the funds into which proceeds of direct obligations of the state are deposited, and authorize the expenditure or encumbrance of moneys from those funds only after determining to the

director's satisfaction that either of the following apply:

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

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

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

#### SECTION 28.10. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

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

#### SECTION 28.11. OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK COMMISSION REAPPROPRIATION

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

#### SECTION 28.12. CERTIFICATE OF NEED REQUIREMENT

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

**SECTION 28.13. DISTRIBUTION OF PROCEEDS FROM ASBESTOS ABATEMENT LITIGATION**

All proceeds received by the state as a result of litigation, judgments, settlements, or claims, filed by or on behalf of any state agency as defined by section 1.60 of the Revised Code or state-supported or state-assisted institution of higher education, for damages or costs resulting from the use, removal, or hazard abatement of asbestos materials shall be deposited in the Asbestos Abatement Distribution Fund (Fund 674). All funds deposited into the Asbestos Abatement Distribution Fund are hereby appropriated to the Attorney General. To the extent practicable, the proceeds placed in the Asbestos Abatement Distribution Fund shall be divided among the state agencies and state-supported or state-assisted institutions of higher education in accordance with the general provisions of the litigation regarding the percentage of recovery. Distribution of the proceeds to each state agency or state-supported or state-assisted institution of higher education shall be made in accordance with the Asbestos Abatement Distribution Plan to be developed by the Attorney General, the General Services Division within the Department of Administrative Services, and the Office of Budget and Management.

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

Such proceeds shall be used for additional asbestos abatement or encapsulation projects, or for other capital improvements, except that proceeds distributed to the General Revenue Fund and other funds that are not bond improvement funds may be used for any purpose. The Controlling Board may, for bond improvement funds, create appropriation items or increase appropriation authority in existing appropriation items equaling the amount of such proceeds. Such amounts approved by the Controlling Board are hereby appropriated. Such proceeds deposited in bond improvement funds shall not be expended until released by the Controlling Board, which shall require certification by the Director of Budget and Management that such proceeds are sufficient and available to fund the additional anticipated expenditures.



SECTION 29.01. OBLIGATIONS ISSUED UNDER ORC CHAPTER 151.

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.

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

SECTION 29.03. OBLIGATIONS ISSUED UNDER ORC CHAPTER 154.

The capital improvements for which appropriations are made in this act from the Cultural and Sports Facilities Building Fund (Fund 030), the Mental Health Facilities Improvement Fund (Fund 033), and the Parks and Recreation Improvement Fund (Fund 035) are determined to be capital improvements and capital facilities for housing state agencies and branches

of government, mental hygiene and retardation, and parks and recreation and are designated as capital facilities to which proceeds of obligations issued under Chapter 154. of the Revised Code are to be applied.

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

SECTION 30.01. TRANSFER OF OPEN ENCUMBRANCES

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

SECTION 31.01. LITIGATION PROCEEDS TO THE ADMINISTRATIVE BUILDING FUND

Any proceeds received by the State of Ohio as the result of litigation or a settlement agreement related to any liability for the planning, design, engineering, construction, or construction management of such facilities operated by the Department of Administrative Services shall be deposited into the Administrative Building Fund (Fund 026).

SECTION 32.01. COAL RESEARCH AND DEVELOPMENT BONDS

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

SECTION 33.01. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM

**PROJECT**

The Ohio Administrative Knowledge System (OAKS) will be an enterprise resource planning system that will replace the state's central services infrastructure systems, including the Central Accounting System, the Human Resources/Payroll System, the Capital Improvements Projects Tracking System, the Fixed Assets Management System, and the Procurement System. The Department of Administrative Services, in conjunction with the Office of Budget and Management, may acquire the system, including, but not limited to, the enterprise resource planning software and installation and implementation thereof pursuant to Chapter 125. of the Revised Code. Any lease-purchase arrangement utilized under Chapter 125. of the Revised Code, including any fractionalized interest herein as defined in division (N) of section 133.01 of the Revised Code, shall provide at the end of the lease period that OAKS shall become the property of the state.

**SECTION 34.01. PUBLIC ASSISTANCE RECONCILIATION FUND**

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

Notwithstanding Section 145 of Am. Sub. H.B. 95 of the 125th General Assembly as amended by Section 64 of Am. Sub. S.B. 189 of the 125th General Assembly, the Director of Budget and Management may, at the request of the Director of Job and Family Services, transfer up to \$76,500,000 from the Federal Fiscal Relief Fund (Fund 5Y9) to the Public Assistance Reconciliation Fund (Fund 5AX). Such amounts are hereby

appropriated. Any federal funds reimbursed to the Department as a result of this transfer shall be deposited to the Federal Fiscal Relief Fund.

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

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

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

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

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

CAP-773	Governor's Residence Renovations	\$	4,705
CAP-809	Hazardous Substance Abatement	\$	1,688,120
CAP-811	Health/EPA Laboratory Facilities	\$	20,840,003
CAP-813	Heer Building Renovation	\$	1,500,000
CAP-822	Americans with Disabilities Act	\$	1,535,675
CAP-826	Office Services Building Renovation	\$	1,250,000
CAP-827	Statewide Communications System	\$	72,787,285
CAP-834	Capital Improvements Tracking System	\$	407,600
CAP-835	Energy Conservation Projects	\$	1,817,260
CAP-837	Major Computer Purchases	\$	1,824,884
CAP-838	SOCC Renovations	\$	2,148,691
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500
CAP-848	ODOT Building Boiler Replacement	\$	155,981
CAP-849	Facility Planning and Development	\$	4,445,184
CAP-850	Education Building Renovations	\$	308,482
CAP-852	North High Building Complex Renovations	\$	2,689,102
CAP-855	Office Space Planning	\$	70,300
CAP-859	eSecure Ohio	\$	2,500,000

CAP-860	Structured Cabling	\$	397,155
CAP-864	eGovernment Infrastructure	\$	1,047,000
CAP-865	DAS Building Security	\$	78,100
CAP-867	Lausche Building Connector	\$	963,200
<u>CAP-868</u>	<u>Riversouth Development</u>	<u>\$</u>	<u>9,000,000</u>
Total Department of Administrative Services		\$	<del>118,516,627</del>
			<u>127,516,627</u>

**HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES**

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.

Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the department may request the release of funds for such projects by the Controlling Board. State agencies intending to fund asbestos abatement or other toxic materials removal through existing capital and operating appropriations shall notify the Director of Administrative Services of the nature and scope prior to commencing the project.

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

**IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT**

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

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

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

**MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM**

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

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

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

#### ENERGY CONSERVATION PROJECTS

The foregoing appropriation item CAP-835, Energy Conservation Projects, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

#### RIVERSOUTH DEVELOPMENT

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

Sec. 18.16. SOS SECRETARY OF STATE

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

**VOTING MACHINES**

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

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

**Reappropriations**

**AFC ARTS AND SPORTS CULTURAL FACILITIES COMMISSION**

CAP-003	Center of Science and Industry - Toledo	\$	12,268
CAP-004	Valentine Theatre	\$	1,111
CAP-005	Center of Science and Industry - Columbus	\$	181,636
CAP-010	Sandusky State Theatre Improvements	\$	1,000,000
CAP-017	Zion Center of the National Afro-American Museum	\$	488,232
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$	2,395
CAP-033	Woodward Opera House Renovation	\$	1,050,000
CAP-037	Canton Palace Theatre Renovations	\$	1,066,126
CAP-038	Center Exhibit Replacement	\$	750,000
<del>CAP-041</del>	<del>Cleveland Playhouse</del>	<del>\$</del>	<del>500,000</del>
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	625,000
CAP-043	Statewide Site Repairs	\$	454,000
CAP-046	Cincinnati Museum Center Improvements	\$	500,000
CAP-052	Akron Art Museum	\$	6,634,666
CAP-053	Powers Auditorium Improvements	\$	200,000
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000
CAP-057	Comprehensive Master Plan	\$	180,000
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200
CAP-061	Statewide Arts Facilities Planning	\$	35,931
CAP-063	Robins Theatre Renovations	\$	1,000,000
CAP-064	Bramley Historic House	\$	75,000
CAP-066	Delaware County Cultural Arts Center	\$	40,000
CAP-068	Perry County Historical Society	\$	100,000
CAP-069	Cleveland Institute of Art	\$	750,000
CAP-071	Cleveland Institute of Music	\$	750,000
CAP-072	West Side Arts Consortium	\$	138,000
CAP-074	Stan Hywet Hall & Gardens	\$	250,000
CAP-075	McKinley Museum Improvements	\$	125,000
CAP-076	Spring Hill Historic Home	\$	125,000
CAP-077	Western Reserve Ballet Improvements	\$	100,000
CAP-078	Midland Theatre	\$	175,000
CAP-079	Lorain Palace Civic Theatre	\$	200,000
CAP-080	Great Lakes Historical Society	\$	150,000
CAP-734	Hayes Presidential Center	\$	75,000
CAP-745	Historic Sites and Museums	\$	750,000
CAP-753	Buffington Island State Memorial	\$	91,500
CAP-770	Serpent Mound State Memorial	\$	295,000

CAP-784	Ohio Historical Center Rehabilitation	\$	673,700
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516
CAP-791	Harrison Tomb and Site Renovations	\$	149,500
CAP-796	Moundbuilders State Memorial	\$	530,000
CAP-806	Grant Boyhood Home Improvements	\$	68,333
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000
CAP-820	Historical Center Ohio Village Buildings	\$	502,000
CAP-821	Lorain County Historical Society	\$	300,000
CAP-822	Madison County Historic Schoolhouse	\$	40,000
CAP-823	Marion Palace Theatre	\$	825,000
CAP-824	McConnellsville Opera House	\$	75,000
CAP-825	Secrest Auditorium	\$	75,000
CAP-826	Renaissance Theatre	\$	50,000
CAP-827	Trumpet in the Land	\$	100,000
CAP-828	Becky Thatcher Showboat	\$	30,000
CAP-829	Mid Ohio Valley Players	\$	50,000
CAP-830	The Anchorage	\$	50,000
CAP-831	Wayne County Historical Society	\$	300,000
CAP-833	Promont House Museum	\$	200,000
CAP-836	Fairfield Outdoor Theatre	\$	100,000
CAP-837	Lake County Historical Society	\$	250,000
CAP-839	Hancock Historical Society	\$	75,000
CAP-840	Riversouth Development	\$	10,000,000
			<u>1,000,000</u>
CAP-841	Ft. Piqua Hotel	\$	200,000
CAP-843	Marina District/Ice Arena Development	\$	4,000,000
Total <del>Arts and Sports</del> <u>Cultural</u> Facilities Commission		\$	43,970,114
			<u>34,470,114</u>
TOTAL <del>Arts</del> <u>CULTURAL</u> and Sports Facilities Building Fund		\$	43,970,114
			<u>34,470,114</u>

**COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT CONTRACTS**

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

**SPORTS FACILITIES IMPROVEMENTS - AKRON**

The amount reappropriated to the ~~Arts~~ Cultural and Sports Facilities



Building Fund (Fund 030), CAP-024, Sports Facilities Improvements - Akron, is the unallotted and unencumbered balance in the Sports Facilities Building Fund (Fund 024), CAP-024, Sports Facilities Improvements - Akron.

