

As Introduced

126th General Assembly
Regular Session
2005-2006

H. B. No. 699

Representative Calvert

—

A BILL

To amend sections 3.21, 3.23, 5.10, 9.37, 101.15, 1
101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 2
126.11, 131.02, 133.021, 151.01, 151.09, 151.10, 3
151.40, 152.09, 152.18, 152.19, 152.21, 152.24, 4
152.242, 152.26, 169.13, 333.02, 333.04, 340.03, 5
340.09, 340.12, 715.70, 715.81, 1520.02, 2301.02, 6
2305.26, 2329.07, 2701.06, 3317.013, 3317.022, 7
3317.029, 3317.0217, 3317.03, 3383.01, 3383.07, 8
3706.01, 3770.05, 3770.073, 4121.121, 4503.068, 9
4728.03, 4763.03, 4763.05, 4763.06, 4919.76, 10
5107.12, 5111.88, 5115.06, 5119.071, 5120.03, 11
5123.08, 5139.02, 5502.62, 5537.01, 5537.02, 12
5537.03, 5537.10, 5537.17, 5537.24, 5537.26, 13
5537.27, 5537.28, 5701.11, 5709.87, 5727.84, 14
5741.101, 5751.011, 5910.03, and 5919.31; to enact 15
sections 184.191, 3318.101, and 5713.051 of the 16
Revised Code; to amend Section 206.09.84 of Am. 17
Sub. H.B. 66 of the 126th General Assembly, as 18
subsequently amended, and to amend Section 19
206.09.84 of Am. Sub. H.B. 66 of the 126th General 20
Assembly, for the purpose of codifying it as 21
section 3310.41 of the Revised Code; to amend 22
Sections 203.12.06, 203.24, 203.57, 203.81, 23
206.33, 206.66.06, 209.54, 209.63.30, and 209.93 24
of Am. Sub. H.B. 66 of the 126th General Assembly; 25

and to amend Sections 203.27, 209.63, and 212.30 26
of Am. Sub. H.B. 66 of the 126th General Assembly, 27
as subsequently amended; and to amend Section 28
243.10 of Am. Sub. H.B. 530 of the 126th General 29
Assembly; and to amend the version of section 30
5502.62 of the Revised Code that is scheduled to 31
take effect April 1, 2007, to make capital and 32
other appropriations and to provide authorization 33
and conditions for the operation of state 34
programs. 35

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

Section 101.01. That sections 3.21, 3.23, 5.10, 9.37, 101.15, 36
101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 126.11, 131.02, 37
133.021, 151.01, 151.09, 151.10, 151.40, 152.09, 152.18, 152.19, 38
152.21, 152.24, 152.242, 152.26, 169.13, 333.02, 333.04, 340.03, 39
340.09, 340.12, 715.70, 715.81, 1520.02, 2301.02, 2305.26, 40
2329.07, 2701.06, 3317.013, 3317.022, 3317.029, 3317.0217, 41
3317.03, 3383.01, 3383.07, 3706.01, 3770.05, 3770.073, 4121.121, 42
4503.068, 4728.03, 4763.03, 4763.05, 4763.06, 4919.76, 5107.12, 43
5111.88, 5115.06, 5119.071, 5120.03, 5123.08, 5139.02, 5502.62, 44
5537.01, 5537.02, 5537.03, 5537.10, 5537.17, 5537.24, 5537.26, 45
5537.27, 5537.28, 5701.11, 5709.87, 5727.84, 5741.101, 5751.011, 46
5910.03, and 5919.31 be amended; that Section 206.09.84 of Am. 47
Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. 48
H.B. 530 of the 126th General Assembly, be amended and that 49
Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General 50
Assembly, as amended by Am. Sub. H.B. 530 of the 126th General 51
Assembly, be amended for the purpose of codifying it as section 52
3310.41 of the Revised Code and sections 184.191, 3318.101, and 53
5713.051 of the Revised Code be enacted to read as follows: 54

Sec. 3.21. A Subject to any section of the Revised Code that 55
prescribes the form of an oath, a person may be sworn in any form 56
he ~~the person~~ deems binding on ~~his~~ the person's conscience. 57

Sec. 3.23. The oath of office of each judge of a court of 58
record shall be to support the constitution of the United States 59
and the constitution of this state, to administer justice without 60
respect to persons, and faithfully and impartially to discharge 61
and perform all the duties incumbent on ~~him~~ the person as such 62
judge, according to the best of ~~his~~ the person's ability and 63
understanding. The oath of office of every other officer, deputy, 64
or clerk shall be to support the constitution of the United States 65
and the constitution of this state, and faithfully to discharge 66
the duties of ~~his~~ the office. 67

Except for justices of the supreme court as provided in 68
section 2701.05 of the Revised Code, each judge of a court of 69
record shall take the oath of office on or before the first day of 70
the judge's official term. The judge shall transmit a certificate 71
of oath, signed by the person administering the oath, to the clerk 72
of the respective court and shall transmit a copy of the 73
certificate of oath to the supreme court. The certificate of oath 74
shall state the term of office for that judge, including the 75
beginning and ending dates of that term. If the certificate of 76
oath is not transmitted to the clerk of the court within twenty 77
days from the first day of the judge's official term, the judge is 78
deemed to have refused to accept the office, and that office shall 79
be considered vacant. The clerk of the court forthwith shall 80
certify that fact to the governor and the governor shall fill the 81
vacancy. 82

The oath of office of a judge under this section shall be 83
taken in a form that is substantially similar to the following: 84

"I, (name), do solemnly swear that I will support the 85
Constitution of the United States and the Constitution of Ohio, 86
will administer justice without respect to persons, and will 87
faithfully and impartially discharge and perform all of the duties 88
incumbent upon me as (name of office) according to the best of my 89
ability and understanding. [This I do as I shall answer unto 90
God.]" 91

Sec. 5.10. All official seals shall have engraved thereon the 92
coat of arms of the state, as described in section 5.04 of the 93
Revised Code. 94

The great seal of the state shall be two and one-half inches 95
in diameter and shall consist of the coat of arms of the state 96
within a circle having a diameter of one and three-fourths inches, 97
surrounded by the words "THE GREAT SEAL OF THE STATE OF OHIO" in 98
news gothic capitals. The great seal of the state shall correspond 99
substantially with the following design: 100

The design of the great seal shall not be reproduced, except 102
as required by any provision of the Ohio Constitution and the 103
Revised Code, unless permission to do so is first obtained from 104
the governor. The governor may authorize reproduction of the 105
design of the great seal when the purpose is to: 106

(A) Permit publication of a reproduction of the great seal of 107
the state of Ohio; 108

(B) Aid educational or historical programs; 109

(C) Promote the economic or cultural development of the state 110
in a manner deemed appropriate by the governor. 111

A permanent record shall be kept in the governor's office of 112
each permit to reproduce the design of the great seal. 113

No person shall use or permit to be used any reproduction or 114

facsimile of the great seal or a counterfeit or nonofficial 115
version of the great seal for any purpose not authorized by the 116
governor. 117

The seal of the supreme court shall consist of the coat of 118
arms of the state within a circle one and ~~three-fourths~~ one-half 119
inches in diameter and shall be surrounded by the words "THE 120
SUPREME COURT OF THE STATE OF OHIO." 121

The seal of each court of appeals, court of common pleas, and 122
probate court shall consist of the coat of arms of the state 123
within a circle one and one-fourth inches in diameter, and each 124
seal shall be surrounded by the words "COURT OF APPEALS, 125
..... County, Ohio"; "COMMON PLEAS COURT, 126
..... County, Ohio"; or "PROBATE COURT, 127
..... County, Ohio." 128

(Insert the name of the proper county.) 129

The seals of all other courts of record shall be of the same 130
size as the seal of the court of common pleas, and each shall be 131
surrounded by the proper name of the court. 132

The seal of the secretary of state shall consist of the coat 133
of arms of the state within a circle one and one-fourth inches in 134
diameter and shall be surrounded by the words "THE SEAL OF THE 135
SECRETARY OF STATE OF OHIO." 136

The seal of the auditor of state shall consist of the coat of 137
arms of the state within a circle of one and one-fourth inches in 138
diameter, and shall be surrounded by the words "THE SEAL OF THE 139
AUDITOR OF STATE OF OHIO." 140

The seal of the treasurer of state shall consist of the coat 141
of arms of the state within a circle one and one-fourth inches in 142
diameter, and shall be surrounded by the words "THE SEAL OF THE 143
TREASURER OF STATE OF OHIO." 144

The seal of the lieutenant governor shall consist of the coat of arms of the state within a circle one and one-fourth inches in diameter and shall be surrounded by the words "THE SEAL OF THE LIEUTENANT GOVERNOR OF STATE OF OHIO."

The seal of the attorney general shall consist of the coat of arms of the state within a circle one and one-fourth inches in diameter and shall be surrounded by the words "THE SEAL OF THE ATTORNEY GENERAL OF STATE OF OHIO."

The seal of each benevolent institution shall consist of the coat of arms of the state within a circle one and one-fourth inches in diameter and shall be surrounded by the proper name of the institution.

The seals of all other state, county, and municipal agencies, divisions, boards and commissions shall consist of the coat of arms of the state within a circle one and one-fourth inches in diameter and shall be surrounded by the proper name of the office.

All seals mentioned in this section shall contain the words and devices mentioned in this section and no other.

Sec. 9.37. (A) As used in this section, "public official" means any elected or appointed officer, employee, or agent of the state, any state institution of higher education, any political subdivision, board, commission, bureau, or other public body established by law. "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college.

(B) Except as provided in division (F) of this section, any public official may make by direct deposit of funds by electronic transfer, if the payee provides a written authorization designating a financial institution and an account number to which

the payment is to be credited, any payment such public official is 175
permitted or required by law in the performance of official duties 176
to make by issuing a check or warrant. 177

(C) Such public official may contract with a financial 178
institution for the services necessary to make direct deposits and 179
draw lump-sum checks or warrants payable to that institution in 180
the amount of the payments to be transferred. 181

(D) Before making any direct deposit as authorized under this 182
section, the public official shall ascertain that the account from 183
which the payment is to be made contains sufficient funds to cover 184
the amount of the payment. 185

(E) If the issuance of checks and warrants by a public 186
official requires authorization by a governing board, commission, 187
bureau, or other public body having jurisdiction over the public 188
official, the public official may only make direct deposits and 189
contracts under this section pursuant to a resolution of 190
authorization duly adopted by such governing board, commission, 191
bureau, or other public body. 192

(F) Pursuant to sections 307.55, 319.16, and 321.15 of the 193
Revised Code, a county auditor may issue, and a county treasurer 194
may redeem, electronic warrants authorizing direct deposit for 195
payment of county obligations in accordance with rules adopted by 196
the ~~auditor~~ director of state budget and management pursuant to 197
~~section 117.20~~ Chapter 119. of the Revised Code. 198

Sec. 101.15. (A) As used in this section: 199

(1) "Caucus" means all of the members of either house of the 200
general assembly who are members of the same political party or 201
members of a committee of the house of representatives who are 202
members of the same political party. 203

(2) "Committee" means any committee of either house of the 204

general assembly, a joint committee of both houses of the general
assembly, including a committee of conference, or a subcommittee
of any committee listed in division (A)(2) of this section.

(3) "Meeting" means any prearranged discussion of the public
business of a committee by a majority of its members.

(B) Except as otherwise provided in division (F) of this
section, all meetings of any committee are declared to be public
meetings open to the public at all times. The secretary assigned
to the chairperson of the committee shall prepare, file, and
maintain the minutes of every regular or special meeting of a
committee. The committee, at its next regular or special meeting,
shall approve the minutes prepared, filed, and maintained by the
secretary, or, if the minutes prepared, filed, and maintained by
the secretary require correction before their approval, the
committee shall correct and approve the minutes at the next
following regular or special meeting. The committee shall make the
minutes available for public inspection not later than seven days
after the meeting the minutes reflect or not later than the
committee's next regular or special meeting, whichever occurs
first.

(C) Each committee shall establish a reasonable method
whereby any person may determine the time and place of all
regularly scheduled meetings and the time, place, and purpose of
all special meetings. No committee shall hold a regular or special
meeting unless it gives at least twenty-four hours' advance notice
to the news media that have requested notification.

The method established by each committee shall provide that,
upon request and payment of a reasonable fee, any person may
obtain reasonable advance notification of all meetings at which
any specific type of public business will be discussed. Provisions
for advance notification may include, but are not limited to,

mailing the agenda of meetings to all subscribers on a mailing 236
list or mailing notices in self-addressed stamped envelopes 237
provided by the person who desires advance notification. 238

(D) Any action of a committee relating to a bill or 239
resolution, or any other formal action of a committee, is invalid 240
unless taken in an open meeting of the committee. Any action of a 241
committee relating to a bill or resolution, or any other formal 242
action of a committee, taken in an open meeting is invalid if it 243
results from deliberations in a meeting not open to the public. 244

(E)(1) Any person may bring an action to enforce this 245
section. An action under this division shall be brought within two 246
years after the date of the alleged violation or threatened 247
violation. Upon proof of a violation or threatened violation of 248
this section in an action brought by any person, the court of 249
common pleas shall issue an injunction to compel the members of 250
the committee to comply with its provisions. 251

(2)(a) If the court of common pleas issues an injunction 252
under division (E)(1) of this section, the court shall order the 253
committee that it enjoins to pay a civil forfeiture of five 254
hundred dollars to the party that sought the injunction and shall 255
award to that party all court costs and, subject to reduction as 256
described in this division, reasonable attorney's fees. The court, 257
in its discretion, may reduce an award of attorney's fees to the 258
party that sought the injunction or not award attorney's fees to 259
that party if the court determines both of the following: 260

(i) That, based on the ordinary application of statutory law 261
and case law as it existed at the time of the violation or 262
threatened violation that was the basis of the injunction, a 263
well-informed committee reasonably would believe that the 264
committee was not violating or threatening to violate this 265
section; 266

(ii) That a well-informed committee reasonably would believe 267
that the conduct or threatened conduct that was the basis of the 268
injunction would serve the public policy that underlies the 269
authority that is asserted as permitting that conduct or 270
threatened conduct. 271

(b) If the court of common pleas does not issue an injunction 272
under division (E)(1) of this section and the court determines at 273
that time that the bringing of the action was frivolous conduct as 274
defined in division (A) of section 2323.51 of the Revised Code, 275
the court shall award to the committee all court costs and 276
reasonable attorney's fees, as determined by the court. 277

(3) Irreparable harm and prejudice to the party that sought 278
the injunction shall be conclusively and irrebuttably presumed 279
upon proof of a violation or threatened violation of this section. 280

(4) A member of a committee who knowingly violates an 281
injunction issued under division (E)(1) of this section may be 282
removed from office by an action brought in the court of common 283
pleas for that purpose by the prosecuting attorney of Franklin 284
county or by the attorney general. 285

(5) The remedies described in divisions (E)(1) to (4) of this 286
section shall be the exclusive remedies for a violation of this 287
section. 288

(F) This section does not apply to or affect either of the 289
following: 290

(1) All meetings of the joint legislative ethics committee 291
created under section 101.34 of the Revised Code other than a 292
meeting that is held for any of the following purposes: 293

(a) To consider the adoption, amendment, or ~~recession~~ 294
rescission of any rule that the joint legislative ethics committee 295
is authorized to adopt pursuant to division (B)(11) of section 296

101.34, division (E) of section 101.78, division (B) of section	297
102.02, or division (E) of section 121.68 of the Revised Code;	298
(b) To discuss and consider changes to any administrative	299
operation of the joint legislative ethics committee other than any	300
matter described in division (G) of section 121.22 of the Revised	301
Code;	302
(c) To discuss pending or proposed legislation.	303
(2) Meetings of a caucus.	304
(G) For purposes of division (F)(1)(a) of this section, an	305
advisory opinion, written opinion, or decision relative to a	306
complaint is not a rule.	307
Sec. 101.34. (A) There is hereby created a joint legislative	308
ethics committee to serve the general assembly. The committee	309
shall be composed of twelve members, six each from the two major	310
political parties, and each member shall serve on the committee	311
during the member's term as a member of that general assembly. Six	312
members of the committee shall be members of the house of	313
representatives appointed by the speaker of the house of	314
representatives, not more than three from the same political	315
party, and six members of the committee shall be members of the	316
senate appointed by the president of the senate, not more than	317
three from the same political party. A vacancy in the committee	318
shall be filled for the unexpired term in the same manner as an	319
original appointment. The members of the committee shall be	320
appointed within fifteen days after the first day of the first	321
regular session of each general assembly and the committee shall	322
meet and proceed to recommend an ethics code not later than thirty	323
days after the first day of the first regular session of each	324
general assembly.	325
In the first regular session of each general assembly, the	326

speaker of the house of representatives shall appoint the 327
chairperson of the committee from among the house members of the 328
committee, and the president of the senate shall appoint the 329
vice-chairperson of the committee from among the senate members of 330
the committee. In the second regular session of each general 331
assembly, the president of the senate shall appoint the 332
chairperson of the committee from among the senate members of the 333
committee, and the speaker of the house of representatives shall 334
appoint the vice-chairperson of the committee from among the house 335
members of the committee. The chairperson, vice-chairperson, and 336
members of the committee shall serve until their respective 337
successors are appointed or until they are no longer members of 338
the general assembly. 339

The committee shall meet at the call of the chairperson or 340
upon the written request of seven members of the committee. 341

(B) The joint legislative ethics committee: 342

(1) Shall recommend a code of ethics that is consistent with 343
law to govern all members and employees of each house of the 344
general assembly and all candidates for the office of member of 345
each house; 346

(2) May receive and hear any complaint that alleges a breach 347
of any privilege of either house, or misconduct of any member, 348
employee, or candidate, or any violation of the appropriate code 349
of ethics; 350

(3) May obtain information with respect to any complaint 351
filed pursuant to this section and to that end may enforce the 352
attendance and testimony of witnesses, and the production of books 353
and papers; 354

(4) May recommend whatever sanction is appropriate with 355
respect to a particular member, employee, or candidate as will 356
best maintain in the minds of the public a good opinion of the 357

conduct and character of members and employees of the general assembly; 358
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(5) May recommend legislation to the general assembly relating to the conduct and ethics of members and employees of and candidates for the general assembly; 360
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(6) Shall employ an executive director for the committee and may employ other staff as the committee determines necessary to assist it in exercising its powers and duties. The executive director and staff of the committee shall be known as the office of legislative inspector general. At least one member of the staff of the committee shall be an attorney at law licensed to practice law in this state. The appointment and removal of the executive director shall require the approval of at least eight members of the committee. 363
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(7) May employ a special counsel to assist the committee in exercising its powers and duties. The appointment and removal of a special counsel shall require the approval of at least eight members of the committee. 372
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(8) Shall act as an advisory body to the general assembly and to individual members, candidates, and employees on questions relating to ethics, possible conflicts of interest, and financial disclosure; 376
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(9) Shall provide for the proper forms on which a statement required pursuant to section 102.02 or 102.021 of the Revised Code shall be filed and instructions as to the filing of the statement; 380
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(10) Exercise the powers and duties prescribed under sections 101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and sections 121.60 to 121.69 of the Revised Code; 383
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(11) Adopt, in accordance with section 111.15 of the Revised Code, any rules that are necessary to implement and clarify 386
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Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 388

(C) There is hereby created in the state treasury the joint 389
legislative ethics committee fund. All money collected from 390
registration fees and late filing fees prescribed under sections 391
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 392
into the state treasury to the credit of the fund. Money credited 393
to the fund and any interest and earnings from the fund shall be 394
used solely for the operation of the joint legislative ethics 395
committee and the office of legislative inspector general and for 396
the purchase of data storage and computerization facilities for 397
the statements filed with the committee under sections 101.73, 398
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 399

(D) The chairperson of the joint legislative ethics committee 400
shall issue a written report, not later than the thirty-first day 401
of January of each year, to the speaker and minority leader of the 402
house of representatives and to the president and minority leader 403
of the senate that lists the number of committee meetings and 404
investigations the committee conducted during the immediately 405
preceding calendar year and the number of advisory opinions it 406
issued during the immediately preceding calendar year. 407

(E) Any investigative report that contains facts and findings 408
regarding a complaint filed with the joint legislative ethics 409
committee and that is prepared by the staff of the committee or a 410
special counsel to the committee shall become a public record upon 411
its acceptance by a vote of the majority of the members of the 412
committee, except for any names of specific individuals and 413
entities contained in the report. If the committee recommends 414
disciplinary action or reports its findings to the appropriate 415
prosecuting authority for proceedings in prosecution of the 416
violations alleged in the complaint, the investigatory report 417
regarding the complaint shall become a public record in its 418
entirety. 419

(F)(1) Any file obtained by or in the possession of the 420
former house ethics committee or former senate ethics committee 421
shall become the property of the joint legislative ethics 422
committee. Any such file is confidential if either of the 423
following applies: 424

(a) It is confidential under section 102.06 of the Revised 425
Code or the legislative code of ethics. 426

(b) If the file was obtained from the former house ethics 427
committee or from the former senate ethics committee, it was 428
confidential under any statute or any provision of a code of 429
ethics that governed the file. 430

(2) As used in this division, "file" includes, but is not 431
limited to, evidence, documentation, or any other tangible thing. 432

Sec. 101.72. (A) Each legislative agent and employer, within 433
ten days following an engagement of a legislative agent, shall 434
file with the joint legislative ethics committee an initial 435
registration statement showing all of the following: 436

(1) The name, business address, and occupation of the 437
legislative agent; 438

(2) The name and business address of the employer and the 439
real party in interest on whose behalf the legislative agent is 440
actively advocating, if it is different from the employer. For the 441
purposes of division (A) of this section, where a trade 442
association or other charitable or fraternal organization that is 443
exempt from federal income taxation under subsection 501(c) of the 444
federal Internal Revenue Code is the employer, the statement need 445
not list the names and addresses of each member of the association 446
or organization, so long as the association or organization itself 447
is listed. 448

(3) A brief description of the type of legislation to which 449

the engagement relates. 450

(B) In addition to the initial registration statement 451
required by division (A) of this section, each legislative agent 452
and employer shall file with the joint committee, not later than 453
the last day of January, May, and September of each year, an 454
updated registration statement that confirms the continuing 455
existence of each engagement described in an initial registration 456
statement and that lists the specific bills or resolutions on 457
which the agent actively advocated under that engagement during 458
the period covered by the updated statement, and with it any 459
statement of expenditures required to be filed by section 101.73 460
of the Revised Code and any details of financial transactions 461
required to be filed by section 101.74 of the Revised Code. 462

(C) If a legislative agent is engaged by more than one 463
employer, the agent shall file a separate initial and updated 464
registration statement for each engagement. If an employer engages 465
more than one legislative agent, the employer need file only one 466
updated registration statement under division (B) of this section, 467
which shall contain the information required by division (B) of 468
this section regarding all of the legislative agents engaged by 469
the employer. 470

(D)(1) A change in any information required by division 471
(A)(1), (2), or (B) of this section shall be reflected in the next 472
updated registration statement filed under division (B) of this 473
section. 474

(2) Within thirty days after the termination of an 475
engagement, the legislative agent who was employed under the 476
engagement shall send written notification of the termination to 477
the joint committee. 478

(E) Except as otherwise provided in this division, a 479
registration fee of twenty-five dollars shall be charged for 480

filing an initial registration statement. All money collected from 481
registration fees under this division and late filing fees under 482
division (G) of this section shall be deposited into the ~~general~~ 483
~~revenue fund of the state treasury to the credit of the joint~~ 484
legislative ethics committee fund created under section 101.34 of 485
the Revised Code. 486

An officer or employee of a state agency who actively 487
advocates in a fiduciary capacity as a representative of that 488
state agency need not pay the registration fee prescribed by this 489
division or file expenditure statements under section 101.73 of 490
the Revised Code. As used in this division, "state agency" does 491
not include a state institution of higher education as defined in 492
section 3345.011 of the Revised Code. 493

(F) Upon registration pursuant to division (A) of this 494
section, the legislative agent shall be issued a card by the joint 495
committee showing that the legislative agent is registered. The 496
registration card and the legislative agent's registration shall 497
be valid from the date of their issuance until the next 498
thirty-first day of December of an even-numbered year. 499

(G) The executive director of the joint committee shall be 500
responsible for reviewing each registration statement filed with 501
the joint committee under this section and for determining whether 502
the statement contains all of the information required by this 503
section. If the joint committee determines that the registration 504
statement does not contain all of the required information or that 505
a legislative agent or employer has failed to file a registration 506
statement, the joint committee shall send written notification by 507
certified mail to the person who filed the registration statement 508
regarding the deficiency in the statement or to the person who 509
failed to file the registration statement regarding the failure. 510
Any person so notified by the joint committee shall, not later 511
than fifteen days after receiving the notice, file a registration 512

statement or an amended registration statement that does contain 513
all of the information required by this section. If any person who 514
receives a notice under this division fails to file a registration 515
statement or such an amended registration statement within this 516
fifteen-day period, the joint committee shall assess a late filing 517
fee equal to twelve dollars and fifty cents per day, up to a 518
maximum of one hundred dollars, upon that person. The joint 519
committee may waive the late filing fee for good cause shown. 520

(H) On or before the fifteenth day of March of each year, the 521
joint committee shall, in the manner and form that it determines, 522
publish a report containing statistical information on the 523
registration statements filed with it under this section during 524
the preceding year. 525

Sec. 101.83. (A) An agency in existence on January 1, 2005, 526
shall expire on December 31, 2010, unless the agency is renewed in 527
accordance with division (D) of this section and, if so renewed, 528
shall expire thereafter on the thirty-first day of December of the 529
fourth year after the year in which it was most recently renewed 530
unless the agency is renewed in accordance with division (D) of 531
this section. An agency created after January 1, 2005, that is 532
created on the thirty-first day of December shall expire not later 533
than four years after its creation, unless the agency is renewed 534
in accordance with division (D) of this section. An agency created 535
after January 1, 2005, that is created on any other date shall be 536
considered for the purpose of this section to have been created on 537
the preceding thirty-first day of December, and the agency shall 538
expire not later than four years after the date it was considered 539
to have been created, unless the agency is renewed in accordance 540
with division (D) of this section. Any act creating or renewing an 541
agency shall contain a distinct section providing a specific 542
expiration date for the agency in accordance with this division. 543

(B) If the general assembly does not renew or transfer an agency on or before its expiration date, it shall expire on that date.

The ~~auditor~~ director of ~~state budget and management~~ shall not authorize the expenditure of any moneys for any agency on or after the date of its expiration.

(C) The general assembly may provide by law for the orderly, efficient, and expeditious conclusion of an agency's business and operation. The rules, orders, licenses, contracts, and other actions made, taken, granted, or performed by the agency shall continue in effect according to their terms notwithstanding the agency's abolition, unless the general assembly provides otherwise by law. The general assembly may provide by law for the temporary or permanent transfer of some or all of a terminated or transferred agency's functions and personnel to a successor agency or officer.

The abolition, termination, or transfer of an agency shall not cause the termination or dismissal of any claim pending against the agency by any person, or any claim pending against any person by the agency. Unless the general assembly provides otherwise by law for the substitution of parties, the attorney general shall succeed the agency with reference to any pending claim.

(D) An agency may be renewed by passage of a bill that continues the statutes creating and empowering the agency, that amends or repeals those statutes, or that enacts new statutes, to improve agency usefulness, performance, or effectiveness.

Sec. 101.92. (A) Each retirement system lobbyist and each employer shall file with the joint legislative ethics committee, within ten days following the engagement of a retirement system

lobbyist, an initial registration statement showing all of the 574
following: 575

(1) The name, business address, and occupation of the 576
retirement system lobbyist; 577

(2) The name and business address of the employer or of the 578
real party in interest on whose behalf the retirement system 579
lobbyist is acting, if it is different from the employer. For the 580
purposes of division (A) of this section, where a trade 581
association or other charitable or fraternal organization that is 582
exempt from federal income taxation under subsection 501(c) of the 583
federal Internal Revenue Code is the employer, the statement need 584
not list the names and addresses of every member of the 585
association or organization, so long as the association or 586
organization itself is listed. 587

(3) A brief description of the retirement system decision to 588
which the engagement relates; 589

(4) The name of the retirement system or systems to which the 590
engagement relates. 591

(B) In addition to the initial registration statement 592
required by division (A) of this section, each retirement system 593
lobbyist and employer shall file with the joint committee, not 594
later than the last day of January, May, and September of each 595
year, an updated registration statement that confirms the 596
continuing existence of each engagement described in an initial 597
registration statement and that lists the specific retirement 598
system decisions that the lobbyist sought to influence under the 599
engagement during the period covered by the updated statement, and 600
with it any statement of expenditures required to be filed by 601
section 101.93 of the Revised Code and any details of financial 602
transactions required to be filed by section 101.94 of the Revised 603
Code. 604

(C) If a retirement system lobbyist is engaged by more than one employer, the lobbyist shall file a separate initial and updated registration statement for each engagement. If an employer engages more than one retirement system lobbyist, the employer need file only one updated registration statement under division (B) of this section, which shall contain the information required by division (B) of this section regarding all of the retirement system lobbyists engaged by the employer.

(D)(1) A change in any information required by division (A)(1), (2), or (B) of this section shall be reflected in the next updated registration statement filed under division (B) of this section.

(2) Within thirty days following the termination of an engagement, the ~~executive agency~~ retirement system lobbyist who was employed under the engagement shall send written notification of the termination to the joint committee.

(E) A registration fee of twenty-five dollars shall be charged for filing an initial registration statement. All money collected from ~~this fee~~ registration fees under this division and late filing fees under division (G) of this section shall be deposited into the ~~general revenue fund of the state~~ treasury to the credit of the joint legislative ethics committee fund created under section 101.34 of the Revised Code.

(F) Upon registration pursuant to this section, a retirement system lobbyist shall be issued a card by the joint committee showing that the lobbyist is registered. The registration card and the retirement system lobbyist's registration shall be valid from the date of their issuance until the thirty-first day of January of the year following the year in which the initial registration was filed.

(G) The executive director of the joint committee shall be

responsible for reviewing each registration statement filed with
the joint committee under this section and for determining whether
the statement contains all of the required information. If the
joint committee determines that the registration statement does
not contain all of the required information or that a retirement
system lobbyist or employer has failed to file a registration
statement, the joint committee shall send written notification by
certified mail to the person who filed the registration statement
regarding the deficiency in the statement or to the person who
failed to file the registration statement regarding the failure.
Any person so notified by the joint committee shall, not later
than fifteen days after receiving the notice, file a registration
statement or an amended registration statement that contains all
of the required information. If any person who receives a notice
under this division fails to file a registration statement or such
an amended registration statement within this fifteen-day period,
the joint committee shall assess a late filing fee equal to twelve
dollars and fifty cents per day, up to a maximum fee of one
hundred dollars, upon that person. The joint committee may waive
the late filing fee for good cause shown.

(H) On or before the fifteenth day of March of each year, the
joint committee shall, in the manner and form that it determines,
publish a report containing statistical information on the
registration statements filed with it under this section during
the preceding year.

(I) If an employer who engages a retirement system lobbyist
is the recipient of a contract, grant, lease, or other financial
arrangement pursuant to which funds of the state or of a
retirement system are distributed or allocated, the executive
agency or any aggrieved party may consider the failure of the
employer or the retirement system lobbyist to comply with this
section as a breach of a material condition of the contract,

grant, lease, or other financial arrangement.

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(J) Retirement system officials may require certification
from any person seeking the award of a contract, grant, lease, or
financial arrangement that the person and the person's employer
are in compliance with this section.

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Sec. 107.40. (A) There is hereby created the governor's
residence advisory commission. The commission shall provide for
the preservation, restoration, acquisition, and conservation of
all decorations, objects of art, chandeliers, china, silver,
statues, paintings, furnishings, accouterments, and other
aesthetic materials that have been acquired, donated, loaned, or
otherwise obtained by the state for the governor's residence and
that have been approved by the commission. In addition, the
commission shall provide for the maintenance of plants that have
been acquired, donated, loaned, or otherwise obtained by the state
for the governor's residence and that have been approved by the
commission.

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(B) The commission shall be responsible for the care,
provision, repair, and placement of furnishings and other objects
and accessories of the grounds and public areas of the first story
of the governor's residence and for the care and placement of
plants on the grounds. In exercising this responsibility, the
commission shall preserve and seek to further establish ~~both~~ all
of the following:

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(1) The authentic ambiance and decor of the historic era
during which the governor's residence was constructed;

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(2) The grounds as a representation of Ohio's natural
ecosystems;

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(3) The heritage garden for all of the following purposes:

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(a) To preserve, sustain, and encourage the use of native

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flora throughout the state; 698

(b) To replicate the state's physiographic regions, plant communities, and natural landscapes; 699
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(c) To serve as an educational garden that demonstrates the artistic, industrial, political, horticultural, and geologic history of the state through the use of plants; 701
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(d) To serve as a reservoir of rare species of plants from the physiographic regions of the state. 704
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These duties shall not affect the obligation of the 706
department of administrative services to provide for the general 707
maintenance and operating expenses of the governor's residence. 708

(C) The commission shall consist of eleven members. One 709
member shall be the director of administrative services or the 710
director's designee, who shall serve during the director's term of 711
office and shall serve as chairperson. One member shall be the 712
director of the Ohio historical society or the director's 713
designee, who shall serve during the director's term of office and 714
shall serve as vice-chairperson. One member shall represent the 715
Columbus landmarks foundation. One member shall represent the 716
Bexley historical society. One member shall be the mayor of the 717
city of Bexley, who shall serve during the mayor's term of office. 718
One member shall be the chief executive officer of the Franklin 719
park conservatory joint recreation district, who shall serve 720
during the term of employment as chief executive officer. The 721
remaining five members shall be appointed by the governor with the 722
advice and consent of the senate. The five members appointed by 723
the governor shall be persons with knowledge of Ohio history, 724
architecture, decorative arts, or historic preservation, and one 725
of those members shall have knowledge of landscape architecture, 726
garden design, horticulture, and plants native to this state. 727

(D) Of the initial appointees, the representative of the 728

Columbus landmarks foundation shall serve for a term expiring 729
December 31, 1996, and the representative of the Bexley historical 730
society shall serve for a term expiring December 31, 1997. Of the 731
five members appointed by the governor, three shall serve for 732
terms ending December 31, 1998, and two shall serve for terms 733
ending December 31, 1999. Thereafter, each term shall be for four 734
years, commencing on the first day of January and ending on the 735
last day of December. The member having knowledge of landscape 736
architecture, garden design, horticulture, and plants native to 737
this state initially shall be appointed upon the first vacancy on 738
the commission occurring on or after ~~the effective date of this~~ 739
~~amendment~~ June 30, 2006. 740

Each member shall hold office from the date of the member's 741
appointment until the end of the term for which the member was 742
appointed. Any member appointed to fill a vacancy occurring prior 743
to the end of the term for which the member's predecessor was 744
appointed shall hold office for the remainder of the term. Any 745
member shall continue in office subsequent to the expiration of 746
the term until the member's successor takes office. 747

(E) Six members of the commission constitute a quorum, and 748
the affirmative vote of six members is required for approval of 749
any action by the commission. 750

(F) After each initial member of the commission has been 751
appointed, the commission shall meet and select one member as 752
secretary and another as treasurer. Organizational meetings of the 753
commission shall be held at the time and place designated by call 754
of the chairperson. Meetings of the commission may be held 755
anywhere in the state and shall be in compliance with Chapters 756
121. and 149. of the Revised Code. The commission may adopt, 757
pursuant to section 111.15 of the Revised Code, rules necessary to 758
carry out the purposes of this section. 759

(G) Members of the commission shall serve without remuneration, but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

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

(I) The commission may accept any donation, gift, bequest, or devise for the governor's residence or as an endowment for the maintenance and care of the garden on the grounds of the governor's residence in furtherance of its duties. Any revenue received by the commission shall be deposited into the governor's residence fund, which is hereby established in the state treasury, for use by the commission in accordance with the performance of its duties. All investment earnings of the fund shall be credited to the fund. Title to all property acquired by the commission shall be taken in the name of the state and shall be held for the use and benefit of the commission.

(J) Nothing in this section limits the ability of a person or other entity to purchase decorations, objects of art, chandeliers, china, silver, statues, paintings, furnishings, accouterments, plants, or other aesthetic materials for placement in the governor's residence or on the grounds of the governor's residence or donation to the commission. No such object or plant, however, shall be placed on the grounds or public areas of the first story of the governor's residence without the consent of the commission.

(K) The heritage garden established under this section shall be officially known as "the heritage garden at the Ohio governor's residence."

(L) As used in this section, "heritage garden" means the

botanical garden of native plants established at the governor's residence. 791
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Sec. 121.62. (A) Each executive agency lobbyist and each 793
employer shall file with the joint legislative ethics committee, 794
within ten days following the engagement of an executive agency 795
lobbyist, an initial registration statement showing all of the 796
following: 797

(1) The name, business address, and occupation of the 798
executive agency lobbyist; 799

(2) The name and business address of the employer or of the 800
real party in interest on whose behalf the executive agency 801
lobbyist is acting, if it is different from the employer. For the 802
purposes of division (A) of this section, where a trade 803
association or other charitable or fraternal organization that is 804
exempt from federal income taxation under subsection 501(c) of the 805
federal Internal Revenue Code is the employer, the statement need 806
not list the names and addresses of every member of the 807
association or organization, so long as the association or 808
organization itself is listed. 809

(3) A brief description of the executive agency decision to 810
which the engagement relates; 811

(4) The name of the executive agency or agencies to which the 812
engagement relates. 813

(B) In addition to the initial registration statement 814
required by division (A) of this section, each executive agency 815
lobbyist and employer shall file with the joint committee, not 816
later than the last day of January, May, and September of each 817
year, an updated registration statement that confirms the 818
continuing existence of each engagement described in an initial 819
registration statement and that lists the specific executive 820

agency decisions that the lobbyist sought to influence under the 821
engagement during the period covered by the updated statement, and 822
with it any statement of expenditures required to be filed by 823
section 121.63 of the Revised Code and any details of financial 824
transactions required to be filed by section 121.64 of the Revised 825
Code. 826

(C) If an executive agency lobbyist is engaged by more than 827
one employer, the lobbyist shall file a separate initial and 828
updated registration statement for each engagement. If an employer 829
engages more than one executive agency lobbyist, the employer need 830
file only one updated registration statement under division (B) of 831
this section, which shall contain the information required by 832
division (B) of this section regarding all of the executive agency 833
lobbyists engaged by the employer. 834

(D)(1) A change in any information required by division 835
(A)(1), (2), or (B) of this section shall be reflected in the next 836
updated registration statement filed under division (B) of this 837
section. 838

(2) Within thirty days following the termination of an 839
engagement, the executive agency lobbyist who was employed under 840
the engagement shall send written notification of the termination 841
to the joint committee. 842

(E) A registration fee of twenty-five dollars shall be 843
charged for filing an initial registration statement. All money 844
collected from ~~this fee~~ registration fees under this division and 845
late filing fees under division (G) of this section shall be 846
deposited into the ~~general revenue fund of the state~~ treasury to 847
the credit of the joint legislative ethics committee fund created 848
under section 101.34 of the Revised Code. 849

(F) Upon registration pursuant to this section, an executive 850
agency lobbyist shall be issued a card by the joint committee 851

showing that the lobbyist is registered. The registration card and 852
the executive agency lobbyist's registration shall be valid from 853
the date of their issuance until the thirty-first day of January 854
of the year following the year in which the initial registration 855
was filed. 856

(G) The executive director of the joint committee shall be 857
responsible for reviewing each registration statement filed with 858
the joint committee under this section and for determining whether 859
the statement contains all of the required information. If the 860
joint committee determines that the registration statement does 861
not contain all of the required information or that an executive 862
agency lobbyist or employer has failed to file a registration 863
statement, the joint committee shall send written notification by 864
certified mail to the person who filed the registration statement 865
regarding the deficiency in the statement or to the person who 866
failed to file the registration statement regarding the failure. 867
Any person so notified by the joint committee shall, not later 868
than fifteen days after receiving the notice, file a registration 869
statement or an amended registration statement that contains all 870
of the required information. If any person who receives a notice 871
under this division fails to file a registration statement or such 872
an amended registration statement within this fifteen-day period, 873
the joint committee shall assess a late filing fee equal to twelve 874
dollars and fifty cents per day, up to a maximum fee of one 875
hundred dollars, upon that person. The joint committee may waive 876
the late filing fee for good cause shown. 877

(H) On or before the fifteenth day of March of each year, the 878
joint committee shall, in the manner and form that it determines, 879
publish a report containing statistical information on the 880
registration statements filed with it under this section during 881
the preceding year. 882

(I) If an employer who engages an executive agency lobbyist 883

is the recipient of a contract, grant, lease, or other financial arrangement pursuant to which funds of the state or of an executive agency are distributed or allocated, the executive agency or any aggrieved party may consider the failure of the employer or the executive agency lobbyist to comply with this section as a breach of a material condition of the contract, grant, lease, or other financial arrangement.

(J) Executive agency officials may require certification from any person seeking the award of a contract, grant, lease, or financial arrangement that the person and the person's employer are in compliance with this section.

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. or 5537. 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; the proposed structure and maturity schedule; the trust agreement and any supplemental

agreements; and any credit enhancement facilities or interest rate hedges for the obligations; 915
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(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; 917
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(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. 922
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(3) The issuer of obligations pursuant to section 151.06 or 151.40 or Chapter 154. of the Revised Code shall submit to the director: 928
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(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; the proposed structure and maturity schedule; the trust agreement and any supplemental agreements; and any credit enhancement facilities or interest rate hedges for the obligations; 931
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(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; 937
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(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 942
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transcript of proceedings; and any other pertinent information 946
requested by the director. 947

(4) The issuers of obligations pursuant to Chapter 166., 948
4981., 5540., or 6121., or section 5531.10, of the Revised Code 949
shall submit to the director: 950

(a) For review and comment: the projected sale date, amount, 951
and type of obligations proposed to be sold; the purpose, 952
security, and source of payment; and preliminary and final 953
offering documents; 954

(b) Promptly after each sale of those obligations: final 955
terms, including a maturity schedule; names of the original 956
purchasers or underwriters; a copy of the complete continuing 957
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 958
rule as from time to time in effect; and any other pertinent 959
information requested by the director. 960

(5) Not later than thirty days after the end of a fiscal 961
year, each issuer of obligations subject to divisions (A) and (B) 962
of this section shall submit to the director and to the treasurer 963
of state a sale plan for the then current fiscal year for each 964
type of obligation, projecting the amount and term of each 965
issuance, the method of sale, and the month of sale. 966

(B) Issuers of obligations pursuant to section 3318.085 or 967
Chapter 175., 3366., 3706., 3737., ~~5537.~~, 6121., or 6123. of the 968
Revised Code shall submit to the director copies of the 969
preliminary and final offering documents upon their availability 970
if not previously submitted pursuant to division (A) of this 971
section. 972

(C) Not later than the first day of January of each year, 973
every state agency obligated to make payments on outstanding 974
public obligations with respect to which fractionalized interests 975
have been publicly issued, such as certificates of participation, 976

shall submit a report to the director of the amounts payable from 977
state appropriations under those public obligations during the 978
then current and next two fiscal years, identifying the 979
appropriation or intended appropriation from which payment is 980
expected to be made. 981

(D)(1) Information relating generally to the historic, 982
current, or future demographics or economy or financial condition 983
or funds or general operations of the state, and descriptions of 984
any state contractual obligations relating to public obligations, 985
to be contained in any offering document, continuing disclosure 986
document, or written presentation prepared, approved, or provided, 987
or committed to be provided, by an issuer in connection with the 988
original issuance and sale of, or rating, remarketing, or credit 989
enhancement facilities relating to, public obligations referred to 990
in division (A) of this section shall be approved as to format and 991
accuracy by the director before being presented, published, or 992
disseminated in preliminary, draft, or final form, or publicly 993
filed in paper, electronic, or other format. 994

(2) Except for information described in division (D)(1) of 995
this section that is to be contained in an offering document, 996
continuing disclosure document, or written presentation, division 997
(D)(1) of this section does not inhibit direct communication 998
between an issuer and a rating agency, remarketing agent, or 999
credit enhancement provider concerning an issuance of public 1000
obligations referred to in division (A) of this section or matters 1001
associated with that issuance. 1002

(3) The materials approved and provided pursuant to division 1003
(D) of this section are the information relating to the particular 1004
subjects provided by the state or state agencies that are required 1005
or contemplated by any applicable state or federal securities laws 1006
and any commitments by the state or state agencies made under 1007
those laws. Reliance for the purpose should not be placed on any 1008

other information publicly provided, in any format including 1009
electronic, by any state agency for other purposes, including 1010
general information provided to the public or to portions of the 1011
public. A statement to that effect shall be included in those 1012
materials so approved or provided. 1013

(E) Issuers of obligations referred to in division (A) of 1014
this section may take steps, by formal agreement, covenants in the 1015
proceedings, or otherwise, as may be necessary or appropriate to 1016
comply or permit compliance with applicable lawful disclosure 1017
requirements relating to those obligations, and may, subject to 1018
division (D) of this section, provide, make available, or file 1019
copies of any required disclosure materials as necessary or 1020
appropriate. Any such formal agreement or covenant relating to 1021
subjects referred to in division (D) of this section, and any 1022
description of that agreement or covenant to be contained in any 1023
offering document, shall be approved by the director before being 1024
entered into or published or publicly disseminated in preliminary, 1025
draft, or final form or publicly filed in paper, electronic, or 1026
other format. The director shall be responsible for making all 1027
filings in compliance with those requirements relating to direct 1028
obligations of the state, including fractionalized interests in 1029
those obligations. 1030

(F) No state agency or official shall, without the approval 1031
of the director of budget and management, do either of the 1032
following: 1033

(1) Enter into or commit to enter into a public obligation 1034
under which fractionalized interests in the payments are to be 1035
publicly offered, which payments are anticipated to be made from 1036
money from any source appropriated or to be appropriated by the 1037
general assembly or in which the provision stated in section 9.94 1038
of the Revised Code is not included; 1039

(2) Except as otherwise expressly authorized for the purpose 1040
by law, agree or commit to provide, from money from any source to 1041
be appropriated in the future by the general assembly, financial 1042
assistance to or participation in the costs of capital facilities, 1043
or the payment of debt charges, directly or by way of a credit 1044
enhancement facility, a reserve, rental payments, or otherwise, on 1045
obligations issued to pay costs of capital facilities. 1046

(G) As used in this section, "interest rate hedge" has the 1047
same meaning as in section 9.98 of the Revised Code; "credit 1048
enhancement facilities," "debt charges," "fractionalized interests 1049
in public obligations," "obligor," "public issuer," and 1050
"securities" have the same meanings as in section 133.01 of the 1051
Revised Code; "public obligation" has the same meaning as in 1052
division (GG)(2) of section 133.01 of the Revised Code; 1053
"obligations" means securities or public obligations or 1054
fractionalized interests in them; "issuers" means issuers of 1055
securities or state obligors on public obligations; "offering 1056
document" means an official statement, offering circular, private 1057
placement memorandum, or prospectus, or similar document; and 1058
"director" means the director of budget and management or the 1059
employee of the office of budget and management designated by the 1060
director for the purpose. 1061

Sec. 131.02. (A) Except as otherwise provided in section 1062
4123.37 and division (J) of section 4123.511 of the Revised Code, 1063
whenever any amount is payable to the state, the officer, 1064
employee, or agent responsible for administering the law under 1065
which the amount is payable shall immediately proceed to collect 1066
the amount or cause the amount to be collected and shall pay the 1067
amount into the state treasury or into the appropriate custodial 1068
fund in the manner set forth pursuant to section 113.08 of the 1069
Revised Code. Except as otherwise provided in this division, if 1070

the amount is not paid within forty-five days after payment is 1071
due, the officer, employee, or agent shall certify the amount due 1072
to the attorney general, in the form and manner prescribed by the 1073
attorney general, and notify the director of budget and management 1074
thereof. In the case of an amount payable by a student enrolled in 1075
a state institution of higher education, the amount shall be 1076
certified within the later of forty-five days after the amount is 1077
due or the tenth day after the beginning of the next academic 1078
semester, quarter, or other session following the session for 1079
which the payment is payable. The attorney general may assess the 1080
collection cost to the amount certified in such manner and amount 1081
as prescribed by the attorney general. 1082

For the purposes of this section, the attorney general and 1083
the officer, employee, or agent responsible for administering the 1084
law under which the amount is payable shall agree on the time a 1085
payment is due, and that agreed upon time shall be one of the 1086
following times: 1087

(1) If a law, including an administrative rule, of this state 1088
prescribes the time a payment is required to be made or reported, 1089
when the payment is required by that law to be paid or reported. 1090

(2) If the payment is for services rendered, when the 1091
rendering of the services is completed. 1092

(3) If the payment is reimbursement for a loss, when the loss 1093
is incurred. 1094

(4) In the case of a fine or penalty for which a law or 1095
administrative rule does not prescribe a time for payment, when 1096
the fine or penalty is first assessed. 1097

(5) If the payment arises from a legal finding, judgment, or 1098
adjudication order, when the finding, judgment, or order is 1099
rendered or issued. 1100

(6) If the payment arises from an overpayment of money by the 1101

state to another person, when the overpayment is discovered. 1102

(7) The date on which the amount for which an individual is 1103
personally liable under section 5735.35, section 5739.33, or 1104
division (G) of section 5747.07 of the Revised Code is determined. 1105

(8) Upon proof of claim being filed in a bankruptcy case. 1106

(9) Any other appropriate time determined by the attorney 1107
general and the officer, employee, or agent responsible for 1108
administering the law under which the amount is payable on the 1109
basis of statutory requirements or ordinary business processes of 1110
the state agency to which the payment is owed. 1111

(B)(1) The attorney general shall give immediate notice by 1112
mail or otherwise to the party indebted of the nature and amount 1113
of the indebtedness. 1114

(2) If the amount payable to this state arises from a tax 1115
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 1116
Revised Code, the notice also shall specify all of the following: 1117

(a) The assessment or case number; 1118

(b) The tax pursuant to which the assessment is made; 1119

(c) The reason for the liability, including, if applicable, 1120
that a penalty or interest is due; 1121

(d) An explanation of how and when interest will be added to 1122
the amount assessed; 1123

(e) That the attorney general and tax commissioner, acting 1124
together, have the authority, but are not required, to compromise 1125
the claim and accept payment over a reasonable time, if such 1126
actions are in the best interest of the state. 1127

(C) The attorney general shall collect the claim or secure a 1128
judgment and issue an execution for its collection. 1129

(D) Each claim shall bear interest, from the day on which the 1130

claim became due, at the rate per annum required by section 1131
5703.47 of the Revised Code. 1132

(E) The attorney general and the chief officer of the agency 1133
reporting a claim, acting together, may do any of the following if 1134
such action is in the best interests of the state: 1135

(1) Compromise the claim; 1136

(2) Extend for a reasonable period the time for payment of 1137
the claim by agreeing to accept monthly or other periodic 1138
payments. The agreement may require security for payment of the 1139
claim. 1140

(3) Add fees to recover the cost of processing checks or 1141
other draft instruments returned for insufficient funds and the 1142
cost of providing electronic payment options. 1143

(F)(1) Except as provided in division (F)(2) of this section, 1144
if the attorney general finds, after investigation, that any claim 1145
due and owing to the state is uncollectible, the attorney general, 1146
with the consent of the chief officer of the agency reporting the 1147
claim, may do the following: 1148

(a) Sell, convey, or otherwise transfer the claim to one or 1149
more private entities for collection; 1150

(b) Cancel the claim or cause it to be canceled. 1151

(2) The attorney general shall cancel or cause to be canceled 1152
an unsatisfied claim on the date that is forty years after the 1153
date the claim is certified. 1154

(3) No initial action shall be commenced to collect any tax 1155
payable to the state that is administered by the tax commissioner, 1156
whether or not such tax is subject to division (B) of this 1157
section, or any penalty, interest, or additional charge on such 1158
tax, after the expiration of the period ending on the later of the 1159
dates specified in divisions (F)(3)(a) and (b) of this section, 1160

provided that such period shall be extended by the period of any 1161
stay to such collection or by any other period to which the 1162
parties mutually agree~~+~~. If the initial action in aid of execution 1163
is commenced before the later of the dates specified in divisions 1164
(F)(3)(a) and (b) of this section, any and all subsequent actions 1165
may be pursued in aid of execution of judgment for as long as the 1166
debt exists. 1167

(a) Seven years after the assessment of the tax, penalty, 1168
interest, or additional charge is issued. 1169

(b) Four years after the assessment of the tax, penalty, 1170
interest, or additional charge becomes final. For the purposes of 1171
division (F)(3)(b) of this section, the assessment becomes final 1172
at the latest of the following: upon expiration of the period to 1173
petition for reassessment, or if applicable, to appeal a final 1174
determination of the commissioner or decision of the board of tax 1175
appeals or a court, or, if applicable, upon decision of the United 1176
States supreme court. 1177

For the purposes of division (F)(3) of this section, an 1178
initial action to collect a tax debt is commenced at the time when 1179
any action, including any action in aid of execution on a 1180
judgment, commences after a certified copy of the tax 1181
commissioner's entry making an assessment final has been filed in 1182
the office of the clerk of court of common pleas in the county in 1183
which the taxpayer resides or has its principal place of business 1184
in this state, or in the office of the clerk of court of common 1185
pleas of Franklin county, as provided in section 5739.13, 5741.14, 1186
5747.13, or 5751.09 of the Revised Code or in any other applicable 1187
law requiring such a filing. If an assessment has not been issued 1188
and there is no time limitation on the issuance of an assessment 1189
under applicable law, an action to collect a tax debt commences 1190
when the action is filed in the courts of this state to collect 1191
the liability. 1192

(4) If information contained in a claim that is sold, 1193
conveyed, or transferred to a private entity pursuant to this 1194
section is confidential pursuant to federal law or a section of 1195
the Revised Code that implements a federal law governing 1196
confidentiality, such information remains subject to that law 1197
during and following the sale, conveyance, or transfer. 1198

Sec. 133.021. The general assembly hereby finds and declares 1199
that the "Tax Reform Act of 1986" (the "Act") establishes a 1200
unified volume ceiling on the aggregate amount of private activity 1201
bonds that can be issued in each state. The amount of the unified 1202
volume ceiling shall be the amount determined as set forth in 1203
section 146(d) of the Internal Revenue Code. 1204

The general assembly further finds and declares that the Act 1205
requires the state to allocate its volume ceiling according to a 1206
specified formula unless a different procedure is established by 1207
the governor or general assembly. 1208

The general assembly further finds and declares that pursuant 1209
to authorization of state legislation the general assembly has, by 1210
division (D)(3) of section 133.02 of the Revised Code, effective 1211
October 30, 1989, provided for delegating such function to the 1212
governor and for further delegation as therein provided, subject 1213
to such prospectively effective actions as may subsequently be 1214
taken by the general assembly. 1215

The general assembly further finds and declares that it 1216
desires to by legislation provide for an efficient, effective, and 1217
equitable procedure under which the state will allocate the 1218
unified volume ceiling. 1219

The general assembly therefore finds and declares that it is 1220
necessary to create the joint select committee on volume cap to 1221
create a process for the allocation of the unified volume ceiling. 1222

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal Revenue Code, which provides that a state may by law provide a different formula for allocating the state ceiling, there is hereby created the joint select committee on volume cap to provide for the allocation and the reallocation of the unified volume ceiling among the governmental units (or other authorities) in the state having authority to issue tax exempt private activity bonds.

(B) The committee shall consist of eight members. Two members shall be from the house of representatives appointed by the speaker of the house of representatives; two members shall be from the senate appointed by the president of the senate; and four members shall be appointed by the governor. Each member shall be selected for the member's knowledge and experience in tax exempt private activity bonds. The members shall serve at the pleasure of the appointing authority. A vacancy shall be filled in the same manner as the original appointment.

(C) The purpose of the committee shall be to maximize the economic benefits of the unified volume ceiling to all citizens of the state. To this end, the joint select committee on volume cap shall:

(1) Set forth procedures for making allocations, reallocation and carry forward of the state's unified volume ceiling in accordance with the Act;

(2) Develop strategies for allocating and reallocating the unified volume ceiling which are designed to maximize the availability of tax exempt private activity bonds among competing sectors of the state.

(D) To provide for the orderly and prompt issuance of private activity bonds, the committee is authorized to allocate the unified volume ceiling among those governmental units (or other authorities) in the state having authority to issue tax exempt

private activity bonds. The committee shall reserve a portion of
the unified volume ceiling to be allocated for multi-family rental
housing projects. The committee in determination of unified volume
ceiling allocations and reallocations shall consider the
following:

(1) The interest of the state with regard to long-term
economic development, housing, education, redevelopment, and solid
waste management;

(2) The projected increase of jobs in the state;

(3) The needs of political subdivisions.

(E) The director of development shall adopt rules in
accordance with Chapter 119. of the Revised Code to carry out the
purposes of this section.

(F) Any allocation of the state's unified volume ceiling
pursuant to this section for the purposes of the issuance of
student loan notes shall be awarded only to either of the
following:

(1) The nonprofit corporation designated under division (B)
of section 3351.07 of the Revised Code;

(2) The treasurer of state for the purposes of carrying out
the student loan program described in Chapter 3366. of the Revised
Code.

Sec. 151.01. (A) As used in sections 151.01 to 151.11 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 1283
particular obligations, and the provisions contained in those 1284
obligations. 1285

(2) "Bond service fund" means the respective bond service 1286
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 1287
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and 1288
any accounts in that fund, including all moneys and investments, 1289
and earnings from investments, credited and to be credited to that 1290
fund and accounts as and to the extent provided in the applicable 1291
bond proceedings. 1292

(3) "Capital facilities" means capital facilities or projects 1293
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 1294
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 1295

(4) "Costs of capital facilities" means the costs of 1296
acquiring, constructing, reconstructing, rehabilitating, 1297
remodeling, renovating, enlarging, improving, equipping, or 1298
furnishing capital facilities, and of the financing of those 1299
costs. "Costs of capital facilities" includes, without limitation, 1300
and in addition to costs referred to in section 151.03, 151.04, 1301
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 1302
of the Revised Code, the cost of clearance and preparation of the 1303
site and of any land to be used in connection with capital 1304
facilities, the cost of any indemnity and surety bonds and 1305
premiums on insurance, all related direct administrative expenses 1306
and allocable portions of direct costs of the issuing authority, 1307
costs of engineering and architectural services, designs, plans, 1308
specifications, surveys, and estimates of cost, financing costs, 1309
interest on obligations from their date to the time when interest 1310
is to be paid from sources other than proceeds of obligations, 1311
amounts necessary to establish any reserves as required by the 1312
bond proceedings, the reimbursement of all moneys advanced or 1313
applied by or borrowed from any person or governmental agency or 1314

entity for the payment of any item of costs of capital facilities, 1315
and all other expenses necessary or incident to planning or 1316
determining feasibility or practicability with respect to capital 1317
facilities, and such other expenses as may be necessary or 1318
incident to the acquisition, construction, reconstruction, 1319
rehabilitation, remodeling, renovation, enlargement, improvement, 1320
equipment, and furnishing of capital facilities, the financing of 1321
those costs, and the placing of the capital facilities in use and 1322
operation, including any one, part of, or combination of those 1323
classes of costs and expenses. For purposes of sections 122.085 to 1324
122.0820 of the Revised Code, "costs of capital facilities" 1325
includes "allowable costs" as defined in section 122.085 of the 1326
Revised Code. 1327

(5) "Credit enhancement facilities," "financing costs," and 1328
"interest" or "interest equivalent" have the same meanings as in 1329
section 133.01 of the Revised Code. 1330

(6) "Debt service" means principal, including any mandatory 1331
sinking fund or redemption requirements for retirement of 1332
obligations, interest and other accreted amounts, interest 1333
equivalent, and any redemption premium, payable on obligations. If 1334
not prohibited by the applicable bond proceedings, debt service 1335
may include costs relating to credit enhancement facilities that 1336
are related to and represent, or are intended to provide a source 1337
of payment of or limitation on, other debt service. 1338

(7) "Issuing authority" means the Ohio public facilities 1339
commission created in section 151.02 of the Revised Code for 1340
obligations issued under section 151.03, 151.04, 151.05, 151.07, 1341
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 1342
treasurer of state, or the officer who by law performs the 1343
functions of that office, for obligations issued under section 1344
151.06 or 151.40 of the Revised Code. 1345

(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, 2p, or 15 of Article VIII, Ohio Constitution, and pursuant to sections 151.01 to 151.11 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, the job ready site development fund created by section 122.0820 of the Revised Code, the third frontier research and development fund created by section 184.19 of the Revised Code, the third frontier research and development taxable bond fund created by section 184.191 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, 2p, 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 151.11 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 1410
December of the twenty-fifth calendar year after the year of 1411
issuance of the particular obligations or of the twenty-fifth 1412
calendar year after the year in which the original obligation to 1413
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 1414
and 9.983 of the Revised Code apply to obligations. The purpose of 1415
the obligations may be stated in the bond proceedings in general 1416
terms, such as, as applicable, "financing or assisting in the 1417
financing of projects as provided in Section 2l of Article VIII, 1418
Ohio Constitution," "financing or assisting in the financing of 1419
highway capital improvement projects as provided in Section 2m of 1420
Article VIII, Ohio Constitution," "paying costs of capital 1421
facilities for a system of common schools throughout the state as 1422
authorized by Section 2n of Article VIII, Ohio Constitution," 1423
"paying costs of capital facilities for state-supported and 1424
state-assisted institutions of higher education as authorized by 1425
Section 2n of Article VIII, Ohio Constitution," "paying costs of 1426
coal research and development as authorized by Section 15 of 1427
Article VIII, Ohio Constitution," "financing or assisting in the 1428
financing of local subdivision capital improvement projects as 1429
authorized by Section 2m of Article VIII, Ohio Constitution," 1430
"paying costs of conservation projects as authorized by Section 2o 1431
of Article VIII, Ohio Constitution," "paying costs of 1432
revitalization projects as authorized by Section 2o of Article 1433
VIII, Ohio Constitution," "paying costs of preparing sites for 1434
industry, commerce, distribution, or research and development as 1435
authorized by Section 2p of Article VIII, Ohio Constitution," or 1436
"paying costs of research and development as authorized by Section 1437
2p of Article VIII, Ohio Constitution." 1438

(D) The issuing authority may appoint or provide for the 1439
appointment of paying agents, bond registrars, securities 1440
depositories, clearing corporations, and transfer agents, and may 1441

without need for any other approval retain or contract for the 1442
services of underwriters, investment bankers, financial advisers, 1443
accounting experts, marketing, remarketing, indexing, and 1444
administrative agents, other consultants, and independent 1445
contractors, including printing services, as are necessary in the 1446
judgment of the issuing authority to carry out the issuing 1447
authority's functions under this chapter. When the issuing 1448
authority is the Ohio public facilities commission, the issuing 1449
authority also may without need for any other approval retain or 1450
contract for the services of attorneys and other professionals for 1451
that purpose. Financing costs are payable, as may be provided in 1452
the bond proceedings, from the proceeds of the obligations, from 1453
special funds, or from other moneys available for the purpose. 1454

(E) The bond proceedings may contain additional provisions 1455
customary or appropriate to the financing or to the obligations or 1456
to particular obligations including, but not limited to, 1457
provisions for: 1458

(1) The redemption of obligations prior to maturity at the 1459
option of the state or of the holder or upon the occurrence of 1460
certain conditions, and at particular price or prices and under 1461
particular terms and conditions; 1462

(2) The form of and other terms of the obligations; 1463

(3) The establishment, deposit, investment, and application 1464
of special funds, and the safeguarding of moneys on hand or on 1465
deposit, in lieu of the applicability of provisions of Chapter 1466
131. or 135. of the Revised Code, but subject to any special 1467
provisions of sections 151.01 to 151.11 or 151.40 of the Revised 1468
Code with respect to the application of particular funds or 1469
moneys. Any financial institution that acts as a depository of any 1470
moneys in special funds or other funds under the bond proceedings 1471
may furnish indemnifying bonds or pledge securities as required by 1472

the issuing authority. 1473

(4) Any or every provision of the bond proceedings being 1474
binding upon the issuing authority and upon such governmental 1475
agency or entity, officer, board, commission, authority, agency, 1476
department, institution, district, or other person or body as may 1477
from time to time be authorized to take actions as may be 1478
necessary to perform all or any part of the duty required by the 1479
provision; 1480

(5) The maintenance of each pledge or instrument comprising 1481
part of the bond proceedings until the state has fully paid or 1482
provided for the payment of the debt service on the obligations or 1483
met other stated conditions; 1484

(6) In the event of default in any payments required to be 1485
made by the bond proceedings, or by any other agreement of the 1486
issuing authority made as part of a contract under which the 1487
obligations were issued or secured, including a credit enhancement 1488
facility, the enforcement of those payments by mandamus, a suit in 1489
equity, an action at law, or any combination of those remedial 1490
actions; 1491

(7) The rights and remedies of the holders or owners of 1492
obligations or of book-entry interests in them, and of third 1493
parties under any credit enhancement facility, and provisions for 1494
protecting and enforcing those rights and remedies, including 1495
limitations on rights of individual holders or owners; 1496

(8) The replacement of mutilated, destroyed, lost, or stolen 1497
obligations; 1498

(9) The funding, refunding, or advance refunding, or other 1499
provision for payment, of obligations that will then no longer be 1500
outstanding for purposes of this section or of the applicable bond 1501
proceedings; 1502

(10) Amendment of the bond proceedings;	1503
(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.	1504 1505 1506 1507
(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.	1508 1509 1510 1511 1512 1513 1514 1515 1516 1517 1518 1519
(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.	1520 1521 1522 1523 1524 1525 1526 1527 1528 1529
(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.	1530 1531 1532 1533

(I) Except to the extent that rights are restricted by the 1534
bond proceedings, any owner of obligations or provider of a credit 1535
enhancement facility may by any suitable form of legal proceedings 1536
protect and enforce any rights relating to obligations or that 1537
facility under the laws of this state or granted by the bond 1538
proceedings. Those rights include the right to compel the 1539
performance of all applicable duties of the issuing authority and 1540
the state. Each duty of the issuing authority and that authority's 1541
officers, staff, and employees, and of each state entity or 1542
agency, or using district or using institution, and its officers, 1543
members, staff, or employees, undertaken pursuant to the bond 1544
proceedings, is hereby established as a duty of the entity or 1545
individual having authority to perform that duty, specifically 1546
enjoined by law and resulting from an office, trust, or station 1547
within the meaning of section 2731.01 of the Revised Code. The 1548
individuals who are from time to time the issuing authority, 1549
members or officers of the issuing authority, or those members' 1550
designees acting pursuant to section 151.02 of the Revised Code, 1551
or the issuing authority's officers, staff, or employees, are not 1552
liable in their personal capacities on any obligations or 1553
otherwise under the bond proceedings. 1554

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, or 15, and 1555
Section 17, of Article VIII, Ohio Constitution and sections 151.01 1556
to 151.11 or 151.40 of the Revised Code, the issuing authority 1557
may, in addition to the authority referred to in division (B) of 1558
this section, authorize and provide for the issuance of: 1559

(a) Obligations in the form of bond anticipation notes, and 1560
may provide for the renewal of those notes from time to time by 1561
the issuance of new notes. The holders of notes or appertaining 1562
interest coupons have the right to have debt service on those 1563
notes paid solely from the moneys and special funds that are or 1564
may be pledged to that payment, including the proceeds of bonds or 1565

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 151.11 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, 151.10, 151.11, 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 1630
exemptions from taxation in Ohio as provided for in particular 1631
sections of the Ohio Constitution and section 5709.76 of the 1632
Revised Code apply to the obligations. 1633

(L)(1) Unless otherwise provided or provided for in any 1634
applicable bond proceedings, moneys to the credit of or in a 1635
special fund shall be disbursed on the order of the issuing 1636
authority. No such order is required for the payment, from the 1637
bond service fund or other special fund, when due of debt service 1638
or required payments under credit enhancement facilities. 1639

(2) Payments received by the state under interest rate hedges 1640
entered into as credit enhancement facilities under this chapter 1641
shall be deposited to the credit of the bond service fund for the 1642
obligations to which those credit enhancement facilities relate. 1643

(M) The full faith and credit, revenue, and taxing power of 1644
the state are and shall be pledged to the timely payment of debt 1645
service on outstanding obligations as it comes due, all in 1646
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, or 15 of Article 1647
VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 1648
151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the Revised 1649
Code. Moneys referred to in Section 5a of Article XII, Ohio 1650
Constitution, may not be pledged or used for the payment of debt 1651
service except on obligations referred to in section 151.06 of the 1652
Revised Code. Net state lottery proceeds, as provided for and 1653
referred to in section 3770.06 of the Revised Code, may not be 1654
pledged or used for the payment of debt service except on 1655
obligations referred to in section 151.03 of the Revised Code. The 1656
state covenants, and that covenant shall be controlling 1657
notwithstanding any other provision of law, that the state and the 1658
applicable officers and agencies of the state, including the 1659
general assembly, shall, so long as any obligations are 1660
outstanding in accordance with their terms, maintain statutory 1661

authority for and cause to be levied, collected and applied 1662
sufficient pledged excises, taxes, and revenues of the state so 1663
that the revenues shall be sufficient in amounts to pay debt 1664
service when due, to establish and maintain any reserves and other 1665
requirements, and to pay financing costs, including costs of or 1666
relating to credit enhancement facilities, all as provided for in 1667
the bond proceedings. Those excises, taxes, and revenues are and 1668
shall be deemed to be levied and collected, in addition to the 1669
purposes otherwise provided for by law, to provide for the payment 1670
of debt service and financing costs in accordance with sections 1671
151.01 to 151.11 of the Revised Code and the bond proceedings. 1672

(N) The general assembly may from time to time repeal or 1673
reduce any excise, tax, or other source of revenue pledged to the 1674
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 1675
2o, 2p, or 15 of Article VIII, Ohio Constitution, and sections 1676
151.01 to 151.11 or 151.40 of the Revised Code, and may levy, 1677
collect and apply any new or increased excise, tax, or revenue to 1678
meet the pledge, to the payment of debt service on outstanding 1679
obligations, of the state's full faith and credit, revenue and 1680
taxing power, or of designated revenues and receipts, except fees, 1681
excises or taxes referred to in Section 5a of Article XII, Ohio 1682
Constitution, for other than obligations referred to in section 1683
151.06 of the Revised Code and except net state lottery proceeds 1684
for other than obligations referred to in section 151.03 of the 1685
Revised Code. Nothing in division (N) of this section authorizes 1686
any impairment of the obligation of this state to levy and collect 1687
sufficient excises, taxes, and revenues to pay debt service on 1688
obligations outstanding in accordance with their terms. 1689

(O) Each bond service fund is a trust fund and is hereby 1690
pledged to the payment of debt service on the applicable 1691
obligations. Payment of that debt service shall be made or 1692
provided for by the issuing authority in accordance with the bond 1693

proceedings without necessity for any act of appropriation. The 1694
bond proceedings may provide for the establishment of separate 1695
accounts in the bond service fund and for the application of those 1696
accounts only to debt service on specific obligations, and for 1697
other accounts in the bond service fund within the general 1698
purposes of that fund. 1699

(P) Subject to the bond proceedings pertaining to any 1700
obligations then outstanding in accordance with their terms, the 1701
issuing authority may in the bond proceedings pledge all, or such 1702
portion as the issuing authority determines, of the moneys in the 1703
bond service fund to the payment of debt service on particular 1704
obligations, and for the establishment and maintenance of any 1705
reserves for payment of particular debt service. 1706

(Q) The issuing authority shall by the fifteenth day of July 1707
of each fiscal year, certify or cause to be certified to the 1708
office of budget and management the total amount of moneys 1709
required during the current fiscal year to meet in full all debt 1710
service on the respective obligations and any related financing 1711
costs payable from the applicable bond service fund and not from 1712
the proceeds of refunding or renewal obligations. The issuing 1713
authority shall make or cause to be made supplemental 1714
certifications to the office of budget and management for each 1715
debt service payment date and at such other times during each 1716
fiscal year as may be provided in the bond proceedings or 1717
requested by that office. Debt service, costs of credit 1718
enhancement facilities, and other financing costs shall be set 1719
forth separately in each certification. If and so long as the 1720
moneys to the credit of the bond service fund, together with any 1721
other moneys available for the purpose, are insufficient to meet 1722
in full all payments when due of the amount required as stated in 1723
the certificate or otherwise, the office of budget and management 1724
shall at the times as provided in the bond proceedings, and 1725

consistent with any particular provisions in sections 151.03 to 1726
151.11 and 151.40 of the Revised Code, transfer a sufficient 1727
amount to the bond service fund from the pledged revenues in the 1728
case of obligations issued pursuant to section 151.40 of the 1729
Revised Code, and in the case of other obligations from the 1730
revenues derived from excises, taxes, and other revenues, 1731
including net state lottery proceeds in the case of obligations 1732
referred to in section 151.03 of the Revised Code. 1733

(R) Unless otherwise provided in any applicable bond 1734
proceedings, moneys to the credit of special funds may be invested 1735
by or on behalf of the state only in one or more of the following: 1736

(1) Notes, bonds, or other direct obligations of the United 1737
States or of any agency or instrumentality of the United States, 1738
or in no-front-end-load money market mutual funds consisting 1739
exclusively of those obligations, or in repurchase agreements, 1740
including those issued by any fiduciary, secured by those 1741
obligations, or in collective investment funds consisting 1742
exclusively of those obligations; 1743

(2) Obligations of this state or any political subdivision of 1744
this state; 1745

(3) Certificates of deposit of any national bank located in 1746
this state and any bank, as defined in section 1101.01 of the 1747
Revised Code, subject to inspection by the superintendent of 1748
financial institutions; 1749

(4) The treasurer of state's pooled investment program under 1750
section 135.45 of the Revised Code. 1751

The income from investments referred to in division (R) of 1752
this section shall, unless otherwise provided in sections 151.01 1753
to 151.11 or 151.40 of the Revised Code, be credited to special 1754
funds or otherwise as the issuing authority determines in the bond 1755
proceedings. Those investments may be sold or exchanged at times 1756

as the issuing authority determines, provides for, or authorizes. 1757

(S) The treasurer of state shall have responsibility for 1758
keeping records, making reports, and making payments, relating to 1759
any arbitrage rebate requirements under the applicable bond 1760
proceedings. 1761

Sec. 151.09. (A) As used in this section: 1762

(1) "Costs of conservation projects" includes related direct 1763
administrative expenses and allocable portions of the direct costs 1764
of those projects of the department of agriculture, the department 1765
of natural resources, or the Ohio public works commission. 1766

(2) "Obligations" means obligations as defined in section 1767
151.01 of the Revised Code issued to pay costs of projects for 1768
conservation purposes as referred to in division (A)(1) of Section 1769
2o of Article VIII, Ohio Constitution. 1770

(B)(1) The issuing authority shall issue general obligations 1771
of the state to pay costs of conservation projects pursuant to 1772
division (B)(1) of Section 2o of Article VIII, Ohio Constitution, 1773
section 151.01 of the Revised Code, and this section. The issuing 1774
authority, upon the certification to it by the Ohio public works 1775
commission of amounts needed in and for the purposes of the clean 1776
Ohio conservation fund created by section 164.27 of the Revised 1777
Code, the clean Ohio agricultural easement fund created by section 1778
901.21 of the Revised Code, and the clean Ohio trail fund created 1779
by section 1519.05 of the Revised Code, shall issue obligations in 1780
the amount determined by the issuing authority to be required for 1781
those purposes. The total Not more than two hundred million 1782
dollars principal amount of obligations issued under this section 1783
shall not exceed two hundred million dollars for conservation 1784
purposes may be outstanding at any one time. Not more than fifty 1785
million dollars principal amount of obligations, plus the 1786

principal amount of obligations that in any prior fiscal year 1787
could have been, but were not issued within the 1788
fifty-million-dollar fiscal year limit, may be issued in any 1789
fiscal year. 1790

(2) In making the certification required under division 1791
(B)(1) of this section, the Ohio public works commission shall 1792
consult with the department of agriculture and the department of 1793
natural resources. The commission shall certify amounts that 1794
correspond to the distribution of the net proceeds of obligations 1795
provided in division (C) of this section. 1796

(C) Net proceeds of obligations shall be deposited as 1797
follows: 1798

(1) Seventy-five per cent into the clean Ohio conservation 1799
fund created by section 164.27 of the Revised Code; 1800

(2) Twelve and one-half per cent into the clean Ohio 1801
agricultural easement fund created by section 901.21 of the 1802
Revised Code; 1803

(3) Twelve and one-half per cent into the clean Ohio trail 1804
fund created by section 1519.05 of the Revised Code. 1805

(D) There is hereby created in the state treasury the 1806
conservation projects bond service fund. All moneys received by 1807
the state and required by the bond proceedings, consistent with 1808
section 151.01 of the Revised Code and this section, to be 1809
deposited, transferred, or credited to the bond service fund, and 1810
all other moneys transferred or allocated to or received for the 1811
purposes of that fund, shall be deposited and credited to the bond 1812
service fund, subject to any applicable provisions of the bond 1813
proceedings, but without necessity for any act of appropriation. 1814
During the period beginning with the date of the first issuance of 1815
obligations and continuing during the time that any obligations 1816
are outstanding in accordance with their terms, so long as moneys 1817

in the bond service fund are insufficient to pay debt service when 1818
due on those obligations payable from that fund, except the 1819
principal amounts of bond anticipation notes payable from the 1820
proceeds of renewal notes or bonds anticipated, and due in the 1821
particular fiscal year, a sufficient amount of revenues of the 1822
state is committed and, without necessity for further act of 1823
appropriation, shall be paid to the bond service fund for the 1824
purpose of paying that debt service when due. 1825

Sec. 151.10. (A) As used in this section: 1826

(1) "Costs of research and development projects" includes 1827
related direct administrative expenses and allocable portions of 1828
the direct costs of those projects, costs of capital facilities, 1829
and working capital, all for the following: 1830

(a) Attracting researchers and research teams by endowing 1831
research chairs or otherwise; 1832

(b) Activities to develop and commercialize products and 1833
processes; 1834

(c) Intellectual property matters such as copyrights and 1835
patents; 1836

(d) Property interests including timesharing arrangements, 1837
capital formation, direct operating costs, and costs of research 1838
and facilities including interests in real property therefore; and 1839

(e) Support for public and private institutions of higher 1840
education, research organizations or institutions, and private 1841
sector entities. 1842

(2) "Obligations" means obligations as defined in section 1843
151.01 of the Revised Code issued to pay costs of projects for 1844
research and development purposes as referred to in division 1845
(A)(2) of Section 2p of Article VIII, Ohio Constitution. 1846

(3) "Project" means any research and development project, as 1847
defined in section 184.10 of the Revised Code, or facility, 1848
including undivided or other interests, acquired or to be 1849
acquired, constructed or to be constructed, or operating or to be 1850
operated by a person doing business in this state or by an 1851
educational or scientific institution located in this state with 1852
all or part of the cost of the project being paid from a grant or 1853
loan from the third frontier research and development fund or the 1854
third frontier research and development taxable bond fund or a 1855
loan guaranteed under Chapter 184. of the Revised Code, including 1856
all buildings and facilities determined necessary for the 1857
operation of the project, together with all property, rights, 1858
easements, and interests that may be required for the operation of 1859
the project. 1860

(B) The issuing authority shall issue general obligations of 1861
the state to pay costs of research and development projects 1862
pursuant to division (B)(2) of Section 2p of Article VIII, Ohio 1863
Constitution, section 151.01 of the Revised Code, and this 1864
section. The issuing authority shall issue obligations in the 1865
amount determined by the issuing authority to be required for 1866
those purposes. The total principal amount of obligations issued 1867
under this section shall not exceed five hundred million dollars. 1868

(C) Net proceeds of obligations shall be deposited into the 1869
third frontier research and development fund created by section 1870
184.19 of the Revised Code or into the third frontier research and 1871
development taxable bond fund created by section 184.191 of the 1872
Revised Code if the obligations are federally taxable. 1873

(D) There is hereby created in the state treasury the third 1874
frontier research and development projects bond service fund. All 1875
moneys received by the state and required by the bond proceedings, 1876
consistent with section 151.01 of the Revised Code and this 1877
section, to be deposited, transferred, or credited to the bond 1878

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. 151.40. (A) As used in this section: 1894

(1) "Bond proceedings" includes any trust agreements, and any
amendments or supplements to them, as authorized by this section. 1895
1896

(2) "Costs of revitalization projects" includes related 1897
direct administrative expenses and allocable portions of the 1898
direct costs of those projects of the department of development or 1899
the environmental protection agency. 1900

(3) "Issuing authority" means the treasurer of state. 1901

(4) "Obligations" means obligations as defined in section 1902
151.01 of the Revised Code issued to pay the costs of projects for 1903
revitalization purposes as referred to in division (A)(2) of 1904
Section 2o of Article VIII, Ohio Constitution. 1905

(5) "Pledged liquor profits" means all receipts of the state 1906
representing the gross profit on the sale of spirituous liquor, as 1907
referred to in division (B)(4) of section 4301.10 of the Revised 1908

Code, after paying all costs and expenses of the division of 1909
liquor control and providing an adequate working capital reserve 1910
for the division of liquor control as provided in that division, 1911
but excluding the sum required by the second paragraph of section 1912
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 1913
to be paid into the state treasury. 1914

(6) "Pledged receipts" means, as and to the extent provided 1915
in bond proceedings: 1916

(a) Pledged liquor profits. The pledge of pledged liquor 1917
profits to obligations is subject to the priority of the pledge of 1918
those profits to obligations issued and to be issued pursuant to 1919
Chapter 166. of the Revised Code. 1920

(b) Moneys accruing to the state from the lease, sale, or 1921
other disposition or use of revitalization projects or from the 1922
repayment, including any interest, of loans or advances made from 1923
net proceeds; 1924

(c) Accrued interest received from the sale of obligations; 1925

(d) Income from the investment of the special funds; 1926

(e) Any gifts, grants, donations, or pledges, and receipts 1927
therefrom, available for the payment of debt service; 1928

(f) Additional or any other specific revenues or receipts 1929
lawfully available to be pledged, and pledged, pursuant to further 1930
authorization by the general assembly, to the payment of debt 1931
service. 1932

(B)(1) The issuing authority shall issue obligations of the 1933
state to pay costs of revitalization projects pursuant to division 1934
(B)(2) of Section 20 of Article VIII, Ohio Constitution, section 1935
151.01 of the Revised Code as applicable to this section, and this 1936
section. The issuing authority, upon the certification to it by 1937
the clean Ohio council of the amount of moneys needed in and for 1938

the purposes of the clean Ohio revitalization fund created by 1939
section 122.658 of the Revised Code, shall issue obligations in 1940
the amount determined by the issuing authority to be required for 1941
those purposes. ~~The total~~ Not more than two hundred million 1942
dollars principal amount of obligations issued under this section 1943
~~shall not exceed two hundred million dollars~~ for revitalization 1944
purposes may be outstanding at any one time. Not more than fifty 1945
million dollars principal amount of obligations, plus the 1946
principal amount of obligations that in any prior fiscal year 1947
could have been, but were not issued within the 1948
fifty-million-dollar fiscal year limit, may be issued in any 1949
fiscal year. The 1950

(2) The provisions and authorizations in section 151.01 of 1951
the Revised Code apply to the obligations and the bond proceedings 1952
except as otherwise provided or provided for in those obligations 1953
and bond proceedings. 1954

(C) Net proceeds of obligations shall be deposited in the 1955
clean Ohio revitalization fund created in section 122.658 of the 1956
Revised Code. 1957

(D) There is hereby created the revitalization projects bond 1958
service fund, which shall be in the custody of the treasurer of 1959
state, but shall be separate and apart from and not a part of the 1960
state treasury. All money received by the state and required by 1961
the bond proceedings, consistent with section 151.01 of the 1962
Revised Code and this section, to be deposited, transferred, or 1963
credited to the bond service fund, and all other money transferred 1964
or allocated to or received for the purposes of that fund, shall 1965
be deposited and credited to the bond service fund, subject to any 1966
applicable provisions of the bond proceedings, but without 1967
necessity for any act of appropriation. During the period 1968
beginning with the date of the first issuance of obligations and 1969
continuing during the time that any obligations are outstanding in 1970

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 pledged receipts 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.

(E) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of the debt service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions in the bond proceedings with respect to pledged receipts as authorized by this section, which provisions are controlling notwithstanding any other provisions of law pertaining to them.

(F) The issuing authority may covenant in the bond proceedings, and such covenants shall be controlling notwithstanding any other provision of law, that the state and applicable officers and state agencies, including the general assembly, so long as any obligations issued under this section are outstanding, shall maintain statutory authority for and cause to be charged and collected wholesale or retail prices for spirituous liquor sold by the state or its agents so that the available pledged receipts are sufficient in time and amount to meet debt service payable from pledged liquor profits and for the establishment and maintenance of any reserves and other requirements provided for in the bond proceedings.

(G) Obligations may be further secured, as determined by the issuing authority, by a trust agreement between the state and a

corporate trustee, which may be any trust company or bank having
its principal place of business within the state. Any trust
agreement may contain the resolution or order authorizing the
issuance of the obligations, any provisions that may be contained
in any bond proceedings, and other provisions that are customary
or appropriate in an agreement of that type, including, but not
limited to:

(1) Maintenance of each pledge, trust agreement, or other
instrument comprising part of the bond proceedings until the state
has fully paid or provided for the payment of debt service on the
obligations secured by it;

(2) In the event of default in any payments required to be
made by the bond proceedings, enforcement of those payments or
agreements by mandamus, the appointment of a receiver, suit in
equity, action at law, or any combination of them;

(3) The rights and remedies of the holders or owners of
obligations and of the trustee and provisions for protecting and
enforcing them, including limitations on rights of individual
holders and owners.

(H) The obligations shall not be general obligations of the
state and the full faith and credit, revenue, and taxing power of
the state shall not be pledged to the payment of debt service on
them. The holders or owners of the obligations shall have no right
to have any moneys obligated or pledged for the payment of debt
service except as provided in this section and in the applicable
bond proceedings. The rights of the holders and owners to payment
of debt service are limited to all or that portion of the pledged
receipts, and those special funds, pledged to the payment of debt
service pursuant to the bond proceedings in accordance with this
section, and each obligation shall bear on its face a statement to
that effect.

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 2034
152.33 of the Revised Code: 2035

(1) "Obligations" means bonds, notes, or other evidences of 2036
obligation, including interest coupons pertaining thereto, issued 2037
pursuant to sections 152.09 to 152.33 of the Revised Code. 2038

(2) "State agencies" means the state of Ohio and branches, 2039
officers, boards, commissions, authorities, departments, 2040
divisions, courts, general assembly, or other units or agencies of 2041
the state. "State agency" also includes counties, municipal 2042
corporations, and governmental entities of this state that enter 2043
into leases with the Ohio building authority pursuant to section 2044
152.31 of the Revised Code or that are designated by law as state 2045
agencies for the purpose of performing a state function that is to 2046
be housed by a capital facility for which the Ohio building 2047
authority is authorized to issue revenue obligations pursuant to 2048
sections 152.09 to 152.33 of the Revised Code. 2049

(3) "Bond service charges" means principal, including 2050
mandatory sinking fund requirements for retirement of obligations, 2051
and interest, and redemption premium, if any, required to be paid 2052
by the Ohio building authority on obligations. 2053

(4) "Capital facilities" means buildings, structures, and 2054
other improvements, and equipment, real estate, and interests in 2055
real estate therefor, within the state, and any one, part of, or 2056
combination of the foregoing, for housing of branches and agencies 2057
of state government, including capital facilities for the purpose 2058
of housing personnel, equipment, or functions, or any combination 2059
thereof that the state agencies are responsible for housing, ~~for~~ 2060
~~which the Ohio building authority is authorized to issue~~ 2061
~~obligations pursuant to Chapter 152. of the Revised Code, and~~ 2062
~~includes~~ storage and parking facilities related to such capital 2063
facilities. "Capital facilities" does not include capital 2064

facilities for institutions of higher education financed in whole 2065
or in part under section 154.21 of the Revised Code. 2066

(5) "Cost of capital facilities" means the costs of 2067
assessing, planning, acquiring, constructing, reconstructing, 2068
rehabilitating, remodeling, renovating, enlarging, improving, 2069
altering, maintaining, equipping, furnishing, repairing, painting, 2070
decorating, managing, or operating capital facilities, and the 2071
financing thereof, including the cost of clearance and preparation 2072
of the site and of any land to be used in connection with capital 2073
facilities, the cost of participating in capital facilities 2074
pursuant to section 152.33 of the Revised Code, the cost of any 2075
indemnity and surety bonds and premiums on insurance, all related 2076
direct administrative expenses and allocable portions of direct 2077
costs of the authority and lessee state agencies, cost of 2078
engineering and architectural services, designs, plans, 2079
specifications, surveys, and estimates of cost, legal fees, fees 2080
and expenses of trustees, depositories, and paying agents for the 2081
obligations, cost of issuance of the obligations and financing 2082
charges and fees and expenses of financial advisers and 2083
consultants in connection therewith, interest on obligations from 2084
the date thereof to the time when interest is to be covered from 2085
sources other than proceeds of obligations, amounts that represent 2086
the portion of investment earnings to be rebated or to be paid to 2087
the federal government in order to maintain the exclusion from 2088
gross income for federal income tax purposes of interest on those 2089
obligations pursuant to section 148(f) of the Internal Revenue 2090
Code, amounts necessary to establish reserves as required by the 2091
resolutions or the obligations, trust agreements, or indentures, 2092
costs of audits, the reimbursement of all moneys advanced or 2093
applied by or borrowed from any governmental entity, whether to or 2094
by the authority or others, from whatever source provided, for the 2095
payment of any item or items of cost of the capital facilities, 2096
any share of the cost undertaken by the authority pursuant to 2097

arrangements made with governmental entities under division (J) of 2098
section 152.21 of the Revised Code, and all other expenses 2099
necessary or incident to assessing, planning, or determining the 2100
feasibility or practicability with respect to capital facilities, 2101
and such other expenses as may be necessary or incident to the 2102
assessment, planning, acquisition, construction, reconstruction, 2103
rehabilitation, remodeling, renovation, enlargement, improvement, 2104
alteration, maintenance, equipment, furnishing, repair, painting, 2105
decoration, management, or operation of capital facilities, the 2106
financing thereof and the placing of the same in use and 2107
operation, including any one, part of, or combination of such 2108
classes of costs and expenses. 2109

(6) "Governmental entity" means any state agency, municipal 2110
corporation, county, township, school district, and any other 2111
political subdivision or special district in this state 2112
established pursuant to law, and, except where otherwise 2113
indicated, also means the United States or any of the states or 2114
any department, division, or agency thereof, and any agency, 2115
commission, or authority established pursuant to an interstate 2116
compact or agreement. 2117

(7) "Governing body" means: 2118

(a) In the case of a county, the board of county 2119
commissioners or other legislative authority; in the case of a 2120
municipal corporation, the legislative authority; in the case of a 2121
township, the board of township trustees; in the case of a school 2122
district, the board of education; 2123

(b) In the case of any other governmental entity, the 2124
officer, board, commission, authority, or other body having the 2125
general management of the entity or having jurisdiction or 2126
authority in the particular circumstances. 2127

(8) "Available receipts" means fees, charges, revenues, 2128

grants, subsidies, income from the investment of moneys, proceeds 2129
from the sale of goods or services, and all other revenues or 2130
receipts received by or on behalf of any state agency for which 2131
capital facilities are financed with obligations issued under 2132
Chapter 152. of the Revised Code, any state agency participating 2133
in capital facilities pursuant to section 152.33 of the Revised 2134
Code, or any state agency by which the capital facilities are 2135
constructed or financed; revenues or receipts derived by the 2136
authority from the operation, leasing, or other disposition of 2137
capital facilities, and the proceeds of obligations issued under 2138
Chapter 152. of the Revised Code; and also any moneys appropriated 2139
by a governmental entity, gifts, grants, donations, and pledges, 2140
and receipts therefrom, available for the payment of bond service 2141
charges on such obligations. 2142

(B) Pursuant to the powers granted to the general assembly 2143
under Section 2i of Article VIII, Ohio Constitution, to authorize 2144
the issuance of revenue obligations and other obligations, the 2145
owners or holders of which are not given the right to have excises 2146
or taxes levied by the general assembly for the payment of 2147
principal thereof or interest thereon, the Ohio building authority 2148
may issue obligations, in accordance with Chapter 152. of the 2149
Revised Code, and shall cause the net proceeds thereof, after any 2150
deposits of accrued interest for the payment of bond service 2151
charges and after any deposit of all or such lesser portion as the 2152
authority may direct of the premium received upon the sale of 2153
those obligations for the payment of the bond service charges, to 2154
be applied to the costs of capital facilities designated by or 2155
pursuant to act of the general assembly for housing state agencies 2156
as authorized by Chapter 152. of the Revised Code. The authority 2157
shall provide by resolution for the issuance of such obligations. 2158
The bond service charges and all other payments required to be 2159
made by the trust agreement or indenture securing such obligations 2160

shall be payable solely from available receipts of the authority 2161
pledged thereto as provided in such resolution. The available 2162
receipts pledged and thereafter received by the authority are 2163
immediately subject to the lien of such pledge without any 2164
physical delivery thereof or further act, and the lien of any such 2165
pledge is valid and binding against all parties having claims of 2166
any kind against the authority, irrespective of whether those 2167
parties have notice thereof, and creates a perfected security 2168
interest for all purposes of Chapter 1309. of the Revised Code and 2169
a perfected lien for purposes of any real property interest, all 2170
without the necessity for separation or delivery of funds or for 2171
the filing or recording of the resolution, trust agreement, 2172
indenture, or other agreement by which such pledge is created or 2173
any certificate, statement, or other document with respect 2174
thereto; and the pledge of such available receipts is effective 2175
and the money therefrom and thereof may be applied to the purposes 2176
for which pledged. Every pledge, and every covenant and agreement 2177
made with respect to the pledge, made in the resolution may 2178
therein be extended to the benefit of the owners and holders of 2179
obligations authorized by Chapter 152. of the Revised Code, and to 2180
any trustee therefor, for the further securing of the payment of 2181
the bond service charges, and all or any rights under any 2182
agreement or lease made under this section may be assigned for 2183
such purpose. Obligations may be issued at one time or from time 2184
to time, and each issue shall be dated, shall mature at such time 2185
or times as determined by the authority not exceeding forty years 2186
from the date of issue, and may be redeemable before maturity at 2187
the option of the authority at such price or prices and under such 2188
terms and conditions as are fixed by the authority prior to the 2189
issuance of the obligations. The authority shall determine the 2190
form of the obligations, fix their denominations, establish their 2191
interest rate or rates, which may be a variable rate or rates, or 2192
the maximum interest rate, and establish within or without this 2193

state a place or places of payment of bond service charges. 2194

(C) The obligations shall be signed by the authority 2195
chairperson, vice-chairperson, and secretary-treasurer, and the 2196
authority seal shall be affixed. The signatures may be facsimile 2197
signatures and the seal affixed may be a facsimile seal, as 2198
provided by resolution of the authority. Any coupons attached may 2199
bear the facsimile signature of the chairperson. In case any 2200
officer who has signed any obligations, or caused the officer's 2201
facsimile signature to be affixed thereto, ceases to be such 2202
officer before such obligations have been delivered, such 2203
obligations may, nevertheless, be issued and delivered as though 2204
the person who had signed the obligations or caused the person's 2205
facsimile signature to be affixed thereto had not ceased to be 2206
such officer. 2207

Any obligations may be executed on behalf of the authority by 2208
an officer who, on the date of execution, is the proper officer 2209
although on the date of such obligations such person was not the 2210
proper officer. 2211

(D) All obligations issued by the authority shall have all 2212
the qualities and incidents of negotiable instruments and may be 2213
issued in coupon or in registered form, or both, as the authority 2214
determines. Provision may be made for the registration of any 2215
obligations with coupons attached thereto as to principal alone or 2216
as to both principal and interest, their exchange for obligations 2217
so registered, and for the conversion or reconversion into 2218
obligations with coupons attached thereto of any obligations 2219
registered as to both principal and interest, and for reasonable 2220
charges for such registration, exchange, conversion, and 2221
reconversion. The authority may sell its obligations in any manner 2222
and for such prices as it determines, except that the authority 2223
shall sell obligations sold at public or private sale in 2224
accordance with section 152.091 of the Revised Code. 2225

(E) The obligations of the authority, principal, interest, 2226
and any proceeds from their sale or transfer, are exempt from all 2227
taxation within this state. 2228

(F) The authority is authorized to issue revenue obligations 2229
and other obligations under Section 2i of Article VIII, Ohio 2230
Constitution, for the purpose of paying the cost of capital 2231
facilities for housing of branches and agencies of state 2232
government, including capital facilities for the purpose of 2233
housing personnel, equipment, or functions, or any combination 2234
thereof that the state agencies are responsible for housing, as 2235
are authorized by Chapter 152. of the Revised Code, and that are 2236
authorized by the general assembly by the appropriation of lease 2237
payments or other moneys for such capital facilities or by any 2238
other act of the general assembly, but not including the 2239
appropriation of moneys for feasibility studies for such capital 2240
facilities. This division does not authorize the authority to 2241
issue obligations pursuant to Section 2i of Article VIII, Ohio 2242
Constitution, to pay the cost of capital facilities for mental 2243
hygiene and retardation, parks and recreation, or state-supported 2244
or state-assisted institutions of higher education. 2245