#### REDS HALL OF FAME

The amount reappropriated to the ~~Arts~~ Cultural and Sports Facilities Building Fund (Fund 030), CAP-025, Reds Hall of Fame, is the unallotted and unencumbered balance in the Sports Facilities Building Fund (Fund 024), CAP-025, Reds Hall of Fame.

#### AKRON ART MUSEUM

The amount reappropriated for the foregoing appropriation item CAP-052, Akron Art Museum, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-052, Akron Art Museum, plus \$1,634,666.

#### RIVERSOUTH DEVELOPMENT

The amount reappropriated for the foregoing appropriation item CAP-840, Riversouth Development, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-840, Riversouth Development, minus \$9,000,000.

#### MARINA DISTRICT/ICE ARENA DEVELOPMENT

The amount reappropriated to the ~~Arts~~ Cultural and Sports Facilities Building Fund (Fund 030), CAP-843, Marina District/Ice Arena Development, is the unallotted and unencumbered balance in the Sports Facilities Building Fund (Fund 024), CAP-073, Marina District/Ice Arena Development.

Sec. 26.10. UAK UNIVERSITY OF AKRON		Reappropriations
CAP-008	Basic Renovations	\$ 3,394,867
CAP-047	Polsky Building Renovation	\$ 577,185
CAP-049	Basic Renovations - Wayne	\$ 270,316
CAP-054	Auburn Science/Whitby Rehabilitation	\$ 4,099,600
CAP-061	Asbestos Abatement	\$ 29,650
CAP-063	Child Care Facility	\$ 149,998
CAP-075	Infrastructure Materials/Rehabilitation	\$ 102,932
CAP-076	Supercritical Fluid Technology	\$ 17,500
CAP-080	UAK/Medina Technology Link	\$ 43,307
CAP-081	Classroom/Office Building - Arts/Sciences	\$ 21,710
CAP-091	Student Affairs Building	\$ 1,235,626
CAP-095	Online Math	\$ 29,305
CAP-097	Ohio NMR Consortium	\$ 96,500
CAP-098	Guzzetta Hall Addition	\$ 7,784,808
CAP-099	D Wing Expansion	\$ 243,750
CAP-100	Classroom Office Addition-Design	\$ 120,120
CAP-101	National Polymer Processing Center	\$ 1,000,000
CAP-102	Scanning Raman Spectrometer	\$ 635

CAP-104	Nanoscale Polymers Manufacturing	\$	237,500
CAP-105	Hydrogen Production and Storage	\$	169,000
CAP-107	Stan Hywet Hall and Gardens	\$	500,000
CAP-108	Weathervane Theatre, Akron	\$	100,000
CAP-109	Case Barlow Farm, Hudson	\$	100,000
CAP-110	Springfield HS/UAK Distance Learning Project	\$	382,000
Total University of Akron		\$	20,706,309

STAN HYWET HALL AND GARDENS

The amount reappropriated for the foregoing appropriation item CAP-107, Stan Hywet Hall and Gardens, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-107, Stan Hywet Hall and Gardens, plus \$500,000.

WEATHERVANE THEATRE, AKRON

The amount reappropriated for the foregoing appropriation item CAP-108, Weathervane Theatre, Akron, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-108, Weathervane Theatre, Akron, plus \$100,000.

CASE BARLOW FARM, HUDSON

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

SPRINGFIELD HS/UAK DISTANCE LEARNING PROJECT

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

## Reappropriations

## Sec. 26.14. CLS CLEVELAND STATE UNIVERSITY

CAP-007	Stilwell Hall Completion	\$	25,160
CAP-023	Basic Renovations	\$	4,173,262
CAP-067	17th - 18th Street Block	\$	164,026
CAP-069	Great Lakes Museum for Science, Environment, and Technology	\$	200,000
CAP-088	Asbestos Abatement	\$	1,636,687
CAP-092	Handicapped Requirements	\$	17,148
CAP-101	Classroom Building Conversion	\$	50,000
CAP-109	Classroom Upgrade	\$	533,031
CAP-112	Land Acquisitions	\$	16,803
CAP-114	Geographic Information Systems	\$	77,738
CAP-117	Landscaping/Sidewalks/Stairs	\$	29,350
CAP-118	Structural Concrete Rehabilitation	\$	36,893
CAP-125	College of Education Building	\$	9,386,384
CAP-126	Electrical System Upgrades Phase 2	\$	1,072,619
CAP-127	Fire Alarm System Upgrade	\$	400,000

CAP-128	Property Acquisition	\$	2,886,556
CAP-130	WVIZ Technology Center	\$	1,000,000
CAP-135	Law Building Stair Renovation	\$	6,669
CAP-136	University Center HVAC Phase 1	\$	3,843
CAP-137	University Center Elevator Upgrades	\$	26,545
CAP-138	Student Services	\$	142,174
CAP-139	Landscape, Sidewalk Replacement	\$	5,845
CAP-142	Rhodes Tower Library Roof Replacement	\$	1,170,372
CAP-143	Cleveland Food Bank	\$	500,000
CAP-144	Rhodes Tower Plaza Renovation Phase 2	\$	1,300,000
CAP-145	Cleveland Manufactures Technology Complex	\$	500,000
CAP-146	Rhodes Tower Exterior Renovation	\$	56,709
<u>CAP-155</u>	<u>Cleveland Playhouse</u>	<u>\$</u>	<u>500,000</u>
Total Cleveland State University		\$	<u>25,417,813</u>
			<u>25,917,813</u>

**BASIC RENOVATIONS**

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

**CLEVELAND PLAYHOUSE**

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

## Reappropriations

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

CAP-004	Basic Renovations	\$	1,468,735
CAP-008	Massie Hall Renovation	\$	54,541
CAP-010	Land Acquisition	\$	116,917
CAP-016	Library Building	\$	10,777
CAP-017	Math/Science Building	\$	17,061
CAP-029	Fine Arts Class and Lab Building	\$	108,704
CAP-030	Utilities and Landscaping	\$	4,679
CAP-037	ADA Modifications	\$	53,188
CAP-039	Central Heating Plant Replacement	\$	5,215
CAP-040	Chiller Replacement	\$	12,054
CAP-041	Kricker Hall Renovation	\$	1,932
CAP-042	Sidewalk/Plaza Replacement	\$	250,276
CAP-043	Communication/Data Upgrade	\$	23,079
CAP-044	Land Acquisition	\$	343,830
CAP-045	Rehabilitation of Health Sciences Building Phase I	\$	1,681,974
CAP-046	Digital Infrastructure	\$	81,153
CAP-047	Natatorium Rehabilitation	\$	450,000
CAP-048	Facilities Building Renovation	\$	242,120
Total Shawnee State University		\$	4,926,235

**BASIC RENOVATIONS**

The amount reappropriated for the foregoing appropriation item CAP-004, Basic Renovations, shall be \$53,917 plus the unencumbered and

unallotted balance as of June 30, 2004.Sec. 26.23. MCO MEDICAL COLLEGE UNIVERSITY OF OHIO

CAP-010	Basic Renovations	\$	123,787
CAP-046	Instructional and Data Processing Equipment	\$	490,676
CAP-048	Medical Informatics Data Highway	\$	6,803
CAP-049	Center for Classrooms of the Future	\$	5,460
CAP-053	ADA Modifications	\$	8,258
CAP-062	Waterproofing	\$	3,381
CAP-066	Core Research Facility	\$	2,193,940
CAP-067	Student Services	\$	553
CAP-072	Campus Substation Repairs	\$	5,317
CAP-074	Mulford Library Roof	\$	1,740
CAP-076	Supplemental Renovations	\$	16,306
CAP-077	Academic Classroom Improvements	\$	400,000
CAP-078	Clinical Academic Renovation	\$	700,000
CAP-079	Campus Waterproofing	\$	41,500
Total Medical College University of Ohio		\$	3,997,721

## Reappropriations

Sec. 26.48. STC STARK TECHNICAL COLLEGE

CAP-004	Basic Renovations	\$	537,874
CAP-015	Loop Road Property Acquisition/Development	\$	629
CAP-024	Phase 2 Renovations	\$	252
CAP-027	Information Technology Learning Center	\$	10,000
CAP-030	Northside Development Parking Lot - Phase II	\$	77,423
CAP-031	Student Services	\$	31,087
CAP-032	Automotive Technology Building Addition	\$	1,719,554
Total Stark Technical College		\$	2,376,819
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	<u>576,230,916</u>
			<u>576,730,916</u>

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

## Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES

CAP-005	Cowan Lake State Park	\$	23,445
CAP-008	Delaware State Park	\$	56,223
CAP-011	Findley State Park	\$	22,856
CAP-012	Land Acquisition	\$	6,800,000
CAP-016	Hueston Woods State Park	\$	23,258
CAP-017	Indian Lake State Park	\$	130,288
CAP-019	Lake Hope State Park	\$	6,776
CAP-025	Punderson State Park	\$	1,163
CAP-029	Salt Fork State Park	\$	127,555
CAP-032	West Branch State Park	\$	200,895
CAP-045	Mary J. Thurston State Park Marina/Dock	\$	300,000
CAP-051	Buck Creek State Park	\$	250
CAP-064	Geneva State Park	\$	4,182
CAP-069	Hocking Hills State Park	\$	87,756
CAP-070	Lake Logan State Park	\$	600
CAP-093	Portage Lakes State Park	\$	13,373
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000

CAP-119	Forked Run State Park	\$	27,747
CAP-162	Shawnee State Park	\$	760
CAP-205	Deer Creek State Park	\$	19,051
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	5,494,293
CAP-331	Park Boating Facilities	\$	2,688,216
CAP-390	State Park Maintenance Facility Development	\$	1,656,339
CAP-701	Buckeye Lake Dam Rehabilitation	\$	427,756
CAP-702	Upgrade Underground Storage Tanks	\$	234,134
CAP-703	Cap Abandoned Water Wells	\$	78,000
CAP-718	Grand Lake St. Mary's State Park	\$	251,882
CAP-719	Indian Lake State Park	\$	1,000
CAP-727	Riverfront Improvements	\$	1,275,000
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000
CAP-748	Local Parks Projects	\$	3,269,000
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000
CAP-836	State Parks Renovation/Upgrading	\$	350
CAP-876	Statewide Trails Program	\$	1,168,398
CAP-927	Mohican State Park	\$	96,816
CAP-928	Handicapped Accessibility	\$	472,555
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383
CAP-931	Wastewater/Water Systems Upgrade	\$	2,804,375
	Total Department of Natural Resources	\$	30,102,675
	TOTAL Parks and Recreation Improvement Fund	\$	30,102,675

**CUYAHOGA VALLEY SCENIC RAILROAD**

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

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

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

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

**Accrued Leave Liability Fund Group**

806	995-666	Accrued Leave Fund	\$	70,783,792	\$	78,296,200
807	995-667	Disability Fund	\$	47,269,465	\$	50,098,308
		TOTAL ALF Accrued Leave Liability Fund Group	\$	118,053,257	\$	128,394,508

**Agency Fund Group**

808	995-668	State Employee Health Benefit Fund	\$	312,724,593	\$	371,450,611
809	995-669	Dependent Care Spending Account	\$	3,691,169	\$	4,060,286