Sec. 152.18. Whenever the Ohio building authority constructs, 2246
reconstructs, rehabilitates, remodels, renovates, enlarges, 2247
improves, alters, maintains, equips, furnishes, repairs, paints, 2248
or decorates capital facilities pursuant to section 152.19, 2249
152.21, or 152.31 of the Revised Code or buildings, facilities, 2250
and other properties for use and occupancy of persons pursuant to 2251
section 152.04 of the Revised Code, the authority shall make the 2252
necessary plans and specifications, and shall advertise for bids 2253
for all work to be placed under contract once a week for two 2254
consecutive weeks in a newspaper of general circulation in the 2255
county within which the work is to be done, and shall award the 2256

contract to the lowest responsive and responsible bidder in 2257
accordance with section 9.312 of the Revised Code. When the 2258
authority determines, subject to approval by the controlling 2259
board, that a real and present emergency exists or if the cost of 2260
such a contract does not exceed fifty thousand dollars, such a 2261
contract may be awarded without advertising and receipt of bids. A 2262
bid guaranty pursuant to sections 153.54 to 153.571 of the Revised 2263
Code shall be required for any contract under this section. 2264

In all other cases of capital facilities financed by the 2265
authority, the construction, reconstruction, rehabilitation, 2266
remodeling, renovation, enlargement, improvement, alteration, 2267
maintenance, ~~equipment~~ equipping, furnishing, repair, painting, or 2268
decoration of capital facilities by or for the state or any 2269
governmental entity shall be the responsibility of the department 2270
of administrative services, ~~division of public works~~, or, with the 2271
consent of the department of administrative services, shall be the 2272
responsibility of the state agency using the capital facility, or 2273
the governmental entity with which a state agency is participating 2274
pursuant to section 152.33 of the Revised Code, and shall be 2275
undertaken by the department in compliance with Chapter 153. of 2276
the Revised Code, or by such state agency or governmental entity 2277
in accordance with otherwise applicable law. 2278

Sec. 152.19. (A) The Ohio building authority may assess, 2279
plan, acquire, purchase, construct, reconstruct, rehabilitate, 2280
remodel, renovate, enlarge, improve, alter, maintain, equip, 2281
furnish, repair, paint, decorate, manage, and operate capital 2282
facilities for the use of state agencies on one or more sites 2283
within the state. 2284

(B) In the exercise of any of the authority granted by 2285
division (A) of this section, the Ohio building authority may 2286
follow the procedures of section 125.81 of the Revised Code. 2287

Sec. 152.21. With respect to capital facilities described in	2288
sections 152.19 and 152.31 of the Revised Code, the Ohio building	2289
authority may:	2290
(A) Acquire, by appropriation subject to Chapter 163. of the	2291
Revised Code, or by gift, grant, lease, or purchase; hold; lease;	2292
mortgage in the case of capital facilities the real property or	2293
interest therein of which was not acquired by the authority	2294
pursuant to sections 152.05 and 152.06 of the Revised Code;	2295
convey; and dispose of real estate and interests in real estate	2296
and personal property suitable for its purposes, <u>including options</u>	2297
<u>and rights of first refusal to acquire;</u>	2298
(B) Acquire <u>Assess, plan, acquire, purchase, construct,</u>	2299
reconstruct, rehabilitate, remodel, renovate, enlarge, improve,	2300
alter, maintain, equip, furnish, repair, paint, decorate, and	2301
operate capital facilities as provided in sections 152.18, 152.19,	2302
and 152.31 of the Revised Code;	2303
(C) Issue obligations to secure funds to accomplish its	2304
purposes as more fully set forth in sections 152.09 to 152.33 of	2305
the Revised Code;	2306
(D) Enter into contracts and execute all instruments	2307
necessary in the conduct of its business;	2308
(E) Fix, alter, and charge rentals for the use and occupancy	2309
of its capital facilities and enter into leases for such use and	2310
occupancy as provided in section 152.24 of the Revised Code;	2311
(F) Employ financial consultants, appraisers, consulting	2312
engineers, architects, superintendents, managers, construction and	2313
accounting experts, attorneys at law, and other employees and	2314
agents as are necessary, in its judgment, and fix their	2315
compensation;	2316
(G)(1) <u>Manage, allocate space in,</u> and have general custodial	2317

care and supervision of its capital facilities or enter into 2318
contracts with the department of administrative services or the 2319
using state agency or governmental entity for such purposes; 2320

(2) With respect to any other capital facility, manage, 2321
allocate space in, and have general custodial care and supervision 2322
of the facility if it contains at least two hundred thousand 2323
square feet of space. A state agency or governmental entity that 2324
receives the authority's management, general custodial care, and 2325
supervision services, or the department of administrative 2326
services, shall pay the authority for those services. The 2327
authority and the department of administrative services, state 2328
agency, or governmental entity shall enter into an agreement that 2329
specifies the payment amount. 2330

(H) Pledge, hypothecate, or otherwise encumber all or such 2331
portion as it determines of the available receipts to the payment 2332
of bond service charges on obligations or series of obligations 2333
issued pursuant to Chapter 152. of the Revised Code and for the 2334
establishment and maintenance of any reserves, as provided in the 2335
bond resolution, and make other provisions therein with respect to 2336
such available receipts as authorized by Chapter 152. of the 2337
Revised Code, which shall be controlling notwithstanding any other 2338
provisions of law pertaining thereto, and enter into trust 2339
agreements or indentures for the benefit of holders of its 2340
obligations; 2341

(I) Borrow money or accept advances, loans, gifts, grants, 2342
devises, or bequests from, and enter into contracts or agreements 2343
with, any federal agency or other governmental or private source, 2344
and hold and apply advances, loans, gifts, grants, devises, or 2345
bequests according to the terms thereof. Such advances, loans, 2346
gifts, grants, or devises of real estate may be in fee simple or 2347
of any lesser estate and may be subject to any reasonable 2348
reservations. Any advances or loans received from any federal or 2349

other governmental or private source may be repaid in accordance 2350
with the terms of such advance or loan. 2351

(J) Enter into lawful arrangements with the appropriate 2352
governmental entity for the planning and installation of streets 2353
and sidewalks, public utility facilities, and other necessary 2354
appurtenances to ~~its~~ capital facilities, and grant necessary 2355
easements for such purposes; 2356

(K) Purchase property insurance, including all risk or 2357
extended coverage, and boiler, rents, and public liability 2358
insurance for or relating to ~~its property~~ capital facilities; 2359

(L) Establish rules for the use and operation of ~~its~~ 2360
~~buildings and~~ capital facilities; 2361

(M) Do all other acts necessary to the fulfillment of its 2362
purposes. 2363

Any instrument by which real property is acquired pursuant to 2364
this section shall identify the agency of the state that has the 2365
use and benefit of the real property as specified in section 2366
5301.012 of the Revised Code. 2367

Sec. 152.24. (A) Except as otherwise provided with respect to 2368
leasing of capital facilities in sections 152.241, 152.242, 2369
152.31, and 152.33 of the Revised Code, the department of 2370
administrative services or, with the consent of the department of 2371
administrative services, the state agency using an office facility 2372
and related storage and parking facilities, or participating in 2373
such facilities pursuant to section 152.33 of the Revised Code, 2374
shall lease any office facility and related storage and ~~parking~~ 2375
parking facility acquired, purchased, constructed, reconstructed, 2376
rehabilitated, remodeled, renovated, enlarged, improved, altered, 2377
operated, maintained, equipped, furnished, repaired, painted, 2378
decorated, or financed by the Ohio building authority for housing 2379

any state agencies. An agreement between the authority and the 2380
department of administrative services or such using or 2381
participating agency may provide for the transfer of the property 2382
to the state after bonds and notes issued by the authority for the 2383
purpose of the acquisition, purchase, construction, 2384
reconstruction, rehabilitation, remodeling, renovation, 2385
enlargement, improvement, alteration, equipping, furnishing, 2386
repair, painting, decorating, or financing of such building or 2387
facility have been repaid. A lease between the authority and the 2388
department of administrative services or a using or participating 2389
agency shall be for a period not exceeding the then current 2390
two-year period for which appropriations have been made by the 2391
general assembly to the department of administrative services and 2392
the state agencies which will occupy or participate in the office 2393
facility and related storage and parking facility being leased, 2394
and such lease may contain such other terms as the department of 2395
administrative services, or a using or participating agency, and 2396
the authority agree notwithstanding any other provision of law, 2397
including provision that rental payments in amounts at least 2398
sufficient to pay bond service charges payable during the current 2399
two-year lease term shall be an absolute and unconditional 2400
obligation of the department of administrative services, or the 2401
using or participating agency, independent of all other duties 2402
under the lease without setoff or deduction or any other similar 2403
rights or defenses. Such an agreement may provide for renewal of a 2404
lease at the end of each term for another term, not exceeding two 2405
years, provided that no renewal shall be effective until the 2406
effective date of an appropriation enacted by the general assembly 2407
from which the department of administrative services, or the using 2408
or participating agency, may lawfully pay rentals under such 2409
lease. For purposes of this section, the term "lease" may include, 2410
without limitation, any agreement between the department of 2411
administrative services, or the using or participating agency, and 2412

the authority with respect to any costs of capital facilities to 2413
be incurred prior to land acquisition. 2414

(B) If the director of administrative services or the 2415
director of a state agency using or participating in an office 2416
facility and related storage and parking facility certifies that 2417
space in such facility acquired, purchased, constructed, 2418
reconstructed, rehabilitated, remodeled, renovated, enlarged, 2419
improved, altered, operated, maintained, equipped, furnished, 2420
repaired, painted, decorated, or financed by the authority has 2421
become unnecessary for state use, the authority may lease any 2422
excess space in such facility and related storage and parking 2423
facility to any governmental entity. 2424

(C) If space in any office facility leased by the authority 2425
to the department of administrative services is not immediately 2426
necessary for state use, the department of administrative services 2427
may exercise its authority under division (A)(9) of section 123.01 2428
of the Revised Code with respect to such space. 2429

(D) Capital facilities acquired, purchased, constructed, 2430
reconstructed, rehabilitated, remodeled, renovated, enlarged, 2431
improved, altered, operated, maintained, equipped, furnished, 2432
repaired, painted, decorated, or financed by the Ohio building 2433
authority, other than any office facility and related storage and 2434
parking facility required to be leased pursuant to division (A) of 2435
this section, shall be leased to the department of administrative 2436
services ~~or to~~, the state agency using the capital facilities, or 2437
the state agency participating in the capital facilities pursuant 2438
to section 152.33 of the Revised Code. The department of 2439
administrative services or the using or participating state agency 2440
may sublease such capital facilities to other state agencies or 2441
other governmental entities. Such parties, including other state 2442
agencies or state-supported or state-assisted institutions of 2443
higher education, may make other agreements for the use, 2444

construction, or operation of such capital facilities in any 2445
manner permitted by the lease or agreement with the authority and 2446
for the charging, collection, and deposit of such revenues and 2447
receipts of the using or participating state agency constituting 2448
available receipts, all upon such terms and conditions as the 2449
parties may agree upon and pursuant to this chapter 2450
notwithstanding other provisions of law affecting the leasing, 2451
acquisition, operation, or disposition of capital facilities by 2452
such parties. Any such lease between the authority and the 2453
department of administrative services or a using or participating 2454
state agency shall be for a period not to exceed the then current 2455
two-year period for which appropriations have been made by the 2456
general assembly to the department of administrative services or 2457
such using or participating state agency. The lease between the 2458
authority and the department of administrative services or the 2459
using or participating state agency may provide for renewal of the 2460
lease at the end of each term for another term, not exceeding two 2461
years, but no renewal shall be effective until the effective date 2462
of an appropriation enacted by the general assembly from which the 2463
department of administrative services or the using or 2464
participating state agency may lawfully pay rentals under such 2465
lease. Any such leases, subleases, or agreements may set forth the 2466
responsibilities of the authority, state agencies, 2467
state-supported, or state-assisted institutions of higher 2468
education, or other governmental entities as to the financing, 2469
assessment, planning, acquisition, purchase, construction, 2470
reconstruction, rehabilitation, remodeling, renovation, 2471
enlargement, improvement, alteration, subleasing, management, 2472
operation, maintenance, equipping, furnishing, repair, painting, 2473
decorating, and insuring of such capital facilities and other 2474
terms and conditions applicable thereto, and any other provisions 2475
mutually agreed upon for the purposes of this chapter. Promptly 2476
upon execution thereof, a signed or conformed copy of each such 2477

lease or sublease or agreement, and any supplement thereto, 2478
between the authority and a governmental entity shall be filed by 2479
the authority with the department of administrative services and 2480
the director of budget and management, and, promptly upon 2481
execution thereof, a signed or conformed copy of each such 2482
sublease or agreement between two governmental entities, not 2483
including the authority, shall be filed with the authority and the 2484
director of budget and management. For purposes of this section, 2485
the term "lease" may include, without limitation, any agreement 2486
between the department of administrative services or the state 2487
agency using or participating in such capital facilities and the 2488
authority with respect to any costs of capital facilities to be 2489
incurred prior to land acquisition. 2490

(E) The transfer of tangible personal property by lease under 2491
authority of this chapter is not a sale as used in Chapter 5739. 2492
of the Revised Code. Any agreement of a governmental entity to 2493
make rental, use, or other payments or payment of purchase price, 2494
in installments or otherwise, or repayments to or on account of 2495
the authority and the obligations issued by the authority, shall 2496
not be deemed to constitute indebtedness, bonded or otherwise, or 2497
bonds, notes, or other evidence of indebtedness of such 2498
governmental entity for the purpose of Chapter 133. of the Revised 2499
Code or any other purpose; such leases and agreements requiring 2500
payments beyond the current fiscal year are continuing contracts 2501
for the purposes of sections 5705.41 and 5705.44 of the Revised 2502
Code. 2503

(F) Any agreement between the department of administrative 2504
services or the state agency using or participating in such 2505
capital facilities and the authority ~~which~~ that includes provision 2506
for the use of space by such using or participating state agency 2507
or the department of administrative services, even if executed 2508
prior to land acquisition or completion of construction, 2509

improvements, or financing, shall be a lease for purposes of this 2510
chapter and for all other purposes. No such lease need be recorded 2511
or recordable for purposes of determining its validity or legal 2512
sufficiency. 2513

Sec. 152.242. Notwithstanding section 152.24 of the Revised 2514
Code, the Ohio building authority may, with the approval of the 2515
office of budget and management, lease capital facilities to the 2516
bureau of workers' compensation. 2517

~~Upon the repayment of obligations of the authority, including 2518
refunding obligations, issued for the acquisition of any capital 2519
facility of the bureau, the authority shall transfer ownership of 2520
the capital facility to the bureau. 2521~~

Sec. 152.26. In the exercise of its powers under section 2522
152.19, 152.21, or 152.31 of the Revised Code, the Ohio building 2523
authority shall cause bids to be let and awarded for the 2524
construction, reconstruction, rehabilitation, remodeling, 2525
renovation, enlargement, improvement, alteration, furnishing, ~~and~~ 2526
equipping, repair, painting, and decorating of the buildings and 2527
facilities and pay the costs and supervise the accomplishment 2528
thereof, or the authority may enter into a contract with the 2529
administrator of workers' compensation for the construction of one 2530
or more buildings on one or more sites in the state. If such a 2531
building is constructed by the administrator, it shall be leased 2532
to the authority for leasing, operation, and maintenance by the 2533
authority or subsequent leasing by the authority to the department 2534
of administrative services. Rentals shall be fixed by the 2535
authority in such case so that the costs of construction are 2536
repaid to the state insurance fund with the same average rate of 2537
interest as though state insurance fund moneys were invested in 2538
obligations of the authority. 2539

In the process of inviting bids and awarding contracts, the authority shall be guided by the procedures set forth in sections 153.01 to 153.20 of the Revised Code.

The department of administrative services and all agencies of the state government shall cooperate with the authority ~~and the legislative office building committee~~ in supplying any services or information and in relocating offices to carry out this chapter.

Sec. 169.13. (A) All agreements to pay a fee, compensation, commission, or other remuneration to locate, deliver, recover, or assist in the recovery of unclaimed funds reported under section 169.03 of the Revised Code, entered into within two years immediately after the date a report is filed under division (C) of section 169.03 of the Revised Code, are invalid.

(B) An agreement entered into any time after such two-year period is valid only if both of the following conditions are met:

(1) The aggregate fee, compensation, commission, or other remuneration agreed upon, paid directly or indirectly, is not in excess of ten per cent of the amount recovered and paid to the owner by the ~~auditor~~ director of state budget and management;

(2) The agreement is in writing, signed by the owner, and discloses all of the following items:

(a) The nature and value of the property;

(b) The amount the owner will receive after the fee or compensation has been subtracted;

(c) The name and address of the person or entity in possession of the property.

(C) No person shall receive a fee, compensation, commission, or other remuneration, or engage in any activity for the purpose of locating, delivering, recovering, or assisting in the recovery

of unclaimed funds, under an agreement that is invalid under this 2569
section. 2570

(D) Whoever violates division (C) of this section is guilty 2571
of a misdemeanor of the first degree for a first offense and of a 2572
felony of the fifth degree for each subsequent offense. 2573

Sec. 184.191. The third frontier research and development 2574
taxable bond fund is hereby created in the state treasury. The 2575
fund shall consist of the net proceeds of federally taxable 2576
obligations issued and sold by the issuing authority pursuant to 2577
sections 151.01 and 151.10 of the Revised Code. Investment 2578
earnings of the fund shall be credited to the fund. Moneys in the 2579
fund shall be used in accordance with sections 184.10 to 184.18 2580
and 184.20 of the Revised Code and for associated administrative 2581
expenses. 2582

Sec. 333.02. Before ~~December 1, 2006~~ June 1, 2007, a board of 2583
county commissioners of a county that levies a county sales and 2584
use tax may enter into an agreement with any person that proposes 2585
to construct an impact facility in the county to provide payments 2586
to that person of up to seventy-five per cent of the county sales 2587
and use tax collected on each retail sale made by that person at 2588
the facility, for a term of up to ten years, or until the person's 2589
qualifying investment in the impact facility has been realized 2590
through the payments, whichever occurs first. 2591

Sec. 333.04. (A) After review of the items submitted under 2592
division (A) of section 333.03 of the Revised Code, and after 2593
receipt of the certification from the director of development 2594
under division (B) of that section, a board of county 2595
commissioners, before ~~December 1, 2006~~ June 1, 2007, may enter 2596
into an agreement under section 333.02 of the Revised Code, 2597
provided that the board has determined all of the following: 2598

(1) The proposed impact facility is economically sound;	2599
(2) Construction of the proposed impact facility has not begun prior to the day the agreement is entered into;	2600 2601
(3) The impact facility will benefit the county by increasing employment opportunities and strengthening the local and regional economy; and	2602 2603 2604
(4) Receiving payments from the board of county commissioners is a major factor in the person's decision to go forward with construction of the impact facility.	2605 2606 2607
(B) An agreement entered into under this section shall include all of the following:	2608 2609
(1) A description of the impact facility that is the subject of the agreement, including the existing investment level, if any, the proposed amount of investments, the scheduled starting and completion dates for the facility, and the number and type of full-time equivalent positions to be created at the facility;	2610 2611 2612 2613 2614
(2) The percentage of the county sales and use tax collected at the impact facility that will be used to make payments to the person entering into the agreement;	2615 2616 2617
(3) The term of the payments and the first calendar quarter in which the person may apply for a payment under section 333.06 of the Revised Code;	2618 2619 2620
(4) A requirement that the amount of payments made to the person during the term established under division (B)(3) of this section shall not exceed the person's qualifying investment, and that all payments cease when that amount is reached;	2621 2622 2623 2624
(5) A requirement that the person maintain operations at the impact facility for at least the term established under division (B)(3) of this section;	2625 2626 2627
(6) A requirement that the person annually certify to the	2628

board of county commissioners, on or before a date established by 2629
the board in the agreement, the level of investment in, the number 2630
of employees and type of full-time equivalent positions at, and 2631
the amount of county sales and use tax collected and remitted to 2632
the tax commissioner or treasurer of state from sales made at, the 2633
facility; 2634

(7) A provision stating that the creation of the proposed 2635
impact facility does not involve the relocation of more than ten 2636
full-time equivalent positions and two million dollars in taxable 2637
assets to the impact facility from another facility owned by the 2638
person, or a related member of the person, that is located in 2639
another political subdivision of this state, other than the 2640
political subdivision in which the impact facility is or will be 2641
located; 2642

(8) A provision stating that the person will not relocate 2643
more than ten full-time equivalent positions and two million 2644
dollars in taxable assets to the impact facility from another 2645
facility in another political subdivision of this state during the 2646
term of the payments without the written approval of the director 2647
of development; 2648

(9) A detailed explanation of how the person determined that 2649
more than fifty per cent of the visitors to the facility live at 2650
least one hundred miles from the facility. 2651

(C) For purposes of this section, the transfer of a full-time 2652
equivalent position or taxable asset from another political 2653
subdivision in this state to the political subdivision in which 2654
the impact facility is or will be located shall be considered a 2655
relocation, unless the person refills the full-time equivalent 2656
position, or replaces the taxable asset with an asset of equal or 2657
greater taxable value, within six months after the transfer. The 2658
person may not receive a payment under this chapter for any year 2659

in which more than ten relocations occurred without the written
consent of the board of county commissioners.

Sec. 340.03. (A) Subject to rules issued by the director of
mental health after consultation with relevant constituencies as
required by division (A)(11) of section 5119.06 of the Revised
Code, with regard to mental health services, the board of alcohol,
drug addiction, and mental health services shall:

(1) Serve as the community mental health planning agency for
the county or counties under its jurisdiction, and in so doing it
shall:

(a) Evaluate the need for facilities and community mental
health services;

(b) In cooperation with other local and regional planning and
funding bodies and with relevant ethnic organizations, assess the
community mental health needs, set priorities, and develop plans
for the operation of facilities and community mental health
services;

(c) In accordance with guidelines issued by the director of
mental health after consultation with board representatives,
develop and submit to the department of mental health, no later
than six months prior to the conclusion of the fiscal year in
which the board's current plan is scheduled to expire, a community
mental health plan listing community mental health needs,
including the needs of all residents of the district now residing
in state mental institutions and severely mentally disabled
adults, children, and adolescents; all children subject to a
determination made pursuant to section 121.38 of the Revised Code;
and all the facilities and community mental health services that
are or will be in operation or provided during the period for
which the plan will be in operation in the service district to

meet such needs. 2690

The plan shall include, but not be limited to, a statement of 2691
which of the services listed in section 340.09 of the Revised Code 2692
the board intends to ~~provide or purchase~~, make available. The 2693
board must include crisis intervention services for individuals in 2694
an emergency situation in the plan and explain how the board 2695
intends to make such services available. The plan must also 2696
include an explanation of how the board intends to make any 2697
payments that it may be required to pay under section 5119.62 of 2698
the Revised Code, a statement of the inpatient and community-based 2699
services the board proposes that the department operate, an 2700
assessment of the number and types of residential facilities 2701
needed, ~~and~~ such other information as the department requests, and 2702
a budget for moneys the board expects to receive. The board shall 2703
also submit an allocation request for state and federal funds. 2704
Within sixty days after the department's determination that the 2705
plan and allocation request are complete, the department shall 2706
approve or disapprove the plan and request, in whole or in part, 2707
according to the criteria developed pursuant to section 5119.61 of 2708
the Revised Code. The department's statement of approval or 2709
disapproval shall specify the inpatient and the community-based 2710
services that the department will operate for the board. 2711
Eligibility for financial support shall be contingent upon an 2712
approved plan or relevant part of a plan. 2713

If the director disapproves all or part of any plan, the 2714
director shall inform the board of the reasons for the disapproval 2715
and of the criteria that must be met before the plan may be 2716
approved. The director shall provide the board an opportunity to 2717
present its case on behalf of the plan. The director shall give 2718
the board a reasonable time in which to meet the criteria, and 2719
shall offer the board technical assistance to help it meet the 2720
criteria. 2721

If the approval of a plan remains in dispute thirty days 2722
prior to the conclusion of the fiscal year in which the board's 2723
current plan is scheduled to expire, the board or the director may 2724
request that the dispute be submitted to a mutually agreed upon 2725
third-party mediator with the cost to be shared by the board and 2726
the department. The mediator shall issue to the board and the 2727
department recommendations for resolution of the dispute. Prior to 2728
the conclusion of the fiscal year in which the current plan is 2729
scheduled to expire, the director, taking into consideration the 2730
recommendations of the mediator, shall make a final determination 2731
and approve or disapprove the plan, in whole or in part. 2732

If a board determines that it is necessary to amend a plan or 2733
an allocation request that has been approved under division 2734
(A)(1)(c) of this section, the board shall submit a proposed 2735
amendment to the director. The director may approve or disapprove 2736
all or part of the amendment. If the director does not approve all 2737
or part of the amendment within thirty days after it is submitted, 2738
the amendment or part of it shall be considered to have been 2739
approved. The director shall inform the board of the reasons for 2740
disapproval of all or part of an amendment and of the criteria 2741
that must be met before the amendment may be approved. The 2742
director shall provide the board an opportunity to present its 2743
case on behalf of the amendment. The director shall give the board 2744
a reasonable time in which to meet the criteria, and shall offer 2745
the board technical assistance to help it meet the criteria. 2746

The board shall implement the plan approved by the 2747
department. 2748

(d) Receive, compile, and transmit to the department of 2749
mental health applications for state reimbursement; 2750

(e) Promote, arrange, and implement working agreements with 2751
social agencies, both public and private, and with judicial 2752

agencies. 2753

(2) Investigate, or request another agency to investigate, 2754
any complaint alleging abuse or neglect of any person receiving 2755
services from a community mental health agency as defined in 2756
section 5122.01 of the Revised Code, or from a residential 2757
facility licensed under section 5119.22 of the Revised Code. If 2758
the investigation substantiates the charge of abuse or neglect, 2759
the board shall take whatever action it determines is necessary to 2760
correct the situation, including notification of the appropriate 2761
authorities. Upon request, the board shall provide information 2762
about such investigations to the department. 2763

(3) For the purpose of section 5119.611 of the Revised Code, 2764
cooperate with the director of mental health in visiting and 2765
evaluating whether the services of a community mental health 2766
agency satisfy the certification standards established by rules 2767
adopted under that section; 2768

(4) In accordance with criteria established under division 2769
(G) of section 5119.61 of the Revised Code, review and evaluate 2770
the quality, effectiveness, and efficiency of services provided 2771
through its community mental health plan and submit its findings 2772
and recommendations to the department of mental health; 2773

(5) In accordance with section 5119.22 of the Revised Code, 2774
review applications for residential facility licenses and 2775
recommend to the department of mental health approval or 2776
disapproval of applications; 2777

(6) Audit, in accordance with rules adopted by the auditor of 2778
state pursuant to section 117.20 of the Revised Code, at least 2779
annually all programs and services provided under contract with 2780
the board. In so doing, the board may contract for or employ the 2781
services of private auditors. A copy of the fiscal audit report 2782
shall be provided to the director of mental health, the auditor of 2783

state, and the county auditor of each county in the board's 2784
district. 2785

(7) Recruit and promote local financial support for mental 2786
health programs from private and public sources; 2787

(8)(a) Enter into contracts with public and private 2788
facilities for the operation of facility services included in the 2789
board's community mental health plan and enter into contracts with 2790
public and private community mental health agencies for the 2791
provision of community mental health services listed in section 2792
340.09 of the Revised Code and included in the board's community 2793
mental health plan. Contracts with community mental health 2794
agencies are subject to section 5119.611 of the Revised Code. 2795
Section 307.86 of the Revised Code does not apply to contracts 2796
entered into under this division. In contracting with a community 2797
mental health agency, a board shall consider the cost 2798
effectiveness of services provided by that agency and the quality 2799
and continuity of care, and may review cost elements, including 2800
salary costs, of the services to be provided. A utilization review 2801
process shall be established as part of the contract for services 2802
entered into between a board and a community mental health agency. 2803
The board may establish this process in a way that is most 2804
effective and efficient in meeting local needs. In the case of a 2805
contract with a community mental health facility, as defined in 2806
section 5111.023 of the Revised Code, to provide services listed 2807
in division (B) of that section, the contract shall provide for 2808
the facility to be paid in accordance with the contract entered 2809
into between the departments of job and family services and mental 2810
health under section 5111.91 of the Revised Code and any rules 2811
adopted under division (A) of section 5119.61 of the Revised Code. 2812

If either the board or a facility or community mental health 2813
agency with which the board contracts under division (A)(8)(a) of 2814
this section proposes not to renew the contract or proposes 2815

substantial changes in contract terms, the other party shall be
given written notice at least one hundred twenty days before the
expiration date of the contract. During the first sixty days of
this one hundred twenty-day period, both parties shall attempt to
resolve any dispute through good faith collaboration and
negotiation in order to continue to provide services to persons in
need. If the dispute has not been resolved sixty days before the
expiration date of the contract, either party may notify the
department of mental health of the unresolved dispute. The
director may require both parties to submit the dispute to a third
party with the cost to be shared by the board and the facility or
community mental health agency. The third party shall issue to the
board, the facility or agency, and the department recommendations
on how the dispute may be resolved twenty days prior to the
expiration date of the contract, unless both parties agree to a
time extension. The director shall adopt rules establishing the
procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health,
a board may operate a facility or provide a community mental
health service as follows, if there is no other qualified private
or public facility or community mental health agency that is
immediately available and willing to operate such a facility or
provide the service:

(i) In an emergency situation, any board may operate a
facility or provide a community mental health service in order to
provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one
hundred thousand but less than five hundred thousand, a board may
operate a facility or provide a community mental health service
for no longer than one year;

(iii) In a service district with a population of less than

one hundred thousand, a board may operate a facility or provide a
community mental health service for no longer than one year,
except that such a board may operate a facility or provide a
community mental health service for more than one year with the
prior approval of the director and the prior approval of the board
of county commissioners, or of a majority of the boards of county
commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a
facility or provide a community mental health service under
division (A)(8)(b)(ii) or (iii) of this section unless the
director determines that it is not feasible to have the department
operate the facility or provide the service.

The director shall not give a board approval to operate a
facility or provide a community mental health service under
division (A)(8)(b)(iii) of this section unless the director
determines that the board will provide greater administrative
efficiency and more or better services than would be available if
the board contracted with a private or public facility or
community mental health agency.

The director shall not give a board approval to operate a
facility previously operated by a person or other government
entity unless the board has established to the director's
satisfaction that the person or other government entity cannot
effectively operate the facility or that the person or other
government entity has requested the board to take over operation
of the facility. The director shall not give a board approval to
provide a community mental health service previously provided by a
community mental health agency unless the board has established to
the director's satisfaction that the agency cannot effectively
provide the service or that the agency has requested the board
take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of community mental health service under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community mental health agency, but a facility or agency may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or agency.

(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community mental health agencies in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the programs under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities. The essential elements of the system include, but are not limited to, the following components in accordance with section 5119.06 of the Revised Code:

(a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;

(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Mental health care, including, but not limited to,

outpatient, partial hospitalization, and, where appropriate,	2908
inpatient care;	2909
(d) Emergency services and crisis intervention;	2910
(e) Assistance for clients to obtain vocational services and opportunities for jobs;	2911
	2912
(f) The provision of services designed to develop social, community, and personal living skills;	2913
	2914
(g) Access to a wide range of housing and the provision of residential treatment and support;	2915
	2916
(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;	2917
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	2919
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;	2920
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(j) Grievance procedures and protection of the rights of consumers of mental health services;	2925
	2926
(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	2927
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	2929
(12) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service	2930
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district. The board shall establish the procedure for authorizing
payment for services, which may include prior authorization in
appropriate circumstances. The board may provide for services
directly to a severely mentally disabled person when life or
safety is endangered and when no community mental health agency is
available to provide the service.

(13) Establish a method for evaluating referrals for
involuntary commitment and affidavits filed pursuant to section
5122.11 of the Revised Code in order to assist the probate
division of the court of common pleas in determining whether there
is probable cause that a respondent is subject to involuntary
hospitalization and what alternative treatment is available and
appropriate, if any;

(14) Ensure that apartments or rooms built, subsidized,
renovated, rented, owned, or leased by the board or a community
mental health agency have been approved as meeting minimum fire
safety standards and that persons residing in the rooms or
apartments are receiving appropriate and necessary services,
including culturally relevant services, from a community mental
health agency. This division does not apply to residential
facilities licensed pursuant to section 5119.22 of the Revised
Code.

(15) Establish a mechanism for involvement of consumer
recommendation and advice on matters pertaining to mental health
services in the alcohol, drug addiction, and mental health service
district;

(16) Perform the duties under section 3722.18 of the Revised
Code required by rules adopted under section 5119.61 of the
Revised Code regarding referrals by the board or mental health
agencies under contract with the board of individuals with mental
illness or severe mental disability to adult care facilities and

effective arrangements for ongoing mental health services for the 2969
individuals. The board is accountable in the manner specified in 2970
the rules for ensuring that the ongoing mental health services are 2971
effectively arranged for the individuals. 2972

(B) The board shall establish such rules, operating 2973
procedures, standards, and bylaws, and perform such other duties 2974
as may be necessary or proper to carry out the purposes of this 2975
chapter. 2976

(C) A board of alcohol, drug addiction, and mental health 2977
services may receive by gift, grant, devise, or bequest any 2978
moneys, lands, or property for the benefit of the purposes for 2979
which the board is established, and may hold and apply it 2980
according to the terms of the gift, grant, or bequest. All money 2981
received, including accrued interest, by gift, grant, or bequest 2982
shall be deposited in the treasury of the county, the treasurer of 2983
which is custodian of the alcohol, drug addiction, and mental 2984
health services funds to the credit of the board and shall be 2985
available for use by the board for purposes stated by the donor or 2986
grantor. 2987

(D) No board member or employee of a board of alcohol, drug 2988
addiction, and mental health services shall be liable for injury 2989
or damages caused by any action or inaction taken within the scope 2990
of the board member's official duties or the employee's 2991
employment, whether or not such action or inaction is expressly 2992
authorized by this section, section 340.033, or any other section 2993
of the Revised Code, unless such action or inaction constitutes 2994
willful or wanton misconduct. Chapter 2744. of the Revised Code 2995
applies to any action or inaction by a board member or employee of 2996
a board taken within the scope of the board member's official 2997
duties or employee's employment. For the purposes of this 2998
division, the conduct of a board member or employee shall not be 2999
considered willful or wanton misconduct if the board member or 3000

employee acted in good faith and in a manner that the board member 3001
or employee reasonably believed was in or was not opposed to the 3002
best interests of the board and, with respect to any criminal 3003
action or proceeding, had no reasonable cause to believe the 3004
conduct was unlawful. 3005

(E) The meetings held by any committee established by a board 3006
of alcohol, drug addiction, and mental health services shall be 3007
considered to be meetings of a public body subject to section 3008
121.22 of the Revised Code. 3009

Sec. 340.09. The department of mental health shall provide 3010
assistance to any county for the operation of boards of alcohol, 3011
drug addiction, and mental health services and the provision of 3012
the following services from funds appropriated for that purpose by 3013
the general assembly: 3014

(A) Outpatient; 3015

(B) Inpatient; 3016

(C) Partial hospitalization; 3017

(D) Rehabilitation; 3018

(E) Consultation; 3019

(F) Mental health education and other preventive services; 3020

(G) Emergency; 3021

(H) Crisis intervention; 3022

(I) Research; 3023

~~(I)~~(J) Administrative; 3024

~~(J)~~(K) Referral and information; 3025

~~(K)~~(L) Residential; 3026

~~(L)~~(M) Training; 3027

~~(M)~~(N) Substance abuse; 3028
~~(N)~~(O) Service and program evaluation; 3029
~~(O)~~(P) Community support system; 3030
~~(P)~~(Q) Case management; 3031
~~(Q)~~(R) Residential housing; 3032
~~(R)~~(S) Other services approved by the board and the director
of mental health. 3033
3034

Sec. 340.12. No board of alcohol, drug addiction, and mental 3035
health services or any agency, corporation, or association under 3036
contract with such a board shall discriminate in the provision of 3037
services under its authority, in employment, or contract on the 3038
basis of race, color, sex, creed, disability, or national origin, 3039
~~or the inability to pay.~~ 3040

Each board, each community mental health agency, and each 3041
alcohol and drug addiction program shall have a written 3042
affirmative action program. The affirmative action program shall 3043
include goals for the employment and effective utilization of, 3044
including contracts with, members of economically disadvantaged 3045
groups as defined in division (E)(1) of section 122.71 of the 3046
Revised Code in percentages reflecting as nearly as possible the 3047
composition of the alcohol, drug addiction, and mental health 3048
service district served by the board. Each board, agency, and 3049
program shall file a description of the affirmative action program 3050
and a progress report on its implementation with the department of 3051
mental health or the department of alcohol and drug addiction 3052
services. 3053

Sec. 715.70. (A) This section and section 715.71 of the 3054
Revised Code apply only to: 3055

(1) Municipal corporations and townships within a county that 3056

has adopted a charter under Sections 3 and 4 of Article X, Ohio
Constitution;

(2) Municipal corporations and townships that have created a
joint economic development district comprised entirely of real
property owned by a municipal corporation at the time the district
was created under this section. The real property owned by the
municipal corporation shall include an airport owned by the
municipal corporation and located entirely beyond the municipal
corporation's corporate boundary.

(3) Municipal corporations or townships that are part of or
contiguous to a transportation improvement district created under
Chapter 5540. of the Revised Code and that have created a joint
economic development district under this section or section 715.71
of the Revised Code prior to November 15, 1995;

(4) Municipal corporations that have previously entered into
a contract creating a joint economic development district pursuant
to division (A)(2) of this section, even if the territory to be
included in the district does not meet the requirements of that
division.

(B)(1) One or more municipal corporations and one or more
townships may enter into a contract approved by the legislative
authority of each contracting party pursuant to which they create
as a joint economic development district an area or areas for the
purpose of facilitating economic development to create or preserve
jobs and employment opportunities and to improve the economic
welfare of the people in the state and in the area of the
contracting parties. A municipal corporation described in division
(A)(4) of this section may enter into a contract with other
municipal corporations and townships to create a new joint
economic development district. In a district that includes a
municipal corporation described in division (A)(4) of this

section, the territory of each of the contracting parties shall be 3088
contiguous to the territory of at least one other contracting 3089
party, or contiguous to the territory of a township or municipal 3090
corporation that is contiguous to another contracting party, even 3091
if the intervening township or municipal corporation is not a 3092
contracting party. The area or areas of land to be included in the 3093
district shall not include any parcel of land owned in fee by a 3094
municipal corporation or a township or parcel of land that is 3095
leased to a municipal corporation or a township, unless the 3096
municipal corporation or township is a party to the contract or 3097
unless the municipal corporation or township has given its consent 3098
to have its parcel of land included in the district by the 3099
adoption of a resolution. As used in this division, "parcel of 3100
land" means any parcel of land owned by a municipal corporation or 3101
a township for at least a six-month period within a five-year 3102
period prior to the creation of a district, but "parcel of land" 3103
does not include streets or public ways and sewer, water, and 3104
other utility lines whether owned in fee or otherwise. 3105

The district created shall be located within the territory of 3106
one or more of the participating parties and may consist of all or 3107
a portion of such territory. The boundaries of the district shall 3108
be described in the contract or in an addendum to the contract. 3109

(2) Prior to the public hearing to be held pursuant to 3110
division (D)(2) of this section, the participating parties shall 3111
give a copy of the proposed contract to each municipal corporation 3112
located within one-quarter mile of the proposed joint economic 3113
development district and not otherwise a party to the contract, 3114
and afford the municipal corporation the reasonable opportunity, 3115
for a period of thirty days following receipt of the proposed 3116
contract, to make comments and suggestions to the participating 3117
parties regarding elements contained in the proposed contract. 3118

(3) The district shall not exceed two thousand acres in area. 3119

The territory of the district shall not completely surround 3120
territory that is not included within the boundaries of the 3121
district. 3122

(4) Sections 503.07 to 503.12 of the Revised Code do not 3123
apply to territory included within a district created pursuant to 3124
this section as long as the contract creating the district is in 3125
effect, unless the legislative authority of each municipal 3126
corporation and the board of township trustees of each township 3127
included in the district consent, by ordinance or resolution, to 3128
the application of those sections of the Revised Code. 3129

(5) Upon the execution of the contract creating the district 3130
by the parties to the contract, a participating municipal 3131
corporation or township included within the district shall file a 3132
copy of the fully executed contract with the county recorder of 3133
each county within which a party to the contract is located, in 3134
the miscellaneous records of the county. No annexation proceeding 3135
pursuant to Chapter 709. of the Revised Code that proposes the 3136
annexation to, merger, or consolidation with a municipal 3137
corporation of any unincorporated territory within the district 3138
shall be commenced for a period of three years after the contract 3139
is filed with the county recorder of each county within which a 3140
party to the contract is located unless each board of township 3141
trustees whose territory is included, in whole or part, within the 3142
district and the territory proposed to be annexed, merged, or 3143
consolidated adopts a resolution consenting to the commencement of 3144
the proceeding and a copy of the resolution is filed with the 3145
legislative authority of each county within which a party to the 3146
contract is located or unless the contract is terminated during 3147
this period. 3148

The contract entered into between the municipal corporations 3149
and townships pursuant to this section may provide for the 3150
prohibition of any annexation by the participating municipal 3151

corporations of any unincorporated territory within the district 3152
beyond the three-year mandatory prohibition of any annexation 3153
provided for in division (B)(5) of this section. 3154

(C)(1) After the legislative authority of a municipal 3155
corporation and the board of township trustees have adopted an 3156
ordinance and resolution approving a contract to create a joint 3157
economic development district pursuant to this section, and after 3158
a contract has been signed, the municipal corporations and 3159
townships shall jointly file a petition with the legislative 3160
authority of each county within which a party to the contract is 3161
located. 3162

(a) The petition shall contain all of the following: 3163

(i) A statement that the area or areas of the district is not 3164
greater than two thousand acres and is located within the 3165
territory of one or more of the contracting parties; 3166

(ii) A brief summary of the services to be provided by each 3167
party to the contract or a reference to the portion of the 3168
contract describing those services; 3169

(iii) A description of the area or areas to be designated as 3170
the district; 3171

(iv) The signature of a representative of each of the 3172
contracting parties. 3173

(b) The following documents shall be filed with the petition: 3174

(i) A signed copy of the contract, together with copies of 3175
district maps and plans related to or part of the contract; 3176

(ii) A certified copy of the ordinances and resolutions of 3177
the contracting parties approving the contract; 3178

(iii) A certificate from each of the contracting parties 3179
indicating that the public hearings required by division (D)(2) of 3180
this section have been held, the date of the hearings, and 3181

evidence of publication of the notice of the hearings; 3182

(iv) One or more signed statements of persons who are owners 3183
of property located in whole or in part within the area to be 3184
designated as the district, requesting that the property be 3185
included within the district, provided that those statements shall 3186
represent a majority of the persons owning property located in 3187
whole or in part within the district and persons owning a majority 3188
of the acreage located within the district. A signature may be 3189
withdrawn by the signer up to but not after the time of the public 3190
hearing required by division (D)(2) of this section. 3191

(2) The legislative authority of each county within which a 3192
party to the contract is located shall adopt a resolution 3193
approving the petition for the creation of the district if the 3194
petition and other documents have been filed in accordance with 3195
the requirements of division (C)(1) of this section. If the 3196
petition and other documents do not substantially meet the 3197
requirements of that division, the legislative authority of any 3198
county within which a party to the contract is located may adopt a 3199
resolution disapproving the petition for the creation of the 3200
district. The legislative authority of each county within which a 3201
party to the contract is located shall adopt a resolution 3202
approving or disapproving the petition within thirty days after 3203
the petition was filed. If the legislative authority of each such 3204
county does not adopt the resolution within the thirty-day period, 3205
the petition shall be deemed approved and the contract shall go 3206
into effect immediately after that approval or at such other time 3207
as the contract specifies. 3208

(D)(1) The contract creating the district shall set forth or 3209
provide for the amount or nature of the contribution of each 3210
municipal corporation and township to the development and 3211
operation of the district and may provide for the sharing of the 3212
costs of the operation of and improvements for the district. The 3213

contributions may be in any form to which the contracting 3214
municipal corporations and townships agree and may include but are 3215
not limited to the provision of services, money, real or personal 3216
property, facilities, or equipment. The contract may provide for 3217
the contracting parties to share revenue from taxes levied on 3218
property by one or more of the contracting parties if those 3219
revenues may lawfully be applied to that purpose under the 3220
legislation by which those taxes are levied. The contract shall 3221
provide for new, expanded, or additional services, facilities, or 3222
improvements, including expanded or additional capacity for or 3223
other enhancement of existing services, facilities, or 3224
improvements, provided that those services, facilities, or 3225
improvements, or expanded or additional capacity for or 3226
enhancement of existing services, facilities, or improvements, 3227
required herein have been provided within the two-year period 3228
prior to the execution of the contract. 3229

(2) Before the legislative authority of a municipal 3230
corporation or a board of township trustees passes any ordinance 3231
or resolution approving a contract to create a joint economic 3232
development district pursuant to this section, the legislative 3233
authority of the municipal corporation and the board of township 3234
trustees shall each hold a public hearing concerning the joint 3235
economic development district contract and shall provide thirty 3236
days' public notice of the time and place of the public hearing in 3237
a newspaper of general circulation in the municipal corporation 3238
and the township. The board of township trustees may provide 3239
additional notice to township residents in accordance with section 3240
9.03 of the Revised Code, and any additional notice shall include 3241
the public hearing announcement; a summary of the terms of the 3242
contract; a statement that the entire text of the contract and 3243
district maps and plans are on file for public examination in the 3244
office of the township fiscal officer; and information pertaining 3245

to any tax changes that will or may occur as a result of the 3246
contract. 3247

During the thirty-day period prior to the public hearing, a 3248
copy of the text of the contract together with copies of district 3249
maps and plans related to or part of the contract shall be on 3250
file, for public examination, in the offices of the clerk of the 3251
legislative authority of the municipal corporation and of the 3252
township fiscal officer. The public hearing provided for in 3253
division (D)(2) of this section shall allow for public comment and 3254
recommendations from the public on the proposed contract. The 3255
contracting parties may include in the contract any of those 3256
recommendations prior to the approval of the contract. 3257

(3) Any resolution of the board of township trustees that 3258
approves a contract that creates a joint economic development 3259
district pursuant to this section shall be subject to a referendum 3260
of the electors of the township. When a referendum petition, 3261
signed by ten per cent of the number of electors in the township 3262
who voted for the office of governor at the most recent general 3263
election for the office of governor, is presented to the board of 3264
township trustees within thirty days after the board of township 3265
trustees adopted the resolution, ordering that the resolution be 3266
submitted to the electors of the township for their approval or 3267
rejection, the board of township trustees shall, after ten days 3268
and not later than four p.m. of the seventy-fifth day before the 3269
election, certify the text of the resolution to the board of 3270
elections. The board of elections shall submit the resolution to 3271
the electors of the township for their approval or rejection at 3272
the next general, primary, or special election occurring 3273
subsequent to seventy-five days after the certifying of the 3274
petition to the board of elections. 3275

(4) Upon the creation of a district under this section or 3276
section 715.71 of the Revised Code, one of the contracting parties 3277

shall file a copy of the following with the director of development: 3278
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(a) The petition and other documents described in division (C)(1) of this section, if the district is created under this section; 3280
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(b) The documents described in division (D) of section 715.71 of the Revised Code, if the district is created under this section. 3283
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(E) The district created by the contract shall be governed by a board of directors that shall be established by or pursuant to the contract. The board is a public body for the purposes of section 121.22 of the Revised Code. The provisions of Chapter 2744. of the Revised Code apply to the board and the district. The members of the board shall be appointed as provided in the contract from among the elected members of the legislative authorities and the elected chief executive officers of the contracting parties, provided that there shall be at least two members appointed from each of the contracting parties. 3286
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(F) The contract shall enumerate the specific powers, duties, and functions of the board of directors of a district, and the contract shall provide for the determination of procedures that are to govern the board of directors. The contract may grant to the board the power to adopt a resolution to levy an income tax within the district. The income tax shall be used for the purposes of the district and for the purposes of the contracting municipal corporations and townships pursuant to the contract. The income tax may be levied in the district based on income earned by persons working or residing within the district and based on the net profits of businesses located in the district. The income tax shall follow the provisions of Chapter 718. of the Revised Code, except that a vote shall be required by the electors residing in 3296
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the district to approve the rate of income tax. If no electors
reside within the district, then division (F)(4) of this section
applies. The rate of the income tax shall be no higher than the
highest rate being levied by a municipal corporation that is a
party to the contract.

(1) Within one hundred eighty days after the first meeting of
the board of directors, the board may levy an income tax, provided
that the rate of the income tax is first submitted to and approved
by the electors of the district at the succeeding regular or
primary election, or a special election called by the board,
occurring subsequent to seventy-five days after a certified copy
of the resolution levying the income tax and calling for the
election is filed with the board of elections. If the voters
approve the levy of the income tax, the income tax shall be in
force for the full period of the contract establishing the
district. Any increase in the rate of an income tax that was first
levied within one hundred eighty days after the first meeting of
the board of directors shall be approved by a vote of the electors
of the district, shall be in force for the remaining period of the
contract establishing the district, and shall not be subject to
division (F)(2) of this section.

(2) Any resolution of the board of directors levying an
income tax that is adopted subsequent to one hundred eighty days
after the first meeting of the board of directors shall be subject
to a referendum as provided in division (F)(2) of this section.
Any resolution of the board of directors levying an income tax
that is adopted subsequent to one hundred eighty days after the
first meeting of the board of directors shall be subject to an
initiative proceeding to amend or repeal the resolution levying
the income tax as provided in division (F)(2) of this section.
When a referendum petition, signed by ten per cent of the number
of electors in the district who voted for the office of governor

at the most recent general election for the office of governor, is 3341
filed with the county auditor of each county within which a party 3342
to the contract is located within thirty days after the resolution 3343
is adopted by the board or when an initiative petition, signed by 3344
ten per cent of the number of electors in the district who voted 3345
for the office of governor at the most recent general election for 3346
the office of governor, is filed with the county auditor of each 3347
such county ordering that a resolution to amend or repeal a prior 3348
resolution levying an income tax be submitted to the electors 3349
within the district for their approval or rejection, the county 3350
auditor of each such county, after ten days and not later than 3351
four p.m. of the seventy-fifth day before the election, shall 3352
certify the text of the resolution to the board of elections of 3353
that county. The county auditor of each such county shall retain 3354
the petition. The board of elections shall submit the resolution 3355
to such electors, for their approval or rejection, at the next 3356
general, primary, or special election occurring subsequent to 3357
seventy-five days after the certifying of such petition to the 3358
board of elections. 3359

(3) Whenever a district is located in the territory of more 3360
than one contracting party, a majority vote of the electors, if 3361
any, in each of the several portions of the territory of the 3362
contracting parties constituting the district approving the levy 3363
of the tax is required before it may be imposed pursuant to this 3364
division. 3365

(4) If there are no electors residing in the district, no 3366
election for the approval or rejection of an income tax shall be 3367
held pursuant to this section, provided that where no electors 3368
reside in the district, the maximum rate of the income tax that 3369
may be levied shall not exceed one per cent. 3370

(5) The board of directors of a district levying an income 3371
tax shall enter into an agreement with one of the municipal 3372

corporations that is a party to the contract to administer, 3373
collect, and enforce the income tax on behalf of the district. The 3374
resolution levying the income tax shall provide the same credits, 3375
if any, to residents of the district for income taxes paid to 3376
other such districts or municipal corporations where the residents 3377
work, as credits provided to residents of the municipal 3378
corporation administering the income tax. 3379

(6)(a) The board shall publish or post public notice within 3380
the district of any resolution adopted levying an income tax in 3381
the same manner required of municipal corporations under sections 3382
731.21 and 731.25 of the Revised Code. 3383

(b) Except as otherwise specified by this division, any 3384
referendum or initiative proceeding within a district shall be 3385
conducted in the same manner as is required for such proceedings 3386
within a municipal corporation pursuant to sections 731.28 to 3387
731.40 of the Revised Code. 3388

(G) Membership on the board of directors does not constitute 3389
the holding of a public office or employment within the meaning of 3390
any section of the Revised Code or any charter provision 3391
prohibiting the holding of other public office or employment, and 3392
shall not constitute an interest, either direct or indirect, in a 3393
contract or expenditure of money by any municipal corporation, 3394
township, county, or other political subdivision with which the 3395
member may be connected. No member of a board of directors shall 3396
be disqualified from holding any public office or employment, nor 3397
shall such member forfeit or be disqualified from holding any such 3398
office or employment, by reason of the member's membership on the 3399
board of directors, notwithstanding any law or charter provision 3400
to the contrary. 3401

(H) The powers and authorizations granted pursuant to this 3402
section or section 715.71 of the Revised Code are in addition to 3403

and not in derogation of all other powers granted to municipal corporations and townships pursuant to law. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a municipal corporation may exercise all of the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a township may exercise all of the powers of a township, and may perform all the functions and duties of a township, within the district, pursuant to and to the extent consistent with the contract. The district board of directors has no powers except those specifically set forth in the contract as agreed to by the participating parties. ~~No political subdivision shall authorize or grant any tax exemption pursuant to Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district, except that a political subdivision that is a contracting party may grant a tax exemption under section 5709.62, 5709.63, or 5709.632 of the Revised Code on property located within the district, with the consent of the other contracting parties. The prohibition for any tax exemption pursuant to this division shall not apply to any exemption filed, pending, or approved, or for which an agreement has been entered into, before the effective date of the contract entered into by the parties.~~

(I) Municipal corporations and townships may enter into binding agreements pursuant to a contract authorized under this section or section 715.71 of the Revised Code with respect to the substance and administration of zoning and other land use regulations, building codes, public permanent improvements, and

other regulatory and proprietary matters that are determined, 3436
pursuant to the contract, to be for a public purpose and to be 3437
desirable with respect to the operation of the district or to 3438
facilitate new or expanded economic development in the state or 3439
the district, provided that no contract shall exempt the territory 3440
within the district from the procedures and processes of land use 3441
regulation applicable pursuant to municipal corporation, township, 3442
and county regulations, including but not limited to procedures 3443
and processes concerning zoning. 3444

(J) A contract entered into pursuant to this section or 3445
section 715.71 of the Revised Code may be amended and it may be 3446
renewed, canceled, or terminated as provided in or pursuant to the 3447
contract. The contract may be amended to add property owned by one 3448
of the contracting parties to the district, or may be amended to 3449
delete property from the district whether or not one of the 3450
contracting parties owns the deleted property. The contract shall 3451
continue in existence throughout its term and shall be binding on 3452
the contracting parties and on any entities succeeding to such 3453
parties, whether by annexation, merger, or otherwise. The income 3454
tax levied by the board pursuant to this section or section 715.71 3455
of the Revised Code shall apply in the entire district throughout 3456
the term of the contract, notwithstanding that all or a portion of 3457
the district becomes subject to annexation, merger, or 3458
incorporation. No township or municipal corporation is divested of 3459
its rights or obligations under the contract because of 3460
annexation, merger, or succession of interests. 3461

(K) After the creation of a joint economic development 3462
district described in division (A)(2) of this section, a municipal 3463
corporation that is a contracting party may cease to own property 3464
included in the district, but such property shall continue to be 3465
included in the district and subject to the terms of the contract. 3466

Sec. 715.81. The powers granted under sections 715.72 to 3467
715.81 of the Revised Code are in addition to and not in the 3468
derogation of all other powers granted to municipal corporations 3469
and townships pursuant to law. When exercising a power or 3470
performing a function or duty under a contract entered into under 3471
section 715.72 of the Revised Code, a municipal corporation may 3472
exercise all of the powers of a municipal corporation, and may 3473
perform all the functions and duties of a municipal corporation, 3474
within the joint economic development district, pursuant to and to 3475
the extent consistent with the contract. When exercising a power 3476
or performing a function or duty under a contract entered into 3477
under either section 715.72 or section 715.691 of the Revised 3478
Code, a township may exercise all of the powers of a township, and 3479
may perform all the functions and duties of a township, within the 3480
joint economic development district, or joint economic development 3481
zone that is subject to division (I)(2) of section 715.691 of the 3482
Revised Code, pursuant to and to the extent consistent with the 3483
contract. ~~No political subdivision shall grant any tax exemption 3484~~
~~under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 3485~~
~~5709.632 of the Revised Code on any property located within the 3486~~
~~district, or zone that is subject to division (I)(2) of section 3487~~
~~715.691 of the Revised Code, except that a political subdivision 3488~~
~~that is a contracting party may grant a tax exemption under 3489~~
~~section 5709.62, 5709.63, or 5709.632 of the Revised Code on 3490~~
~~property located within the district, or zone that is subject to 3491~~
~~division (I)(2) of section 715.691 of the Revised Code, with the 3492~~
~~consent of the other contracting parties. The prohibition against 3493~~
~~granting a tax exemption under this section does not apply to any 3494~~
~~exemption filed, pending, or approved before the effective date of 3495~~
~~the contract entered into under either section 715.72 or section 3496~~
~~715.691 of the Revised Code. 3497~~

Sec. 1520.02. (A) The director of natural resources has 3498
exclusive authority to administer, manage, and establish policies 3499
governing canal lands. 3500

(B)(1) Except as provided in division (C) of this section, 3501
the director may sell, lease, exchange, give, or grant all or part 3502
of the state's interest in any canal lands in accordance with 3503
section 1501.01 of the Revised Code. The director may stipulate 3504
that an appraisal or survey need not be conducted for, and may 3505
establish any terms or conditions that the director determines 3506
appropriate for, any such conveyance. 3507

Prior to proposing the conveyance of any canal lands, the 3508
director shall consider the local government needs and economic 3509
development potential with respect to the canal lands and the 3510
recreational, ecological, and historical value of the canal lands. 3511
In addition, the conveyance of canal lands shall be conducted in 3512
accordance with the director's policies governing the protection 3513
and conservation of canal lands established under this section. 3514

(2) With regard to canal lands, the chief of the division of 3515
water, with the approval of the director, may sell, lease, or 3516
transfer minerals or mineral rights when the chief and the 3517
director determine that the sale, lease, or transfer is in the 3518
best interest of the state. Consideration for minerals and mineral 3519
rights shall be by rental or on a royalty basis as prescribed by 3520
the chief and payable as prescribed by contract. Moneys collected 3521
under division (B)(2) of this section shall be paid into the state 3522
treasury to the credit of the canal lands fund created in section 3523
1520.05 of the Revised Code. 3524

(C)(1) Not later than one year after July 1, 1989, the 3525
director of transportation and the director of the Ohio historical 3526
society shall identify all canal lands that are or may be of use 3527
to any program operated by the department of transportation or the 3528

Ohio historical society, respectively, and shall notify the 3529
director of natural resources of those lands. The director of 3530
natural resources may transfer any canal lands so identified to 3531
the exclusive care, custody, and control of the department of 3532
transportation or the Ohio historical society, as applicable, by 3533
means of a departmental transfer not later than six months after 3534
receiving notification under division (C)(1) of this section. 3535

(2) The director of natural resources may transfer to the 3536
Ohio historical society any equipment, maps, and records used on 3537
or related to canal lands that are of historical interest and that 3538
are not needed by the director to administer this chapter. 3539

(D) If the director of natural resources determines that any 3540
canal lands are a necessary part of a county's drainage or ditch 3541
system and are not needed for any purpose of the department of 3542
natural resources, the director may sell, grant, or otherwise 3543
convey those canal lands to that county in accordance with 3544
division (B) of this section. The board of county commissioners 3545
shall accept the transfer of canal lands. 3546

(E) Notwithstanding any other section of the Revised Code, 3547
the county auditor shall transfer any canal lands conveyed under 3548
this section, and the county recorder shall record the deed for 3549
those lands in accordance with section 317.12 of the Revised Code. 3550
This division does not apply to canal lands transferred under 3551
division (C)(1) of this section. 3552

Sec. 2301.02. The number of judges of the court of common 3553
pleas for each county, the time for the next election of the 3554
judges in the several counties, and the beginning of their terms 3555
shall be as follows: 3556

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 3557
elected in 1956, term to begin February 9, 1957; 3558

In Brown, Crawford, Defiance, Highland, Holmes, Morgan,	3559
Ottawa, and Union counties, one judge, to be elected in 1954, term	3560
to begin February 9, 1955;	3561
In Auglaize county, one judge, to be elected in 1956, term to	3562
begin January 9, 1957;	3563
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,	3564
Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and	3565
Wyandot counties, one judge, to be elected in 1956, term to begin	3566
January 1, 1957;	3567
In Morrow county, two judges, one to be elected in 1956, term	3568
to begin January 1, 1957, and one to be elected in 2006, term to	3569
begin January 1, 2007;	3570
In Logan county, two judges, one to be elected in 1956, term	3571
to begin January 1, 1957, and one to be elected in 2004, term to	3572
begin January 2, 2005;	3573
In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway,	3574
Preble, Shelby, Van Wert, and Williams counties, one judge, to be	3575
elected in 1952, term to begin January 1, 1953;	3576
In Harrison and Noble counties, one judge, to be elected in	3577
1954, term to begin April 18, 1955;	3578
In Henry county, two judges, one to be elected in 1956, term	3579
to begin May 9, 1957, and one to be elected in 2004, term to begin	3580
January 1, 2005;	3581
In Putnam county, one judge, to be elected in 1956, term to	3582
begin May 9, 1957;	3583
In Huron county, one judge, to be elected in 1952, term to	3584
begin May 14, 1953;	3585
In Perry county, one judge, to be elected in 1954, term to	3586
begin July 6, 1956;	3587

In Sandusky county, ~~Five~~ two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;

(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;

In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;

In Athens county, two judges, one to be elected in 1954, term to begin February 9, 1955, and one to be elected in 1990, term to begin July 1, 1991;

In Erie county, four judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1970, term to begin January 2, 1971, the third to be elected in 2004, term to begin January 2, 2005, and the fourth to be elected in 2008, term to begin February 9, 2009;

In Fairfield county, three judges, one to be elected in 1954, term to begin February 9, 1955, the second to be elected in 1970, term to begin January 1, 1971, and the third to be elected in 1994, term to begin January 2, 1995;

In Geauga county, two judges, one to be elected in 1956, term to begin January 1, 1957, and the second to be elected in 1976, term to begin January 6, 1977;

In Greene county, four judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1960, term to begin January 1, 1961, the third to be elected in 1978, term to begin January 2, 1979, and the fourth to be elected in

1994, term to begin January 1, 1995; 3618

In Hancock county, two judges, one to be elected in 1952, 3619
term to begin January 1, 1953, and the second to be elected in 3620
1978, term to begin January 1, 1979; 3621

In Lawrence county, two judges, one to be elected in 1954, 3622
term to begin February 9, 1955, and the second to be elected in 3623
1976, term to begin January 1, 1977; 3624

In Marion county, three judges, one to be elected in 1952, 3625
term to begin January 1, 1953, the second to be elected in 1976, 3626
term to begin January 2, 1977, and the third to be elected in 3627
1998, term to begin February 9, 1999; 3628

In Medina county, three judges, one to be elected in 1956, 3629
term to begin January 1, 1957, the second to be elected in 1966, 3630
term to begin January 1, 1967, and the third to be elected in 3631
1994, term to begin January 1, 1995; 3632

In Miami county, two judges, one to be elected in 1954, term 3633
to begin February 9, 1955, and one to be elected in 1970, term to 3634
begin on January 1, 1971; 3635

In Muskingum county, three judges, one to be elected in 1968, 3636
term to begin August 9, 1969, one to be elected in 1978, term to 3637
begin January 1, 1979, and one to be elected in 2002, term to 3638
begin January 2, 2003; 3639

In Portage county, three judges, one to be elected in 1956, 3640
term to begin January 1, 1957, the second to be elected in 1960, 3641
term to begin January 1, 1961, and the third to be elected in 3642
1986, term to begin January 2, 1987; 3643

In Ross county, two judges, one to be elected in 1956, term 3644
to begin February 9, 1957, and the second to be elected in 1976, 3645
term to begin January 1, 1977; 3646

In Scioto county, three judges, one to be elected in 1954, 3647

term to begin February 10, 1955, the second to be elected in 1960, 3648
term to begin January 1, 1961, and the third to be elected in 3649
1994, term to begin January 2, 1995; 3650

In Seneca county, two judges, one to be elected in 1956, term 3651
to begin January 1, 1957, and the second to be elected in 1986, 3652
term to begin January 2, 1987; 3653

In Warren county, four judges, one to be elected in 1954, 3654
term to begin February 9, 1955, the second to be elected in 1970, 3655
term to begin January 1, 1971, the third to be elected in 1986, 3656
term to begin January 1, 1987, and the fourth to be elected in 3657
2004, term to begin January 2, 2005; 3658

In Washington county, two judges, one to be elected in 1952, 3659
term to begin January 1, 1953, and one to be elected in 1986, term 3660
to begin January 1, 1987; 3661

In Wood county, three judges, one to be elected in 1968, term 3662
beginning January 1, 1969, the second to be elected in 1970, term 3663
to begin January 2, 1971, and the third to be elected in 1990, 3664
term to begin January 1, 1991; 3665

In Belmont and Jefferson counties, two judges, to be elected 3666
in 1954, terms to begin January 1, 1955, and February 9, 1955, 3667
respectively; 3668

In Clark county, four judges, one to be elected in 1952, term 3669
to begin January 1, 1953, the second to be elected in 1956, term 3670
to begin January 2, 1957, the third to be elected in 1986, term to 3671
begin January 3, 1987, and the fourth to be elected in 1994, term 3672
to begin January 2, 1995. 3673

In Clermont county, five judges, one to be elected in 1956, 3674
term to begin January 1, 1957, the second to be elected in 1964, 3675
term to begin January 1, 1965, the third to be elected in 1982, 3676
term to begin January 2, 1983, the fourth to be elected in 1986, 3677

term to begin January 2, 1987; and the fifth to be elected in 3678
2006, term to begin January 3, 2007; 3679

In Columbiana county, two judges, one to be elected in 1952, 3680
term to begin January 1, 1953, and the second to be elected in 3681
1956, term to begin January 1, 1957; 3682

In Delaware county, two judges, one to be elected in 1990, 3683
term to begin February 9, 1991, the second to be elected in 1994, 3684
term to begin January 1, 1995; 3685

In Lake county, six judges, one to be elected in 1958, term 3686
to begin January 1, 1959, the second to be elected in 1960, term 3687
to begin January 2, 1961, the third to be elected in 1964, term to 3688
begin January 3, 1965, the fourth and fifth to be elected in 1978, 3689
terms to begin January 4, 1979, and January 5, 1979, respectively, 3690
and the sixth to be elected in 2000, term to begin January 6, 3691
2001; 3692

In Licking county, four judges, one to be elected in 1954, 3693
term to begin February 9, 1955, one to be elected in 1964, term to 3694
begin January 1, 1965, one to be elected in 1990, term to begin 3695
January 1, 1991, and one to be elected in 2004, term to begin 3696
January 1, 2005; 3697

In Lorain county, ten judges, two to be elected in 1952, 3698
terms to begin January 1, 1953, and January 2, 1953, respectively, 3699
one to be elected in 1958, term to begin January 3, 1959, one to 3700
be elected in 1968, term to begin January 1, 1969, two to be 3701
elected in 1988, terms to begin January 4, 1989, and January 5, 3702
1989, respectively, two to be elected in 1998, terms to begin 3703
January 2, 1999, and January 3, 1999, respectively; one to be 3704
elected in 2006, term to begin January 6, 2007; and one to be 3705
elected in 2008, term to begin February 9, 2009, as described in 3706
division (C)(1)(c) of section 2301.03 of the Revised Code; 3707

In Butler county, eleven judges, one to be elected in 1956, 3708

term to begin January 1, 1957; two to be elected in 1954, terms to
begin January 1, 1955, and February 9, 1955, respectively; one to
be elected in 1968, term to begin January 2, 1969; one to be
elected in 1986, term to begin January 3, 1987; two to be elected
in 1988, terms to begin January 1, 1989, and January 2, 1989,
respectively; one to be elected in 1992, term to begin January 4,
1993; two to be elected in 2002, terms to begin January 2, 2003,
and January 3, 2003, respectively; and one to be elected in 2006,
term to begin January 3, 2007;

In Richland county, four judges, one to be elected in 1956,
term to begin January 1, 1957, the second to be elected in 1960,
term to begin February 9, 1961, the third to be elected in 1968,
term to begin January 2, 1969, and the fourth to be elected in
2004, term to begin January 3, 2005;

In Tuscarawas county, two judges, one to be elected in 1956,
term to begin January 1, 1957, and the second to be elected in
1960, term to begin January 2, 1961;

In Wayne county, two judges, one to be elected in 1956, term
beginning January 1, 1957, and one to be elected in 1968, term to
begin January 2, 1969;

In Trumbull county, six judges, one to be elected in 1952,
term to begin January 1, 1953, the second to be elected in 1954,
term to begin January 1, 1955, the third to be elected in 1956,
term to begin January 1, 1957, the fourth to be elected in 1964,
term to begin January 1, 1965, the fifth to be elected in 1976,
term to begin January 2, 1977, and the sixth to be elected in
1994, term to begin January 3, 1995;

(C) In Cuyahoga county, thirty-nine judges; eight to be
elected in 1954, terms to begin on successive days beginning from
January 1, 1955, to January 7, 1955, and February 9, 1955,
respectively; eight to be elected in 1956, terms to begin on

successive days beginning from January 1, 1957, to January 8, 3740
1957; three to be elected in 1952, terms to begin from January 1, 3741
1953, to January 3, 1953; two to be elected in 1960, terms to 3742
begin on January 8, 1961, and January 9, 1961, respectively; two 3743
to be elected in 1964, terms to begin January 4, 1965, and January 3744
5, 1965, respectively; one to be elected in 1966, term to begin on 3745
January 10, 1967; four to be elected in 1968, terms to begin on 3746
successive days beginning from January 9, 1969, to January 12, 3747
1969; two to be elected in 1974, terms to begin on January 18, 3748
1975, and January 19, 1975, respectively; five to be elected in 3749
1976, terms to begin on successive days beginning January 6, 1977, 3750
to January 10, 1977; two to be elected in 1982, terms to begin 3751
January 11, 1983, and January 12, 1983, respectively; and two to 3752
be elected in 1986, terms to begin January 13, 1987, and January 3753
14, 1987, respectively; 3754

In Franklin county, twenty-two judges; two to be elected in 3755
1954, terms to begin January 1, 1955, and February 9, 1955, 3756
respectively; four to be elected in 1956, terms to begin January 3757
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 3758
begin January 1, 1959, to January 4, 1959; three to be elected in 3759
1968, terms to begin January 5, 1969, to January 7, 1969; three to 3760
be elected in 1976, terms to begin on successive days beginning 3761
January 5, 1977, to January 7, 1977; one to be elected in 1982, 3762
term to begin January 8, 1983; one to be elected in 1986, term to 3763
begin January 9, 1987; two to be elected in 1990, terms to begin 3764
July 1, 1991, and July 2, 1991, respectively; one to be elected in 3765
1996, term to begin January 2, 1997; and one to be elected in 3766
2004, term to begin July 1, 2005; 3767

In Hamilton county, twenty-one judges; eight to be elected in 3768
1966, terms to begin January 1, 1967, January 2, 1967, and from 3769
February 9, 1967, to February 14, 1967, respectively; five to be 3770
elected in 1956, terms to begin from January 1, 1957, to January 3771

5, 1957; one to be elected in 1964, term to begin January 1, 1965; 3772
one to be elected in 1974, term to begin January 15, 1975; one to 3773
be elected in 1980, term to begin January 16, 1981; two to be 3774
elected at large in the general election in 1982, terms to begin 3775
April 1, 1983; one to be elected in 1990, term to begin July 1, 3776
1991; and two to be elected in 1996, terms to begin January 3, 3777
1997, and January 4, 1997, respectively; 3778

In Lucas county, fourteen judges; two to be elected in 1954, 3779
terms to begin January 1, 1955, and February 9, 1955, 3780
respectively; two to be elected in 1956, terms to begin January 1, 3781
1957, and October 29, 1957, respectively; two to be elected in 3782
1952, terms to begin January 1, 1953, and January 2, 1953, 3783
respectively; one to be elected in 1964, term to begin January 3, 3784
1965; one to be elected in 1968, term to begin January 4, 1969; 3785
two to be elected in 1976, terms to begin January 4, 1977, and 3786
January 5, 1977, respectively; one to be elected in 1982, term to 3787
begin January 6, 1983; one to be elected in 1988, term to begin 3788
January 7, 1989; one to be elected in 1990, term to begin January 3789
2, 1991; and one to be elected in 1992, term to begin January 2, 3790
1993; 3791

In Mahoning county, seven judges; three to be elected in 3792
1954, terms to begin January 1, 1955, January 2, 1955, and 3793
February 9, 1955, respectively; one to be elected in 1956, term to 3794
begin January 1, 1957; one to be elected in 1952, term to begin 3795
January 1, 1953; one to be elected in 1968, term to begin January 3796
2, 1969; and one to be elected in 1990, term to begin July 1, 3797
1991; 3798

In Montgomery county, fifteen judges; three to be elected in 3799
1954, terms to begin January 1, 1955, January 2, 1955, and January 3800
3, 1955, respectively; four to be elected in 1952, terms to begin 3801
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 3802
respectively; one to be elected in 1964, term to begin January 3, 3803

1965; one to be elected in 1968, term to begin January 3, 1969; 3804
three to be elected in 1976, terms to begin on successive days 3805
beginning January 4, 1977, to January 6, 1977; two to be elected 3806
in 1990, terms to begin July 1, 1991, and July 2, 1991, 3807
respectively; and one to be elected in 1992, term to begin January 3808
1, 1993. 3809

In Stark county, eight judges; one to be elected in 1958, 3810
term to begin on January 2, 1959; two to be elected in 1954, terms 3811
to begin on January 1, 1955, and February 9, 1955, respectively; 3812
two to be elected in 1952, terms to begin January 1, 1953, and 3813
April 16, 1953, respectively; one to be elected in 1966, term to 3814
begin on January 4, 1967; and two to be elected in 1992, terms to 3815
begin January 1, 1993, and January 2, 1993, respectively; 3816

In Summit county, thirteen judges; four to be elected in 3817
1954, terms to begin January 1, 1955, January 2, 1955, January 3, 3818
1955, and February 9, 1955, respectively; three to be elected in 3819
1958, terms to begin January 1, 1959, January 2, 1959, and May 17, 3820
1959, respectively; one to be elected in 1966, term to begin 3821
January 4, 1967; one to be elected in 1968, term to begin January 3822
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one 3823
to be elected in 1992, term to begin January 6, 1993; and two to 3824
be elected in 2008, terms to begin January 5, 2009, and January 6, 3825
2009, respectively. 3826

Notwithstanding the foregoing provisions, in any county 3827
having two or more judges of the court of common pleas, in which 3828
more than one-third of the judges plus one were previously elected 3829
at the same election, if the office of one of those judges so 3830
elected becomes vacant more than forty days prior to the second 3831
general election preceding the expiration of that judge's term, 3832
the office that that judge had filled shall be abolished as of the 3833
date of the next general election, and a new office of judge of 3834
the court of common pleas shall be created. The judge who is to 3835

fill that new office shall be elected for a six-year term at the 3836
next general election, and the term of that judge shall commence 3837
on the first day of the year following that general election, on 3838
which day no other judge's term begins, so that the number of 3839
judges that the county shall elect shall not be reduced. 3840

Judges of the probate division of the court of common pleas 3841
are judges of the court of common pleas but shall be elected 3842
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 3843
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot 3844
counties in which the judge of the court of common pleas elected 3845
pursuant to this section also shall serve as judge of the probate 3846
division, except in Lorain county in which the judges of the 3847
domestic relations division of the Lorain county court of common 3848
pleas elected pursuant to this section also shall perform the 3849
duties and functions of the judge of the probate division, and 3850
except in Morrow county in which the ~~successors to the judge~~ 3851
judges of the court of common pleas elected ~~in 1956~~ pursuant to 3852
this section also shall ~~serve as~~ perform the duties and functions 3853
of the judge of the probate division. 3854

Sec. 2305.26. (A) An action by the state or an agency or 3855
political subdivision of the state to enforce a lien upon real or 3856
personal property created under and by virtue of section 1901.21, 3857
2505.13, 2937.25, 4123.76, 4123.78, 4141.23, 4509.60, or 5719.04 3858
of the Revised Code shall be brought within ~~twelve~~ fifteen years 3859
from the date when the lien or notice of continuation of the lien 3860
has been filed in the office of the county recorder. The 3861
fifteen-year limitation period applies to liens and notices of 3862
continuation of liens filed before, on, or after the effective 3863
date of the amendment of this section by of the 126th 3864
general assembly. 3865

(B)(1) Except as otherwise provided in division (B)(2) of 3866

this section, beginning February 1, 2007, a notice of continuation
of lien may be filed in the office of the county recorder within
six months prior to the expiration of the ~~twelve-year~~ fifteen-year
period following the original filing of the lien or the filing of
the notice of continuation of the lien as specified in division
(A) of this section. The notice must identify the original notice
of lien and state that the original lien is still effective. Upon
timely filing of a notice of continuation of lien, the
effectiveness of the original lien is continued for ~~twelve~~ fifteen
years after the last date on which the lien was effective,
whereupon it lapses, unless another notice of continuation of lien
is filed prior to the lapse. Succeeding notices of continuation of
lien may be filed in the same manner to continue the effectiveness
of the original lien.

(2) As used in division (B)(2) of this section, "interim
period" means the period beginning September 26, 2003, and ending
~~the day before the effective date of Sub. H.B. 390 of the 126th~~
~~general assembly~~ September 27, 2006.

Division (B)(2) of this section applies only to liens
enforceable by an action subject to the limitation of division (A)
of this section on September 25, 2003, as this section existed on
that date, and notice of continuation of which would have had to
have been filed under division (B) of this section, as this
section existed on that date, during the interim period if this
section had been in effect during the interim period.

Notice of continuation of such a lien may be filed as
otherwise provided in division (B)(1) of this section, except the
notice shall be filed within six months prior to the expiration of
~~three~~ fifteen years following the expiration of the six-year
period within which such notice was required to have been filed
under this section as this section existed on September 25, 2003,
~~or by February 1, 2007, whichever is later.~~

(C) The recorder shall mark each notice of continuation of 3899
lien with a consecutive file number and with the date of filing 3900
and shall hold the notice open for public inspection. In addition, 3901
the recorder shall index the notices according to the names of the 3902
person against whom they are effective, and shall note in the 3903
index the file numbers of the notices. Except in cases of liens 3904
arising under section 5719.04 of the Revised Code, the recorder 3905
shall mark the record of the original lien "continued" and note 3906
thereon the date on which the notice of continuation of lien was 3907
filed. The recorder may remove a lapsed lien or lapsed notice of 3908
continuation of lien from the file and destroy it. ~~For any 3909~~
~~services performed under this section, the county recorder shall 3910~~
~~charge and collect the fees set forth in section 317.32 of the 3911~~
~~Revised Code.~~ 3912

(D) A notice of continuation of lien must be signed and filed 3913
by the clerk of the court or the magistrate in cases of liens 3914
arising under sections 1901.21, 2505.13, and 2937.25 of the 3915
Revised Code, by the industrial commission in cases of liens 3916
arising under sections 4123.76 and 4123.78 of the Revised Code, by 3917
the director of job and family services in cases of liens arising 3918
under section 4141.23 of the Revised Code, by the registrar of 3919
motor vehicles in cases of liens arising under section 4509.60 of 3920
the Revised Code, and by the county auditor in cases of liens 3921
arising under section 5719.04 of the Revised Code. 3922

Sec. 2329.07. (A)(1) If neither execution on a judgment 3923
rendered in a court of record or certified to the clerk of the 3924
court of common pleas in the county in which the judgment was 3925
rendered is issued, nor a certificate of judgment for obtaining a 3926
lien upon lands and tenements is issued and filed, as provided in 3927
sections 2329.02 and 2329.04 of the Revised Code, within five 3928
years from the date of the judgment or within five years from the 3929

date of the issuance of the last execution thereon or the issuance 3930
and filing of the last such certificate, whichever is later, then, 3931
unless the judgment is in favor of the state, the judgment shall 3932
be dormant and shall not operate as a lien upon the estate of the 3933
judgment debtor. 3934

(2) If the judgment is in favor of the state, the judgment 3935
shall not become dormant and shall not cease to operate as a lien 3936
against the estate of the judgment debtor provided that either 3937
execution on the judgment is issued or a certificate of judgment 3938
is issued and filed, as provided in sections 2329.02 and 2329.04 3939
of the Revised Code, within ten years from the date of the 3940
judgment or within ~~twelve~~ fifteen years from the date of the 3941
issuance of the last execution thereon or the issuance and filing 3942
of the last such certificate, whichever is later, except as 3943
otherwise provided in division (C) of this section. The 3944
fifteen-year limitation period applies to executions issued and 3945
certificates of judgments issued and filed before, on, or after 3946
the effective date of the amendment of this section by 3947
of the 126th general assembly. 3948

(B) If, in any county other than that in which a judgment was 3949
rendered, the judgment has become a lien by reason of the filing, 3950
in the office of the clerk of the court of common pleas of that 3951
county, of a certificate of the judgment as provided in sections 3952
2329.02 and 2329.04 of the Revised Code, and if no execution is 3953
issued for the enforcement of the judgment within that county, or 3954
no further certificate of the judgment is filed in that county, 3955
within five years or, if the judgment is in favor of the state, 3956
within ~~twelve~~ fifteen years from the date of issuance of the last 3957
execution for the enforcement of the judgment within that county 3958
or the date of filing of the last certificate in that county, 3959
whichever is the later, then the judgment shall cease to operate 3960
as a lien upon lands and tenements of the judgment debtor within 3961

that county, except as otherwise provided in division (C) of this 3962
section. The fifteen-year limitation period applies to executions 3963
issued and certificates of judgments issued and filed before, on, 3964
or after the effective date of the amendment of this section by 3965
..... of the 126th general assembly. 3966

(C)(1) As used in division (C) of this section, "interim 3967
period" means the period beginning September 26, 2003, and ending 3968
~~the day before the effective date of Sub. H.B. 390 of the 126th~~ 3969
~~general assembly~~ September 27, 2006. 3970

(2) Division (C) of this section applies only to judgments in 3971
favor of the state that are subject to this section and to which 3972
both of the following apply: 3973

(a) The first issuance of execution on the judgment, or the 3974
first issuance and filing of the certificate of judgment, was 3975
issued or issued and filed within the ten-year period provided in 3976
this section before the beginning of the interim period; 3977

(b) Subsequent issuance of execution on the judgment or 3978
subsequent issuance and filing of the certificate of judgment 3979
would have been required during the interim period in order to 3980
keep the lien from becoming dormant under this section as this 3981
section existed on September 25, 2003, and as if this section as 3982
it existed on that date had been in effect during the interim 3983
period. 3984

(3) Such a judgment shall not become dormant and shall not 3985
cease to operate as a lien against the estate of the judgment 3986
debtor if either execution on the judgment is issued or a 3987
certificate of judgment is issued and filed, as provided in 3988
sections 2329.02 and 2329.04 of the Revised Code, within ~~three~~ 3989
fifteen years after the expiration of the ten-year period 3990
following issuance of the last execution on the judgment or 3991
following the issuance and filing of the last such certificate, 3992

whichever is later. 3993

~~Each~~ Sec. 2701.06. ~~The secretary of state shall transmit each~~ 3994
commission issued by the governor to a judge of the court of 3995
appeals or a judge of the court of common pleas ~~shall be~~ 3996
~~transmitted by the secretary of state,~~ to the clerk of the court 3997
of common pleas of the county in which ~~such~~ that judge resides. 3998
~~Such~~ The clerk shall receive the commission and forthwith transmit 3999
it to the person entitled ~~thereto~~ to it. ~~Within twenty days after~~ 4000
~~he has received such commission, such~~ The person shall take the 4001
oath ~~required by~~ as provided in Section 7 of Article XV, Ohio 4002
Constitution and sections 3.22 and 3.23 of the Revised Code, ~~and~~ 4003
~~transmit a certificate thereof to such clerk, signed by the~~ 4004
~~officer administering such oath.~~ 4005

~~If such certificate is not transmitted to the clerk within~~ 4006
~~twenty days, the person entitled to receive such commission is~~ 4007
~~deemed to have refused to accept the office, and such office shall~~ 4008
~~be considered vacant. The clerk shall forthwith certify the fact~~ 4009
~~to the governor who shall fill the vacancy.~~ 4010

~~Sec. 206.09.84~~ 3310.41. (A) As used in this section: 4011

(1) "Alternative public provider" means either of the 4012
following providers that agrees to enroll a child in the 4013
provider's special education program to implement the child's 4014
individualized education program and to which the child's parent 4015
owes fees for the services provided to the child: 4016

(a) A school district that is not the school district in 4017
which the child is entitled to attend school; 4018

(b) A public entity other than a school district. 4019

(2) "Entitled to attend school" means entitled to attend 4020
school in a school district under section 3313.64 or 3313.65 of 4021
the Revised Code. 4022

~~(2)~~(3) "Formula ADM" and "category six special education ADM" 4023
have the same meanings as in section 3317.02 of the Revised Code. 4024

~~(3)~~ ~~"Individualized~~ (4) "Handicapped preschool child" and 4025
"individualized education program" ~~has~~ have the same ~~meaning~~ 4026
meanings as in section 3323.01 of the Revised Code. 4027

~~(4)~~(5) "Parent" has the same meaning as in section 3313.64 of 4028
the Revised Code, except that "parent" does not mean a parent 4029
whose custodial rights have been terminated. 4030

~~(5)~~(6) "Preschool scholarship ADM" means the number of 4031
handicapped preschool children reported under division (B)(3)(h) 4032
of section 3317.03 of the Revised Code. 4033

(7) "Qualified special education child" is a child for whom 4034
all of the following conditions apply: 4035

(a) The school district in which the child is entitled to 4036
attend school has identified the child as autistic. A child who 4037
has been identified as having a "pervasive developmental disorder 4038
- not otherwise specified (PPD-NOS)" shall be considered to be an 4039
autistic child for purposes of this section. 4040

(b) The school district in which the child is entitled to 4041
attend school has developed an individualized education program 4042
under Chapter 3323. of the Revised Code for the child. 4043

(c) The child either: 4044

(i) Was enrolled in the school district in which the child is 4045
entitled to attend school in any grade from preschool through 4046
twelve in the school year prior to the year in which a scholarship 4047
under this section is first sought for the child; or 4048

(ii) Is eligible to enter school in any grade preschool 4049
through twelve in the school district in which the child is 4050
entitled to attend school in the school year in which a 4051
scholarship under this section is first sought for the child. 4052

~~(6)~~(8) "Registered private provider" means a nonpublic school
or other nonpublic entity that has been approved by the Department
of Education to participate in the program established under this
section.

(B) There is hereby established the ~~Pilot Project Special~~
~~Education Scholarship Program~~ autism scholarship program. Under
the program, ~~in fiscal years 2006 and 2007, the Department~~
department of Education education shall pay a scholarship to the
parent of each qualified special education child upon application
of that parent pursuant to procedures and deadlines established by
rule of the ~~State Board~~ state board of ~~Education~~ education. Each
scholarship shall be used only to pay tuition for the child on
whose behalf the scholarship is awarded to attend a special
education program that implements the child's individualized
education program and that is operated by ~~a school district other~~
~~than the school district in which the child is entitled to attend~~
~~school, by another public entity, an alternative public provider~~
or by a registered private provider. Each scholarship shall be in
an amount not to exceed the lesser of the tuition charged for the
child by the special education program or twenty thousand dollars.
The purpose of the scholarship is to permit the parent of a
qualified special education child the choice to send the child to
a special education program, instead of the one operated by or for
the school district in which the child is entitled to attend
school, to receive the services prescribed in the child's
individualized education program once the individualized education
program is finalized. A scholarship under this section shall not
be awarded to the parent of a child while the child's
individualized education program is being developed by the school
district in which the child is entitled to attend school, or while
any administrative or judicial mediation or proceedings with
respect to the content of the child's individualized education

program are pending. A scholarship under this section shall not be 4085
used for a child to attend a public special education program that 4086
operates under a contract, compact, or other bilateral agreement 4087
between the school district in which the child is entitled to 4088
attend school and another school district or other public 4089
provider, or for a child to attend a community school established 4090
under Chapter 3314. of the Revised Code. However, nothing in this 4091
section or in any rule adopted by the ~~State Board of Education~~ 4092
state board shall prohibit a parent whose child attends a public 4093
special education program under a contract, compact, or other 4094
bilateral agreement, or a parent whose child attends a community 4095
school, from applying for and accepting a scholarship under this 4096
section so that the parent may withdraw the child from that 4097
program or community school and use the scholarship for the child 4098
to attend a special education program for which the parent is 4099
required to pay for services for the child. A child attending a 4100
special education program with a scholarship under this section 4101
shall continue to be entitled to transportation to and from that 4102
program in the manner prescribed by law. 4103

(C)(1) ~~Notwithstanding anything to the contrary in As~~ 4104
prescribed in divisions (A)(2)(h), (B)(3)(g), and (B)(10) of 4105
section 3317.03 of the Revised Code, a child who is not a 4106
handicapped preschool child for whom a scholarship is awarded 4107
under this section shall be counted in the formula ADM and the 4108
category six special education ADM of the district in which the 4109
child is entitled to attend school and not in the formula ADM and 4110
the category six special education ADM of any other school 4111
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 4112
section 3317.03 of the Revised Code, a child who is a handicapped 4113
preschool child for whom a scholarship is awarded under this 4114
section shall be counted in the preschool scholarship ADM and 4115
category six special education ADM of the school district in which 4116
the child is entitled to attend school and not in the preschool 4117

scholarship ADM or category six special education ADM of any other 4118
school district. 4119

(2) In each fiscal year, the ~~Department~~ department shall 4120
deduct from the amounts paid to each school district under Chapter 4121
3317. of the Revised Code, and, if necessary, sections 321.24 and 4122
323.156 of the Revised Code, the aggregate amount of scholarships 4123
awarded under this section for qualified special education 4124
children included in the formula ADM, or preschool scholarship 4125
ADM, and in the category six special education ADM of that school 4126
district as provided in division (C)(1) of this section. The 4127
scholarships deducted shall be considered as an approved special 4128
education and related services expense for the purpose of the 4129
school district's compliance with division (C)(5) of section 4130
3317.022 of the Revised Code. 4131

(3) From time to time, the ~~Department~~ department shall make a 4132
payment to the parent of each qualified special education child 4133
for whom a scholarship has been awarded under this section. The 4134
scholarship amount shall be proportionately reduced in the case of 4135
any such child who is not enrolled in the special education 4136
program for which a scholarship was awarded under this section for 4137
the entire school year. The ~~Department~~ department shall make no 4138
payments to the parent of a child while any administrative or 4139
judicial mediation or proceedings with respect to the content of 4140
the child's individualized education program are pending. 4141

(D) A scholarship shall not be paid to a parent for payment 4142
of tuition owed to a nonpublic entity unless that entity is a 4143
registered private provider. The ~~Department~~ department shall 4144
approve entities that meet the standards established by rule of 4145
the ~~State Board~~ state board for the program established under this 4146
section. 4147

(E) The ~~State Board~~ state board shall adopt rules under 4148
Chapter 119. of the Revised Code prescribing procedures necessary 4149

to implement this section, including, but not limited to, 4150
procedures and deadlines for parents to apply for scholarships, 4151
standards for registered private providers, and procedures for 4152
approval of entities as registered private providers. ~~The Board~~ 4153
~~shall adopt the rules so that the program established under this~~ 4154
~~section is operational by January 1, 2004.~~ 4155

Sec. 3317.013. ~~This~~ Except for a handicapped preschool child 4156
for whom a scholarship has been awarded under section 3310.41 of 4157
the Revised Code, this section does not apply to handicapped 4158
preschool students. 4159

Analysis of special education cost data has resulted in a 4160
finding that the average special education additional cost per 4161
pupil, including the costs of related services, can be expressed 4162
as a multiple of the base cost per pupil calculated under section 4163
3317.012 of the Revised Code. The multiples for the following 4164
categories of special education programs, as these programs are 4165
defined for purposes of Chapter 3323. of the Revised Code, and 4166
adjusted as provided in this section, are as follows: 4167

(A) A multiple of 0.2892 for students whose primary or only 4168
identified handicap is a speech and language handicap, as this 4169
term is defined pursuant to Chapter 3323. of the Revised Code; 4170

(B) A multiple of 0.3691 for students identified as specific 4171
learning disabled or developmentally handicapped, as these terms 4172
are defined pursuant to Chapter 3323. of the Revised Code, or 4173
other health handicapped-minor; 4174

(C) A multiple of 1.7695 for students identified as hearing 4175
handicapped, vision impaired, or severe behavior handicapped, as 4176
these terms are defined pursuant to Chapter 3323. of the Revised 4177
Code; 4178

(D) A multiple of 2.3646 for students identified as 4179

orthopedically handicapped, as this term is defined pursuant to 4180
Chapter 3323. of the Revised Code or other health handicapped - 4181
major; 4182

(E) A multiple of 3.1129 for students identified as 4183
multihandicapped, as this term is defined pursuant to Chapter 4184
3323. of the Revised Code; 4185

(F) A multiple of 4.7342 for students identified as autistic, 4186
having traumatic brain injuries, or as both visually and hearing 4187
disabled, as these terms are defined pursuant to Chapter 3323. of 4188
the Revised Code. 4189

In fiscal year 2004, the multiples specified in divisions (A) 4190
to (F) of this section shall be adjusted by multiplying them by 4191
0.88. In fiscal years 2005, 2006, and 2007, the multiples 4192
specified in those divisions shall be adjusted by multiplying them 4193
by 0.90. 4194

Not later than the thirtieth day of May in 2004, 2005, 2006, 4195
and 2007, the department shall submit to the office of budget and 4196
management a report that specifies for each city, local, exempted 4197
village, and joint vocational school district the fiscal year 4198
allocation of the state and local shares of special education and 4199
related services additional weighted funding and federal special 4200
education funds passed through to the district. 4201

Sec. 3317.022. (A) The department of education shall compute 4202
and distribute state base cost funding to each school district for 4203
the fiscal year using the information obtained under section 4204
3317.021 of the Revised Code in the calendar year in which the 4205
fiscal year begins. 4206

(1) Compute the following for each eligible district: 4207

$$\{[(\text{cost-of-doing-business factor} \times$$
 4208

the formula amount \times (formula ADM + preschool scholarship ADM)] + 4209

the sum of the base funding supplements 4210
prescribed in divisions (C)(1) to (4) 4211
of section 3317.012 of the Revised Code~~}]~~ - 4212
[.023 x (the sum of recognized valuation 4213
and property exemption value)] 4214

If the difference obtained is a negative number, the 4215
district's computation shall be zero. 4216

(2) Compute both of the following for each school district: 4217

(a) The difference of (i) the district's fiscal year 2005 4218
base cost payment under the version of division (A)(1) of this 4219
section in effect in fiscal year 2005, minus (ii) the amount 4220
computed for the district for the current fiscal year under 4221
current division (A)(1) of this section; 4222

(b) The following amount: 4223

[(fiscal year 2005 base cost payment/fiscal 4224
year 2005 formula ADM) X 4225
(current year formula ADM + preschool scholarship ADM)] minus 4226
the amount computed for the district 4227
under current division (A)(1) of this section 4228

If one of the amounts computed under division (A)(2)(a) or 4229
(b) of this section is a positive amount, the department shall pay 4230
the district that amount in addition to the amount calculated 4231
under division (A)(1) of this section. If both amounts are 4232
positive amounts, the department shall pay the district the lesser 4233
of the two amounts in addition to the amount calculated under 4234
division (A)(1) of this section. 4235

(3)(a) For each school district for which the tax exempt 4236
value of the district equals or exceeds twenty-five per cent of 4237
the potential value of the district, the department of education 4238
shall calculate the difference between the district's tax exempt 4239
value and twenty-five per cent of the district's potential value. 4240

(b) For each school district to which division (A)(3)(a) of 4241
this section applies, the department shall adjust the recognized 4242
valuation used in the calculation under division (A)(1) of this 4243
section by subtracting from it the amount calculated under 4244
division (A)(3)(a) of this section. 4245

(B) As used in this section: 4246

(1) The "total special education weight" for a district means 4247
the sum of the following amounts: 4248

(a) The district's category one special education ADM 4249
multiplied by the multiple specified in division (A) of section 4250
3317.013 of the Revised Code; 4251

(b) The district's category two special education ADM 4252
multiplied by the multiple specified in division (B) of section 4253
3317.013 of the Revised Code; 4254

(c) The district's category three special education ADM 4255
multiplied by the multiple specified in division (C) of section 4256
3317.013 of the Revised Code; 4257

(d) The district's category four special education ADM 4258
multiplied by the multiple specified in division (D) of section 4259
3317.013 of the Revised Code; 4260

(e) The district's category five special education ADM 4261
multiplied by the multiple specified in division (E) of section 4262
3317.013 of the Revised Code; 4263

(f) The district's category six special education ADM 4264
multiplied by the multiple specified in division (F) of section 4265
3317.013 of the Revised Code. 4266