810	995-670	Life Insurance Investment Fund	\$	1,925,110	\$	1,992,489
811	995-671	Parental Leave Benefit Fund	\$	4,350,302	\$	4,785,332
813	995-672	Health Care Spending Account	\$	0	\$	2,000,000
TOTAL AGY Agency Fund Group			\$	322,691,174	\$	<u>382,288,718</u>
TOTAL ALL BUDGET FUND GROUPS			\$	440,744,431	\$	<u>384,288,718</u> <u>510,683,226</u> <u>512,683,226</u>

**ACCRUED LEAVE LIABILITY FUND**

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

**STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND**

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

**STATE EMPLOYEE HEALTH BENEFIT FUND**

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

At the request of the Director of Administrative Services, the Director of Budget and Management shall transfer up to \$250,000 in cash from the State Employee Health Benefit Fund (Fund 808) to the Health Care Spending Account Fund (Fund 813) during fiscal year 2005. This cash shall be transferred as needed to provide an initial operating cash balance for the Health Care Spending Account Fund and to assure adequate cash flow for the Health Care Spending Account Fund during fiscal year 2005. Not later than January 15, 2005, the Director of Administrative Services shall submit a plan to the Director of Budget and Management that provides for the repayment during fiscal year 2006 and fiscal year 2007 of all cash transfers made from the State Employee Health Benefit Fund (Fund 808) to the Health Care Spending Account Fund (Fund 813) during fiscal year 2005.

**DEPENDENT CARE SPENDING ACCOUNT**

The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care

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

**LIFE INSURANCE INVESTMENT FUND**

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

**PARENTAL LEAVE BENEFIT FUND**

The foregoing appropriation item 995-671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 811) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

**HEALTH CARE SPENDING ACCOUNT**

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

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

**Sec. 31. CEB CONTROLLING BOARD**

**General Revenue Fund**

GRF 911-401	Emergency	\$	5,000,000	\$	<del>5,000,000</del>
	Purposes/Contingencies				<u>7,500,000</u>
GRF 911-404	Mandate Assistance	\$	1,462,500	\$	1,462,500
GRF 911-441	Ballot Advertising Costs	\$	887,500	\$	487,500
TOTAL GRF General Revenue Fund		\$	7,350,000	\$	<del>6,950,000</del>
					<u>9,450,000</u>

**State Special Revenue Fund Group**

5E2 911-601	Disaster Services	\$	4,000,000	\$	0
TOTAL SSR State Special Revenue Fund Group		\$	4,000,000	\$	0
TOTAL ALL BUDGET FUND GROUPS		\$	11,350,000	\$	<del>6,950,000</del>
					<u>9,450,000</u>

#### FEDERAL SHARE

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 95 of the 125th General Assembly. Such changes are hereby appropriated.

#### DISASTER ASSISTANCE

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Emergency Purposes Fund to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

#### SOUTHERN OHIO CORRECTIONAL FACILITY COST

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the Emergency Purposes Fund for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

#### DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the foregoing appropriation item 911-601, Disaster Services, to a Department of Public Safety General Revenue Fund appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding for disaster aid requests that meet the Emergency Management Agency's criteria for assistance.

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

- (A) The southern Ohio flooding, referred to as FEMA-DR-1164-OH;
- (B) The flood/storm disaster referred to as FEMA-DR-1227-OH;



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

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

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

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

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

MANDATE ASSISTANCE

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government, school districts, and fire departments for the cost of the following three unfunded state mandates:

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

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

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

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

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

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Department of Commerce, the Office of Criminal Justice Services, and the Department of

Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

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

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

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

(1) PROSECUTION COSTS

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

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Office of Criminal Justice Services shall adopt, apply to the Office of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

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

second round of grant awards, the remaining appropriations available for this purpose may be awarded.

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

**(2) FIREFIGHTER TRAINING COSTS**

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

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**

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**

GRF 235-321	Operating Expenses	\$	3,336,284	\$	2,767,219
GRF 235-401	Lease Rental Payments	\$	246,500,700	\$	216,836,400
GRF 235-402	Sea Grants	\$	274,895	\$	274,895
GRF 235-403	Math/Science Teaching Improvement	\$	1,757,614	\$	1,757,614
GRF 235-404	College Readiness Initiatives	\$	3,152,603	\$	3,401,759
GRF 235-406	Articulation and Transfer	\$	733,200	\$	733,200
GRF 235-408	Midwest Higher Education Compact	\$	82,500	\$	82,500
GRF 235-409	Information System	\$	1,185,879	\$	1,154,671
GRF 235-414	State Grants and Scholarship Administration	\$	1,219,719	\$	1,211,373
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300
GRF 235-417	Ohio Learning Network	\$	3,413,046	\$	3,327,720
GRF 235-418	Access Challenge	\$	67,568,622	\$	67,568,622
GRF 235-420	Success Challenge	\$	51,113,077	\$	56,113,077
GRF 235-428	Appalachian New Economy	\$	1,179,893	\$	1,147,895