(2) "State share percentage" means the percentage calculated 4267
for a district as follows: 4268

(a) Calculate the state base cost funding amount for the 4269
district for the fiscal year under division (A) of this section. 4270

If the district would not receive any state base cost funding for 4271
that year under that division, the district's state share 4272
percentage is zero. 4273

(b) If the district would receive state base cost funding 4274
under that division, divide that amount by an amount equal to the 4275
following: 4276

(Cost-of-doing-business factor X 4277
the formula amount X formula ADM) + 4278
the sum of the base funding supplements 4279
prescribed in divisions (C)(1) to (4) 4280
of section 3317.012 of the Revised Code 4281

The resultant number is the district's state share 4282
percentage. 4283

(3) "Related services" includes: 4284

(a) Child study, special education supervisors and 4285
coordinators, speech and hearing services, adaptive physical 4286
development services, occupational or physical therapy, teacher 4287
assistants for handicapped children whose handicaps are described 4288
in division (B) of section 3317.013 or division (F)(3) of section 4289
3317.02 of the Revised Code, behavioral intervention, interpreter 4290
services, work study, nursing services, and specialized 4291
integrative services as those terms are defined by the department; 4292

(b) Speech and language services provided to any student with 4293
a handicap, including any student whose primary or only handicap 4294
is a speech and language handicap; 4295

(c) Any related service not specifically covered by other 4296
state funds but specified in federal law, including but not 4297
limited to, audiology and school psychological services; 4298

(d) Any service included in units funded under former 4299
division (O)(1) of section 3317.023 of the Revised Code; 4300

(e) Any other related service needed by handicapped children 4301
in accordance with their individualized education plans. 4302

(4) The "total vocational education weight" for a district 4303
means the sum of the following amounts: 4304

(a) The district's category one vocational education ADM 4305
multiplied by the multiple specified in division (A) of section 4306
3317.014 of the Revised Code; 4307

(b) The district's category two vocational education ADM 4308
multiplied by the multiple specified in division (B) of section 4309
3317.014 of the Revised Code. 4310

(5) "Preschool scholarship ADM" means the number of 4311
handicapped preschool children reported under division (B)(3)(h) 4312
of section 3317.03 of the Revised Code. 4313

(C)(1) The department shall compute and distribute state 4314
special education and related services additional weighted costs 4315
funds to each school district in accordance with the following 4316
formula: 4317

The district's state share percentage 4318
X the formula amount for the year 4319
for which the aid is calculated 4320
X the district's total special education weight 4321

(2) The attributed local share of special education and 4322
related services additional weighted costs equals: 4323

(1 - the district's state share percentage) X 4324
the district's total special education weight X 4325
the formula amount 4326

(3)(a) The department shall compute and pay in accordance 4327
with this division additional state aid to school districts for 4328
students in categories two through six special education ADM. If a 4329
district's costs for the fiscal year for a student in its 4330

categories two through six special education ADM exceed the 4331
threshold catastrophic cost for serving the student, the district 4332
may submit to the superintendent of public instruction 4333
documentation, as prescribed by the superintendent, of all its 4334
costs for that student. Upon submission of documentation for a 4335
student of the type and in the manner prescribed, the department 4336
shall pay to the district an amount equal to the sum of the 4337
following: 4338

(i) One-half of the district's costs for the student in 4339
excess of the threshold catastrophic cost; 4340

(ii) The product of one-half of the district's costs for the 4341
student in excess of the threshold catastrophic cost multiplied by 4342
the district's state share percentage. 4343

(b) For purposes of division (C)(3)(a) of this section, the 4344
threshold catastrophic cost for serving a student equals: 4345

(i) For a student in the school district's category two, 4346
three, four, or five special education ADM, twenty-five thousand 4347
dollars in fiscal year 2002, twenty-five thousand seven hundred 4348
dollars in fiscal years 2003, 2004, and 2005, and twenty-six 4349
thousand five hundred dollars in fiscal years 2006 and 2007; 4350

(ii) For a student in the district's category six special 4351
education ADM, thirty thousand dollars in fiscal year 2002, thirty 4352
thousand eight hundred forty dollars in fiscal years 2003, 2004, 4353
and 2005, and thirty-one thousand eight hundred dollars in fiscal 4354
years 2006 and 2007. 4355

(c) The district shall only report under division (C)(3)(a) 4356
of this section, and the department shall only pay for, the costs 4357
of educational expenses and the related services provided to the 4358
student in accordance with the student's individualized education 4359
program. Any legal fees, court costs, or other costs associated 4360
with any cause of action relating to the student may not be 4361

included in the amount. 4362

(4)(a) As used in this division, the "personnel allowance" 4363
means thirty thousand dollars in fiscal years 2002, 2003, 2004, 4364
2005, 2006, and 2007. 4365

(b) For the provision of speech language pathology services 4366
to students, including students who do not have individualized 4367
education programs prepared for them under Chapter 3323. of the 4368
Revised Code, and for no other purpose, the department of 4369
education shall pay each school district an amount calculated 4370
under the following formula: 4371

(formula ADM divided by 2000) X 4372
the personnel allowance X 4373
the state share percentage 4374

(5) In any fiscal year, a school district shall spend for 4375
purposes that the department designates as approved for special 4376
education and related services expenses at least the amount 4377
calculated as follows: 4378

(cost-of-doing-business factor X 4379
formula amount X the sum of categories 4380
one through six special education ADM) + 4381
(total special education weight X formula amount) 4382

The purposes approved by the department for special education 4383
expenses shall include, but shall not be limited to, 4384
identification of handicapped children, compliance with state 4385
rules governing the education of handicapped children and 4386
prescribing the continuum of program options for handicapped 4387
children, provision of speech language pathology services, and the 4388
portion of the school district's overall administrative and 4389
overhead costs that are attributable to the district's special 4390
education student population. 4391

The scholarships deducted from the school district's account 4392

under section 3310.41 of the Revised Code shall be considered to 4393
be an approved special education and related services expense for 4394
the purpose of the school district's compliance with division 4395
(C)(5) of this section. 4396

The department shall require school districts to report data 4397
annually to allow for monitoring compliance with division (C)(5) 4398
of this section. The department shall annually report to the 4399
governor and the general assembly the amount of money spent by 4400
each school district for special education and related services. 4401

(6) In any fiscal year, a school district shall spend for the 4402
provision of speech language pathology services not less than the 4403
sum of the amount calculated under division (C)(1) of this section 4404
for the students in the district's category one special education 4405
ADM and the amount calculated under division (C)(4) of this 4406
section. 4407

(D)(1) As used in this division: 4408

(a) "Daily bus miles per student" equals the number of bus 4409
miles traveled per day, divided by transportation base. 4410

(b) "Transportation base" equals total student count as 4411
defined in section 3301.011 of the Revised Code, minus the number 4412
of students enrolled in preschool handicapped units, plus the 4413
number of nonpublic school students included in transportation 4414
ADM. 4415

(c) "Transported student percentage" equals transportation 4416
ADM divided by transportation base. 4417

(d) "Transportation cost per student" equals total operating 4418
costs for board-owned or contractor-operated school buses divided 4419
by transportation base. 4420

(2) Analysis of student transportation cost data has resulted 4421
in a finding that an average efficient transportation use cost per 4422

student can be calculated by means of a regression formula that
has as its two independent variables the number of daily bus miles
per student and the transported student percentage. For fiscal
year 1998 transportation cost data, the average efficient
transportation use cost per student is expressed as follows:

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + \\ (116.25573 \times \text{transported student percentage})$$

The department of education shall annually determine the
average efficient transportation use cost per student in
accordance with the principles stated in division (D)(2) of this
section, updating the intercept and regression coefficients of the
regression formula modeled in this division, based on an annual
statewide analysis of each school district's daily bus miles per
student, transported student percentage, and transportation cost
per student data. The department shall conduct the annual update
using data, including daily bus miles per student, transported
student percentage, and transportation cost per student data, from
the prior fiscal year. The department shall notify the office of
budget and management of such update by the fifteenth day of
February of each year.

(3) In addition to funds paid under divisions (A), (C), and
(E) of this section, each district with a transported student
percentage greater than zero shall receive a payment equal to a
percentage of the product of the district's transportation base
from the prior fiscal year times the annually updated average
efficient transportation use cost per student, times an inflation
factor of two and eight tenths per cent to account for the
one-year difference between the data used in updating the formula
and calculating the payment and the year in which the payment is
made. The percentage shall be the following percentage of that
product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE
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2000	52.5%	4455
2001	55%	4456
2002	57.5%	4457
2003 and thereafter	The greater of 60% or the district's state share percentage	4458

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:

$$\text{(per rough mile subsidy X total rough road miles) X density multiplier}$$

where:

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.

(ii) "County rough road percentage" equals the percentage of 4483
the mileage of state, municipal, county, and township roads that 4484
is rated by the department of transportation as type A, B, C, E2, 4485
or F in the county in which the school district is located or, if 4486
the district is located in more than one county, the county to 4487
which it is assigned for purposes of determining its 4488
cost-of-doing-business factor. 4489

(iii) "Statewide rough road percentage" means the percentage 4490
of the statewide total mileage of state, municipal, county, and 4491
township roads that is rated as type A, B, C, E2, or F by the 4492
department of transportation. 4493

(b) "Total rough road miles" means a school district's total 4494
bus miles traveled in one year times its county rough road 4495
percentage. 4496

(c) "Density multiplier" means a figure calculated in 4497
accordance with the following formula: 4498

$$1 - \left[\frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]$$

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4500
4501

(i) "Minimum student density" means the lowest district 4502
student density in the state. 4503

(ii) "District student density" means a school district's 4504
transportation base divided by the number of square miles in the 4505
district. 4506

(iii) "Statewide student density" means the sum of the 4507
transportation bases for all school districts divided by the sum 4508
of the square miles in all school districts. 4509

(6) In addition to funds paid under divisions (D)(2) to (5) 4510
of this section, each district shall receive in accordance with 4511
rules adopted by the state board of education a payment for 4512

students transported by means other than board-owned or 4513
contractor-operated buses and whose transportation is not funded 4514
under division (G) of section 3317.024 of the Revised Code. The 4515
rules shall include provisions for school district reporting of 4516
such students. 4517

(E)(1) The department shall compute and distribute state 4518
vocational education additional weighted costs funds to each 4519
school district in accordance with the following formula: 4520

state share percentage X 4521
the formula amount X 4522
total vocational education weight 4523

In any fiscal year, a school district receiving funds under 4524
division (E)(1) of this section shall spend those funds only for 4525
the purposes that the department designates as approved for 4526
vocational education expenses. Vocational educational expenses 4527
approved by the department shall include only expenses connected 4528
to the delivery of career-technical programming to 4529
career-technical students. The department shall require the school 4530
district to report data annually so that the department may 4531
monitor the district's compliance with the requirements regarding 4532
the manner in which funding received under division (E)(1) of this 4533
section may be spent. 4534

(2) The department shall compute for each school district 4535
state funds for vocational education associated services in 4536
accordance with the following formula: 4537

state share percentage X .05 X 4538
the formula amount X the sum of categories one and two 4539
vocational education ADM 4540

In any fiscal year, a school district receiving funds under 4541
division (E)(2) of this section, or through a transfer of funds 4542
pursuant to division (L) of section 3317.023 of the Revised Code, 4543

shall spend those funds only for the purposes that the department
designates as approved for vocational education associated
services expenses, which may include such purposes as
apprenticeship coordinators, coordinators for other vocational
education services, vocational evaluation, and other purposes
designated by the department. The department may deny payment
under division (E)(2) of this section to any district that the
department determines is not operating those services or is using
funds paid under division (E)(2) of this section, or through a
transfer of funds pursuant to division (L) of section 3317.023 of
the Revised Code, for other purposes.

(F) The actual local share in any fiscal year for the
combination of special education and related services additional
weighted costs funding calculated under division (C)(1) of this
section, transportation funding calculated under divisions (D)(2)
and (3) of this section, and vocational education and associated
services additional weighted costs funding calculated under
divisions (E)(1) and (2) of this section shall not exceed for any
school district the product of three and three-tenths mills times
the district's recognized valuation. The department annually shall
pay each school district as an excess cost supplement any amount
by which the sum of the district's attributed local shares for
that funding exceeds that product. For purposes of calculating the
excess cost supplement:

(1) The attributed local share for special education and
related services additional weighted costs funding is the amount
specified in division (C)(2) of this section.

(2) The attributed local share of transportation funding
equals the difference of the total amount calculated for the
district using the formula developed under division (D)(2) of this
section minus the actual amount paid to the district after
applying the percentage specified in division (D)(3) of this

section.	4576
(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows:	4577 4578 4579
(1 - state share percentage) X	4580
[(total vocational education weight X the formula amount) + the payment under division (E)(2) of this section]	4581 4582 4583
Sec. 3317.029. (A) As used in this section:	4584
(1) "Poverty percentage" means the quotient obtained by dividing the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified or adjusted under section 3317.10 of the Revised Code, by the district's three-year average formula ADM.	4585 4586 4587 4588 4589 4590 4591
(2) "Statewide poverty percentage" means the five-year average of the total number of children ages five to seventeen years residing in the state and receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, divided by the sum of the three-year average formula ADMs for all school districts in the state.	4592 4593 4594 4595 4596 4597
(3) "Poverty index" means the quotient obtained by dividing the school district's poverty percentage by the statewide poverty percentage.	4598 4599 4600
(4) "Poverty student count" means the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified under section 3317.10 of the Revised Code.	4601 4602 4603 4604 4605

(5) "Kindergarten ADM" means the number of students reported 4606
under section 3317.03 of the Revised Code as enrolled in 4607
kindergarten, excluding any kindergarten students reported under 4608
division (B)(3)(e) ~~or~~, (f), or (g) of section 3317.03 of the 4609
Revised Code. 4610

(6) "Kindergarten through third grade ADM" means the amount 4611
calculated as follows: 4612

(a) Multiply the kindergarten ADM by the sum of one plus the 4613
all-day kindergarten percentage; 4614

(b) Add the number of students in grades one through three; 4615

(c) Subtract from the sum calculated under division (A)(6)(b) 4616
of this section the number of special education students in grades 4617
kindergarten through three. 4618

"Kindergarten through third grade ADM" shall not include any 4619
students reported under division (B)(3)(e) ~~or~~, (f), or (g) of 4620
section 3317.03 of the Revised Code. 4621

(7) "All-day kindergarten" means a kindergarten class that is 4622
in session five days per week for not less than the same number of 4623
clock hours each day as for pupils in grades one through six. 4624

(8) "All-day kindergarten percentage" means the percentage of 4625
a district's actual total number of students enrolled in 4626
kindergarten who are enrolled in all-day kindergarten. 4627

(9) "Buildings with the highest concentration of need" means 4628
the school buildings in a district with percentages of students in 4629
grades kindergarten through three receiving assistance under Ohio 4630
works first at least as high as the district-wide percentage of 4631
students receiving such assistance. 4632

If, in any fiscal year, the information provided by the 4633
department of job and family services under section 3317.10 of the 4634
Revised Code is insufficient to determine the Ohio works first 4635

percentage in each building, "buildings with the highest
concentration of need" has the meaning given in rules that the
department of education shall adopt. The rules shall base the
definition of "buildings with the highest concentration of need"
on family income of students in grades kindergarten through three
in a manner that, to the extent possible with available data,
approximates the intent of this division and division (K) of this
section to designate buildings where the Ohio works first
percentage in those grades equals or exceeds the district-wide
Ohio works first percentage.

(B) In addition to the amounts required to be paid to a
school district under section 3317.022 of the Revised Code, the
department of education shall compute and distribute to each
school district for poverty-based assistance the greater of the
following:

(1) The amount the district received in fiscal year 2005 for
disadvantaged pupil impact aid pursuant to Section 41.10 of Am.
Sub. H.B. 95 of the 125th ~~General Assembly~~ general assembly, as
amended, minus the amount deducted from the district under Section
16 of Am. Sub. S.B. 2 of the 125th ~~General Assembly~~ general
assembly that year for payments to internet- and computer-based
community schools;

(2) The sum of the computations made under divisions (C) to
(I) of this section.

(C) A payment for academic intervention programs, if the
district's poverty index is greater than or equal to 0.25,
calculated as follows:

(1) If the district's poverty index is greater than or equal
to 0.25, calculate the district's level one amount for large-group
academic intervention for all students as follows:

(a) If the district's poverty index is greater than or equal

to 0.25 but less than 0.75: 4667
 large-group intervention units X hourly rate X 4668
 level one hours X [(poverty index - 0.25)/0.5] 4669
 X phase-in percentage 4670

Where: 4671

(i) "Large-group intervention units" equals the district's 4672
formula ADM divided by 20; 4673

(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and 4674
\$20.40 in fiscal year 2007; 4675

(iii) "Level one hours" equals 25 hours; 4676

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 4677
and 1.00 in fiscal year 2007. 4678

(b) If the district's poverty index is greater than or equal 4679
to 0.75: 4680

 large-group intervention units X hourly rate X 4681
 level one hours X phase-in percentage 4682

Where "large-group intervention units," "hourly rate," "level 4683
one hours," and "phase-in percentage" have the same meanings as in 4684
division (C)(1)(a) of this section. 4685

(2) If the district's poverty index is greater than or equal 4686
to 0.75, calculate the district's level two amount for 4687
medium-group academic intervention for all students as follows: 4688

(a) If the district's poverty index is greater than or equal 4689
to 0.75 but less than 1.50: 4690

 medium-group intervention units X hourly rate 4691
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 4692
 X phase-in percentage 4693

Where: 4694

(i) "Medium group intervention units" equals the district's 4695

formula ADM divided by 15; 4696

(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section. 4697
4698
4699

(b) If the district's poverty index is greater than or equal to 1.50: 4700
4701

medium-group intervention units X hourly rate X 4702
level two hours X phase-in percentage 4703

Where: 4704

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section; 4705
4706

(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section; 4707
4708

(iii) "Level two hours" equals 50 hours. 4709

(3) If the district's poverty index is greater than or equal to 1.50, calculate the district's level three amount for small-group academic intervention for impoverished students as follows: 4710
4711
4712
4713

(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50: 4714
4715

small group intervention units X hourly rate X 4716
{level one hours + [level three hours X 4717
(poverty index - 1.50)]} X phase-in percentage 4718

Where: 4719

(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10; 4720
4721

(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section; 4722
4723
4724

(iii) "Level three hours" equals 135 hours. 4725

(b) If the district's poverty index is greater than or equal 4726
to 2.50: 4727

 small group intervention units X hourly rate 4728
 X level three hours X phase-in percentage 4729

Where: 4730

(i) "Small group intervention units" has the same meaning as 4731
in division (C)(3)(a)(i) of this section; 4732

(ii) "Hourly rate" and "phase-in percentage" have the same 4733
meanings as in division (C)(1)(a) of this section; 4734

(iii) "Level three hours" equals 160 hours. 4735

Any district that receives funds under division (C)(2) or (3) 4736
of this section annually shall submit to the department of 4737
education by a date established by the department a plan 4738
describing how the district will deploy those funds. The 4739
deployment measures described in that plan shall comply with any 4740
applicable spending requirements prescribed in division (J)(6) of 4741
this section or with any order issued by the superintendent of 4742
public instruction under section 3317.017 of the Revised Code. 4743

(D) A payment for all-day kindergarten if the poverty index 4744
of the school district is greater than or equal to 1.0 or if the 4745
district's three-year average formula ADM exceeded seventeen 4746
thousand five hundred. In addition, the department shall make a 4747
payment under this division to any school district that, in a 4748
prior fiscal year, qualified for this payment and provided all-day 4749
kindergarten, regardless of changes to the district's poverty 4750
index. The department shall calculate the payment under this 4751
division by multiplying the all-day kindergarten percentage by the 4752
kindergarten ADM and multiplying that product by the formula 4753
amount. 4754

(E) A class-size reduction payment based on calculating the number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

(1) Determine or calculate a formula number of teachers per one thousand students based on the poverty index of the school district as follows:

(a) If the poverty index of the school district is less than 1.0, the formula number of teachers is 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of twenty to one;

(b) If the poverty index of the school district is greater than or equal to 1.0, but less than 1.5, the formula number of teachers is calculated as follows:

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$$

Where 50.0 is the number of teachers per one thousand students at a student-teacher ratio of twenty to one; 0.5 is the interval from a poverty index of 1.0 to a poverty index of 1.5; and 16.667 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty to one.

(c) If the poverty index of the school district is greater than or equal to 1.5, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 4785
50.0, which is the number of teachers per one thousand students at 4786
a student-teacher ratio of twenty to one, and divide that product 4787
by one thousand; 4788

(b) Subtract the quotient obtained in division (E)(3)(a) of 4789
this section from the product in division (E)(2) of this section. 4790

(4) Multiply the greater of the difference obtained under 4791
division (E)(3) of this section or zero by the statewide average 4792
teachers compensation. For this purpose, the "statewide average 4793
teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941 4794
in fiscal year 2007, which includes an amount for the value of 4795
fringe benefits. 4796

(F) A payment for services to limited English proficient 4797
students, if the district's poverty index is greater than or equal 4798
to 1.0 and the proportion of its students who are limited English 4799
proficient, as reported in 2003 on its school district report 4800
issued under section 3302.03 of the Revised Code for the 2002-2003 4801
school year, is greater than or equal to 2.0%, calculated as 4802
follows: 4803

(1) If the district's poverty index is greater than or equal 4804
to 1.0, but less than 1.75, determine the amount per limited 4805
English proficient student as follows: 4806

{0.125 + [0.125 X ((poverty index - 1.0)/0.75)]} 4807

X formula amount 4808

(2) If the district's poverty index is greater than or equal 4809
to 1.75, the amount per limited English proficient student equals: 4810

0.25 X formula amount 4811

(3) Multiply the per student amount determined for the 4812
district under division (F)(1) or (2) of this section by the 4813
number of the district's limited English proficient students, 4814
times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 4815

in fiscal year 2007. For purposes of this calculation, the number
of limited English proficient students for each district shall be
the number determined by the department when it calculated the
district's percentage of limited English proficient students for
its school district report card issued in 2003 for the 2002-2003
school year.

Not later than December 31, 2006, the department of education
shall recommend to the general assembly and the director of budget
and management a method of identifying the number of limited
English proficient students for purposes of calculating payments
under this division after fiscal year 2007.

(G) A payment for professional development of teachers, if
the district's poverty index is greater than or equal to 1.0,
calculated as follows:

(1) If the district's poverty index is greater than or equal
to 1.0, but less than 1.75, determine the amount per teacher as
follows:

$$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$$

(2) If the district's poverty index is greater than or equal
to 1.75, the amount per teacher equals:

$$0.045 \times \text{formula amount}$$

(3) Determine the number of teachers, as follows:

$$(\text{formula ADM}/17)$$

(4) Multiply the per teacher amount determined for the
district under division (G)(1) or (2) of this section by the
number of teachers determined under division (G)(3) of this
section, times a phase-in percentage of 0.40 in fiscal year 2006
and 0.70 in fiscal year 2007.

(H) A payment for dropout prevention, if the district is a
big eight school district as defined in section 3314.02 of the

Revised Code, calculated as follows: 4846

 0.005 X formula amount X poverty index 4847

 X formula ADM X phase-in percentage 4848

 Where "phase-in percentage" equals 0.40 in fiscal year 2006 4849

and 0.70 in fiscal year 2007. 4850

 (I) An amount for community outreach, if the district is an 4851

urban school district as defined in section 3314.02 of the Revised 4852

Code, calculated as follows: 4853

 0.005 X formula amount X poverty index X 4854

 formula ADM X phase-in percentage 4855

 Where "phase-in percentage" equals 0.40 in fiscal year 2006 4856

and 0.70 in fiscal year 2007. 4857

 (J) This division applies only to school districts whose 4858

poverty index is 1.0 or greater. 4859

 (1) Each school district subject to this division shall first 4860

utilize funds received under this section so that, when combined 4861

with other funds of the district, sufficient funds exist to 4862

provide all-day kindergarten to at least the number of children in 4863

the district's all-day kindergarten percentage. To satisfy this 4864

requirement, a district may use funds paid under division (C), 4865

(F), (G), (H), or (I) of this section to provide all-day 4866

kindergarten in addition to the all-day kindergarten payment under 4867

division (D) of this section. 4868

 (2) Except as permitted under division (J)(1) of this 4869

section, each school district shall use its payment under division 4870

(F) of this section for one or more of the following purposes: 4871

 (a) To hire teachers for limited English proficient students 4872

or other personnel to provide intervention services for those 4873

students; 4874

 (b) To contract for intervention services for those students; 4875

(c) To provide other services to assist those students in 4876
passing the third-grade reading achievement test, and to provide 4877
for those students the intervention services required by section 4878
3313.608 of the Revised Code. 4879

(3) Except as permitted under division (J)(1) of this 4880
section, each school district shall use its payment under division 4881
(G) of this section for professional development of teachers or 4882
other licensed personnel providing educational services to 4883
students only in one or more of the following areas: 4884

(a) Data-based decision making; 4885

(b) Standards-based curriculum models; 4886

(c) Job-embedded professional development activities that are 4887
research-based, as defined in federal law. 4888

In addition, each district shall use the payment only to 4889
implement programs identified on a list of eligible professional 4890
development programs provided by the department of education. The 4891
department annually shall provide the list to each district 4892
receiving a payment under division (G) of this section. However, a 4893
district may apply to the department for a waiver to implement an 4894
alternative professional development program in one or more of the 4895
areas specified in divisions (J)(3)(a) to (c) of this section. If 4896
the department grants the waiver, the district may use its payment 4897
under division (G) of this section to implement the alternative 4898
program. 4899

(4) Except as permitted under division (J)(1) of this 4900
section, each big eight school district shall use its payment 4901
under division (H) of this section either for preventing at-risk 4902
students from dropping out of school, for safety and security 4903
measures described in division (J)(5)(b) of this section, for 4904
academic intervention services described in division (J)(6) of 4905
this section, or for a combination of those purposes. Not later 4906

than September 1, 2005, the department of education shall provide
each big eight school district with a list of dropout prevention
programs that it has determined are successful. The department
subsequently may update the list. Each district that elects to use
its payment under division (H) of this section for dropout
prevention shall use the payment only to implement a dropout
prevention program specified on the department's list. However, a
district may apply to the department for a waiver to implement an
alternative dropout prevention program. If the department grants
the waiver, the district may use its payment under division (H) of
this section to implement the alternative program.

(5) Except as permitted under division (J)(1) of this
section, each urban school district that has a poverty index
greater than or equal to 1.0 shall use its payment under division
(I) of this section for one or a combination of the following
purposes:

(a) To hire or contract for community liaison officers,
attendance or truant officers, or safety and security personnel;

(b) To implement programs designed to ensure that schools are
free of drugs and violence and have a disciplined environment
conducive to learning;

(c) To implement academic intervention services described in
division (J)(6) of this section.

(6) Except as permitted under division (J)(1) of this
section, each school district with a poverty index greater than or
equal to 1.0 shall use the amount of its payment under division
(C) of this section, and may use any amount of its payment under
division (H) or (I) of this section, for academic intervention
services for students who have failed or are in danger of failing
any of the tests administered pursuant to section 3301.0710 of the
Revised Code, including intervention services required by section

3313.608 of the Revised Code. Except as permitted under division 4938
(J)(1) of this section, no district shall spend any portion of its 4939
payment under division (C) of this section for any other purpose. 4940
Notwithstanding any provision to the contrary in Chapter 4117. of 4941
the Revised Code, no collective bargaining agreement entered into 4942
after June 30, 2005, shall require use of the payment for any 4943
other purpose. 4944

(7) Except as otherwise required by division (K) or permitted 4945
under division (O) of this section, all remaining funds 4946
distributed under this section to districts with a poverty index 4947
greater than or equal to 1.0 shall be utilized for the purpose of 4948
the third grade guarantee. The third grade guarantee consists of 4949
increasing the amount of instructional attention received per 4950
pupil in kindergarten through third grade, either by reducing the 4951
ratio of students to instructional personnel or by increasing the 4952
amount of instruction and curriculum-related activities by 4953
extending the length of the school day or the school year. 4954

School districts may implement a reduction of the ratio of 4955
students to instructional personnel through any or all of the 4956
following methods: 4957

(a) Reducing the number of students in a classroom taught by 4958
a single teacher; 4959

(b) Employing full-time educational aides or educational 4960
paraprofessionals issued a permit or license under section 4961
3319.088 of the Revised Code; 4962

(c) Instituting a team-teaching method that will result in a 4963
lower student-teacher ratio in a classroom. 4964

Districts may extend the school day either by increasing the 4965
amount of time allocated for each class, increasing the number of 4966
classes provided per day, offering optional academic-related 4967
after-school programs, providing curriculum-related extra 4968

curricular activities, or establishing tutoring or remedial 4969
services for students who have demonstrated an educational need. 4970
In accordance with section 3319.089 of the Revised Code, a 4971
district extending the school day pursuant to this division may 4972
utilize a participant of the work experience program who has a 4973
child enrolled in a public school in that district and who is 4974
fulfilling the work requirements of that program by volunteering 4975
or working in that public school. If the work experience program 4976
participant is compensated, the school district may use the funds 4977
distributed under this section for all or part of the 4978
compensation. 4979

Districts may extend the school year either through adding 4980
regular days of instruction to the school calendar or by providing 4981
summer programs. 4982

(K) Each district shall not expend any funds received under 4983
division (E) of this section in any school buildings that are not 4984
buildings with the highest concentration of need, unless there is 4985
a ratio of instructional personnel to students of no more than 4986
fifteen to one in each kindergarten and first grade class in all 4987
buildings with the highest concentration of need. This division 4988
does not require that the funds used in buildings with the highest 4989
concentration of need be spent solely to reduce the ratio of 4990
instructional personnel to students in kindergarten and first 4991
grade. A school district may spend the funds in those buildings in 4992
any manner permitted by division (J)(7) of this section, but may 4993
not spend the money in other buildings unless the fifteen-to-one 4994
ratio required by this division is attained. 4995

(L)(1) By the first day of August of each fiscal year, each 4996
school district wishing to receive any funds under division (D) of 4997
this section shall submit to the department of education an 4998
estimate of its all-day kindergarten percentage. Each district 4999
shall update its estimate throughout the fiscal year in the form 5000

and manner required by the department, and the department shall 5001
adjust payments under this section to reflect the updates. 5002

(2) Annually by the end of December, the department of 5003
education, utilizing data from the information system established 5004
under section 3301.0714 of the Revised Code, shall determine for 5005
each school district subject to division (J) of this section 5006
whether in the preceding fiscal year the district's ratio of 5007
instructional personnel to students and its number of kindergarten 5008
students receiving all-day kindergarten appear reasonable, given 5009
the amounts of money the district received for that fiscal year 5010
pursuant to divisions (D) and (E) of this section. If the 5011
department is unable to verify from the data available that 5012
students are receiving reasonable amounts of instructional 5013
attention and all-day kindergarten, given the funds the district 5014
has received under this section and that class-size reduction 5015
funds are being used in school buildings with the highest 5016
concentration of need as required by division (K) of this section, 5017
the department shall conduct a more intensive investigation to 5018
ensure that funds have been expended as required by this section. 5019
The department shall file an annual report of its findings under 5020
this division with the chairpersons of the committees in each 5021
house of the general assembly dealing with finance and education. 5022

(M)(1) Each school district with a poverty index less than 5023
1.0 that receives a payment under division (D) of this section 5024
shall first utilize funds received under this section so that, 5025
when combined with other funds of the district, sufficient funds 5026
exist to provide all-day kindergarten to at least the number of 5027
children in the district's all-day kindergarten percentage. To 5028
satisfy this requirement, a district may use funds paid under 5029
division (C) or (I) of this section to provide all-day 5030
kindergarten in addition to the all-day kindergarten payment under 5031
division (D) of this section. 5032

(2) Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (C) of this section shall use its payment under that division in accordance with all requirements of division (J)(6) of this section.

(3) Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (I) of this section shall use its payment under that division for one or a combination of the following purposes:

(a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel;

(b) To implement programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;

(c) To implement academic intervention services described in division (J)(6) of this section.

(4) Each school district to which division (M)(1), (2), or (3) of this section applies shall expend the remaining funds received under this section, and any other district with a poverty index less than 1.0 shall expend all funds received under this section, for any of the following purposes:

(a) The purchase of technology for instructional purposes for remediation;

(b) All-day kindergarten;

(c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section;

(d) Summer school remediation;

(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;

(f) Guaranteeing that all third graders are ready to progress to more advanced work;	5063 5064
(g) Summer education and work programs;	5065
(h) Adolescent pregnancy programs;	5066
(i) Head start, preschool, early childhood education, or early learning programs;	5067 5068
(j) Reading improvement and remediation programs described by the department of education;	5069 5070
(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	5071 5072 5073
(l) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;	5074 5075 5076 5077 5078 5079
(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	5080 5081
(N) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage and the percentage actually enrolled in all-day kindergarten.	5082 5083 5084 5085 5086 5087 5088 5089
The superintendent shall also withhold an appropriate amount of funds otherwise due a district for any other misuse of funds not in accordance with this section.	5090 5091 5092

(O)(1) A district may use a portion of the funds calculated 5093
for it under division (D) of this section to modify or purchase 5094
classroom space to provide all-day kindergarten, if both of the 5095
following conditions are met: 5096

(a) The district certifies to the department, in a manner 5097
acceptable to the department, that it has a shortage of space for 5098
providing all-day kindergarten. 5099

(b) The district provides all-day kindergarten to the number 5100
of children in the all-day kindergarten percentage it certified 5101
under this section. 5102

(2) A district may use a portion of the funds described in 5103
division (J)(7) of this section to modify or purchase classroom 5104
space to enable it to further reduce class size in grades 5105
kindergarten through two with a goal of attaining class sizes of 5106
fifteen students per licensed teacher. To do so, the district must 5107
certify its need for additional space to the department, in a 5108
manner satisfactory to the department. 5109

Sec. 3317.0217. The department of education shall annually 5110
compute and pay state parity aid to school districts, as follows: 5111

(A) Calculate the local wealth per pupil of each school 5112
district, which equals the following sum: 5113

(1) Two-thirds times the quotient of (a) the district's 5114
recognized valuation divided by (b) its formula ADM; plus 5115

(2) One-third times the quotient of (a) the average of the 5116
total federal adjusted gross income of the school district's 5117
residents for the three years most recently reported under section 5118
3317.021 of the Revised Code divided by (b) its formula ADM. 5119

(B) Rank all school districts in order of local wealth per 5120
pupil, from the district with the lowest local wealth per pupil to 5121
the district with the highest local wealth per pupil. 5122

(C) Compute the per pupil state parity aid funding for each school district in accordance with the following formula:

(threshold local wealth
per pupil - the district's local
wealth per pupil) X 0.0075

Where:

(1) Seven and one-half mills (0.0075) is an adjustment to the original parity aid standard of nine and one-half mills, to account for the general assembly's policy decision to phase-out use of the cost-of-doing-business factor in the base cost formula.

(2) The "threshold local wealth per pupil" is the local wealth per pupil of the school district with the four-hundred-ninetieth lowest local wealth per pupil.

If the result of the calculation for a school district under division (C) of this section is less than zero, the district's per pupil parity aid shall be zero.

(D) Compute the per pupil alternative parity aid for each school district that has a combination of an income factor of 1.0 or less, a poverty index of 1.0 or greater, and a fiscal year 2005 cost-of-doing-business factor of 1.0375 or greater, in accordance with the following formula:

Payment percentage X \$60,000 X
(1 - income factor) X 4/15 X 0.023

Where:

(1) "Poverty index" has the same meaning as in section 3317.029 of the Revised Code.

(2) "Payment percentage," for purposes of division (D) of this section, equals 50% in fiscal year 2002 and 100% after fiscal year 2002.

(E) Pay each district that has a combination of an income

factor of 1.0 or less, a poverty index of 1.0 or greater, and a 5153
fiscal year 2005 cost-of-doing-business factor of 1.0375 or 5154
greater, the greater of the following: 5155

(1) The product of the district's per pupil parity aid 5156
calculated under division (C) of this section times its net 5157
formula ADM; 5158

(2) The product of its per pupil alternative parity aid 5159
calculated under division (D) of this section times its net 5160
formula ADM. 5161

(F) Pay every other district the product of its per pupil 5162
parity aid calculated under division (C) of this section times its 5163
net formula ADM. 5164

(G) As used in divisions (E) and (F) of this section, "net 5165
formula ADM" means formula ADM minus the number of internet- and 5166
computer-based community school students and scholarship students 5167
reported under divisions (B)(3)(e) ~~and~~, (f), and (g) of section 5168
3317.03 of the Revised Code. 5169

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 5170
(C) of this section, except as provided in division (A)(2)(h) of 5171
this section, any student enrolled in kindergarten more than half 5172
time shall be reported as one-half student under this section. 5173

(A) The superintendent of each city and exempted village 5174
school district and of each educational service center shall, for 5175
the schools under the superintendent's supervision, certify to the 5176
state board of education on or before the fifteenth day of October 5177
in each year for the first full school week in October the formula 5178
ADM. Beginning in fiscal year 2007, each superintendent also shall 5179
certify to the state board, for the schools under the 5180
superintendent's supervision, the formula ADM for the first full 5181
week in February. If a school under the superintendent's 5182

supervision is closed for one or more days during that week due to 5183
hazardous weather conditions or other circumstances described in 5184
the first paragraph of division (B) of section 3317.01 of the 5185
Revised Code, the superintendent may apply to the superintendent 5186
of public instruction for a waiver, under which the superintendent 5187
of public instruction may exempt the district superintendent from 5188
certifying the formula ADM for that school for that week and 5189
specify an alternate week for certifying the formula ADM of that 5190
school. 5191

The formula ADM shall consist of the average daily membership 5192
during such week of the sum of the following: 5193

(1) On an FTE basis, the number of students in grades 5194
kindergarten through twelve receiving any educational services 5195
from the district, except that the following categories of 5196
students shall not be included in the determination: 5197

(a) Students enrolled in adult education classes; 5198

(b) Adjacent or other district students enrolled in the 5199
district under an open enrollment policy pursuant to section 5200
3313.98 of the Revised Code; 5201

(c) Students receiving services in the district pursuant to a 5202
compact, cooperative education agreement, or a contract, but who 5203
are entitled to attend school in another district pursuant to 5204
section 3313.64 or 3313.65 of the Revised Code; 5205

(d) Students for whom tuition is payable pursuant to sections 5206
3317.081 and 3323.141 of the Revised Code; 5207

(e) Students receiving services in the district through a 5208
scholarship awarded under section 3310.41 of the Revised Code. 5209

(2) On an FTE basis, except as provided in division (A)(2)(h) 5210
of this section, the number of students entitled to attend school 5211
in the district pursuant to section 3313.64 or 3313.65 of the 5212

Revised Code, but receiving educational services in grades	5213
kindergarten through twelve from one or more of the following	5214
entities:	5215
(a) A community school pursuant to Chapter 3314. of the	5216
Revised Code, including any participation in a college pursuant to	5217
Chapter 3365. of the Revised Code while enrolled in such community	5218
school;	5219
(b) An alternative school pursuant to sections 3313.974 to	5220
3313.979 of the Revised Code as described in division (I)(2)(a) or	5221
(b) of this section;	5222
(c) A college pursuant to Chapter 3365. of the Revised Code,	5223
except when the student is enrolled in the college while also	5224
enrolled in a community school pursuant to Chapter 3314. of the	5225
Revised Code;	5226
(d) An adjacent or other school district under an open	5227
enrollment policy adopted pursuant to section 3313.98 of the	5228
Revised Code;	5229
(e) An educational service center or cooperative education	5230
district;	5231
(f) Another school district under a cooperative education	5232
agreement, compact, or contract;	5233
(g) A chartered nonpublic school with a scholarship paid	5234
under section 3310.08 of the Revised Code;	5235
(h) <u>An alternative public provider or a registered private</u>	5236
<u>provider with a scholarship awarded under section 3310.41 of the</u>	5237
<u>Revised Code. Each such scholarship student who is enrolled in</u>	5238
<u>kindergarten shall be counted as one full-time-equivalent student.</u>	5239
<u>As used in this section, "alternative public provider" and</u>	5240
<u>"registered private provider" have the same meanings as in section</u>	5241
<u>3310.41 of the Revised Code.</u>	5242

(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;

(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

(5) Beginning in fiscal year 2007, in the case of the report submitted for the first full week in February, or the alternative week if specified by the superintendent of public instruction, the number of students reported under division (A)(1) or (2) of this section for the first full week of the preceding October but who since that week have received high school diplomas.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts for the same week for which formula ADM is certified:

(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;

(2) The number of all handicapped preschool children enrolled 5274
as of the first day of December in classes in the district that 5275
are eligible for approval under division (B) of section 3317.05 of 5276
the Revised Code and the number of those classes, which shall be 5277
reported not later than the fifteenth day of December, in 5278
accordance with rules adopted under that section; 5279

(3) The number of children entitled to attend school in the 5280
district pursuant to section 3313.64 or 3313.65 of the Revised 5281
Code who are: 5282

(a) Participating in a pilot project scholarship program 5283
established under sections 3313.974 to 3313.979 of the Revised 5284
Code as described in division (I)(2)(a) or (b) of this section; 5285

(b) Enrolled in a college under Chapter 3365. of the Revised 5286
Code, except when the student is enrolled in the college while 5287
also enrolled in a community school pursuant to Chapter 3314. of 5288
the Revised Code; 5289

(c) Enrolled in an adjacent or other school district under 5290
section 3313.98 of the Revised Code; 5291

(d) Enrolled in a community school established under Chapter 5292
3314. of the Revised Code that is not an internet- or 5293
computer-based community school as defined in section 3314.02 of 5294
the Revised Code, including any participation in a college 5295
pursuant to Chapter 3365. of the Revised Code while enrolled in 5296
such community school; 5297

(e) Enrolled in an internet- or computer-based community 5298
school, as defined in section 3314.02 of the Revised Code, 5299
including any participation in a college pursuant to Chapter 3365. 5300
of the Revised Code while enrolled in the school; 5301

(f) Enrolled in a chartered nonpublic school with a 5302
scholarship paid under section 3310.08 of the Revised Code; 5303

(g) <u>Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;</u>	5304 5305 5306
(h) <u>Enrolled as a handicapped preschool child in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;</u>	5307 5308 5309
(i) Participating in a program operated by a county MR/DD board or a state institution.	5310 5311
(4) The number of pupils enrolled in joint vocational schools;	5312 5313
(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	5314 5315 5316 5317
(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;	5318 5319 5320 5321
(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	5322 5323 5324 5325
(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	5326 5327 5328 5329
(9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	5330 5331 5332 5333

(10) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;

(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;	5366 5367 5368
(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	5369 5370 5371 5372 5373
(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;	5374 5375 5376 5377 5378
(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	5379 5380 5381 5382 5383
(e) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	5384 5385 5386 5387 5388
(f) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	5389 5390 5391 5392 5393
(g) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services	5394 5395 5396

for category six handicaps described in division (F) of section 5397
3317.013 of the Revised Code. 5398

(C)(1) Except as otherwise provided in this section for 5399
kindergarten students, the average daily membership in divisions 5400
(B)(1) to (12) of this section shall be based upon the number of 5401
full-time equivalent students. The state board of education shall 5402
adopt rules defining full-time equivalent students and for 5403
determining the average daily membership therefrom for the 5404
purposes of divisions (A), (B), and (D) of this section. 5405

(2) A student enrolled in a community school established 5406
under Chapter 3314. of the Revised Code shall be counted in the 5407
formula ADM and, if applicable, the category one, two, three, 5408
four, five, or six special education ADM of the school district in 5409
which the student is entitled to attend school under section 5410
3313.64 or 3313.65 of the Revised Code for the same proportion of 5411
the school year that the student is counted in the enrollment of 5412
the community school for purposes of section 3314.08 of the 5413
Revised Code. 5414

(3) No child shall be counted as more than a total of one 5415
child in the sum of the average daily memberships of a school 5416
district under division (A), divisions (B)(1) to (12), or division 5417
(D) of this section, except as follows: 5418

(a) A child with a handicap described in section 3317.013 of 5419
the Revised Code may be counted both in formula ADM and in 5420
category one, two, three, four, five, or six special education ADM 5421
and, if applicable, in category one or two vocational education 5422
ADM. As provided in division (C) of section 3317.02 of the Revised 5423
Code, such a child shall be counted in category one, two, three, 5424
four, five, or six special education ADM in the same proportion 5425
that the child is counted in formula ADM. 5426

(b) A child enrolled in vocational education programs or 5427

classes described in section 3317.014 of the Revised Code may be 5428
counted both in formula ADM and category one or two vocational 5429
education ADM and, if applicable, in category one, two, three, 5430
four, five, or six special education ADM. Such a child shall be 5431
counted in category one or two vocational education ADM in the 5432
same proportion as the percentage of time that the child spends in 5433
the vocational education programs or classes. 5434

(4) Based on the information reported under this section, the 5435
department of education shall determine the total student count, 5436
as defined in section 3301.011 of the Revised Code, for each 5437
school district. 5438

(D)(1) The superintendent of each joint vocational school 5439
district shall certify to the superintendent of public instruction 5440
on or before the fifteenth day of October in each year for the 5441
first full school week in October the formula ADM. Beginning in 5442
fiscal year 2007, each superintendent also shall certify to the 5443
state superintendent the formula ADM for the first full week in 5444
February. If a school operated by the joint vocational school 5445
district is closed for one or more days during that week due to 5446
hazardous weather conditions or other circumstances described in 5447
the first paragraph of division (B) of section 3317.01 of the 5448
Revised Code, the superintendent may apply to the superintendent 5449
of public instruction for a waiver, under which the superintendent 5450
of public instruction may exempt the district superintendent from 5451
certifying the formula ADM for that school for that week and 5452
specify an alternate week for certifying the formula ADM of that 5453
school. 5454

The formula ADM, except as otherwise provided in this 5455
division, shall consist of the average daily membership during 5456
such week, on an FTE basis, of the number of students receiving 5457
any educational services from the district, including students 5458
enrolled in a community school established under Chapter 3314. of 5459

the Revised Code who are attending the joint vocational district 5460
under an agreement between the district board of education and the 5461
governing authority of the community school and are entitled to 5462
attend school in a city, local, or exempted village school 5463
district whose territory is part of the territory of the joint 5464
vocational district. Beginning in fiscal year 2007, in the case of 5465
the report submitted for the first week in February, or the 5466
alternative week if specified by the superintendent of public 5467
instruction, the superintendent of the joint vocational school 5468
district may include the number of students reported under 5469
division (D)(1) of this section for the first full week of the 5470
preceding October but who since that week have received high 5471
school diplomas. 5472

The following categories of students shall not be included in 5473
the determination made under division (D)(1) of this section: 5474

(a) Students enrolled in adult education classes; 5475

(b) Adjacent or other district joint vocational students 5476
enrolled in the district under an open enrollment policy pursuant 5477
to section 3313.98 of the Revised Code; 5478

(c) Students receiving services in the district pursuant to a 5479
compact, cooperative education agreement, or a contract, but who 5480
are entitled to attend school in a city, local, or exempted 5481
village school district whose territory is not part of the 5482
territory of the joint vocational district; 5483

(d) Students for whom tuition is payable pursuant to sections 5484
3317.081 and 3323.141 of the Revised Code. 5485

(2) To enable the department of education to obtain the data 5486
needed to complete the calculation of payments pursuant to this 5487
chapter, in addition to the formula ADM, each superintendent shall 5488
report separately the average daily membership included in the 5489
report under division (D)(1) of this section for each of the 5490

following categories of students for the same week for which	5491
formula ADM is certified:	5492
(a) Students enrolled in each grade included in the joint	5493
vocational district schools;	5494
(b) Handicapped children receiving special education services	5495
for the category one handicap described in division (A) of section	5496
3317.013 of the Revised Code;	5497
(c) Handicapped children receiving special education services	5498
for the category two handicaps described in division (B) of	5499
section 3317.013 of the Revised Code;	5500
(d) Handicapped children receiving special education services	5501
for category three handicaps described in division (C) of section	5502
3317.013 of the Revised Code;	5503
(e) Handicapped children receiving special education services	5504
for category four handicaps described in division (D) of section	5505
3317.013 of the Revised Code;	5506
(f) Handicapped children receiving special education services	5507
for the category five handicap described in division (E) of	5508
section 3317.013 of the Revised Code;	5509
(g) Handicapped children receiving special education services	5510
for category six handicaps described in division (F) of section	5511
3317.013 of the Revised Code;	5512
(h) Students receiving category one vocational education	5513
services, described in division (A) of section 3317.014 of the	5514
Revised Code;	5515
(i) Students receiving category two vocational education	5516
services, described in division (B) of section 3317.014 of the	5517
Revised Code.	5518
The superintendent of each joint vocational school district	5519
shall also indicate the city, local, or exempted village school	5520

district in which each joint vocational district pupil is entitled 5521
to attend school pursuant to section 3313.64 or 3313.65 of the 5522
Revised Code. 5523