	Partnership			
GRF 235-451	Eminent Scholars	\$	0	\$ 1,462,500
GRF 235-454	Research Challenge	\$	18,330,000	\$ 18,330,000
GRF 235-455	EnterpriseOhio Network	\$	1,505,262	\$ 1,465,650
GRF 235-474	Area Health Education Centers Program Support	\$	1,722,226	\$ 1,676,670
GRF 235-477	Access Improvement Projects	\$	1,048,664	\$ 1,080,124
GRF 235-501	State Share of Instruction	\$	1,534,189,277	\$ 1,559,096,031
GRF 235-502	Student Support Services	\$	870,675	\$ 848,908
GRF 235-503	Ohio Instructional Grants	\$	111,966,343	\$ 115,325,333
GRF 235-504	War Orphans Scholarships	\$	4,672,321	\$ 4,672,321
GRF 235-507	OhioLINK	\$	7,028,392	\$ 7,028,392
GRF 235-508	Air Force Institute of Technology	\$	2,096,523	\$ 2,053,860
GRF 235-509	Displaced Homemakers	\$	204,865	\$ 199,743
GRF 235-510	Ohio Supercomputer Center	\$	4,208,472	\$ 4,103,260
GRF 235-511	Cooperative Extension Service	\$	25,644,863	\$ 25,644,863
GRF 235-513	Ohio University Voinovich Center	\$	311,977	\$ 305,178
GRF 235-514	Central State Supplement	\$	11,039,203	\$ 11,039,203
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,303,612	\$ 3,212,271
GRF 235-518	Capitol Scholarship Programs	\$	245,000	\$ 245,000
GRF 235-519	Family Practice	\$	5,529,432	\$ 5,391,196
GRF 235-520	Shawnee State Supplement	\$	2,082,289	\$ 2,082,289
GRF 235-521	The Ohio State University Glenn Institute	\$	311,977	\$ 305,178
GRF 235-524	Police and Fire Protection	\$	209,046	\$ 203,819
GRF 235-525	Geriatric Medicine	\$	820,696	\$ 800,179
GRF 235-526	Primary Care Residencies	\$	2,730,013	\$ 2,661,762
GRF 235-527	Ohio Aerospace Institute	\$	1,933,607	\$ 1,882,767
GRF 235-530	Academic Scholarships	\$	7,800,000	\$ 7,800,000
GRF 235-531	Student Choice Grants	\$	52,139,646	\$ 52,139,646
GRF 235-534	Student Workforce Development Grants	\$	2,437,500	\$ 2,437,500
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,830,188	\$ 35,830,188
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$ 13,565,885
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$ 11,157,756
GRF 235-538	Medical College University of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$ 8,696,866
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$ 4,225,107
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$ 4,084,540
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$ 4,200,945
GRF 235-543	Ohio College of Podiatric	\$	424,033	\$ 424,033

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GRF 235-547	Medicine Clinical Subsidy School of International Business	\$	1,264,611	\$	1,232,996
GRF 235-549	Part-time Student Instructional Grants	\$	14,036,622	\$	14,457,721
GRF 235-552	Capital Component	\$	18,711,936	\$	18,711,936
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,074,550	\$	2,993,937
GRF 235-554	Computer Science Graduate Education	\$	2,577,209	\$	2,512,779
GRF 235-555	Library Depositories	\$	1,775,467	\$	1,731,080
GRF 235-556	Ohio Academic Resources Network	\$	3,657,009	\$	3,803,289
GRF 235-558	Long-term Care Research	\$	230,906	\$	225,134
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	121,586	\$	118,546
GRF 235-572	The Ohio State University Clinic Support	\$	1,400,394	\$	1,362,259
GRF 235-583	Urban University Programs	\$	5,692,236	\$	5,553,506
GRF 235-585	Ohio University Innovation Center	\$	41,596	\$	40,556
GRF 235-587	Rural University Projects	\$	1,224,510	\$	1,224,510
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	853,262	\$	853,262
GRF 235-595	International Center for Water Resources Development	\$	137,352	\$	133,918
GRF 235-596	Hazardous Materials Program	\$	339,647	\$	331,156
GRF 235-599	National Guard Scholarship Program	\$	14,752,916	\$	16,078,208
GRF 235-909	Higher Education General Obligation Debt Service	\$	97,668,000	\$	130,967,600
TOTAL GRF General Revenue Fund		\$	2,444,993,342	\$	2,483,736,601
<b>General Services Fund Group</b>					
220 235-614	Program Approval and Reauthorization	\$	400,000	\$	400,000
456 235-603	Sales and Services	\$	500,002	\$	500,003
TOTAL GSF General Services Fund Group		\$	900,002	\$	900,003
<b>Federal Special Revenue Fund Group</b>					
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000
3N6 235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680
3T0 235-610	National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001
312 235-609	Tech Prep	\$	183,850	\$	183,850
312 235-611	Gear-up Grant	\$	1,478,245	\$	1,370,691
312 235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960
312 235-615	Professional Development	\$	523,129	\$	523,129
312 235-616	Workforce Investment Act Administration	\$	850,000	\$	850,000
312 235-631	Federal Grants	\$	3,444,949	\$	3,150,590

TOTAL FED Federal Special Revenue				
Fund Group	\$	10,439,814	\$	10,037,901
<b>State Special Revenue Fund Group</b>				
4E8 235-602 Higher Educational Facility	\$	20,000	\$	20,000
Commission Administration				
4P4 235-604 Physician Loan Repayment	\$	476,870	\$	476,870
649 235-607 The Ohio State University	\$	760,000	\$	760,000
Highway/Transportation				
Research				
682 235-606 Nursing Loan Program	\$	893,000	\$	893,000
TOTAL SSR State Special Revenue				
Fund Group	\$	2,149,870	\$	2,149,870
TOTAL ALL BUDGET FUND GROUPS	\$	2,458,483,028	\$	2,496,824,375

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

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

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

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

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

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT

## (1) INSTRUCTION AND SUPPORT SERVICES

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

## (2) STUDENT SERVICES

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

## (B) PLANT OPERATION AND MAINTENANCE (POM)

## (1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY

Space undergoing renovation shall be funded at the rate allowed for storage space.

In the calculation of square footage for each campus, square footage shall be weighted to reflect differences in space utilization.

The space inventories for each campus shall be those determined in the fiscal year 2003 state share of instruction calculation, adjusted for changes attributable to the construction or renovation of facilities for which state appropriations were made or local commitments were made prior to January 1, 1995.

Only 50 per cent of the space permanently taken out of operation in fiscal year 2004 or fiscal year 2005 that is not otherwise replaced by a campus shall be deleted from the plant operation and maintenance space inventory.

The square-foot-based plant operation and maintenance subsidy for each campus shall be determined as follows:

(a) For each standard room type category shown below, the



subsidy-eligible net assignable square feet (NASF) for each campus shall be multiplied by the following rates, and the amounts summed for each campus to determine the total gross square-foot-based POM expenditure requirement:

	FY 2004	FY 2005
Classrooms	\$5.80	\$6.04
Laboratories	\$7.22	\$7.53
Offices	\$5.80	\$6.04
Audio Visual Data Processing	\$7.22	\$7.53
Storage	\$2.57	\$2.68
Circulation	\$7.31	\$7.62
Other	\$5.80	\$6.04

(b) The total gross square-foot POM expenditure requirement shall be allocated to models in proportion to each campus's activity-based POM weight multiplied by the two- or five-year average subsidy-eligible FTEs for all models.

(c) The amounts allocated to models in division (B)(1)(b) of this section shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures, which shall also be multiplied by the ratio of subsidy-eligible FTE students to total FTEs reported for each model. From this total amount, the amounts for Doctoral I and Doctoral II shall be subtracted to produce the square-foot-based POM subsidy.

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY

(a) The number of subsidy-eligible FTE students in each model shall be multiplied by the following rates for each campus for each fiscal year.

	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

(b) The sum of the products for each campus determined in division (B)(2)(a) of this section for all models except Doctoral I and Doctoral II for each fiscal year shall be weighted by a factor to reflect sponsored research activity and job training-related public services expenditures to determine the total activity-based POM subsidy.

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS

The calculation of the core subsidy entitlement shall consist of the following components:

(a) For each campus and for each fiscal year, the core subsidy entitlement shall be determined by multiplying the amounts listed above in divisions (A)(1) and (2) and (B)(2) of this section less assumed local contributions, by (i) average subsidy-eligible FTEs for the two-year period ending in the prior year for all models except Doctoral I and Doctoral II; and (ii) average subsidy-eligible FTEs for the five-year period ending in the prior year for all models except Doctoral I and Doctoral II.

(b) In calculating the core subsidy entitlements for Medical II models only, the Board of Regents shall use the following count of FTE students:

(i) For those medical schools whose current year enrollment, including students repeating terms, is below the base enrollment, the Medical II FTE enrollment shall equal: 65 per cent of the base enrollment plus 35 per cent of the current year enrollment including students repeating terms, where the base enrollment is:

The Ohio State University	1010
University of Cincinnati	833
Medical College University of Ohio at Toledo	650
Wright State University	433
Ohio University	433
Northeastern Ohio Universities College of Medicine	433

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

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

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

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

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

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

#### (2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE

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

#### (3) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction

earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. No. 748 of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, and H.B. No. 675 of the 124th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235-552, Capital Component, in each fiscal year.

**(D) REDUCTIONS IN EARNINGS**

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

**(E) EXCEPTIONAL CIRCUMSTANCES**

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

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

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

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

**(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION**

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal 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 shall be awarded to students enrolled in an institution operating on a quarter system, and a scholarship of \$2,300 shall be awarded to students enrolled in an institution operating on a semester system. The number of scholarships awarded shall be limited by the amounts appropriated in fiscal years 2004 and 2005. The Washington Center shall match the scholarships awarded to students as follows: \$1,200 for students enrolled in an institution operating on a quarter system, and \$1,700 for students enrolled in an institution operating on a semester system.

**FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE RESIDENCIES**

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

**SHAWNEE STATE SUPPLEMENT**

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

- (A) To allow Shawnee State University to keep its undergraduate fees

below the statewide average, consistent with its mission of service to an economically depressed Appalachian region;

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

**POLICE AND FIRE PROTECTION**

The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), Rootstown Township, and the City of Nelsonville that may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein. Each participating municipality and township shall receive at least \$5,000 each year. Funds shall be distributed according to the methodology employed by the Board of Regents in the previous biennium.

**PRIMARY CARE RESIDENCIES**

The foregoing appropriation item 235-526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether or not the institution has submitted and gained approval for a plan. If the institution does not have an approved plan, it shall receive five per cent less funding per student than it would have received from its annual allocation. The remaining funding shall be distributed among those institutions that meet or exceed their targets.

**OHIO AEROSPACE INSTITUTE**

The foregoing appropriation item 235-527, Ohio Aerospace Institute, shall be distributed by the Board of Regents under section 3333.042 of the Revised Code.

**ACADEMIC SCHOLARSHIPS**

The foregoing appropriation item 235-530, Academic Scholarships, shall be used to provide academic scholarships to students under section 3333.22 of the Revised Code.

**STUDENT CHOICE GRANTS**

The foregoing appropriation item 235-531, Student Choice Grants, shall be used to support the Student Choice Grant Program 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 ~~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.

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.

**SCHOOL OF INTERNATIONAL BUSINESS**

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.

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.

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.

**PART-TIME STUDENT INSTRUCTIONAL GRANTS**

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.

Eligibility for participation in the program shall include degree granting educational institutions that hold a certificate of registration from the State Board of Career Colleges and Schools, and nonprofit institutions that have a



certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, as well as state-assisted colleges and universities. Grants shall be given to students on the basis of need, as determined by the college, which, in making these determinations, shall give special consideration to single-parent heads-of-household and displaced homemakers who enroll in an educational degree program that prepares the individual for a career. In determining need, the college also shall consider the availability of educational assistance from a student's employer. It is the intent of the General Assembly that these grants not supplant such assistance.