(E) In each school of each city, local, exempted village, 5524
joint vocational, and cooperative education school district there 5525
shall be maintained a record of school membership, which record 5526
shall accurately show, for each day the school is in session, the 5527
actual membership enrolled in regular day classes. For the purpose 5528
of determining average daily membership, the membership figure of 5529
any school shall not include any pupils except those pupils 5530
described by division (A) of this section. The record of 5531
membership for each school shall be maintained in such manner that 5532
no pupil shall be counted as in membership prior to the actual 5533
date of entry in the school and also in such manner that where for 5534
any cause a pupil permanently withdraws from the school that pupil 5535
shall not be counted as in membership from and after the date of 5536
such withdrawal. There shall not be included in the membership of 5537
any school any of the following: 5538

(1) Any pupil who has graduated from the twelfth grade of a 5539
public or nonpublic high school; 5540

(2) Any pupil who is not a resident of the state; 5541

(3) Any pupil who was enrolled in the schools of the district 5542
during the previous school year when tests were administered under 5543
section 3301.0711 of the Revised Code but did not take one or more 5544
of the tests required by that section and was not excused pursuant 5545
to division (C)(1) or (3) of that section; 5546

(4) Any pupil who has attained the age of twenty-two years, 5547
except for veterans of the armed services whose attendance was 5548
interrupted before completing the recognized twelve-year course of 5549
the public schools by reason of induction or enlistment in the 5550
armed forces and who apply for reenrollment in the public school 5551

system of their residence not later than four years after 5552
termination of war or their honorable discharge. 5553

If, however, any veteran described by division (E)(4) of this 5554
section elects to enroll in special courses organized for veterans 5555
for whom tuition is paid under the provisions of federal laws, or 5556
otherwise, that veteran shall not be included in average daily 5557
membership. 5558

Notwithstanding division (E)(3) of this section, the 5559
membership of any school may include a pupil who did not take a 5560
test required by section 3301.0711 of the Revised Code if the 5561
superintendent of public instruction grants a waiver from the 5562
requirement to take the test to the specific pupil and a parent is 5563
not paying tuition for the pupil pursuant to section 3313.6410 of 5564
the Revised Code. The superintendent may grant such a waiver only 5565
for good cause in accordance with rules adopted by the state board 5566
of education. 5567

Except as provided in divisions (B)(2) and (F) of this 5568
section, the average daily membership figure of any local, city, 5569
exempted village, or joint vocational school district shall be 5570
determined by dividing the figure representing the sum of the 5571
number of pupils enrolled during each day the school of attendance 5572
is actually open for instruction during the week for which the 5573
formula ADM is being certified by the total number of days the 5574
school was actually open for instruction during that week. For 5575
purposes of state funding, "enrolled" persons are only those 5576
pupils who are attending school, those who have attended school 5577
during the current school year and are absent for authorized 5578
reasons, and those handicapped children currently receiving home 5579
instruction. 5580

The average daily membership figure of any cooperative 5581
education school district shall be determined in accordance with 5582

rules adopted by the state board of education. 5583

(F)(1) If the formula ADM for the first full school week in 5584
February is at least three per cent greater than that certified 5585
for the first full school week in the preceding October, the 5586
superintendent of schools of any city, exempted village, or joint 5587
vocational school district or educational service center shall 5588
certify such increase to the superintendent of public instruction. 5589
Such certification shall be submitted no later than the fifteenth 5590
day of February. For the balance of the fiscal year, beginning 5591
with the February payments, the superintendent of public 5592
instruction shall use the increased formula ADM in calculating or 5593
recalculating the amounts to be allocated in accordance with 5594
section 3317.022 or 3317.16 of the Revised Code. In no event shall 5595
the superintendent use an increased membership certified to the 5596
superintendent after the fifteenth day of February. Division 5597
(F)(1) of this section does not apply after fiscal year 2006. 5598

(2) If on the first school day of April the total number of 5599
classes or units for handicapped preschool children that are 5600
eligible for approval under division (B) of section 3317.05 of the 5601
Revised Code exceeds the number of units that have been approved 5602
for the year under that division, the superintendent of schools of 5603
any city, exempted village, or cooperative education school 5604
district or educational service center shall make the 5605
certifications required by this section for that day. If the 5606
department determines additional units can be approved for the 5607
fiscal year within any limitations set forth in the acts 5608
appropriating moneys for the funding of such units, the department 5609
shall approve additional units for the fiscal year on the basis of 5610
such average daily membership. For each unit so approved, the 5611
department shall pay an amount computed in the manner prescribed 5612
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 5613
Code. 5614

(3) If a student attending a community school under Chapter 3314. of the Revised Code is not included in the formula ADM certified for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the community school student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school during the first full school week in October.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The average daily membership of all handicapped children other than handicapped preschool children receiving services at the institution for each category of handicap described in divisions (A) to (F) of section 3317.013 of the Revised Code;

(ii) The average daily membership of all handicapped preschool children in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the

superintendent of public instruction. 5646

(2) The superintendent of each county MR/DD board that 5647
maintains special education classes under section 3317.20 of the 5648
Revised Code or units approved pursuant to section 3317.05 of the 5649
Revised Code shall do both of the following: 5650

(a) Certify to the state board, in the manner prescribed by 5651
the board, the average daily membership in classes under section 5652
3317.20 of the Revised Code for each school district that has 5653
placed children in the classes; 5654

(b) Certify to the state board, in the manner prescribed by 5655
the board, the number of all handicapped preschool children 5656
enrolled as of the first day of December in classes eligible for 5657
approval under division (B) of section 3317.05 of the Revised 5658
Code, and the number of those classes. 5659

(3)(a) If on the first school day of April the number of 5660
classes or units maintained for handicapped preschool children by 5661
the county MR/DD board that are eligible for approval under 5662
division (B) of section 3317.05 of the Revised Code is greater 5663
than the number of units approved for the year under that 5664
division, the superintendent shall make the certification required 5665
by this section for that day. 5666

(b) If the department determines that additional classes or 5667
units can be approved for the fiscal year within any limitations 5668
set forth in the acts appropriating moneys for the funding of the 5669
classes and units described in division (G)(3)(a) of this section, 5670
the department shall approve and fund additional units for the 5671
fiscal year on the basis of such average daily membership. For 5672
each unit so approved, the department shall pay an amount computed 5673
in the manner prescribed in sections 3317.052 and 3317.053 of the 5674
Revised Code. 5675

(H) Except as provided in division (I) of this section, when 5676

any city, local, or exempted village school district provides 5677
instruction for a nonresident pupil whose attendance is 5678
unauthorized attendance as defined in section 3327.06 of the 5679
Revised Code, that pupil's membership shall not be included in 5680
that district's membership figure used in the calculation of that 5681
district's formula ADM or included in the determination of any 5682
unit approved for the district under section 3317.05 of the 5683
Revised Code. The reporting official shall report separately the 5684
average daily membership of all pupils whose attendance in the 5685
district is unauthorized attendance, and the membership of each 5686
such pupil shall be credited to the school district in which the 5687
pupil is entitled to attend school under division (B) of section 5688
3313.64 or section 3313.65 of the Revised Code as determined by 5689
the department of education. 5690

(I)(1) A city, local, exempted village, or joint vocational 5691
school district admitting a scholarship student of a pilot project 5692
district pursuant to division (C) of section 3313.976 of the 5693
Revised Code may count such student in its average daily 5694
membership. 5695

(2) In any year for which funds are appropriated for pilot 5696
project scholarship programs, a school district implementing a 5697
state-sponsored pilot project scholarship program that year 5698
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 5699
count in average daily membership: 5700

(a) All children residing in the district and utilizing a 5701
scholarship to attend kindergarten in any alternative school, as 5702
defined in section 3313.974 of the Revised Code; 5703

(b) All children who were enrolled in the district in the 5704
preceding year who are utilizing a scholarship to attend any such 5705
alternative school. 5706

(J) The superintendent of each cooperative education school 5707

district shall certify to the superintendent of public 5708
instruction, in a manner prescribed by the state board of 5709
education, the applicable average daily memberships for all 5710
students in the cooperative education district, also indicating 5711
the city, local, or exempted village district where each pupil is 5712
entitled to attend school under section 3313.64 or 3313.65 of the 5713
Revised Code. 5714

Sec. 3318.101. (A) As used in this section, "prevailing rate" 5715
means the prevailing rate of wages determined under sections 5716
4115.03 to 4115.16 of the Revised Code. 5717

(B) The Ohio school facilities commission shall not enter 5718
into any agreement with a city, exempted village, local, or joint 5719
vocational school district in relation to a project or segment of 5720
a project undertaken by the district under this chapter or approve 5721
any contract for labor under such project or segment that requires 5722
that mechanics and laborers engaged for that project be paid the 5723
prevailing rate. 5724

(C) Nothing in this section affects the exemption of school 5725
districts and educational service centers from the requirement to 5726
pay the prevailing rate prescribed in division (B)(3) of section 5727
4115.04 of the Revised Code. 5728

Sec. 3383.01. As used in this chapter: 5729

(A) "Culture" means any of the following: 5730

(1) Visual, musical, dramatic, graphic, design, and other 5731
arts, including, but not limited to, architecture, dance, 5732
literature, motion pictures, music, painting, photography, 5733
sculpture, and theater, and the provision of training or education 5734
in these arts; 5735

(2) The presentation or making available, in museums or other 5736

indoor or outdoor facilities, of principles of science and their 5737
development, use, or application in business, industry, or 5738
commerce or of the history, heritage, development, presentation, 5739
and uses of the arts described in division (A)(1) of this section 5740
and of transportation; 5741

(3) The preservation, presentation, or making available of 5742
features of archaeological, architectural, environmental, or 5743
historical interest or significance in a state historical facility 5744
or a local historical facility. 5745

(B) "Cultural organization" means either of the following: 5746

(1) A governmental agency or Ohio nonprofit corporation that 5747
provides programs or activities in areas directly concerned with 5748
culture; 5749

(2) A regional arts and cultural district as defined in 5750
section 3381.01 of the Revised Code. 5751

(C) "Cultural project" means all or any portion of an Ohio 5752
cultural facility for which the general assembly has specifically 5753
authorized the spending of money, or made an appropriation, 5754
pursuant to division (D)(3) or (E) of section 3383.07 of the 5755
Revised Code. 5756

(D) "Cooperative contract" means a contract between the Ohio 5757
cultural facilities commission and a cultural organization 5758
providing the terms and conditions of the cooperative use of an 5759
Ohio cultural facility. 5760

(E) "Costs of operation" means amounts required to manage an 5761
Ohio cultural facility that are incurred following the completion 5762
of construction of its cultural project, provided that both of the 5763
following apply: 5764

(1) Those amounts either: 5765

(a) Have been committed to a fund dedicated to that purpose; 5766

(b) Equal the principal of any endowment fund, the income 5767
from which is dedicated to that purpose. 5768

(2) The commission and the cultural organization have 5769
executed an agreement with respect to either of those funds. 5770

(F) "General building services" means general building 5771
services for an Ohio cultural facility or an Ohio sports facility, 5772
including, but not limited to, general custodial care, security, 5773
maintenance, repair, painting, decoration, cleaning, utilities, 5774
fire safety, grounds and site maintenance and upkeep, and 5775
plumbing. 5776

(G) "Governmental agency" means a state agency, a 5777
state-supported or state-assisted institution of higher education, 5778
a municipal corporation, county, township, or school district, a 5779
port authority created under Chapter 4582. of the Revised Code, 5780
any other political subdivision or special district in this state 5781
established by or pursuant to law, or any combination of these 5782
entities; except where otherwise indicated, the United States or 5783
any department, division, or agency of the United States, or any 5784
agency, commission, or authority established pursuant to an 5785
interstate compact or agreement. 5786

(H) "Local contributions" means the value of an asset 5787
provided by or on behalf of a cultural organization from sources 5788
other than the state, the value and nature of which shall be 5789
approved by the Ohio cultural facilities commission, in its sole 5790
discretion. "Local contributions" may include the value of the 5791
site where a cultural project is to be constructed. All "local 5792
contributions," except a contribution attributable to such a site, 5793
shall be for the costs of construction of a cultural project or 5794
the creation or expansion of an endowment for the costs of 5795
operation of a cultural facility. 5796

(I) "Local historical facility" means a site or facility, 5797

other than a state historical facility, of archaeological, 5798
architectural, environmental, or historical interest or 5799
significance, or a facility, including a storage facility, 5800
appurtenant to the operations of such a site or facility, that is 5801
owned by a cultural organization, provided the facility meets the 5802
requirements of division (K)(2)(b) of this section, is managed by 5803
or pursuant to a contract with the Ohio cultural facilities 5804
commission, and is used for or in connection with the activities 5805
of the commission, including the presentation or making available 5806
of culture to the public. 5807

(J) "Manage," "operate," or "management" means the provision 5808
of, or the exercise of control over the provision of, activities: 5809

(1) Relating to culture for an Ohio cultural facility, 5810
including as applicable, but not limited to, providing for 5811
displays, exhibitions, specimens, and models; booking of artists, 5812
performances, or presentations; scheduling; and hiring or 5813
contracting for directors, curators, technical and scientific 5814
staff, ushers, stage managers, and others directly related to the 5815
cultural activities in the facility; but not including general 5816
building services; 5817

(2) Relating to sports and athletic events for an Ohio sports 5818
facility, including as applicable, but not limited to, providing 5819
for booking of athletes, teams, and events; scheduling; and hiring 5820
or contracting for staff, ushers, managers, and others directly 5821
related to the sports and athletic events in the facility; but not 5822
including general building services. 5823

(K) "Ohio cultural facility" means any of the following: 5824

(1) The theaters located in the state office tower at 77 5825
South High street in Columbus; 5826

(2) Any capital facility in this state to which both of the 5827
following apply: 5828

(a) The construction of a cultural project related to the 5829
facility was authorized or funded by the general assembly pursuant 5830
to division (D)(3) of section 3383.07 of the Revised Code and 5831
proceeds of state bonds are used for costs of the cultural 5832
project. 5833

(b) The facility is managed directly by, or is subject to a 5834
cooperative or management contract with, the Ohio cultural 5835
facilities commission, and is used for or in connection with the 5836
activities of the commission, including the presentation or making 5837
available of culture to the public and the provision of training 5838
or education in culture. 5839

(3) A state historical facility or a local historical 5840
facility. 5841

(L) "State agency" means the state or any of its branches, 5842
officers, boards, commissions, authorities, departments, 5843
divisions, or other units or agencies. 5844

(M) "Construction" includes acquisition, including 5845
acquisition by lease-purchase, demolition, reconstruction, 5846
alteration, renovation, remodeling, enlargement, improvement, site 5847
improvements, and related equipping and furnishing. 5848

(N) "State historical facility" means a site or facility that 5849
has all of the following characteristics: 5850

(1) It is created, supervised, operated, protected, 5851
maintained, and promoted by the Ohio historical society pursuant 5852
to the society's performance of public functions under sections 5853
149.30 and 149.302 of the Revised Code. 5854

(2) Its title must reside wholly or in part with the state, 5855
the society, or both the state and the society. 5856

(3) It is managed directly by or is subject to a cooperative 5857
or management contract with the Ohio cultural facilities 5858

commission and is used for or in connection with the activities of 5859
the commission, including the presentation or making available of 5860
culture to the public. 5861

(O) "Ohio sports facility" means all or a portion of a 5862
stadium, arena, tennis facility, motorsports complex, or other 5863
capital facility in this state, ~~a.~~ A primary purpose of ~~which is~~ 5864
the facility shall be to provide a site or venue for the 5865
presentation to the public of ~~either~~ motorsports events, 5866
professional tennis tournaments, or events of one or more major or 5867
minor league professional athletic or sports teams that are 5868
associated with the state or with a city or region of the state, 5869
~~which.~~ The facility is shall be, in the case of a motorsports 5870
complex, owned by the state or governmental agency, or in all 5871
other instances, ~~is~~ owned by or ~~is~~ located on real property owned 5872
by the state or a governmental agency, and ~~including~~ includes all 5873
parking facilities, walkways, and other auxiliary facilities, 5874
equipment, furnishings, and real and personal property and 5875
interests and rights therein, that may be appropriate for or used 5876
for or in connection with the facility or its operation, for 5877
capital costs of which state funds are spent pursuant to this 5878
chapter. A facility constructed as an Ohio sports facility may be 5879
both an Ohio cultural facility and an Ohio sports facility. 5880

(P) "Motorsports" means sporting events in which motor 5881
vehicles are driven on a clearly demarcated tracked surface. 5882

Sec. 3383.07. (A) The department of administrative services 5883
shall provide for the construction of a cultural project in 5884
conformity with Chapter 153. of the Revised Code, except as 5885
follows: 5886

(1) For a cultural project other than a state historical 5887
facility, construction services may be provided on behalf of the 5888
state by the Ohio cultural facilities commission, or by a 5889

governmental agency or a cultural organization that occupies, will 5890
occupy, or is responsible for the Ohio cultural facility, as 5891
determined by the commission. For a project receiving a state 5892
appropriation of fifty thousand dollars or less, the commission 5893
may delegate to its executive director the authority to approve 5894
the provision of construction services by such an agency or 5895
organization, but not the authority to disapprove that provision. 5896
Construction services to be provided by a governmental agency or a 5897
cultural organization shall be specified in an agreement between 5898
the commission and the governmental agency or cultural 5899
organization. The agreement, or any actions taken under it, are 5900
not subject to Chapter 123. or 153. of the Revised Code, except 5901
for sections 123.081 and 153.011 of the Revised Code, and shall be 5902
subject to Chapter 4115. of the Revised Code. 5903

(2) For a cultural project that is a state historical 5904
facility, construction services may be provided by the Ohio 5905
cultural facilities commission or by a cultural organization that 5906
occupies, will occupy, or is responsible for the facility, as 5907
determined by the commission. For a facility receiving a state 5908
appropriation of fifty thousand dollars or less, the commission 5909
may delegate to its executive director the authority to approve 5910
the provision of construction services by such an organization, 5911
but not the authority to disapprove that provision. The 5912
construction services to be provided by the cultural organization 5913
shall be specified in an agreement between the commission and the 5914
cultural organization. That agreement, and any actions taken under 5915
it, are not subject to Chapter 123., 153., or 4115. of the Revised 5916
Code. 5917

(B) For an Ohio sports facility that is financed in part by 5918
obligations issued pursuant to Chapter 154. of the Revised Code, 5919
construction services shall be provided on behalf of the state by 5920
or at the direction of the governmental agency or nonprofit 5921

corporation that will own or be responsible for the management of 5922
the facility, all as determined by the Ohio cultural facilities 5923
commission. For a facility receiving a state appropriation of 5924
fifty thousand dollars or less, the commission may delegate to its 5925
executive director the authority to approve the provision of 5926
construction services by or at the direction of the agency or 5927
corporation, but not the authority to disapprove that provision. 5928
Any construction services to be provided by a governmental agency 5929
or nonprofit corporation shall be specified in an agreement 5930
between the commission and the governmental agency or nonprofit 5931
corporation. That agreement, and any actions taken under it, are 5932
not subject to Chapter 123. or 153. of the Revised Code, except 5933
for sections 123.081 and 153.011 of the Revised Code, and shall be 5934
subject to Chapter 4115. of the Revised Code. 5935

(C) General building services for an Ohio cultural facility 5936
shall be provided by the Ohio cultural facilities commission or by 5937
a cultural organization that occupies, will occupy, or is 5938
responsible for the facility, as determined by the commission, 5939
~~except that.~~ For a facility receiving a state appropriation of 5940
fifty thousand dollars or less, the commission may delegate to its 5941
executive director the authority to approve the provision of 5942
general building services by such an organization, but not the 5943
authority to disapprove that provision. Alternatively, the Ohio 5944
building authority may elect to provide those services for Ohio 5945
cultural facilities financed with proceeds of state bonds issued 5946
by the authority. The costs of management and general building 5947
services shall be paid by the cultural organization that occupies, 5948
will occupy, or is responsible for the facility as provided in an 5949
agreement between the commission and the cultural organization, 5950
except that the state may pay for general building services for 5951
state-owned cultural facilities constructed on state-owned land. 5952

General building services for an Ohio sports facility shall 5953

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. For a
facility receiving a state appropriation of fifty thousand dollars
or less, the commission may delegate to its executive director the
authority to approve the provision of general building services by
or at the direction of the agency or corporation, but not the
authority to disapprove that provision. 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. For a project receiving a state
appropriation of fifty thousand dollars or less, the commission
may delegate to its executive director the authority to determine
need but only in the affirmative.

(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 5986
amounting to not less than fifty per cent of the total state 5987
funding for the cultural project. For a project receiving a state 5988
appropriation of fifty thousand dollars or less, the commission 5989
may delegate to its executive director the authority to determine 5990
the adequacy of the regional support but only in the affirmative. 5991

(3) The general assembly has specifically authorized the 5992
spending of money on, or made an appropriation for, the 5993
construction of the cultural project, or for rental payments 5994
relating to the financing of the construction of the cultural 5995
project. Authorization to spend money, or an appropriation, for 5996
planning the cultural project does not constitute authorization to 5997
spend money on, or an appropriation for, construction of the 5998
cultural project. 5999

(E) No state funds, including any state bond proceeds, shall 6000
be spent on the construction of any state historical facility 6001
under this chapter unless the general assembly has specifically 6002
authorized the spending of money on, or made an appropriation for, 6003
the construction of the state historical project related to the 6004
facility, or for rental payments relating to the financing of the 6005
construction of the state historical project. Authorization to 6006
spend money, or an appropriation, for planning the state 6007
historical project does not constitute authorization to spend 6008
money on, or an appropriation for, the construction of the state 6009
historical project. 6010

(F) State funds shall not be used to pay or reimburse more 6011
than fifteen per cent of the initial estimated construction cost 6012
of an Ohio sports facility, excluding any site acquisition cost, 6013
and no state funds, including any state bond proceeds, shall be 6014
spent on any Ohio sports facility under this chapter unless, with 6015
respect to that facility, all of the following apply: 6016

(1) The Ohio cultural facilities commission has determined 6017
that there is a need for the facility in the region of the state 6018
for which the facility is proposed to provide the function of an 6019
Ohio sports facility as provided for in this chapter. For a 6020
facility receiving a state appropriation of fifty thousand dollars 6021
or less, the commission may delegate to its executive director the 6022
authority to determine need but only in the affirmative. 6023

(2) As an indication of substantial local support for the 6024
facility, the commission has received a financial and development 6025
plan satisfactory to it, and provision has been made, by agreement 6026
or otherwise, satisfactory to the commission, for a contribution 6027
amounting to not less than eighty-five per cent of the total 6028
estimated construction cost of the facility, excluding any site 6029
acquisition cost, from sources other than the state. For a 6030
facility receiving a state appropriation of fifty thousand dollars 6031
or less, the commission may delegate to its executive director the 6032
authority to evaluate the financial and development plan and the 6033
contribution and to determine their adequacy but only in the 6034
affirmative. 6035

(3) The general assembly has specifically authorized the 6036
spending of money on, or made an appropriation for, the 6037
construction of the facility, or for rental payments relating to 6038
state financing of all or a portion of the costs of constructing 6039
the facility. Authorization to spend money, or an appropriation, 6040
for planning or determining the feasibility of or need for the 6041
facility does not constitute authorization to spend money on, or 6042
an appropriation for, costs of constructing the facility. 6043

(4) If state bond proceeds are being used for the Ohio sports 6044
facility, the state or a governmental agency owns or has 6045
sufficient property interests in the facility or in the site of 6046
the facility or in the portion or portions of the facility 6047
financed from proceeds of state bonds, which may include, but is 6048

not limited to, the right to use or to require the use of the 6049
facility for the presentation of sport and athletic events to the 6050
public at the facility. 6051

(G) In addition to the requirements of division (F) of this 6052
section, no state funds, including any state bond proceeds, shall 6053
be spent on any Ohio sports facility that is a motorsports 6054
complex, unless, with respect to that facility, both of the 6055
following apply: 6056

(1) Motorsports events shall be presented at the facility 6057
pursuant to a lease entered into with the owner of the facility. 6058
The term of the lease shall be for a period of not less than the 6059
greater of the useful life of the portion of the facility financed 6060
from proceeds of state bonds as determined using the guidelines 6061
for maximum maturities as provided under divisions (B) and (C) of 6062
section 133.20 of the Revised Code, or the period of time 6063
remaining to the date of payment or provision for payment of 6064
outstanding state bonds allocable to costs of the facility, all as 6065
determined by the director of budget and management and certified 6066
by the director to the Ohio cultural facilities commission and to 6067
the treasurer of state. 6068

(2) Any motorsports organization that commits to using the 6069
facility for an established period of time shall give the 6070
political subdivision in which the facility is located not less 6071
than six months' advance notice if the organization intends to 6072
cease utilizing the facility prior to the expiration of that 6073
established period. Such a motorsports organization shall be 6074
liable to the state for any state funds used on the construction 6075
costs of the facility. 6076

Sec. 3706.01. As used in this chapter: 6077

(A) "Governmental agency" means a department, division, or 6078

other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.

(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare, plant or animal life, or property, or that unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life, or property.

(F) "Emission" means the release into the outdoor atmosphere of an air contaminant.

(G) "Air quality facility" means any of the following:

(1) Any method, modification or replacement of property, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants or substances containing air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air, including, without limitation, facilities and expenditures that qualify as air pollution control facilities under section 103 (C)(4)(F) of

the Internal Revenue Code of 1954, as amended, and regulations	6109
adopted thereunder;	6110
(2) Motor vehicle inspection stations operated in accordance	6111
with, and any equipment used for motor vehicle inspections	6112
conducted under, section 3704.14 of the Revised Code and rules	6113
adopted under it;	6114
(3) Ethanol or other biofuel facilities, including any	6115
equipment used at the ethanol or other biofuel facility for the	6116
production of ethanol or other biofuels;	6117
(4) Any property or portion thereof used for the collection,	6118
storage, treatment, utilization, processing, or final disposal of	6119
a by-product or solid waste resulting from any method, process,	6120
device, structure, or equipment that removes, reduces, prevents,	6121
contains, alters, conveys, stores, disperses, or disposes of air	6122
contaminants, or that renders less noxious or reduces the	6123
concentration of air contaminants in the ambient air;	6124
(5) Any property, device, or equipment that promotes the	6125
reduction of emissions of air contaminants into the ambient air	6126
through improvements in the efficiency of energy utilization or	6127
energy conservation;	6128
(6) Any coal research and development project conducted under	6129
Chapter 1555. of the Revised Code;	6130
(7) As determined by the director of the Ohio coal	6131
development office, any property or portion thereof that is used	6132
for the collection, storage, treatment, utilization, processing,	6133
or final disposal of a by-product resulting from a coal research	6134
and development project as defined in section 1555.01 of the	6135
Revised Code or from the use of clean coal technology, excluding	6136
any property or portion thereof that is used primarily for other	6137
subsequent commercial purposes;	6138

(8) Any property or portion thereof that is part of the 6139
FutureGen project of the United States department of energy or 6140
related to the siting of the FutureGen project. 6141

"Air quality facility" further includes any property or 6142
system to be used in whole or in part for any of the purposes in 6143
divisions (G)(1) to (8) of this section, whether another purpose 6144
is also served, and any property or system incidental to or that 6145
has to do with, or the end purpose of which is, any of the 6146
foregoing. Air quality facilities that are defined in this 6147
division for industry, commerce, distribution, or research, 6148
including public utility companies, are hereby determined to be 6149
those that qualify as facilities for the control of air pollution 6150
and thermal pollution related to air under Section 13 of Article 6151
VIII, Ohio Constitution. 6152

(H) "Project" or "air quality project" means any air quality 6153
facility, including undivided or other interests therein, acquired 6154
or to be acquired or constructed or to be constructed by the Ohio 6155
air quality development authority under this chapter, or acquired 6156
or to be acquired or constructed or to be constructed by a 6157
governmental agency or person with all or a part of the cost 6158
thereof being paid from a loan or grant from the authority under 6159
this chapter, including all buildings and facilities that the 6160
authority determines necessary for the operation of the project, 6161
together with all property, rights, easements, and interests that 6162
may be required for the operation of the project. 6163

(I) "Cost" as applied to an air quality project means the 6164
cost of acquisition and construction, the cost of acquisition of 6165
all land, rights-of-way, property rights, easements, franchise 6166
rights, and interests required for such acquisition and 6167
construction, the cost of demolishing or removing any buildings or 6168
structures on land so acquired, including the cost of acquiring 6169
any lands to which such buildings or structures may be moved, the 6170

cost of acquiring or constructing and equipping a principal office 6171
and sub-offices of the authority, the cost of diverting highways, 6172
interchange of highways, and access roads to private property, 6173
including the cost of land or easements for such access roads, the 6174
cost of public utility and common carrier relocation or 6175
duplication, the cost of all machinery, furnishings, and 6176
equipment, financing charges, interest prior to and during 6177
construction and for no more than eighteen months after completion 6178
of construction, engineering, expenses of research and development 6179
with respect to air quality facilities, legal expenses, plans, 6180
specifications, surveys, studies, estimates of cost and revenues, 6181
working capital, other expenses necessary or incident to 6182
determining the feasibility or practicability of acquiring or 6183
constructing such project, administrative expense, and such other 6184
expense as may be necessary or incident to the acquisition or 6185
construction of the project, the financing of such acquisition or 6186
construction, including the amount authorized in the resolution of 6187
the authority providing for the issuance of air quality revenue 6188
bonds to be paid into any special funds from the proceeds of such 6189
bonds, and the financing of the placing of such project in 6190
operation. Any obligation, cost, or expense incurred by any 6191
governmental agency or person for surveys, borings, preparation of 6192
plans and specifications, and other engineering services, or any 6193
other cost described above, in connection with the acquisition or 6194
construction of a project may be regarded as a part of the cost of 6195
that project and may be reimbursed out of the proceeds of air 6196
quality revenue bonds as authorized by this chapter. 6197

(J) "Owner" includes an individual, copartnership, 6198
association, or corporation having any title or interest in any 6199
property, rights, easements, or interests authorized to be 6200
acquired by this chapter. 6201

(K) "Revenues" means all rentals and other charges received 6202

by the authority for the use or services of any air quality 6203
project, any gift or grant received with respect to any air 6204
quality project, any moneys received with respect to the lease, 6205
sublease, sale, including installment sale or conditional sale, or 6206
other disposition of an air quality project, moneys received in 6207
repayment of and for interest on any loans made by the authority 6208
to a person or governmental agency, whether from the United States 6209
or any department, administration, or agency thereof, or 6210
otherwise, proceeds of such bonds to the extent that use thereof 6211
for payment of principal of, premium, if any, or interest on the 6212
bonds is authorized by the authority, proceeds from any insurance, 6213
condemnation, or guaranty pertaining to a project or property 6214
mortgaged to secure bonds or pertaining to the financing of the 6215
project, and income and profit from the investment of the proceeds 6216
of air quality revenue bonds or of any revenues. 6217

(L) "Public roads" includes all public highways, roads, and 6218
streets in the state, whether maintained by the state, county, 6219
city, township, or other political subdivision. 6220

(M) "Public utility facilities" includes tracks, pipes, 6221
mains, conduits, cables, wires, towers, poles, and other equipment 6222
and appliances of any public utility. 6223

(N) "Construction," unless the context indicates a different 6224
meaning or intent, includes reconstruction, enlargement, 6225
improvement, or providing furnishings or equipment. 6226

(O) "Air quality revenue bonds," unless the context indicates 6227
a different meaning or intent, includes air quality revenue notes, 6228
air quality revenue renewal notes, and air quality revenue 6229
refunding bonds, except that notes issued in anticipation of the 6230
issuance of bonds shall have a maximum maturity of five years as 6231
provided in section 3706.05 of the Revised Code and notes or 6232
renewal notes issued as the definitive obligation may be issued 6233

maturing at such time or times with a maximum maturity of forty 6234
years from the date of issuance of the original note. 6235

(P) "Solid waste" means any garbage; refuse; sludge from a 6236
waste water treatment plant, water supply treatment plant, or air 6237
pollution control facility; and other discarded material, 6238
including solid, liquid, semisolid, or contained gaseous material 6239
resulting from industrial, commercial, mining, and agricultural 6240
operations, and from community activities, but not including solid 6241
or dissolved material in domestic sewage, or solid or dissolved 6242
material in irrigation return flows or industrial discharges that 6243
are point sources subject to permits under section 402 of the 6244
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 6245
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 6246
byproduct material as defined by the "Atomic Energy Act of 1954," 6247
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 6248

(Q) "Sludge" means any solid, semisolid, or liquid waste, 6249
other than a recyclable by-product, generated from a municipal, 6250
commercial, or industrial waste water treatment plant, water 6251
supply plant, or air pollution control facility or any other such 6252
wastes having similar characteristics and effects. 6253

(R) "Ethanol or other biofuel facility" means a plant at 6254
which ethanol or other biofuel is produced. 6255

(S) "Ethanol" means fermentation ethyl alcohol derived from 6256
agricultural products, including potatoes, cereal, grains, cheese 6257
whey, and sugar beets; forest products; or other renewable or 6258
biomass resources, including residue and waste generated from the 6259
production, processing, and marketing of agricultural products, 6260
forest products, and other renewable or biomass resources, that 6261
meets all of the specifications in the American society for 6262
testing and materials (ASTM) specification D 4806-88 and is 6263
denatured as specified in Parts 20 and 21 of Title 27 of the Code 6264

of Federal Regulations. 6265

(T) "Biofuel" means any fuel that is made from cellulosic 6266
biomass resources, including renewable organic matter, crop waste 6267
residue, wood, aquatic plants and other crops, animal waste, solid 6268
waste, or sludge, and that is used for the production of energy 6269
for transportation or other purposes. 6270

(U) "FutureGen project" means the buildings, equipment, and 6271
real property and functionally related buildings, equipment, and 6272
real property, including related research projects that support 6273
the development and operation of the buildings, equipment, and 6274
real property, designated by the United States department of 6275
energy and the FutureGen industrial alliance, inc., as the 6276
coal-fueled, zero-emissions power plant designed to prove the 6277
technical and economic feasibility of producing electricity and 6278
hydrogen from coal and nearly eliminating carbon dioxide emissions 6279
through capture and permanent storage. 6280

Sec. 3770.05. (A) As used in this section, "person" means any 6281
person, association, corporation, partnership, club, trust, 6282
estate, society, receiver, trustee, person acting in a fiduciary 6283
or representative capacity, instrumentality of the state or any of 6284
its political subdivisions, or any other combination of 6285
individuals meeting the requirements set forth in this section or 6286
established by rule or order of the state lottery commission. 6287

(B) The director of the state lottery commission may license 6288
any person as a lottery sales agent. No license shall be issued to 6289
any person or group of persons to engage in the sale of lottery 6290
tickets as the person's or group's sole occupation or business. 6291

Before issuing any license to a lottery sales agent, the 6292
director shall consider all of the following: 6293

(1) The financial responsibility and security of the ~~person~~ 6294

<u>applicant</u> and the person's <u>applicant's</u> business or activity;	6295
(2) The accessibility of the agent's <u>applicant's</u> place of business or activity to the public;	6296 6297
(3) The sufficiency of existing licensed agents to serve the public interest;	6298 6299
(4) The volume of expected sales by the applicant;	6300
(5) Any other factors pertaining to the public interest, convenience, or trust.	6301 6302
(C) Except as otherwise provided in division (F) of this section, the director <u>of the state lottery commission</u> shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee:	6303 6304 6305 6306
(1) Has been convicted of a felony 7 , or has been convicted of a crime involving moral turpitude;	6307 6308
(2) Has been convicted of an offense that involves illegal gambling;	6309 6310
(3) Has been found guilty of fraud or misrepresentation in any connection;	6311 6312
(4) Has been found to have violated any rule or order of the commission; <u>or</u>	6313 6314
(5) Has been convicted of illegal trafficking in food stamps.	6315
(D) Except as otherwise provided in division (F) of this section, the director <u>of the state lottery commission</u> shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee is a corporation <u>and any of the following applies</u> :	6316 6317 6318 6319
(1) Any of whose <u>the corporation's</u> directors, officers, or controlling shareholders have <u>has</u> been found guilty of any of the activities specified in divisions (C)(1) to (4) <u>(5)</u> of this section;	6320 6321 6322 6323

(2) ~~In which it~~ It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, or controlling shareholder of the corporation, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust;

(3) ~~Not~~ The corporation is not the owner or lessee of the business at which it ~~will~~ would conduct a lottery sales agency pursuant to the license applied for, ~~or that any;~~

(4) Any person, firm, association, or corporation other than the applicant or licensee shares or will share in the profits of the applicant or licensee, other than receiving dividends or distributions as a shareholder, or participates or will participate in the management of the affairs of the applicant or licensee.

(E)(1) The director of the state lottery commission shall refuse to grant a license to an applicant for a lottery sales agent license and shall revoke a lottery sales agent license ~~of a licensee~~ if the applicant or licensee is or has been convicted of a violation of division (A) or (C)(1) of section 2913.46 of the Revised Code.

(2) The director shall refuse to grant a license to an applicant for a lottery sales agent license that is a corporation and shall revoke the lottery sales agent license of a ~~licensee that is a~~ corporation, if the corporation is or has been convicted of a violation of division (A) or (C)(1) of ~~a violation of~~ section 2913.46 of the Revised Code.

(F) The director of the state lottery commission shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of

any applicant for a lottery sales agent license, and may 6355
periodically request ~~such~~ the criminal records of any person to 6356
whom ~~such~~ a lottery sales agent license has been issued. At or 6357
prior to the time of making such a request, the director shall 6358
require an applicant or licensee to obtain fingerprint impressions 6359
on fingerprint cards prescribed by the superintendent of the 6360
bureau of criminal identification and investigation at a qualified 6361
law enforcement agency, and the director shall cause ~~these~~ those 6362
fingerprint cards to be forwarded to the bureau of criminal 6363
identification and investigation ~~and,~~ to the federal bureau of 6364
investigation, or to both bureaus. The commission shall assume the 6365
cost of obtaining the fingerprint cards. ~~The~~ 6366

The director shall pay to each agency supplying ~~such~~ criminal 6367
records for each investigation a reasonable fee, as determined by 6368
the agency. ~~The~~ 6369

The commission may adopt uniform rules specifying time 6370
periods after which the persons described in divisions (C)(1) to 6371
~~(4)(5)~~ and (D)(1) to ~~(3)(4)~~ of this section may be issued a 6372
license and establishing requirements for ~~such~~ those persons to 6373
seek a court order to have records sealed in accordance with law. 6374

(G)(1) Each applicant for a lottery sales agent license shall 6375
do both of the following: 6376

(a) Pay to the state lottery commission, at the time the 6377
application is submitted, a fee ~~of twenty five dollars upon~~ 6378
~~approval of~~ in an amount that the application director of the 6379
state lottery commission determines by rule adopted under Chapter 6380
119. of the Revised Code and that the controlling board approves; 6381

(b) Prior to approval of the application, obtain a surety ~~or,~~ 6382
~~if required, a fidelity bond in an amount to be determined by the~~ 6383
director determines by rule adopted under Chapter 119. of the 6384
Revised Code or, alternatively, with the director's approval, 6385

deposit the same amount into a dedicated account for the benefit 6386
of the state lottery. The director also may approve the obtaining 6387
of a surety bond to cover part of the amount required, together 6388
with a dedicated account deposit to cover the remainder of the 6389
amount required. The 6390

A surety bond may be with any company that complies with the 6391
bonding and surety laws of this state and the requirements 6392
established by rules of the commission pursuant to this chapter. A 6393
dedicated account deposit shall be conducted in accordance with 6394
policies and procedures the director establishes. 6395

A surety bond, dedicated account, or both, as applicable, may 6396
be used to pay for the lottery sales agent's failure to make 6397
prompt and accurate payments for lottery ticket sales, for missing 6398
or stolen lottery tickets, or for damage to equipment or materials 6399
issued to the lottery sales agent, or to pay for expenses the 6400
commission incurs in connection with the lottery sales agent's 6401
license. 6402

(2) A lottery sales agent license is effective for one year. 6403
A 6404

A licensed lottery sales agent ~~shall~~, on or before the date 6405
established by the director, shall renew the agent's license and 6406
provide at that time evidence to the director that the surety 6407
bond, dedicated account deposit, or both, required under division 6408
(F)(G)(1)(b) of this section has been renewed or is active, 6409
whichever applies. The director shall certify to the commission 6410
that the applicant for renewal has the required bond. 6411

~~The~~ Before the commission renews a lottery sales agent 6412
license, the lottery sales agent shall submit a renewal fee to the 6413
commission in an amount that the director determines by rule 6414
adopted under Chapter 119. of the Revised Code and that the 6415
controlling board approves. The renewal fee shall not exceed the 6416

actual cost of administering the license renewal and processing 6417
changes reflected in the renewal application. The renewal of the 6418
license is effective for up to one year. 6419

(3) A lottery sales agent license shall be complete, 6420
accurate, and current at all times during the term of the license. 6421
Any changes to an original license application or a renewal 6422
application may subject the applicant or lottery sales agent, as 6423
applicable, to paying an administrative fee that shall be in an 6424
amount that the director determines by rule adopted under Chapter 6425
119. of the Revised Code, that the controlling board approves, and 6426
that shall not exceed the actual cost of administering and 6427
processing the changes to an application. 6428

(4) The relationship between the ~~state lottery~~ commission and 6429
a lottery sales agent is one of trust. A lottery sales agent 6430
collects funds on behalf of the commission through the sale of 6431
lottery tickets for which the agent receives a compensation. 6432

(H) Pending a final resolution of any question arising under 6433
this section, the director of the state lottery commission may 6434
issue a temporary lottery sales agent license, subject to ~~such the~~ 6435
terms and conditions ~~as~~ the director ~~may consider~~ considers 6436
appropriate. 6437

(I) If a lottery sales agent's rental payments for the 6438
lottery sales agent's premises are determined, in whole or in 6439
part, by the amount of retail sales the lottery sales agent makes, 6440
and if the rental agreement does not expressly provide that the 6441
amount of ~~such those~~ retail sales includes the amounts the lottery 6442
sales agent receives from lottery ticket sales, only the amounts 6443
the lottery sales agent receives as compensation from the state 6444
lottery commission for selling lottery tickets shall be considered 6445
to be amounts the lottery sales agent receives from the retail 6446
sales the lottery sales agent makes, for the purpose of computing 6447
the lottery sales agent's rental payments. 6448

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, lottery sales receipts held in trust on behalf of the state lottery commission as described in division (G)~~(2)~~(4) of section 3770.05 of the Revised Code, or charge, penalty, or interest arising from these debts and if 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) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 4121.121. (A) There is hereby created the bureau of workers' compensation, which shall be administered by the administrator of workers' compensation. A person appointed to the position of administrator shall possess significant management experience in effectively managing an organization or organizations of substantial size and complexity. The governor shall appoint the administrator as provided in section 121.03 of the Revised Code, and the administrator shall serve at the pleasure of the governor. The governor shall fix the administrator's salary on the basis of the administrator's experience and the administrator's responsibilities and duties under this chapter and Chapters 4123., 4127., 4131., and 4167. of the Revised Code. The governor shall not appoint to the position of administrator any person who has, or whose spouse has, given a contribution to the campaign committee of the governor in an amount greater than one thousand dollars during the two-year period immediately preceding the date of the appointment of the administrator.

The administrator shall hold no other public office and shall devote full time to the duties of administrator. Before entering upon the duties of the office, the administrator shall take an oath of office as required by sections 3.22 and 3.23 of the Revised Code, and shall file in the office of the secretary of state, a bond signed by the administrator and by surety approved by the governor, for the sum of fifty thousand dollars payable to the state, conditioned upon the faithful performance of the administrator's duties.

(B) The administrator is responsible for the management of the bureau of workers' compensation and for the discharge of all administrative duties imposed upon the administrator in this chapter and Chapters 4123., 4127., 4131., and 4167. of the Revised

Code, and in the discharge thereof shall do all of the following: 6510

(1) Establish the overall administrative policy of the bureau 6511
for the purposes of this chapter and Chapters 4123., 4127., 4131., 6512
and 4167. of the Revised Code, and perform all acts and exercise 6513
all authorities and powers, discretionary and otherwise that are 6514
required of or vested in the bureau or any of its employees in 6515
this chapter and Chapters 4123., 4127., 4131., and 4167. of the 6516
Revised Code, except the acts and the exercise of authority and 6517
power that is required of and vested in the oversight commission 6518
or the industrial commission pursuant to those chapters. The 6519
treasurer of state shall honor all warrants signed by the 6520
administrator, or by one or more of the administrator's employees, 6521
authorized by the administrator in writing, or bearing the 6522
facsimile signature of the administrator or such employee under 6523
sections 4123.42 and 4123.44 of the Revised Code. 6524

(2) Employ, direct, and supervise all employees required in 6525
connection with the performance of the duties assigned to the 6526
bureau by this chapter and Chapters 4123., 4127., 4131., and 4167. 6527
of the Revised Code, and may establish job classification plans 6528
and compensation for all employees of the bureau provided that 6529
this grant of authority shall not be construed as affecting any 6530
employee for whom the state employment relations board has 6531
established an appropriate bargaining unit under section 4117.06 6532
of the Revised Code. All positions of employment in the bureau are 6533
in the classified civil service except those employees the 6534
administrator may appoint to serve at the administrator's pleasure 6535
in the unclassified civil service pursuant to section 124.11 of 6536
the Revised Code. The administrator shall fix the salaries of 6537
employees the administrator appoints to serve at the 6538
administrator's pleasure, including the chief operating officer, 6539
staff physicians, and other senior management personnel of the 6540
bureau and shall establish the compensation of staff attorneys of 6541

the bureau's legal section and their immediate supervisors, and
take whatever steps are necessary to provide adequate compensation
for other staff attorneys.

The administrator may appoint a person ~~holding~~ who holds a
certified position in the classified service within the bureau to
~~any state a~~ position in the unclassified service ~~of~~ within the
~~bureau of workers' compensation.~~ A person ~~so~~ appointed pursuant to
this division to a position in the unclassified service shall
retain the right to resume the position and status held by the
person in the classified service immediately prior to the person's
appointment in the unclassified service. ~~If the position the~~
~~person previously held has been filled or placed in the~~
~~unclassified service, or is otherwise unavailable, the person~~
~~shall be appointed to a position in the classified service within~~
~~the bureau that the department of administrative services~~
~~certifies is comparable in compensation to the position the person~~
~~previously held. Reinstatement, regardless of the number of~~
positions the person held in the unclassified service. An
employee's right to resume a position in the classified service
may only be exercised when the administrator demotes the employee
to a pay range lower than the employee's current pay range or
revokes the employee's appointment to the unclassified service. An
employee forfeits the right to resume a position in the classified
service when the employee is removed from the position in the
unclassified service due to incompetence, inefficiency,
dishonesty, drunkenness, immoral conduct, insubordination,
discourteous treatment of the public, neglect of duty, violation
of this chapter or Chapter 124., 4123., 4127., 4131., or 4167. of
the Revised Code, violation of the rules of the director of
administrative services or the administrator of workers'
compensation, any other failure of good behavior, any other acts
of misfeasance, malfeasance, or nonfeasance in office, or

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conviction of a felony. An employee also forfeits the right to 6574
resume a position in the classified service upon transfer to a 6575
different agency. 6576

Reinstatement to a position in the classified service shall 6577
be to a position substantially equal to that position in the 6578
classified service held previously, as certified by the department 6579
of administrative services. If the position the person previously 6580
held in the classified service has been placed in the unclassified 6581
service or is otherwise unavailable, the person shall be appointed 6582
to a position in the classified service within the bureau that the 6583
director of administrative services certifies is comparable in 6584
compensation to the position the person previously held in the 6585
classified service. Service in the position in the unclassified 6586
service shall be counted as service in the position in the 6587
classified service held by the person immediately prior to the 6588
person's appointment in the unclassified service. When a person is 6589
reinstated to a position in the classified service as provided in 6590
this ~~section~~ division, the person is entitled to all rights, 6591
status, and benefits accruing to the position during the person's 6592
time of service in the position in the unclassified service. 6593

(3) Reorganize the work of the bureau, its sections, 6594
departments, and offices to the extent necessary to achieve the 6595
most efficient performance of its functions and to that end may 6596
establish, change, or abolish positions and assign and reassign 6597
duties and responsibilities of every employee of the bureau. All 6598
persons employed by the commission in positions that, after 6599
November 3, 1989, are supervised and directed by the administrator 6600
under this section are transferred to the bureau in their 6601
respective classifications but subject to reassignment and 6602
reclassification of position and compensation as the administrator 6603
determines to be in the interest of efficient administration. The 6604
civil service status of any person employed by the commission is 6605

not affected by this section. Personnel employed by the bureau or
the commission who are subject to Chapter 4117. of the Revised
Code shall retain all of their rights and benefits conferred
pursuant to that chapter as it presently exists or is hereafter
amended and nothing in this chapter or Chapter 4123. of the
Revised Code shall be construed as eliminating or interfering with
Chapter 4117. of the Revised Code or the rights and benefits
conferred under that chapter to public employees or to any
bargaining unit.