SECTION 37.05. That existing 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, are hereby repealed.

SECTION 38.01. Notwithstanding sections 101.02 and 101.27 of the Revised Code, the term of office of the members of the Senate elected majority floor leader, assistant majority floor leader, and assistant majority whip shall be deemed to begin on the effective date of this section. Each such member shall receive, during the remainder of calendar year 2005, salary payments equal to the amounts paid under section 101.27 of the Revised Code to the members of the House of Representatives elected majority floor leader, assistant majority floor leader, and assistant majority whip, respectively, during the remainder of calendar year 2005. For calendar year 2006, they shall receive an annual salary that is equal to the annual salary prescribed under section 101.27 of the Revised Code for the members of the House of Representatives elected majority floor leader, assistant majority floor leader, and assistant majority whip, respectively.

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

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

SECTION 39.02. (A) All with respect to bonds of the state previously authorized and issued by the Treasurer of State to finance all or a portion of

the costs of local subdivision capital improvement projects as provided for in Sections 2k and 2m of Article VIII, Ohio Constitution, and Chapter 151. of the Revised Code, including particularly Sections 151.01, 151.02, and 151.08 thereof, and prior authorizations in Chapter 164. of the Revised Code (referred to in this section as "superseded matters"), on the effective date of this section:

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

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

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

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

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

(B) The amendment in Section 1 of this act to division (A)(7) of section 151.01 of the Revised Code applies to any proceedings commenced after its effective date and, so far as its provisions support the actions taken, also applies to any proceedings that on its effective date are pending, in progress, or completed, and to the securities authorized or issued or obligations entered into under or pursuant to those proceedings, notwithstanding the

applicable law previously in effect or any provision to the contrary in a prior resolution, order, notice, or other proceeding. Any proceedings pending or in progress on the effective date of the amendment, and securities sold, issued, and delivered, or obligations entered into under or pursuant to those proceedings, shall be deemed to have been taken, and authorized, sold, issued, delivered, and entered into, in conformity with the amendment. The provisions of the Revised Code so amended by this act shall, except as otherwise provided in division (A) of this section, be deemed to remain applicable to securities issued or obligations entered into under or pursuant to or in reliance on them prior to the effective date of the amendment.

SECTION 39.03. (A) Except as otherwise provided in section 154.23 of the Revised Code, as enacted by this act, with respect to the functions of the Ohio Public Facilities Commission, the Treasurer of State shall, on the effective date of this section and as provided for in this section, supersede and replace the Ohio Building Authority (referred to in this section as the "Authority") as the issuing authority in all matters relating to the issuance of obligations for the financing of Ohio cultural facilities and Ohio sports facilities, as those terms are defined in section 3383.01 of the Revised Code, for housing branches and agencies of state government (all referred to in this section as "cultural and sports capital purposes") as provided for in section 154.23 of the Revised Code, as enacted by this act (all referred to in this section as "superseded matters").

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

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

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

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

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

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

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

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

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

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

(D) The Authority shall prepare any necessary amendments of or supplements to documents or basic instruments pertaining to the duties, powers, obligations, functions, and rights relating to superseded matters to which the Treasurer of State succeeds pursuant to this section. The authorization by the Authority in its basic instruments relating to superseded matters for its officers to act in any manner on behalf of the Authority shall,

on and after the effective date of this section, be authorization for the Treasurer of State, or the Treasurer of State's staff or employees to whom the Treasurer of State may delegate the function, to act in the circumstances, without necessity for amendment of or supplement to any such documents or basic instruments.

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

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

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

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

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

(4) Any lease, grant, or conveyance made to the Authority pursuant to section 152.06 of the Revised Code shall be, and shall be deemed to be, made to the Ohio Public Facilities Commission pursuant to section 154.16 of the Revised Code, and the Ohio Public Facilities Commission shall succeed to and have and perform all of the duties, powers, obligations, and functions, and have all of the rights, of the Authority and its members and

officers provided for in or pursuant to that lease, grant, or conveyance.

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

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

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

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

(B) Notwithstanding section 321.261 of the Revised Code, if, within sixty days after the effective date of this section, the county treasurer and the county prosecuting attorney of an eligible county that has a balance in its delinquent tax and assessment collection fund greater than six hundred fifty thousand dollars determine that not all of the money in the fund is needed by them for the purposes of collecting delinquent taxes and assessments, they shall notify the board of county commissioners of that determination, in writing. Upon receiving the notice, and after consulting with the legislative

authority of each taxing unit in the eligible county, the board of county commissioners may adopt a resolution directing the county auditor to distribute money in the fund to each of the taxing units in the eligible county. The total amount of money distributed by an eligible county under a resolution adopted under this section shall not exceed the total amount of money credited to the eligible county's delinquent tax and assessment collection fund during calendar years 2001, 2002, 2003, and 2004. Moneys distributed to taxing units under a resolution adopted under this section shall be distributed among the taxing units in the eligible county in the same proportions and amounts as if levied and collected as taxes.

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

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

SECTION 42.01. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncodified sections contained in this act are composed, and their applications, are independent and severable.

SECTION 43.01. Except as otherwise specifically provided in this act, the amendment or enactment by this act of codified and uncodified sections of law, and the items of which the amendments and enactments are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendments and enactments, and the items of which they are composed, except as otherwise specifically provided in this act, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against an amendment or enactment, or against an item it contains, the amendment or enactment, or item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

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



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

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*Speaker \_\_\_\_\_ of the House of Representatives.*

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*President \_\_\_\_\_ of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_