(4) Provide offices, equipment, supplies, and other
facilities for the bureau.

(5) Prepare and submit to the oversight commission
information the administrator considers pertinent or the oversight
commission requires, together with the administrator's
recommendations, in the form of administrative rules, for the
advice and consent of the oversight commission, for
classifications of occupations or industries, for premium rates
and contributions, for the amount to be credited to the surplus
fund, for rules and systems of rating, rate revisions, and merit
rating. The administrator shall obtain, prepare, and submit any
other information the oversight commission requires for the prompt
and efficient discharge of its duties.

(6) Keep the accounts required by division (A) of section
4123.34 of the Revised Code and all other accounts and records
necessary to the collection, administration, and distribution of
the workers' compensation funds and shall obtain the statistical
and other information required by section 4123.19 of the Revised
Code.

(7) Exercise the investment powers vested in the
administrator by section 4123.44 of the Revised Code in accordance
with the investment objectives, policies, and criteria established

by the oversight commission pursuant to section 4121.12 of the
Revised Code and in consultation with the chief investment officer
of the bureau of workers' compensation. The administrator shall
not engage in any prohibited investment activity specified by the
oversight commission pursuant to division (G)(6) of section
4121.12 of the Revised Code and shall not invest in any type of
investment specified in ~~division~~ divisions (G)(6)(a) to (j) of
that section. All business shall be transacted, all funds
invested, all warrants for money drawn and payments made, and all
cash and securities and other property held, in the name of the
bureau, or in the name of its nominee, provided that nominees are
authorized by the administrator solely for the purpose of
facilitating the transfer of securities, and restricted to the
administrator and designated employees.

(8) Make contracts for and supervise the construction of any
project or improvement or the construction or repair of buildings
under the control of the bureau.

(9) Purchase supplies, materials, equipment, and services;
make contracts for, operate, and superintend the telephone, other
telecommunication, and computer services for the use of the
bureau; and make contracts in connection with office reproduction,
forms management, printing, and other services. Notwithstanding
sections 125.12 to 125.14 of the Revised Code, the administrator
may transfer surplus computers and computer equipment directly to
an accredited public school within the state. The computers and
computer equipment may be repaired or refurbished prior to the
transfer.

(10) Separately from the budget the industrial commission
submits, prepare and submit to the director of budget and
management a budget for each biennium. The budget submitted shall
include estimates of the costs and necessary expenditures of the
bureau in the discharge of any duty imposed by law.

(11) As promptly as possible in the course of efficient 6669
administration, decentralize and relocate such of the personnel 6670
and activities of the bureau as is appropriate to the end that the 6671
receipt, investigation, determination, and payment of claims may 6672
be undertaken at or near the place of injury or the residence of 6673
the claimant and for that purpose establish regional offices, in 6674
such places as the administrator considers proper, capable of 6675
discharging as many of the functions of the bureau as is 6676
practicable so as to promote prompt and efficient administration 6677
in the processing of claims. All active and inactive lost-time 6678
claims files shall be held at the service office responsible for 6679
the claim. A claimant, at the claimant's request, shall be 6680
provided with information by telephone as to the location of the 6681
file pertaining to the claimant's claim. The administrator shall 6682
ensure that all service office employees report directly to the 6683
director for their service office. 6684

(12) Provide a written binder on new coverage where the 6685
administrator considers it to be in the best interest of the risk. 6686
The administrator, or any other person authorized by the 6687
administrator, shall grant the binder upon submission of a request 6688
for coverage by the employer. A binder is effective for a period 6689
of thirty days from date of issuance and is nonrenewable. Payroll 6690
reports and premium charges shall coincide with the effective date 6691
of the binder. 6692

(13) Set standards for the reasonable and maximum handling 6693
time of claims payment functions, ensure, by rules, the impartial 6694
and prompt treatment of all claims and employer risk accounts, and 6695
establish a secure, accurate method of time stamping all incoming 6696
mail and documents hand delivered to bureau employees. 6697

(14) Ensure that all employees of the bureau follow the 6698
orders and rules of the commission as such orders and rules relate 6699
to the commission's overall adjudicatory policy-making and 6700

management duties under this chapter and Chapters 4123., 4127., 6701
and 4131. of the Revised Code. 6702

(15) Manage and operate a data processing system with a 6703
common data base for the use of both the bureau and the commission 6704
and, in consultation with the commission, using electronic data 6705
processing equipment, shall develop a claims tracking system that 6706
is sufficient to monitor the status of a claim at any time and 6707
that lists appeals that have been filed and orders or 6708
determinations that have been issued pursuant to section 4123.511 6709
or 4123.512 of the Revised Code, including the dates of such 6710
filings and issuances. 6711

(16) Establish and maintain a medical section within the 6712
bureau. The medical section shall do all of the following: 6713

(a) Assist the administrator in establishing standard medical 6714
fees, approving medical procedures, and determining eligibility 6715
and reasonableness of the compensation payments for medical, 6716
hospital, and nursing services, and in establishing guidelines for 6717
payment policies which recognize usual, customary, and reasonable 6718
methods of payment for covered services; 6719

(b) Provide a resource to respond to questions from claims 6720
examiners for employees of the bureau; 6721

(c) Audit fee bill payments; 6722

(d) Implement a program to utilize, to the maximum extent 6723
possible, electronic data processing equipment for storage of 6724
information to facilitate authorizations of compensation payments 6725
for medical, hospital, drug, and nursing services; 6726

(e) Perform other duties assigned to it by the administrator. 6727

(17) Appoint, as the administrator determines necessary, 6728
panels to review and advise the administrator on disputes arising 6729
over a determination that a health care service or supply provided 6730

to a claimant is not covered under this chapter or Chapter 4123. 6731
of the Revised Code or is medically unnecessary. If an individual 6732
health care provider is involved in the dispute, the panel shall 6733
consist of individuals licensed pursuant to the same section of 6734
the Revised Code as such health care provider. 6735

(18) Pursuant to section 4123.65 of the Revised Code, approve 6736
applications for the final settlement of claims for compensation 6737
or benefits under this chapter and Chapters 4123., 4127., and 6738
4131. of the Revised Code as the administrator determines 6739
appropriate, except in regard to the applications of self-insuring 6740
employers and their employees. 6741

(19) Comply with section 3517.13 of the Revised Code, and 6742
except in regard to contracts entered into pursuant to the 6743
authority contained in section 4121.44 of the Revised Code, comply 6744
with the competitive bidding procedures set forth in the Revised 6745
Code for all contracts into which the administrator enters 6746
provided that those contracts fall within the type of contracts 6747
and dollar amounts specified in the Revised Code for competitive 6748
bidding and further provided that those contracts are not 6749
otherwise specifically exempt from the competitive bidding 6750
procedures contained in the Revised Code. 6751

(20) Adopt, with the advice and consent of the oversight 6752
commission, rules for the operation of the bureau. 6753

(21) Prepare and submit to the oversight commission 6754
information the administrator considers pertinent or the oversight 6755
commission requires, together with the administrator's 6756
recommendations, in the form of administrative rules, for the 6757
advice and consent of the oversight commission, for the health 6758
partnership program and the qualified health plan system, as 6759
provided in sections 4121.44, 4121.441, and 4121.442 of the 6760
Revised Code. 6761

(C) The administrator, with the advice and consent of the senate, shall appoint a chief operating officer who has significant experience in the field of workers' compensation insurance or other similar insurance industry experience if the administrator does not possess such experience. The chief operating officer shall not commence the chief operating officer's duties until after the senate consents to the chief operating officer's appointment. The chief operating officer shall serve in the unclassified civil service of the state.

Sec. 4503.068. On or before the second Monday in September of each year, the county treasurer shall total the amount by which the taxes levied in that year were reduced pursuant to section 4503.067 of the Revised Code, and certify that amount to the tax commissioner. Within ninety days of the receipt of the certification, the commissioner shall certify that amount to the ~~auditor~~ director of ~~state budget and management~~ and the ~~auditor~~ director shall make two payments from the general revenue fund in favor of the county treasurer. One shall be in the full amount by which taxes were reduced. The other shall be in an amount equal to two per cent of such amount and shall be a payment to the county auditor and county treasurer for the costs of administering sections 4503.064 to 4503.069 of the Revised Code.

Immediately upon receipt of the payment in the full amount by which taxes were reduced, the full amount of the payment shall be distributed among the taxing districts in the county as though it had been received as taxes under section 4503.06 of the Revised Code from each person for whom taxes were reduced under sections 4503.064 to 4503.069 of the Revised Code.

Sec. 4728.03. (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a

precious metals dealer's license has had sufficient financial 6792
responsibility, reputation, and experience in the business of 6793
precious metals dealer, or a related business, to act as a 6794
precious metals dealer in compliance with this chapter. 6795

(B)(1) The division of financial institutions in the 6796
department of commerce may grant a precious metals dealer's 6797
license to any person of good character, having experience and 6798
fitness in the capacity involved, who demonstrates a net worth of 6799
at least ten thousand dollars and the ability to maintain that net 6800
worth during the licensure period. The superintendent of financial 6801
institutions shall compute the applicant's net worth according to 6802
generally accepted accounting principles. 6803

(2) In place of the demonstration of net worth required by 6804
division (B)(1) of this section, an applicant may obtain a surety 6805
bond issued by a surety company authorized to do business in this 6806
state if all of the following conditions are met: 6807

(a) A copy of the surety bond is filed with the division; 6808

(b) The bond is in favor of any person, and of the state for 6809
the benefit of any person, injured by any violation of this 6810
chapter; 6811

(c) The bond is in the amount of not less than ten thousand 6812
dollars. 6813

(3) Before granting a license under this division, the 6814
division shall determine that the applicant meets the requirements 6815
of division (B)(1) or (2) of this section. 6816

(C) The division shall require an applicant for a precious 6817
metals dealer's license to pay to the division a nonrefundable, 6818
initial investigation fee of two hundred dollars which shall be 6819
for the exclusive use of the state. The license fee for a precious 6820
metals dealer's license and the renewal fee shall be determined by 6821
the superintendent, provided that the fee may not exceed three 6822

hundred dollars. A license issued by the division shall expire on 6823
the last day of June next following the date of its issuance. 6824
Fifty per cent of license fees shall be for the use of the state, 6825
and fifty per cent shall be paid to the municipal corporation, or 6826
if outside the limits of any municipal corporation, to the county 6827
in which the office of the licensee is located. All portions of 6828
license fees payable to municipal corporations or counties shall 6829
be paid as they accrue, by the treasurer of state, on vouchers 6830
issued by the ~~auditor~~ director of ~~state~~ budget and management. 6831

(D) Every such license shall be renewed annually by the last 6832
day of June according to the standard renewal procedure of 6833
~~sections~~ Chapter 4745. of the Revised Code. No license shall be 6834
granted to any person not a resident of or the principal office of 6835
which is not located in the municipal corporation or county 6836
designated in such license, unless, and until such applicant 6837
shall, in writing and in due form, to be first approved by and 6838
filed with the division, appoint an agent, a resident of the 6839
state, and city or county where the office is to be located, upon 6840
whom all judicial and other process, or legal notice, directed to 6841
the applicant may be served; and in case of the death, removal 6842
from the state, or any legal disability or any disqualification of 6843
any agent, service of process or notice may be made upon the 6844
superintendent. 6845

(E) The division may, pursuant to Chapter 119. of the Revised 6846
Code, upon notice to the licensee and after giving the licensee 6847
reasonable opportunity to be heard, revoke or suspend any license, 6848
if the licensee or the licensee's officers, agents, or employees 6849
violate this chapter. Whenever, for any cause, the license is 6850
revoked or suspended, the division shall not issue another license 6851
to the licensee nor to the husband or wife of the licensee, nor to 6852
any copartnership or corporation of which the licensee is an 6853
officer, nor to any person employed by the licensee, until the 6854

expiration of at least one year from the date of revocation of the license. 6855
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(F) In conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section, the superintendent may request that the superintendent of the bureau of criminal identification and investigation investigate and determine whether the bureau has procured any information pursuant to section 109.57 of the Revised Code pertaining to the applicant. 6857
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If the superintendent of financial institutions determines that conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section will require procuring information outside the state, then, in addition to the fee established under division (C) of this section, the superintendent may require the applicant to pay any of the actual expenses incurred by the division to conduct such an investigation, provided that the superintendent shall assess the applicant a total no greater than one thousand dollars for such expenses. The superintendent may require the applicant to pay in advance of the investigation, sufficient funds to cover the estimated cost of the actual expenses. If the superintendent requires the applicant to pay investigation expenses, the superintendent shall provide to the applicant an itemized statement of the actual expenses incurred by the division to conduct the investigation. 6864
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(G)(1) Except as otherwise provided in division (G)(2) of this ~~sections~~ section a precious metals dealer licensed under this section shall maintain a net worth of at least ten thousand dollars, computed as required under division (B)(1) of this section, for as long as the licensee holds a valid precious metals dealer's license issued pursuant to this section. 6880
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(2) A licensee who obtains a surety bond under division 6886
(B)(2) of this section is exempt from the requirement of division 6887
(G)(1) of this section, but shall maintain the bond for at least 6888
two years after the date on which the licensee ceases to conduct 6889
business in this state. 6890

Sec. 4763.03. (A) In addition to any other duties imposed on 6891
the real estate appraiser board under this chapter, the board 6892
shall: 6893

(1) Adopt rules, in accordance with Chapter 119. of the 6894
Revised Code, in furtherance of this chapter, including, but not 6895
limited to, all of the following: 6896

(a) Defining, with respect to state-certified general real 6897
estate appraisers, state-certified residential real estate 6898
appraisers, and state-licensed residential real estate appraisers, 6899
the type of educational experience, appraisal experience, and 6900
other equivalent experience that satisfy the requirements of this 6901
chapter. The rules shall require that all appraisal experience 6902
performed after January 1, 1996, meet the uniform standards of 6903
professional practice established by the appraisal foundation. 6904

(b) Establishing the examination specifications for 6905
state-certified general real estate appraisers, state-certified 6906
residential real estate appraisers, and state-licensed residential 6907
real estate appraisers; 6908

(c) Relating to disciplinary proceedings conducted in 6909
accordance with section 4763.11 of the Revised Code, including 6910
rules governing the reinstatement of certificates, registrations, 6911
and licenses that have been suspended pursuant to those 6912
proceedings; 6913

(d) Identifying any additional information to be included on 6914
the forms specified in division (C) of section 4763.12 of the 6915

Revised Code, provided that the rules shall not require any less
information than is required in that division;

(e) Establishing the fees set forth in section 4763.09 of the
Revised Code;

(f) Establishing the amount of the assessment required by
division (A)(2) of section 4763.05 of the Revised Code. The board
annually shall determine the amount due from each applicant for an
initial certificate, registration, and license in an amount that
will maintain the real estate appraiser recovery fund at the level
specified in division (A) of section 4763.16 of the Revised Code.
The board may, if the fund falls below that amount, require
current certificate holders, registrants, and licensees to pay an
additional assessment.

~~(g) Defining, with respect to state registered real estate
appraiser assistants, the educational and experience requirements
of pursuant to division (C)(1)(d) of section 4763.05 of the
Revised Code;~~

(h) Establishing a real estate appraiser assistant program
for the registration of real estate appraiser assistants.

~~(2) Provide or procure appropriate examination questions and
answers for Prescribe by rule the requirements for the
examinations required by division (D) of section 4763.05 of the
Revised Code, and establish the criteria for successful completion
of those examinations;~~

(3) Periodically review the standards for preparation and
reporting of real estate appraisals provided in this chapter and
adopt rules explaining and interpreting those standards;

(4) Hear appeals, pursuant to Chapter 119. of the Revised
Code, from decisions and orders the superintendent of real estate
issues pursuant to this chapter;

(5) Request the initiation by the superintendent of investigations of violations of this chapter or the rules adopted pursuant thereto, as the board determines appropriate;	6946 6947 6948
(6) Determine the appropriate disciplinary actions to be taken against certificate holders, registrants, and licensees under this chapter as provided in section 4763.11 of the Revised Code.	6949 6950 6951 6952
(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:	6953 6954 6955
(1) Prescribe the form and content of all applications required by this chapter;	6956 6957
(2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;	6958 6959 6960 6961
(3) Retain records and all application materials submitted to the superintendent;	6962 6963
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	6964 6965 6966
(5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter;	6967 6968 6969
(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	6970 6971
(7) Administer this chapter;	6972
(8) Issue all orders necessary to implement this chapter;	6973
(9) Investigate complaints, upon the superintendent's own	6974

motion or upon receipt of a complaint or upon a request of the board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a certificate, registration, or license issued pursuant to this chapter;

(10) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal business hours. The superintendent may utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code or currently licensed certificate holders or licensees to assist in performing the duties of this division.

(11) Appoint a referee or examiner for any proceeding involving the revocation or suspension of a certificate, registration, or license under section 3123.47 or 4763.11 of the Revised Code;

(12) Administer the real estate appraiser recovery fund;

(13) Conduct the examinations required by division (D) of section 4763.05 of the Revised Code at least four times per year.

(C) The superintendent may do all of the following:

(1) In connection with investigations and audits under division (B) of this section, subpoena witnesses as provided in section 4763.04 of the Revised Code;

(2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent that any person has violated or is about to violate this chapter, the court shall

grant an injunction, restraining order, or other appropriate relief, or any combination thereof. 7005
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(D) All information that is obtained by investigators and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to division (B)(10) of this section, from certificate holders, registrants, licensees, complainants, or other persons, and all reports, documents, and other work products that arise from that information and that are prepared by the investigators, auditors, or other personnel of the department of commerce, shall be held in confidence by the superintendent, the investigators and auditors, and other personnel of the department. 7007
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(E) This section does not prevent the division of real estate and professional licensing from releasing information relating to certificate holders, registrants, and licensees to the superintendent of financial institutions for purposes relating to the administration of sections 1322.01 to 1322.12 of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the attorney general, or to local law enforcement agencies and local prosecutors. Information released by the division pursuant to this section remains confidential. 7017
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(F) Any rule the board adopts shall not exceed the requirements specified in federal law or regulations. 7027
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Sec. 4763.05. (A)(1)(a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered real estate appraiser assistant registration in writing to the superintendent of real estate on a form the superintendent 7029
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prescribes. The application shall include the address of the 7036
applicant's principal place of business and all other addresses at 7037
which the applicant currently engages in the business of preparing 7038
real estate appraisals and the address of the applicant's current 7039
residence. The superintendent shall retain the applicant's current 7040
residence address in a separate record which shall not constitute 7041
a public record for purposes of section 149.03 of the Revised 7042
Code. The application shall indicate whether the applicant seeks 7043
certification as a general real estate appraiser or as a 7044
residential real estate appraiser, licensure as a residential real 7045
estate appraiser, or registration as a real estate appraiser 7046
assistant and be accompanied by the prescribed examination and 7047
certification, registration, or licensure fees set forth in 7048
section 4763.09 of the Revised Code. The application also shall 7049
include a fingerprint of the applicant; a pledge, signed by the 7050
applicant, that the applicant will comply with the standards set 7051
forth in this chapter; and a statement that the applicant 7052
understands the types of misconduct for which disciplinary 7053
proceedings may be initiated against the applicant pursuant to 7054
this chapter. 7055

(b) Upon the filing of an application and payment of any 7056
examination and certification, registration, or licensure fees, 7057
the superintendent of real estate shall request the superintendent 7058
of the bureau of criminal identification and investigation, or a 7059
vendor approved by the bureau, to conduct a criminal records check 7060
based on the applicant's fingerprints in accordance with division 7061
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 7062
division (J) of section 121.08 of the Revised Code, the 7063
superintendent of real estate shall request that criminal record 7064
information from the federal bureau of investigation be obtained 7065
as part of the criminal records check. Any fee required under 7066
division (C)(3) of section 109.572 of the Revised Code shall be 7067
paid by the applicant. 7068

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A)(1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess ~~at least thirty months of~~ experience in real estate appraisal, ~~or any equivalent experience the board prescribes. An applicant for a residential real estate appraiser certificate or residential real estate appraiser license shall possess at least two years of~~ experience in real estate appraisal, ~~or any equivalent experience~~ as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

~~(C)(1) Except as provided in division (C)(2) of this section,~~

~~an~~ An applicant for an initial certificate, registration, or 7101
license shall be at least eighteen years of age, honest, truthful, 7102
and of good reputation and shall present satisfactory evidence to 7103
the superintendent ~~of the following, as appropriate:~~ 7104

~~(a) If the applicant is seeking a state certified general 7105
real estate appraiser certificate, that the applicant has 7106
successfully completed at least one hundred sixty five classroom 7107
hours of courses in subjects related to real estate appraisal, 7108
including at least one course devoted exclusively to federal, 7109
state, and municipal fair housing law, presented by a nationally 7110
recognized appraisal organization, an institution of higher 7111
education, a career school registered by the state board of career 7112
colleges and schools, a state or federal commission or agency, or 7113
any other organization that represents the interests of financial 7114
institutions or real estate brokers, appraisers, or agents and 7115
that provides appraisal education, plus fifteen classroom hours 7116
related to standards of professional practice and the provisions 7117
of this chapter;~~ 7118

~~(b) If the applicant is seeking a state certified residential 7119
real estate appraiser certificate, that the applicant has 7120
successfully completed at least one hundred five classroom hours 7121
of courses in subjects related to real estate appraisal, including 7122
at least one course devoted exclusively to federal, state, and 7123
municipal fair housing law, presented by a nationally recognized 7124
appraisal organization, an institution of higher education, a 7125
career school registered by the state board of career colleges and 7126
schools, or any other organization that represents the interests 7127
of financial institutions or real estate brokers, appraisers, or 7128
agents and that provides appraisal education, plus fifteen 7129
classroom hours related to standards of professional practice and 7130
the provisions of this chapter;~~ 7131

~~(c) If the applicant is seeking a state licensed residential 7132~~

~~real estate appraiser license, that the applicant has successfully
completed at least seventy five classroom hours of courses in
subjects related to real estate appraisal, including at least one
course devoted exclusively to federal, state, and municipal fair
housing law, presented by a nationally recognized appraisal
organization, an institution of higher education, a career school
registered by the state board of career colleges and schools, a
state or federal commission or agency, or any other organization
that represents the interests of financial institutions or real
estate brokers, appraisers, or agents and that provides appraisal
education, plus fifteen classroom hours related to standards of
professional practice and the provisions of this chapter;~~

~~(d) If the applicant is seeking a state registered real
estate appraiser assistant registration, that the applicant has
successfully completed at least seventy five classroom hours of
courses in subjects related to real estate appraisal, including at
least one course devoted exclusively to federal, state, and
municipal fair housing law, presented by a nationally recognized
appraisal organization, an institution of higher education, a
career school registered by the state board of career colleges and
schools, or any other organization that represents the interests
of financial institutions or real estate brokers, appraisers, or
agents, and that provides appraisal education that included at
least fifteen classroom hours of instruction related to standards
of professional practice and the requirements of this chapter and
the rules adopted under this chapter.~~

~~(2) Each person who files an application for an initial
certificate or license within one year of the date established by
the board as the first date on which applications will be accepted
under this section, which date shall be no later than September 1,
1990, and who, at the time of filing that application, does not
satisfy the educational requirements for the certification or~~

~~licensure sought of either division (C)(1)(a) or (b) of this section is exempt from those educational requirements for the term of the initial certification or licensure. In applying for a renewal certificate or license pursuant to section 4763.06 of the Revised Code, a certificate holder or licensee who was exempted from the educational requirements of division (C)(1)(a) or (b) of this section when applying for the initial certificate or license shall present satisfactory evidence to the superintendent that the certificate holder or licensee has completed the educational requirements for the certification or licensure to be renewed of one of those divisions before the renewal certificate or license may be issued any education requirements the board prescribes by rule.~~

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license. ~~The examination shall require the applicant to demonstrate all of the following:~~

~~(1) Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and the economic concepts applicable to real estate;~~

~~(2) Understanding of the principles of land economics, real estate appraisal processes, and problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines;~~

~~(3) Understanding of the standards for the development and communication of real estate appraisals as provided in this chapter and the rules adopted thereunder;~~

~~(4) Knowledge of theories of depreciation, cost estimating, methods of capitalization, direct sales comparison, and the~~

mathematics of real estate appraisal that are appropriate for the	7196
certification or licensure for which the applicant has applied;	7197
(5) Knowledge of other principles and procedures as	7198
appropriate for the certification or license;	7199
(6) Basic understanding of real estate law;	7200
(7) Understanding of the types of misconduct for which	7201
disciplinary proceedings may be initiated against a certificate	7202
holder and licensee <u>The board shall prescribe the examination</u>	7203
<u>requirements by rule.</u>	7204
(E)(1) A nonresident, natural person of this state who has	7205
complied with this section may obtain a certificate, registration,	7206
or license. The board shall adopt rules relating to the	7207
certification, registration, and licensure of a nonresident	7208
applicant whose state of residence the board determines to have	7209
certification, registration, or licensure requirements that are	7210
substantially similar to those set forth in this chapter and the	7211
rules adopted thereunder.	7212
(2) The board shall recognize on a temporary basis a	7213
certification or license issued in another state and shall	7214
register on a temporary basis an appraiser who is certified or	7215
licensed in another state if all of the following apply:	7216
(a) The temporary registration is to perform an appraisal	7217
assignment that is part of a federally related transaction.	7218
(b) The appraiser's business in this state is of a temporary	7219
nature.	7220
(c) The appraiser registers with the board pursuant to this	7221
division.	7222
An appraiser who is certified or licensed in another state	7223
shall register with the board for temporary practice before	7224
performing an appraisal assignment in this state in connection	7225

with a federally related transaction.

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The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year.

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(3) In addition to any other information required to be submitted with the nonresident applicant's or appraiser's application for a certificate, registration, license, or temporary recognition of a certificate or license, each nonresident applicant or appraiser shall submit a statement consenting to the service of process upon the nonresident applicant or appraiser by means of delivering that process to the secretary of state if, in an action against the applicant, certificate holder, registrant, or licensee arising from the applicant's, certificate holder's, registrant's, or licensee's activities as a certificate holder, registrant, or licensee, the plaintiff, in the exercise of due diligence, cannot effect personal service upon the applicant, certificate holder, registrant, or licensee.

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(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation, partnership, or association. This prohibition shall not be construed to prevent a certificate holder or licensee from signing an appraisal report on behalf of a corporation, partnership, or association.

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(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place

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of business or residence within thirty days of the change. If a
licensee's, registrant's, or certificate holder's license,
registration, or certificate is revoked or not renewed, the
licensee, registrant, or certificate holder immediately shall
return the annual and any renewal certificate, registration, or
license to the superintendent.

(H)(1) The superintendent shall not issue a certificate,
registration, or license to any person, or recognize on a
temporary basis an appraiser from another state, who does not meet
applicable minimum criteria for state certification, registration,
or licensure prescribed by federal law or rule.

(2) The superintendent shall not issue a general real estate
appraiser certificate, residential real estate appraiser
certificate, residential real estate appraiser license, or real
estate appraiser assistant registration to any person who has been
convicted of or pleaded guilty to any criminal offense involving
theft, receiving stolen property, embezzlement, forgery, fraud,
passing bad checks, money laundering, or drug trafficking, or any
criminal offense involving money or securities, including a
violation of an existing or former law of this state, any other
state, or the United States that substantially is equivalent to
such an offense. However, if the applicant has pleaded guilty to
or been convicted of such an offense, the superintendent shall not
consider the offense if the applicant has proven to the
superintendent, by a preponderance of the evidence, that the
applicant's activities and employment record since the conviction
show that the applicant is honest, truthful, and of good
reputation, and there is no basis in fact for believing that the
applicant will commit such an offense again.

Sec. 4763.06. (A) A person licensed, registered, or certified
under this chapter may obtain a renewal certificate, registration,

or license by filing a renewal application with and paying the 7288
renewal fee set forth in section 4763.09 of the Revised Code and 7289
any amount assessed pursuant to division (A)(2) of section 4763.05 7290
of the Revised Code to the superintendent of real estate. The 7291
renewal application shall include a statement, signed by the 7292
certificate holder, registrant, or licensee, that the certificate 7293
holder, registrant, or licensee has not, during the immediately 7294
preceding twelve-month period, been convicted of or pleaded guilty 7295
to any criminal offense described in division (H)(2) of section 7296
4763.05 of the Revised Code. The certificate holder, registrant, 7297
or licensee shall file the renewal application at least thirty 7298
days, but no earlier than one hundred twenty days, prior to 7299
expiration of the certificate holder's, registrant's, or 7300
licensee's current certificate, registration, or license. A 7301
~~certificate holder or licensee who applies for a renewal~~ 7302
~~certificate or license who, pursuant to division (C)(2) of section~~ 7303
~~4763.05 of the Revised Code, was exempted from the educational~~ 7304
~~requirements of division (C)(1) of that section during the term of~~ 7305
~~the initial certificate or license, as a condition of renewal,~~ 7306
~~also shall present satisfactory evidence of having completed the~~ 7307
~~appropriate educational requirements of either division (C)(1)(a)~~ 7308
~~or (b) of that section since the effective date of the initial~~ 7309
~~certificate or license.~~ 7310

(B) A certificate holder, registrant, or licensee who fails 7311
to renew a certificate, registration, or license prior to its 7312
expiration is ineligible to obtain a renewal certificate, 7313
registration, or license and shall comply with section 4763.05 of 7314
the Revised Code in order to regain certification or licensure, 7315
except that a certificate holder, registrant, or licensee may, 7316
within three months after the expiration of the certificate 7317
holder's, registrant's, or licensee's certificate, registration, 7318
or license, renew the certificate, registration, or license 7319
without having to comply with section 4763.05 of the Revised Code 7320

by payment of all fees for renewal and payment of the late filing 7321
fee set forth in section 4763.09 of the Revised Code. A 7322
certificate holder, registrant, or licensee who applies for late 7323
renewal of the certificate holder's, registrant's, or licensee's 7324
certificate, registration, or license may engage in all activities 7325
permitted by the certification, registration, or license being 7326
renewed for the three-month period following the certificate's, 7327
registration's, or license's normal expiration date. 7328

Sec. 4919.76. The public utilities commission ~~of Ohio~~ shall 7329
adopt rules applicable to motor carrier registration ~~under the~~ 7330
~~single state insurance registration program. The rules shall be~~ 7331
consistent with and equivalent in scope, coverage, and content to 7332
the registration rules specified by the federal motor carrier 7333
safety administration or interstate commerce commission in 7334
~~accordance with the "Intermodal Surface Transportation Efficiency~~ 7335
~~Act of 1991," 105 Stat. 2146, 49 U.S.C.A. 11506, whichever is~~ 7336
applicable. 7337

Sec. 5107.12. An assistance group seeking to participate in 7338
the Ohio works first program shall apply to a county department of 7339
job and family services using an application containing 7340
information the director of job and family services requires 7341
pursuant to rules adopted under section 5107.05 of the Revised 7342
Code and any additional information the county department 7343
requires. If cash assistance under the program is to be paid by 7344
the ~~auditor~~ director of ~~state~~ budget and management through the 7345
medium of direct deposit as provided by section 329.03 of the 7346
Revised Code, the application shall be accompanied by information 7347
the ~~auditor~~ director needs to make direct deposits. 7348

When a county department receives an application for 7349
participation in Ohio works first, it shall promptly make an 7350

investigation and record of the circumstances of the applicant in 7351
order to ascertain the facts surrounding the application and to 7352
obtain such other information as may be required. Upon the 7353
completion of the investigation, the county department shall 7354
determine whether the applicant is eligible to participate, the 7355
amount of cash assistance the applicant should receive, and the 7356
approximate date when participation shall begin. The amount of 7357
cash assistance so determined shall be certified to the department 7358
of job and family services in such form as the department shall 7359
prescribe. Warrants, direct deposits, or debit cards shall be 7360
delivered or made payable in the manner the department may 7361
prescribe. 7362

To the extent required by rules adopted under section 5107.05 7363
of the Revised Code, a participant of Ohio works first shall 7364
notify the county department immediately upon the receipt or 7365
possession of additional income not previously reported to the 7366
county department. Any failure to so notify a county department 7367
shall be regarded as prima-facie evidence of an intent to defraud. 7368

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8817 of 7369
the Revised Code: 7370

"Administrative agency" means the department of job and 7371
family services or, if the department assigns the day-to-day 7372
administration of the ICF/MR conversion pilot program to the 7373
department of mental retardation and developmental disabilities 7374
pursuant to section 5111.887 of the Revised Code, the department 7375
of mental retardation and developmental disabilities. 7376

"ICF/MR conversion pilot program" means the medicaid waiver 7377
component authorized by a waiver sought under division (B)(1) of 7378
this section. 7379

"ICF/MR services" means intermediate care facility for the 7380

mentally retarded services covered by the medicaid program that an
intermediate care facility for the mentally retarded provides to a
resident of the facility who is a medicaid recipient eligible for
medicaid-covered intermediate care facility for the mentally
retarded services.

"Intermediate care facility for the mentally retarded" has
the same meaning as in section 5111.20 of the Revised Code.

"Medicaid waiver component" has the same meaning as in
section 5111.85 of the Revised Code.

(B) ~~By July 1, 2006, or as soon thereafter as practical, but~~
~~not~~ Not later than ~~January 1~~ June 30, 2007, the director of job
and family services shall, after consulting with and receiving
input from the ICF/MR conversion advisory council, submit both of
the following to the United States secretary of health and human
services:

(1) An application for a waiver authorizing the ICF/MR
conversion pilot program under which intermediate care facilities
for the mentally retarded, other than such facilities operated by
the department of mental retardation and developmental
disabilities, may volunteer to convert in whole or in part from
providing intermediate care facility for the mentally retarded
services to providing home and community-based services and
individuals with mental retardation or a developmental disability
who are eligible for ICF/MR services may volunteer to receive
instead home and community-based services;

(2) An amendment to the state medicaid plan to authorize the
director, beginning on the first day that the ICF/MR conversion
pilot program begins implementation under section 5111.882 of the
Revised Code and except as provided by section 5111.8811 of the
Revised Code, to refuse to enter into or amend a medicaid provider
agreement with the operator of an intermediate care facility for

the mentally retarded if the provider agreement or amendment would
authorize the operator to receive medicaid payments for more
intermediate care facility for the mentally retarded beds than the
operator receives on the day before that day.

(C) The director shall notify the governor, speaker and
minority leader of the house of representatives, and president and
minority leader of the senate when the director submits the
application for the ICF/MR conversion pilot program under division
(B)(1) of this section and the amendment to the state medicaid
plan under division (B)(2) of this section. The director is not
required to submit the application and the amendment at the same
time.

Sec. 5115.06. Assistance under the disability financial
assistance program may be given by warrant, direct deposit, or, if
provided by the director of job and family services pursuant to
section 5101.33 of the Revised Code, by electronic benefit
transfer. It shall be inalienable whether by way of assignment,
charge, or otherwise, and is exempt from attachment, garnishment,
or other like process.

Any direct deposit shall be made to a financial institution
and account designated by the recipient. If disability financial
assistance is to be paid by the ~~auditor~~ director of ~~state budget~~
and management through direct deposit, the application for
assistance shall be accompanied by information the ~~auditor~~
director needs to make direct deposits.

The director of job and family services may adopt rules for
designation of financial institutions and accounts.

No financial institution shall impose any charge for direct
deposit of disability financial assistance payments that it does
not charge all customers for similar services.

Sec. 5119.071. ~~Any~~ An appointing ~~officer~~ authority may 7442
appoint a person ~~holding~~ who holds a certified position in the 7443
classified service ~~of~~ within the department of mental health to 7444
~~any~~ a position in the unclassified service ~~of~~ within the 7445
department. A person ~~so~~ appointed pursuant to this section to a 7446
position in the unclassified service shall retain the right to 7447
resume the position and status held by ~~him~~ the person in the 7448
classified service immediately prior to ~~his~~ the person's 7449
appointment. ~~If the position the person previously held has been~~ 7450
~~placed in the unclassified service under this section, he shall be~~ 7451
~~appointed to a position in the classified service that the~~ 7452
~~director of administrative services certifies is comparable in~~ 7453
~~compensation to the position the person previously held.~~ 7454
Reinstatement to the position in the unclassified service, 7455
regardless of the number of positions the person held in the 7456
unclassified service. An employee's right to resume a position in 7457
the classified service may only be exercised when an appointing 7458
authority demotes the employee to a pay range lower than the 7459
employee's current pay range or revokes the employee's appointment 7460
to the unclassified service. An employee forfeits the right to 7461
resume a position in the classified service when the employee is 7462
removed from the position in the unclassified service due to 7463
incompetence, inefficiency, dishonesty, drunkenness, immoral 7464
conduct, insubordination, discourteous treatment of the public, 7465
neglect of duty, violation of this chapter or Chapter 124. of the 7466
Revised Code, violation of the rules of the director of 7467
administrative services or the director of mental health, any 7468
other failure of good behavior, any other acts of misfeasance, 7469
malfeasance, or nonfeasance in office, or conviction of a felony. 7470
An employee also forfeits the right to resume a position in the 7471
classified service upon transfer to a different agency. 7472
Reinstatement to a position in the classified service shall 7473

be to a position substantially equal to that position in the 7474
classified service held previously, as certified by the director 7475
of administrative services. If the position the person previously 7476
held in the classified service has been placed in the unclassified 7477
service or is otherwise unavailable, the person shall be appointed 7478
to a position in the classified service within the department that 7479
the director of administrative services certifies is comparable in 7480
compensation to the position the person previously held in the 7481
classified service. Service in the position in the unclassified 7482
service shall be counted as service in the position in the 7483
classified service held by the person immediately prior to ~~his~~ the 7484
person's appointment to the position in the unclassified service. 7485
When a person is reinstated to a position in the classified 7486
service as provided in this section, ~~he~~ the person is entitled to 7487
all rights, status, and ~~emoluments~~ benefits accruing to the 7488
position in the classified service during the person's time of ~~his~~ 7489
service in the position in the unclassified service. 7490

Sec. 5120.03. (A) ~~The~~ Subject to division (C) of this 7491
section, the director of rehabilitation and correction, ~~by~~ 7492
~~executive order and with the approval of the governor,~~ may change 7493
the purpose for which any institution or place under the control 7494
of the department of rehabilitation and correction, ~~is~~ being used. 7495
The director may designate a new or another use for such 7496
institution, if the change of use and new designation has for its 7497
objective, improvement in the classification, segregation, care, 7498
education, cure, or rehabilitation of persons subject to the 7499
control of the department. 7500

(B) The director of rehabilitation and correction, by 7501
executive order, issued on or before December 31, 1988, shall 7502
eliminate the distinction between penal institutions and 7503
reformatory institutions. Notwithstanding any provision of the 7504
Revised Code or the Administrative Code to the contrary, upon the 7505

issuance of the executive order, any distinction made between the
types of prisoners sentenced to or otherwise assigned to the
institutions under the control of the department shall be
discontinued.

(C) The director ~~may~~ shall contract under section 9.06 of the
Revised Code for the private operation and management of a
~~facility~~ not less than two facilities under the control of the
department, unless the contractor managing and operating a
facility is not in substantial compliance with the material terms
and conditions of its contract and no other person or entity is
willing and able to satisfy the obligations of the contract. All
inmates assigned to a facility operated and managed by a private
contractor remain inmates in the care and custody of the
department. The statutes, rules, and policies of the department
may apply to the private contractor and any inmate assigned to a
facility operated and managed by a private contractor as agreed to
in the contract entered into under section 9.06 of the Revised
Code.

Sec. 5123.08. ~~Any~~ An appointing officer may appoint a person
~~holding who holds~~ a certified position in the classified service
~~of~~ within the department of mental retardation and developmental
disabilities to ~~any~~ a position in the unclassified service ~~of~~
within the department. A person ~~so~~ appointed pursuant to this
section to a position in the unclassified service shall retain the
right to resume the position and status held by ~~him~~ the person in
the classified service immediately prior to ~~his~~ the person's
appointment. ~~If the position the person previously held has been
placed in the unclassified service under this section, he shall be
appointed to a position in the classified service that the
director of administrative services certifies is comparable in
compensation to the position the person previously held.~~

Reinstatement to the position in the unclassified service, 7537
regardless of the number of positions the person held in the 7538
unclassified service. An employee's right to resume a position in 7539
the classified service may only be exercised when an appointing 7540
authority demotes the employee to a pay range lower than the 7541
employee's current pay range or revokes the employee's appointment 7542
to the unclassified service. An employee forfeits the right to 7543
resume a position in the classified service when the employee is 7544
removed from the position in the unclassified service due to 7545
incompetence, inefficiency, dishonesty, drunkenness, immoral 7546
conduct, insubordination, discourteous treatment of the public, 7547
neglect of duty, violation of this chapter or Chapter 124. of the 7548
Revised Code, the rules of the director of mental retardation and 7549
developmental disabilities or the director of administrative 7550
services, any other failure of good behavior, any other acts of 7551
misfeasance, malfeasance, or nonfeasance in office, or conviction 7552
of a felony. An employee also forfeits the right to resume a 7553
position in the classified service upon transfer to a different 7554
agency. 7555

Reinstatement to a position in the classified service shall 7556
be to a position substantially equal to that position in the 7557
classified service held previously, as certified by the director 7558
of administrative services. If the position the person previously 7559
held in the classified service has been placed in the unclassified 7560
service or is otherwise unavailable, the person shall be appointed 7561
to a position in the classified service within the department that 7562
the director of administrative services certifies is comparable in 7563
compensation to the position the person previously held in the 7564
classified service. Service in the position in the unclassified 7565
service shall be counted as service in the position in the 7566
classified service held by the person immediately prior to ~~his~~ the 7567
person's appointment to the position in the unclassified service. 7568
When a person is reinstated to a position in the classified 7569

service as provided in this section, ~~he~~ the person is entitled to 7570
all rights, status, and ~~emoluments~~ benefits accruing to the 7571
position in the classified service during the time of ~~his~~ the 7572
person's service in the position in the unclassified service. 7573

Sec. 5139.02. (A)(1) As used in this section, "managing 7574
officer" means the assistant director, a deputy director, an 7575
assistant deputy director, a superintendent, a regional 7576
administrator, a deputy superintendent, or the superintendent of 7577
schools of the department of youth services, a member of the 7578
release authority, the chief of staff to the release authority, 7579
and the victims administrator of the office of victim services. 7580

(2) Each division established by the director of youth 7581
services shall consist of managing officers and other employees, 7582
including those employed in institutions and regions as necessary 7583
to perform the functions assigned to them. The director, assistant 7584
director, or appropriate deputy director or managing officer of 7585
the department shall supervise the work of each division and 7586
determine general policies governing the exercise of powers vested 7587
in the department and assigned to each division. The appropriate 7588
managing officer or deputy director is responsible to the director 7589
or assistant director for the organization, direction, and 7590
supervision of the work of the division or unit and for the 7591
exercise of the powers and the performance of the duties of the 7592
department assigned to it and, with the director's approval, may 7593
establish bureaus or other administrative units within the 7594
department. 7595

(B) The director shall appoint all managing officers, who 7596
shall be in the unclassified civil service. ~~If the~~ The director 7597
~~appoints a~~ may appoint a person who holds a certified position in 7598
the classified service within the department to a position as a 7599
managing officer within the department. A person appointed 7600

~~pursuant to this division to a position as a managing officer from~~ 7601
~~within the classified service of the department, the person so~~ 7602
~~appointed retains~~ shall retain the right to resume the position 7603
and status held by the person in the classified service 7604
immediately prior to the person's appointment as managing officer. 7605
~~If such a person is removed from the position as managing officer,~~ 7606
~~the person shall be reinstated, regardless of the number of~~ 7607
positions the person held in the unclassified service. A managing 7608
officer's right to resume a position in the classified service may 7609
only be exercised when the director demotes the managing officer 7610
to a pay range lower than the managing officer's current pay range 7611
or revokes the managing officer's appointment to the position of 7612
managing officer. A managing officer forfeits the right to resume 7613
a position in the classified service when the managing officer is 7614
removed from the position of managing officer due to incompetence, 7615
inefficiency, dishonesty, drunkenness, immoral conduct, 7616
insubordination, discourteous treatment of the public, neglect of 7617
duty, violation of this chapter or Chapter 124. of the Revised 7618
Code, the rules of the director of youth services or the director 7619
of administrative services, any other failure of good behavior, 7620
any other acts of misfeasance, malfeasance, or nonfeasance in 7621
office, or conviction of a felony. A managing officer also 7622
forfeits the right to resume a position in the classified service 7623
upon transfer to a different agency. 7624

Reinstatement to a position in the classified service shall 7625
be to the position held in the classified service immediately 7626
prior to appointment as managing officer, or to another position 7627
certified by the director, ~~with the approval of the department of~~ 7628
~~administrative services,~~ as being substantially equal to that 7629
position. ~~Any person holding the position of managing officer on~~ 7630
~~the effective date of this section is entitled to resume the~~ 7631
~~position and status held in the classified service of the~~ 7632
~~department of youth services immediately prior to appointment as a~~ 7633

~~managing officer~~ If the position the person previously held in the 7634
classified service immediately prior to appointment as a managing 7635
officer has been placed in the unclassified service or is 7636
otherwise unavailable, the person shall be appointed to a position 7637
in the classified service within the department that the director 7638
of administrative services certifies is comparable in compensation 7639
to the position the person previously held in the classified 7640
service. Service as a managing officer shall be counted as service 7641
in the position in the classified service held by the ~~reinstated~~ 7642
person ~~held~~ immediately prior to the person's appointment as a 7643
managing officer. If a person is reinstated to a position in the 7644
classified service under this division, the person shall be 7645
returned to the pay range and step to which the person had been 7646
assigned at the time of the appointment as managing officer. 7647
Longevity, where applicable, shall be calculated pursuant to the 7648
provisions of section 124.181 of the Revised Code. 7649

(C) Each person appointed as a managing officer shall have 7650
received special training and shall have experience in the type of 7651
work that the person's division is required to perform. Each 7652
managing officer, under the supervision of the director, has 7653
entire charge of the division, institution, unit, or region for 7654
which the managing officer is appointed and, with the director's 7655
approval, shall appoint necessary employees and may remove them 7656
for cause. 7657

Sec. 5502.62. (A) There is hereby created in the department 7658
of public safety a division of criminal justice services. The 7659
director of public safety, with the concurrence of the governor, 7660
shall appoint an executive director of the division of criminal 7661
justice services. The executive director shall be the head of the 7662
division. The executive director shall serve at the pleasure of 7663
the director of public safety. To carry out the duties assigned 7664
under this section and to comply with sections 5502.63 to 5502.66 7665

of the Revised Code, the executive director, subject to the 7666
direction and control of the director of public safety, may 7667
appoint and maintain any necessary staff and may enter into any 7668
necessary contracts and other agreements. The executive director 7669
of the division, and all professional and technical personnel 7670
employed within the division who are not public employees as 7671
defined in section 4117.01 of the Revised Code, shall be in the 7672
unclassified civil service, and all other persons employed within 7673
the division shall be in the classified civil service. 7674

(B) Subject to division (F) of this section and subject to 7675
divisions (D) to (F) of section 5120.09 of the Revised Code 7676
insofar as those divisions relate to federal criminal justice acts 7677
that the governor requires the department of rehabilitation and 7678
correction to administer, the division of criminal justice 7679
services shall do all of the following: 7680

(1) Serve as the state criminal justice services agency and 7681
perform criminal justice system planning in the state, including 7682
any planning that is required by any federal law; 7683

(2) Collect, analyze, and correlate information and data 7684
concerning the criminal justice system in the state; 7685

(3) Cooperate with and provide technical assistance to state 7686
departments, administrative planning districts, metropolitan 7687
county criminal justice services agencies, criminal justice 7688
coordinating councils, agencies, offices, and departments of the 7689
criminal justice system in the state, and other appropriate 7690
organizations and persons; 7691

(4) Encourage and assist agencies, offices, and departments 7692
of the criminal justice system in the state and other appropriate 7693
organizations and persons to solve problems that relate to the 7694
duties of the division; 7695

(5) Administer within the state any federal criminal justice 7696

acts that the governor requires it to administer; 7697

(6) Administer funds received under the "Family Violence 7698
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 7699
10401, as amended, with all powers necessary for the adequate 7700
administration of those funds, including the authority to 7701
establish a family violence prevention and services program; 7702

(7) Implement the state comprehensive plans; 7703

(8) Audit grant activities of agencies, offices, 7704
organizations, and persons that are financed in whole or in part 7705
by funds granted through the division; 7706

(9) Monitor or evaluate the performance of criminal justice 7707
system projects and programs in the state that are financed in 7708
whole or in part by funds granted through the division; 7709

(10) Apply for, allocate, disburse, and account for grants 7710
that are made available pursuant to federal criminal justice acts, 7711
or made available from other federal, state, or private sources, 7712
to improve the criminal justice system in the state. ~~Except as~~ 7713
~~otherwise provided in this division, all money from such federal~~ 7714
~~grants shall, if the terms under which the money is received~~ 7715
~~require that the money be deposited into an interest bearing fund~~ 7716
~~or account, be deposited in the state treasury to the credit of~~ 7717
~~the federal program purposes fund, which is hereby created. All~~ 7718
~~investment earnings of the federal program purposes fund shall be~~ 7719
~~credited to the fund.~~ All money from such federal grants that 7720
require that the money be deposited into an interest-bearing fund 7721
or account, that are intended to provide funding to local criminal 7722
justice programs, and that require that investment earnings be 7723
distributed for program purposes shall be deposited in the state 7724
treasury to the credit of the federal justice programs ~~fund~~ funds, 7725
which ~~is~~ are hereby created. A separate fund shall be established 7726
each federal fiscal year. All investment earnings of ~~the~~ a federal 7727

justice programs fund shall be credited to ~~the~~ that fund and 7728
distributed in accordance with the terms of the grant under which 7729
the money is received. 7730

(11) Contract with federal, state, and local agencies, 7731
foundations, corporations, businesses, and persons when necessary 7732
to carry out the duties of the division; 7733

(12) Oversee the activities of metropolitan county criminal 7734
justice services agencies, administrative planning districts, and 7735
criminal justice coordinating councils in the state; 7736

(13) Advise the director of public safety, general assembly, 7737
and governor on legislation and other significant matters that 7738
pertain to the improvement and reform of criminal and juvenile 7739
justice systems in the state; 7740

(14) Prepare and recommend legislation to the director of 7741
public safety, general assembly, and governor for the improvement 7742
of the criminal and juvenile justice systems in the state; 7743

(15) Assist, advise, and make any reports that are requested 7744
or required by the governor, director of public safety, attorney 7745
general, or general assembly; 7746

(16) Develop and maintain the Ohio incident-based reporting 7747
system in accordance with division (C) of this section; 7748

(17) Subject to the approval of the director of public 7749
safety, adopt rules pursuant to Chapter 119. of the Revised Code. 7750

(C) The ~~office~~ division of criminal justice services shall 7751
develop and maintain the Ohio incident-based reporting system to 7752
facilitate the sharing of information with the federal bureau of 7753
investigation and participating law enforcement agencies in Ohio. 7754
The Ohio incident-based reporting system shall be known as OIBRS. 7755
In connection with OIBRS, the ~~office~~ division shall do all of the 7756
following: 7757

- (1) Collect and organize statistical data for reporting to the national incident-based reporting system operated by the federal bureau of investigation for the purpose of securing federal criminal justice grants;
- (2) Analyze and highlight mapping data for participating law enforcement agencies;
- (3) Distribute data and analyses to participating law enforcement agencies;
- (4) Encourage nonparticipating law enforcement agencies to participate in OIBRS by offering demonstrations, training, and technical assistance;
- (5) Provide assistance, advice, and reports requested by the governor, the general assembly, or the federal bureau of investigation;
- (6) Require every law enforcement agency that receives federal criminal justice grants or state criminal justice information system general revenue funds through the office to participate in OIBRS or in the uniform crime reporting program of the federal bureau of investigation. An agency that submits OIBRS data to the Ohio local law enforcement information sharing network shall be considered to be in compliance with division (C)(6) of this section if both of the following apply:
- (a) The Ohio local law enforcement information sharing network is capable of collecting OIBRS data.
- (b) The ~~office~~ division of criminal justice services has the ability to extract the OIBRS data for reporting to the national incident-based reporting system in the manner required by the federal bureau of investigation.
- (D) Upon the request of the director of public safety or governor, the division of criminal justice services may do any of

the following:	7788
(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;	7789 7790
(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice coordinating councils, agency offices, and the departments of the juvenile justice system in the state and other appropriate organizations and persons;	7791 7792 7793 7794 7795 7796
(3) Encourage and assist agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division.	7797 7798 7799 7800
(E) Divisions (B), (C), and (D) of this section do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.	7801 7802 7803
(F) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency or to diminish or alter the status or discourage the development and use of other law enforcement information systems in Ohio.	7804 7805 7806 7807 7808
Sec. 5537.01. As used in this chapter:	7809
(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.	7810 7811 7812 7813 7814
(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	7815 7816 7817

and pursuant to this chapter, at a location or locations reviewed 7818
by the turnpike ~~oversight~~ legislative review committee and 7819
approved by the governor, including all bridges, tunnels, 7820
overpasses, underpasses, interchanges, entrance plazas, 7821
approaches, those portions of connecting public roads that serve 7822
interchanges and are determined by the commission and the director 7823
of transportation to be necessary for the safe merging of traffic 7824
between the turnpike project and those public roads, toll booths, 7825
service facilities, and administration, storage, and other 7826
buildings, property, and facilities that the commission considers 7827
necessary for the operation or policing of the project, together 7828
with all property and rights which may be acquired by the 7829
commission for the construction, maintenance, or operation of the 7830
project, and includes any sections or extensions of a turnpike 7831
project designated by the commission as such for the particular 7832
purpose. Each turnpike project shall be separately designated, by 7833
name or number, and may be constructed, improved, or extended in 7834
such sections as the commission may from time to time determine. 7835
Construction includes the improvement and renovation of a 7836
previously constructed project, including additional interchanges, 7837
whether or not the project was initially constructed by the 7838
commission. 7839

(C) "Cost," as applied to construction of a turnpike project, 7840
includes the cost of construction, including bridges over or under 7841
existing highways and railroads, acquisition of all property 7842
acquired by the commission for the construction, demolishing or 7843
removing any buildings or structures on land so acquired, 7844
including the cost of acquiring any lands to which the buildings 7845
or structures may be moved, site clearance, improvement, and 7846
preparation, diverting public roads, interchanges with public 7847
roads, access roads to private property, including the cost of 7848
land or easements therefor, all machinery, furnishings, and 7849

equipment, communications facilities, financing expenses, interest 7850
prior to and during construction and for one year after completion 7851
of construction, traffic estimates, indemnity and surety bonds and 7852
premiums on insurance, title work and title commitments, 7853
insurance, and guarantees, engineering, feasibility studies, and 7854
legal expenses, plans, specifications, surveys, estimates of cost 7855
and revenues, other expenses necessary or incident to determining 7856
the feasibility or practicability of constructing or operating a 7857
project, administrative expenses, and any other expense that may 7858
be necessary or incident to the construction of the project, the 7859
financing of the construction, and the placing of the project in 7860
operation. Any obligation or expense incurred by the department of 7861
transportation with the approval of the commission for surveys, 7862
borings, preparation of plans and specifications, and other 7863
engineering services in connection with the construction of a 7864
project, or by the federal government with the approval of the 7865
commission for any public road projects which must be reimbursed 7866
as a condition to the exercise of any of the powers of the 7867
commission under this chapter, shall be regarded as a part of the 7868
cost of the project and shall be reimbursed to the state or the 7869
federal government, as the case may be, from revenues, state 7870
taxes, or the proceeds of bonds as authorized by this chapter. 7871

(D) "Owner" includes all persons having any title or interest 7872
in any property authorized to be acquired by the commission under 7873
this chapter. 7874

(E) "Revenues" means all tolls, service revenues, investment 7875
income on special funds, rentals, gifts, grants, and all other 7876
moneys coming into the possession of or under the control of the 7877
commission by virtue of this chapter, except the proceeds from the 7878
sale of bonds. "Revenues" does not include state taxes. 7879

(F) "Public roads" means all public highways, roads, and 7880
streets in the state, whether maintained by a state agency or any 7881

other governmental agency. 7882

(G) "Public utility facilities" means tracks, pipes, mains, 7883
conduits, cables, wires, towers, poles, and other equipment and 7884
appliances of any public utility. 7885

(H) "Financing expenses" means all costs and expenses 7886
relating to the authorization, issuance, sale, delivery, 7887
authentication, deposit, custody, clearing, registration, 7888
transfer, exchange, fractionalization, replacement, payment, and 7889
servicing of bonds including, without limitation, costs and 7890
expenses for or relating to publication and printing, postage, 7891
delivery, preliminary and final official statements, offering 7892
circulars, and informational statements, travel and 7893
transportation, underwriters, placement agents, investment 7894
bankers, paying agents, registrars, authenticating agents, 7895
remarketing agents, custodians, clearing agencies or corporations, 7896
securities depositories, financial advisory services, 7897
certifications, audits, federal or state regulatory agencies, 7898
accounting and computation services, legal services and obtaining 7899
approving legal opinions and other legal opinions, credit ratings, 7900
redemption premiums, and credit enhancement facilities. 7901

(I) "Bond proceedings" means the resolutions, trust 7902
agreements, certifications, notices, sale proceedings, leases, 7903
lease-purchase agreements, assignments, credit enhancement 7904
facility agreements, and other agreements, instruments, and 7905
documents, as amended and supplemented, or any one or more or any 7906
combination thereof, authorizing, or authorizing or providing for 7907
the terms and conditions applicable to, or providing for the 7908
security or sale or award or liquidity of, bonds, and includes the 7909
provisions set forth or incorporated in those bonds and bond 7910
proceedings. 7911

(J) "Bond service charges" means principal, including any 7912

mandatory sinking fund or mandatory redemption requirements for 7913
the retirement of bonds, and interest and any redemption premium 7914
payable on bonds, as those payments come due and are payable to 7915
the bondholder or to a person making payment under a credit 7916
enhancement facility of those bond service charges to a 7917
bondholder. 7918

(K) "Bond service fund" means the applicable fund created by 7919
the bond proceedings for and pledged to the payment of bond 7920
service charges on bonds provided for by those proceedings, 7921
including all moneys and investments, and earnings from 7922
investments, credited and to be credited to that fund as provided 7923
in the bond proceedings. 7924

(L) "Bonds" means bonds, notes, including notes anticipating 7925
bonds or other notes, commercial paper, certificates of 7926
participation, or other evidences of obligation, including any 7927
interest coupons pertaining thereto, issued by the commission 7928
pursuant to this chapter. 7929

(M) "Net revenues" means revenues lawfully available to pay 7930
both current operating expenses of the commission and bond service 7931
charges in any fiscal year or other specified period, less current 7932
operating expenses of the commission and any amount necessary to 7933
maintain a working capital reserve for that period. 7934

(N) "Pledged revenues" means net revenues, moneys and 7935
investments, and earnings on those investments, in the applicable 7936
bond service fund and any other special funds, and the proceeds of 7937
any bonds issued for the purpose of refunding prior bonds, all as 7938
lawfully available and by resolution of the commission committed 7939
for application as pledged revenues to the payment of bond service 7940
charges on particular issues of bonds. 7941

(O) "Service facilities" means service stations, restaurants, 7942
and other facilities for food service, roadside parks and rest 7943

areas, parking, camping, tenting, rest, and sleeping facilities, 7944
hotels or motels, and all similar and other facilities providing 7945
services to the traveling public in connection with the use of a 7946
turnpike project and owned, leased, licensed, or operated by the 7947
commission. 7948

(P) "Service revenues" means those revenues of the commission 7949
derived from its ownership, leasing, licensing, or operation of 7950
service facilities. 7951

(Q) "Special funds" means the applicable bond service fund 7952
and any accounts and subaccounts in that fund, any other funds or 7953
accounts permitted by and established under, and identified as a 7954
"special fund" or "special account" in, the bond proceedings, 7955
including any special fund or account established for purposes of 7956
rebate or other requirements under federal income tax laws. 7957

(R) "State agencies" means the state, officers of the state, 7958
and boards, departments, branches, divisions, or other units or 7959
agencies of the state. 7960

(S) "State taxes" means receipts of the commission from the 7961
proceeds of state taxes or excises levied and collected, or 7962
appropriated by the general assembly to the commission, for the 7963
purposes and functions of the commission. State taxes do not 7964
include tolls, or investment earnings on state taxes except on 7965
those state taxes referred to in Section 5a of Article XII, Ohio 7966
Constitution. 7967

(T) "Tolls" means tolls, special fees or permit fees, or 7968
other charges by the commission to the owners, lessors, lessees, 7969
or operators of motor vehicles for the operation of or the right 7970
to operate those vehicles on a turnpike project. 7971

(U) "Credit enhancement facilities" means letters of credit, 7972
lines of credit, standby, contingent, or firm securities purchase 7973
agreements, insurance, or surety arrangements, guarantees, and 7974

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, 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. 8006
8007

(BB) "Ohio turnpike system" or "system" means all existing 8008
and future turnpike projects constructed, operated, and maintained 8009
under the jurisdiction of the commission. 8010

Sec. 5537.02. (A) There is hereby created a commission to be 8011
known as the "Ohio turnpike commission." The commission is a body 8012
both corporate and politic, constituting an instrumentality of the 8013
state, and the exercise by it of the powers conferred by this 8014
chapter in the construction, operation, and maintenance of the 8015
Ohio turnpike system are and shall be held to be essential 8016
governmental functions of the state, but the commission shall not 8017
be immune from liability by reason thereof. The commission is 8018
subject to all provisions of law generally applicable to state 8019
agencies which do not conflict with this chapter. 8020

(B)(1) The commission shall consist of ~~seven~~ nine members as 8021
follows: 8022

(a) Four members appointed by the governor with the advice 8023
and consent of the senate, no more than two of whom shall be 8024
members of the same political party; 8025

(b) The director of transportation ~~who~~, the director of 8026
budget and management, and the director of development, each of 8027
whom shall be a member ex officio without compensation; 8028

(c) One member of the senate, appointed by the president of 8029
the senate, who shall represent either a district in which is 8030
located or through which passes a portion of a turnpike project 8031
that is part of the Ohio turnpike system or a district located in 8032
the vicinity of a turnpike project that is part of the Ohio 8033
turnpike system; 8034

(d) One member of the house of representatives, appointed by 8035

the speaker of the house of representatives, who shall represent 8036
either a district in which is located or through which passes a 8037
portion of a turnpike project that is part of the Ohio turnpike 8038
system or a district located in the vicinity of a turnpike project 8039
that is part of the Ohio turnpike system. 8040

(2) The members appointed by the governor shall be residents 8041
of the state, shall have been qualified electors therein for a 8042
period of at least five years next preceding their appointment, 8043
and shall serve terms of eight years commencing on the first day 8044
of July and ending on the thirtieth day of June. Those members 8045
appointed by the president of the senate or the speaker of the 8046
house of representatives shall serve a term of the remainder of 8047
the general assembly during which the senator or representative is 8048
appointed. Each appointed member shall hold office from the date 8049
of appointment until the end of the term for which the member was 8050
appointed. If a commission member dies or resigns, or if a 8051
senator, or representative, ~~or the director of transportation~~ who 8052
is a member of the commission ceases to be a senator, or 8053
representative, or ~~the director of transportation~~ if an ex officio 8054
member ceases to hold the applicable office, the vacancy shall be 8055
filled in the same manner as provided in division (B)(1) of this 8056
section. Any member who fills a vacancy occurring prior to the end 8057
of the term for which the member's predecessor was appointed 8058
shall, if appointed by the governor, hold office for the remainder 8059
of such term or, if appointed by the president of the senate or 8060
the speaker of the house of representatives, shall hold office for 8061
the remainder of the term or for a shorter period of time as 8062
determined by the president or the speaker. Any member appointed 8063
by the governor shall continue in office subsequent to the 8064
expiration date of the member's term until the member's successor 8065
takes office, or until a period of sixty days has elapsed, 8066
whichever occurs first. A member of the commission is eligible for 8067

reappointment. Each member of the commission appointed by the 8068
governor, before entering upon ~~his~~ the member's duties, shall take 8069
an oath as provided by Section 7 of Article XV, Ohio Constitution. 8070
The governor, the president of the senate, or the speaker of the 8071
house of representatives, may at any time remove their respective 8072
appointees to the commission for misfeasance, nonfeasance, or 8073
malfeasance in office. 8074

(3) A member of the commission who is appointed by the 8075
president of the senate or the speaker of the house of 8076
representatives shall not participate in any vote of the 8077
commission. Serving as an appointed member of the commission under 8078
divisions (B)(1)(c), (1)(d), or (2) of this section does not 8079
constitute grounds for resignation from the senate or the house of 8080
representatives under section 101.26 of the Revised Code. 8081

(C) The voting members of the commission shall elect one of 8082
the appointed voting members as chairperson and another as 8083
vice-chairperson, and shall appoint a secretary-treasurer who need 8084
not be a member of the commission. ~~Three~~ Five of the voting 8085
members of the commission constitute a quorum, and the affirmative 8086
vote of ~~three~~ five voting members is necessary for any action 8087
taken by the commission. No vacancy in the membership of the 8088
commission impairs the rights of a quorum to exercise all the 8089
rights and perform all the duties of the commission. 8090

(D) Each member of the commission appointed by the governor 8091
shall give a surety bond to the commission in the penal sum of 8092
twenty-five thousand dollars and the secretary-treasurer shall 8093
give such a bond in at least the penal sum of fifty thousand 8094
dollars. The commission may require any of its officers or 8095
employees to file surety bonds including a blanket bond as 8096
provided in section 3.06 of the Revised Code. Each such bond shall 8097
be in favor of the commission and shall be conditioned upon the 8098
faithful performance of the duties of the office, executed by a 8099

surety company authorized to transact business in this state, 8100
approved by the governor, and filed in the office of the secretary 8101
of state. The costs of the surety bonds shall be paid or 8102
reimbursed by the commission from revenues. Each member of the 8103
commission appointed by the governor shall receive an annual 8104
salary of five thousand dollars, payable in monthly installments. 8105
Each member shall be reimbursed for the member's actual expenses 8106
necessarily incurred in the performance of the member's duties. 8107
All costs and expenses incurred by the commission in carrying out 8108
this chapter shall be payable solely from revenues and state 8109
taxes, and no liability or obligation shall be incurred by the 8110
commission beyond the extent to which revenues have been provided 8111
for pursuant to this chapter. 8112

Sec. 5537.03. In order to remove present and anticipated 8113
handicaps and potential hazards on the congested highways in this 8114
state, to facilitate vehicular traffic throughout the state, to 8115
promote the agricultural, commercial, recreational, tourism, and 8116
industrial development of the state, and to provide for the 8117
general welfare by the construction, improvement, and maintenance 8118
of modern express highways embodying safety devices, including 8119
without limitation center divisions, ample shoulder widths, 8120
longsight distances, multiple lanes in each direction, and grade 8121
separations at intersections with other public roads and 8122
railroads, the Ohio turnpike commission, subject to section 8123
5537.26 of the Revised Code, may construct, maintain, repair, and 8124
operate a system of turnpike projects at locations that are 8125
reviewed by the turnpike ~~oversight~~ legislative review committee 8126
and approved by the governor, and in accordance with alignment and 8127
design standards that are approved by the director of 8128
transportation, and issue revenue bonds of this state, payable 8129
solely from pledged revenues, to pay the cost of those projects. 8130
The turnpikes and turnpike projects authorized by this chapter are 8131

hereby or shall be made part of the Ohio turnpike system. 8132

Sec. 5537.10. This chapter provides an additional and 8133
alternative method for doing the things and taking the actions 8134
authorized by this chapter. This chapter shall be regarded as 8135
supplemental and additional to powers conferred by other laws, and 8136
shall not be regarded as in derogation of any powers existing on 8137
or after September 1, 1949. ~~The~~ Except for section 126.11 of the 8138
Revised Code, the issuance of bonds under this chapter need not 8139
comply with any other law applicable to the issuance of bonds. 8140

Sec. 5537.17. (A) Each turnpike project open to traffic shall 8141
be maintained and kept in good condition and repair by the Ohio 8142
turnpike commission. The Ohio turnpike system shall be policed and 8143
operated by a force of police, toll collectors, and other 8144
employees and agents that the commission employs or contracts for. 8145
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(B) All public or private property damaged or destroyed in 8147
carrying out the powers granted by this chapter shall be restored 8148
or repaired and placed in its original condition, as nearly as 8149
practicable, or adequate compensation or consideration made 8150
therefor out of moneys provided under this chapter. 8151

(C) All governmental agencies may lease, lend, grant, or 8152
convey to the commission at its request, upon terms that the 8153
proper authorities of the governmental agencies consider 8154
reasonable and fair and without the necessity for an 8155
advertisement, order of court, or other action or formality, other 8156
than the regular and formal action of the authorities concerned, 8157
any property that is necessary or convenient to the effectuation 8158
of the purposes of the commission, including public roads and 8159
other property already devoted to public use. 8160

(D) Each bridge constituting part of a turnpike project shall 8161

be inspected at least once each year by a professional engineer
employed or retained by the commission.

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(E) On or before the first day of July in each year, the
commission shall make an annual report of its activities for the
preceding calendar year to the governor and the general assembly.
Each such report shall set forth a complete operating and
financial statement covering the commission's operations during
the year. The commission shall cause an audit of its books and
accounts to be made at least once each year by certified public
accountants, and the cost thereof may be treated as a part of the
cost of operations of the commission. The auditor of state, at
least once a year and without previous notice to the commission,
shall audit the accounts and transactions of the commission.

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(F) The commission shall submit a copy of its annual audit by
the auditor of state and its proposed annual budget for each
calendar or fiscal year to the governor, the presiding officers of
each house of the general assembly, the director of budget and
management, and the legislative service commission no later than
the first day of that calendar or fiscal year.

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(G) Upon request of the chairperson of the appropriate
standing committee or subcommittee of the senate and house of
representatives that is primarily responsible for considering
transportation budget matters, the commission shall appear at
least one time before each committee or subcommittee during the
period when that committee or subcommittee is considering the
biennial appropriations for the department of transportation and
shall provide testimony outlining its budgetary results for the
last two calendar years, including a comparison of budget and
actual revenue and expenditure amounts. The commission also shall
address its current budget and long-term capital plan.

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(H) Not more than sixty nor less than thirty days before

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adopting its annual budget, the commission shall submit a copy of 8193
its proposed annual budget to the governor, the presiding officers 8194
of each house of the general assembly, the director of budget and 8195
management, and the legislative service commission. The office of 8196
budget and management shall review the proposed budget and may 8197
provide recommendations to the commission for its consideration. 8198

Sec. 5537.24. (A) There is hereby created a turnpike 8199
~~oversight~~ legislative review committee consisting of six members 8200
as follows: 8201

(1) Three members of the senate, no more than two of whom 8202
shall be members of the same political party, one of whom shall be 8203
the chairperson of the committee dealing primarily with highway 8204
matters, one of whom shall be appointed by the president of the 8205
senate, and one of whom shall be appointed by the minority leader 8206
of the senate. 8207

Both the senate member who is appointed by the president of 8208
the senate and the senate member appointed by the minority leader 8209
of the senate shall represent either districts in which is located 8210
or through which passes a portion of a turnpike project that is 8211
part of the Ohio turnpike system or districts located in the 8212
vicinity of a turnpike project that is part of the Ohio turnpike 8213
system. 8214

The president of the senate shall make the president of the 8215
senate's appointment to the committee first, followed by the 8216
minority leader of the senate, and they shall make their 8217
appointments in such a manner that their two appointees represent 8218
districts that are located in different areas of the state. If the 8219
chairperson of the senate committee dealing primarily with highway 8220
matters represents a district in which is located or through which 8221
passes a portion of a turnpike project that is part of the Ohio 8222
turnpike system or a district located in the vicinity of a 8223

turnpike project that is part of the Ohio turnpike system, the 8224
president of the senate and the minority leader of the senate 8225
shall make their appointments in such a manner that their two 8226
appointees and the chairperson of the senate committee dealing 8227
primarily with highway matters all represent districts that are 8228
located in different areas of the state. 8229

(2) Three members of the house of representatives, no more 8230
than two of whom shall be members of the same political party, one 8231
of whom shall be the chairperson of the house of representatives 8232
committee dealing primarily with highway matters, one of whom 8233
shall be appointed by the speaker of the house of representatives, 8234
and one of whom shall be appointed by the minority leader of the 8235
house of representatives. 8236

Both the house of representatives member who is appointed by 8237
the speaker of the house of representatives and the house of 8238
representatives member appointed by the minority leader of the 8239
house of representatives shall represent either districts in which 8240
is located or through which passes a portion of a turnpike project 8241
that is part of the Ohio turnpike system or districts located in 8242
the vicinity of a turnpike project that is part of the Ohio 8243
turnpike system. 8244

The speaker of the house of representatives shall make the 8245
speaker of the house of representative's appointment to the 8246
committee first, followed by the minority leader of the house of 8247
representatives, and they shall make their appointments in such a 8248
manner that their two appointees represent districts that are 8249
located in different areas of the state. If the chairperson of the 8250
house of representatives committee dealing primarily with highway 8251
matters represents a district in which is located or through which 8252
passes a portion of a turnpike project that is part of the Ohio 8253
turnpike system or a district located in the vicinity of a 8254
turnpike project that is part of the Ohio turnpike system, the 8255

speaker of the house of representatives and the minority leader of 8256
the house of representatives shall make their appointments in such 8257
a manner that their two appointees and the chairperson of the 8258
house of representatives committee dealing primarily with highway 8259
matters all represent districts that are located in different 8260
areas of the state. 8261

The chairperson of the house of representatives committee 8262
shall serve as the chairperson of the turnpike ~~oversight~~ 8263
legislative review committee for the year 1996. Thereafter, the 8264
chair annually shall alternate between, first, the chairperson of 8265
the senate committee and then the chairperson of the house of 8266
representatives committee. 8267

(B) Each member of the turnpike ~~oversight~~ legislative review 8268
committee who is a member of the general assembly shall serve a 8269
term of the remainder of the general assembly during which the 8270
member is appointed or is serving as chairperson of the specified 8271
senate or house committee. In the event of the death or 8272
resignation of a committee member who is a member of the general 8273
assembly, or in the event that a member ceases to be a senator or 8274
representative, or in the event that the chairperson of the senate 8275
committee dealing primarily with highway matters or the 8276
chairperson of the house of representatives committee dealing 8277
primarily with highway matters ceases to hold that position, the 8278
vacancy shall be filled through an appointment by the president of 8279
the senate or the speaker of the house of representatives or 8280
minority leader of the senate or house of representatives, as 8281
applicable. Any member appointed to fill a vacancy occurring prior 8282
to the end of the term for which the member's predecessor was 8283
appointed shall hold office for the remainder of the term or for a 8284
shorter period of time as determined by the president or the 8285
speaker. A member of the committee is eligible for reappointment. 8286

(C) The turnpike ~~oversight~~ legislative review committee shall 8287

meet at least quarterly and may meet at the call of its 8288
chairperson, or upon the written request to the chairperson of not 8289
fewer than four members of the committee. ~~At least three of the~~ 8290
~~quarterly meetings~~ Meetings shall be held at sites ~~located along a~~ 8291
~~turnpike project as~~ that are determined solely by the chairperson 8292
of the committee. At each meeting, the Ohio turnpike commission 8293
shall make a report to the committee on commission matters, 8294
including but not limited to financial and budgetary matters and 8295
proposed and on-going construction, maintenance, repair, and 8296
operational projects of the commission. 8297

The committee, by the affirmative vote of at least four of 8298
its members, may submit written recommendations to the commission, 8299
either at meetings held pursuant to this section or at any other 8300
time, describing new turnpike projects or new interchanges located 8301
on existing projects that the committee believes the commission 8302
should consider constructing. 8303

(D) The members of the turnpike ~~oversight~~ legislative review 8304
committee who are members of the general assembly shall serve 8305
without compensation, but shall be reimbursed by the commission 8306
for their actual and necessary expenses incurred in the discharge 8307
of their official duties as committee members. Serving as a member 8308
of the turnpike ~~oversight~~ legislative review committee does not 8309
constitute grounds for resignation from the senate or house of 8310
representatives under section 101.26 of the Revised Code. 8311

Sec. 5537.26. (A) Except as provided in division (D) of this 8312
section, no increase by the Ohio turnpike commission in the toll 8313
rate structure that is applicable to vehicles operating on a 8314
turnpike project shall become effective unless the commission 8315
complies with the notice and hearing requirements prescribed in 8316
division (B) of this section, and the commission shall not take 8317
any action that expands, has the effect of expanding, or will to 8318

any degree at any time in the future have the effect of expanding 8319
the sphere of responsibility of the commission beyond the Ohio 8320
turnpike, unless the commission complies with the notice and 8321
hearing requirements prescribed in division (B) of this section. 8322

(B) Not less than ninety days prior to the date on which the 8323
commission votes to increase any part of the toll rate structure 8324
that is applicable to vehicles operating on a turnpike project, 8325
and not less than ninety days prior to the date on which the 8326
commission votes to take an action that expands, has the effect of 8327
expanding, or will to any degree at any time in the future have 8328
the effect of expanding the sphere of responsibility of the 8329
commission beyond the Ohio turnpike, the commission shall ~~commence~~ 8330
do both of the following: 8331

(1) Send notice to the governor and the presiding officers 8332
and minority leaders of the senate and house of representatives 8333
that details the proposed increase to the toll rate structure or 8334
the expansion of the sphere of responsibility of the commission 8335
beyond the Ohio turnpike, including a description of and a 8336
justification for the increase or expansion; 8337

(2) Commence holding public hearings on the proposed increase 8338
in the toll rate structure or the proposed action. If the 8339
commission is proposing an increase in the toll rate structure 8340
that is applicable to vehicles operating on a turnpike project, it 8341
shall hold not less than three public hearings in three 8342
geographically diverse locations in this state that are in the 8343
immediate vicinity of the affected project. If the commission is 8344
proposing to take an action that expands, has the effect of 8345
expanding, or will to any degree at any time in the future have 8346
the effect of expanding the sphere of responsibility of the 8347
commission beyond the Ohio turnpike, it shall hold not less than 8348
three public hearings in three locations in the immediate vicinity 8349
where the expanded responsibilities would arise. 8350

The commission shall hold the third or, if it holds more than 8351
three hearings, the last hearing of any set of hearings required 8352
to be held under this section not less than thirty days prior to 8353
the date on which it votes to increase part of the toll rate 8354
structure that is applicable to vehicles operating on a turnpike 8355
project or to take an action that expands, has the effect of 8356
expanding, or will to any degree at any time in the future have 8357
the effect of expanding the sphere of responsibility of the 8358
commission beyond the Ohio turnpike. 8359

The commission shall inform the public of all the hearings 8360
required to be held under this section by causing a notice to be 8361
published in a newspaper of general circulation in the county in 8362
which each hearing is to be held, not less than once per week for 8363
two weeks prior to the date of the hearing. 8364

(C) If the commission does not comply with the notice and 8365
hearing requirements contained in division (B) of this section and 8366
votes for an increase in the toll rate structure that is 8367
applicable to vehicles operating on a turnpike project, the 8368
increase in the toll rate structure shall not take effect, any 8369
attempt by the commission to implement the increase in the toll 8370
rate structure is void, and, if necessary, the attorney general 8371
shall file an action in the court of common pleas of the county in 8372
which the principal office of the commission is located to enjoin 8373
the commission from implementing the increase. The commission 8374
shall not implement any increase until it complies with division 8375
(B) of this section. 8376

If the commission does not comply with the notice and hearing 8377
requirements contained in division (B) of this section and votes 8378
to take an action that expands, has the effect of expanding, or 8379
will to any degree at any time in the future have the effect of 8380
expanding the sphere of responsibility of the commission beyond 8381
the Ohio turnpike, the commission shall not take the proposed 8382

action and, if necessary, the attorney general shall file an 8383
action in the court of common pleas of the county in which the 8384
principal office of the commission is located to enjoin the 8385
commission from taking the proposed action. The commission shall 8386
not take the proposed action until it complies with the notice and 8387
hearing requirements prescribed in division (B) of this section. 8388

(D) Divisions (A) to (C) of this section do not apply to any 8389
decrease made to the toll rate structure by the commission. The 8390
commission may implement a temporary decrease in the toll rate 8391
structure only if it does not exceed eighteen months in duration. 8392
Prior to instituting any decrease to the toll rate structure, the 8393
commission shall ~~hold~~ do both of the following: 8394

(1) Not less than five days prior to any public meeting under 8395
division (D)(2) of this section, send notice to the governor and 8396
the presiding officers and minority leaders of the senate and 8397
house of representatives that details the proposed decrease to the 8398
toll rate structure; 8399

(2) Hold a public meeting to explain to members of the 8400
traveling public the reasons for the upcoming decrease, to inform 8401
them of any benefits and any negative consequences, and to give 8402
them the opportunity to express their opinions as to the relative 8403
merits or drawbacks of each toll decrease. The commission shall 8404
inform the public of the meeting by causing a notice to be 8405
published in newspapers of general circulation in Cuyahoga, Lucas, 8406
Mahoning, Trumbull, Williams, and Summit counties not less than 8407
five days prior to the meeting. The commission shall not be 8408
required to hold any public hearing or meeting upon the expiration 8409
of any temporary decrease in the toll rate structure, so long as 8410
it implements the same toll rate structure that was in effect 8411
immediately prior to the temporary decrease. 8412

(E) As used in this section, "Ohio turnpike" means the toll 8413

freeway that is under the jurisdiction of the commission and runs 8414
in an easterly and westerly direction across the entire northern 8415
portion of this state between its borders with the state of 8416
Pennsylvania in the east and the state of Indiana in the west, and 8417
carries the interstate highway designations of interstate 8418
seventy-six, interstate eighty, and interstate eighty-ninety. 8419

Sec. 5537.27. The Ohio turnpike commission, the director of 8420
transportation or the director's designee, and another person 8421
designated by the governor shall establish a procedure whereby a 8422
political subdivision or other government agency or agencies may 8423
submit a written application to the commission, requesting the 8424
commission to construct and operate a project within the 8425
boundaries of the subdivision, agency, or agencies making the 8426
request. The procedure shall include a requirement that the 8427
commission send a written reply to the subdivision, agency, or 8428
agencies, explaining the disposition of the request. The procedure 8429
established pursuant to this section shall not become effective 8430
unless it is approved by the commission and by the director or the 8431
director's designee and the designee of the governor, and shall 8432
require submission of the proposed project to the turnpike 8433
~~oversight~~ legislative review committee if the project must be 8434
approved by the governor. 8435

Sec. 5537.28. (A) Notwithstanding any other provision of law, 8436
on and after the effective date of this section, the Ohio turnpike 8437
commission shall not expend any toll revenues that are generated 8438
by an existing turnpike project to fund in any manner or to any 8439
degree the construction, operation, maintenance, or repair of 8440
another turnpike project the location of which must be reviewed by 8441
the turnpike ~~oversight~~ legislative review committee and approved 8442
by the governor. 8443

In paying the cost of such a project, the commission may 8444
issue bonds and bond anticipation notes as permitted by this 8445
chapter, and may accept moneys from any source to pay the cost of 8446
any portion of the project, including, but not limited to, the 8447
federal government, any department or agency of this state, and 8448
any political subdivision or other government agency. Each such 8449
project shall be constructed, operated, maintained, and repaired 8450
entirely with funds generated by that project or otherwise 8451
specifically acquired for that project from sources permitted by 8452
this chapter. 8453

(B) The commission shall not expend any toll revenues 8454
generated by the Ohio turnpike to pay any amount of the principal 8455
amount of, or interest due on, any bonds or bond anticipation 8456
notes issued by the commission to pay any portion of the cost of 8457
another turnpike project the location of which must be reviewed by 8458
the turnpike ~~oversight~~ legislative review committee and approved 8459
by the governor. The commission shall not expend any toll revenues 8460
generated by any turnpike project to pay any amount of the 8461
principal amount of, or interest due on, any bonds or bond 8462
anticipation notes issued by the commission to pay any portion of 8463
the cost of a new turnpike project the location of which must be 8464
reviewed by the turnpike ~~oversight~~ legislative review committee 8465
and approved by the governor or the cost of the operation, repair, 8466
improvement, maintenance, or reconstruction of any turnpike 8467
project other than the project that generated those toll revenues. 8468

(C) As used in this section: 8469

(1) "Ohio turnpike" has the same meaning as in division (E) 8470
of section 5537.26 of the Revised Code; 8471

(2) "Another turnpike project" does not include 8472
infrastructure improvements on the Ohio turnpike or on connecting 8473
roadways within one mile of an Ohio turnpike interchange. 8474

Sec. 5701.11. ~~(A)~~ The effective date referred to in this 8475
section is the effective date of this section as amended by 8476
..... of the 126th general assembly. 8477

(A) Except as provided under division (B) of this section, 8478
any reference in Title LVII of the Revised Code to the Internal 8479
Revenue Code, to the Internal Revenue Code "as amended," to other 8480
laws of the United States, or to other laws of the United States, 8481
"as amended" means the Internal Revenue Code or other laws of the 8482
United States as they exist on ~~the effective date of this section~~ 8483
~~as enacted by H.B. 530 of the 126th general assembly~~ the effective 8484
date. This section does not apply to any reference to the Internal 8485
Revenue Code or to other laws of the United States as of a date 8486
certain specifying the day, month, and year. 8487

(B)(1) For purposes of applying section 5733.04, 5745.01, or 8488
5747.01 of the Revised Code to a taxpayer's taxable year ending in 8489
~~2005 2006~~, and ~~also to the subsequent taxable year if it ends~~ 8490
~~before the effective date of this section~~ before the effective 8491
date, a taxpayer may irrevocably elect to incorporate the 8492
provisions of the Internal Revenue Code or other laws of the 8493
United States that are in effect for federal income tax purposes 8494
for ~~those taxable years~~ that taxable year if those provisions 8495
differ from the provisions that would otherwise be incorporated 8496
into section 5733.04, 5745.01, or 5747.01 of the Revised Code for 8497
~~those taxable years~~ that taxable year under division (A) of this 8498
section. The filing of a report or return by the taxpayer for ~~the~~ 8499
~~taxable year ending in 2005 that incorporates~~ that taxable year 8500
incorporating the provisions of the Internal Revenue Code or other 8501
laws of the United States applicable for federal income tax 8502
purposes to ~~that taxable year~~ that taxable year, without 8503
adjustments to reverse the effects of any differences between 8504
those provisions and the provisions that would otherwise be 8505

incorporated under division (A) of this section, constitutes the 8506
making of an irrevocable election under this division for ~~that~~ 8507
~~taxable year and for the subsequent taxable year if it ends before~~ 8508
~~the effective date of this section~~ that taxable year. 8509

(2) Elections under prior versions of division (B)(1) of this 8510
section remain in effect for the taxable years to which they 8511
apply. 8512

Sec. 5709.87. (A) As used in this section: 8513

(1) "Improvement," "building," "fixture," and "structure" 8514
have the same meanings as in section 5701.02 of the Revised Code. 8515

(2) "Applicable standards," "property," "remedy," and 8516
"remedial activities" have the same meanings as in section 3746.01 8517
of the Revised Code. 8518

(B) The director of environmental protection, after issuing a 8519
covenant not to sue for property under section 3746.12 of the 8520
Revised Code and determining that remedies or remedial activities 8521
have commenced or been completed at that property to the 8522
satisfaction of the director, shall certify to the tax 8523
commissioner and to the director of development that such a 8524
covenant has been issued and such remedies or remedial activities 8525
have occurred at that property. The certification shall be in such 8526
form as is agreed upon by the directors of environmental 8527
protection and development and the tax commissioner and shall 8528
include a description of the property in sufficient detail for the 8529
tax commissioner and director of development to determine the 8530
boundaries of the property entitled to exemption from taxation 8531
under this section. 8532

(C)(1)(a) Upon receipt by the tax commissioner of a 8533
certification for property under division (B) of this section, the 8534
commissioner shall issue an order granting an exemption from real 8535

property taxation of the increase in the assessed value of land 8536
constituting property that is described in the certification, and 8537
of the increase in the assessed value of improvements, buildings, 8538
fixtures, and structures situated on that land at the time the 8539
order is issued as indicated on the current tax lists. The 8540
exemption shall commence on the first day of the tax year 8541
including the day on which the order is issued and shall end on 8542
the last day of the tenth tax year after issuance of the order. 8543
The order shall include a description of the property and the tax 8544
years for which the property is to be exempted from taxation. The 8545
commissioner shall send copies of the exemption order to the owner 8546
of record of the property to which the exemption applies and to 8547
the county auditor of each county in which any portion of that 8548
property is located. 8549

(b) Within sixty days after receiving the commissioner's 8550
order, the owner of record of the property may notify the 8551
commissioner in writing that the owner does not want the exemption 8552
from real property taxation provided under division (C)(1) of this 8553
section to apply. Upon receiving such a notification from the 8554
property owner of record, the commissioner shall issue a 8555
subsequent order rescinding the previously granted exemption. 8556

(2) The director of development shall maintain a record of 8557
certifications received under this section for purposes of section 8558
5709.88 of the Revised Code. 8559

(D) Any sale or other transfer of the property does not 8560
affect an exemption granted under division (C) of this section. 8561
The exemption shall continue in effect thereafter for the full 8562
period stated in the exemption order. 8563

(E) If at any time the director revokes a covenant not to sue 8564
under Chapter 3746. of the Revised Code and rules adopted under it 8565
for property concerning which the commissioner has issued an 8566
exemption order under division (C) of this section, the director 8567

shall so notify the commissioner and the legislative authority of
the municipal corporation and county in which the property is
located. The commissioner immediately shall rescind the exemption
order and shall so notify the owner of record of the property and
the county auditor of each county in which any portion of the
property is located.

Upon revocation of the ~~covenant~~ covenant not to sue, the
owner of record shall pay the amount of taxes that would have been
charged against the property had the property not been exempted
from taxation for the period beginning with commencement of the
exemption and ending with the date of revocation of the covenant
not to sue. The county auditor shall return the property to the
tax list and enter on the tax list the amount so payable as
current taxes charged against the property. Taxes required to be
paid pursuant to this section are payable in full on the first
succeeding day on which the first one-half of taxes is required to
be paid under section 323.12 of the Revised Code. If such taxes
are not paid in full when due, a penalty shall be charged, and
interest shall accrue on those taxes, as provided in section
323.121 of the Revised Code. In cases of underpayment or
nonpayment, the deficiency shall be collected as otherwise
provided for the collection of delinquent real property taxes.

Sec. 5713.051. (A) As used in this section:

(1) "Oil" means all grades of crude oil.

(2) "Gas" means all forms of natural gas.

(3) "Well" means an oil or gas well or an oil and gas well.

(4) "M.C.F." means one thousand cubic feet.

(5) "Commonly metered wells" means two or more wells that
share the same meter.

(6) "Total production" means the total amount of oil,

measured in barrels, and the total amount of gas, measured in 8598
M.C.F., of all oil and gas actually produced and sold from a 8599
single well that is developed and producing on the tax lien date. 8600
For commonly metered wells, "total production" means the total 8601
amount of oil, measured in barrels, and the total amount of gas, 8602
measured in M.C.F., of all oil and gas actually produced and sold 8603
from the commonly metered wells divided by the number of the 8604
commonly metered wells. 8605

(7) "Flush production" means total production from a single 8606
well during the first twelve calendar months during not more than 8607
two consecutive calendar years after a well first begins to 8608
produce. For commonly metered wells, "flush production" means 8609
total production during the first twelve calendar months during 8610
not more than two consecutive calendar years after a well first 8611
begins to produce from all wells with flush production divided by 8612
the number of those wells. 8613

(8) "Production through secondary recovery methods" means 8614
total production from a single well where mechanically induced 8615
pressure, such as air, nitrogen, carbon dioxide, or water 8616
pressure, is used to stimulate and maintain production in the oil 8617
and gas reservoir, exclusive of any flush production. For commonly 8618
metered wells, "production through secondary recovery methods" 8619
means total production from all wells with production through 8620
secondary recovery methods divided by the number of the those 8621
wells. 8622

(9) "Stabilized production" means total production reduced, 8623
if applicable, by the greater of forty-two and one-half per cent 8624
of flush production or fifty per cent of production through 8625
secondary recovery methods. 8626

(10) "Average daily production" means stabilized production 8627
divided by three hundred sixty-five, provided the well was in 8628

production at the beginning of the calendar year. If the well was 8629
not in production at the beginning of the calendar year, "average 8630
daily production" means stabilized production divided by the 8631
number of days beginning with the day the well went into 8632
production in the calendar year and ending with the thirty-first 8633
day of December. 8634

(11) "Gross price" means the unweighted average price per 8635
barrel of oil or the average price per M.C.F. of gas produced from 8636
Ohio wells and first sold during the five-year period ending with 8637
the calendar year immediately preceding the tax lien date, as 8638
reported by the department of natural resources. 8639

(12) "Average annual decline rate" means the amount of yearly 8640
decline in oil and gas production of a well after flush production 8641
has ended. For the purposes of this section, the average annual 8642
decline rate is thirteen per cent. 8643

(13) "Gross revenue" means the gross revenue from a well 8644
during a ten-year discount period with production assumed to be 8645
one barrel of oil or one M.C.F. of gas during the first year of 8646
production and declining at the annual average annual decline rate 8647
during the remaining nine years of the ten-year discount period, 8648
as follows: 8649

(a) First year: one barrel or one M.C.F. multiplied by gross 8650
price; 8651

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 8652
gross price; 8653

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by 8654
gross price; 8655

(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by 8656
gross price; 8657

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by 8658

<u>gross price;</u>	8659
<u>(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by</u>	8660
<u>gross price;</u>	8661
<u>(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by</u>	8662
<u>gross price;</u>	8663
<u>(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by</u>	8664
<u>gross price;</u>	8665
<u>(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by</u>	8666
<u>gross price;</u>	8667
<u>(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by</u>	8668
<u>gross price.</u>	8669
<u>(14) "Average royalty expense" means the annual cost of</u>	8670
<u>royalties paid by all working interest owners in a well. For the</u>	8671
<u>purposes of this section, the average royalty expense is fifteen</u>	8672
<u>per cent of annual gross revenue.</u>	8673
<u>(15) "Average operating expense" means the annual cost of</u>	8674
<u>operating and maintaining a producing well after it first begins</u>	8675
<u>production. For the purposes of this section, the average</u>	8676
<u>operating expense is forty per cent of annual gross revenue.</u>	8677
<u>(16) "Average capital recovery expense" means the annual</u>	8678
<u>capitalized investment cost of a developed and producing well. For</u>	8679
<u>the purposes of this section, average capital recovery expense is</u>	8680
<u>thirty per cent of annual gross revenue.</u>	8681
<u>(17) "Discount rate" means the rate used to determine the</u>	8682
<u>present net worth of one dollar during each year of the ten-year</u>	8683
<u>discount period assuming the net income stream projected for each</u>	8684
<u>year of the ten-year discount period is received at the half-year</u>	8685
<u>point. For the purposes of this section, the discount rate equals</u>	8686
<u>thirteen per cent plus the rate per annum prescribed by division</u>	8687
<u>(B) of section 5703.47 of the Revised Code and determined by the</u>	8688

tax commissioner in October of the calendar year immediately 8689
preceding the tax lien date. 8690

(B) The true value in money of oil reserves constituting real 8691
property on tax lien dates January 1, 2007, and thereafter with 8692
respect to a developed and producing well that has not been the 8693
subject of a recent arm's length sale, exclusive of personal 8694
property necessary to recover the oil, shall be determined under 8695
division (B)(1) or (2) of this section. 8696

(1) For wells for which average daily production of oil is 8697
one barrel or more in the calendar year preceding the tax lien 8698
date, the true value in money equals the average daily production 8699
of oil from the well multiplied by the net present value of one 8700
barrel of oil, where: 8701

(a) Net present value of one barrel of oil = 365 x the sum of 8702
[net income for each year of the discount period x discount rate 8703
factor for that year] for all years in the discount period; and 8704

(b) Net income for a year of the discount period = gross 8705
revenue for that year minus the sum of the following for that 8706
year: average royalty expense, average operating expense, and 8707
average capital recovery expense. 8708

(2) For wells for which average daily production of oil is 8709
less than one barrel in the calendar year preceding the tax lien 8710
date, the true value in money equals the average daily production 8711
of the well in the calendar year preceding the tax lien date 8712
multiplied by sixty per cent of the net present value of one 8713
barrel of oil as computed under division (B)(1) of this section. 8714

(C) The true value in money of gas reserves constituting real 8715
property on tax lien dates January 1, 2007, and thereafter with 8716
respect to a developed and producing well that has not been the 8717
subject of a recent arm's length sale, exclusive of personal 8718
property necessary to recover the gas, shall be determined under 8719

division (C)(1) or (2) of this section. 8720

(1) For wells for which average daily production of gas is eight M.C.F. or more in the calendar year preceding the tax lien date, the true value in money equals the average daily production of gas from the well multiplied by the net present value of one M.C.F. of gas, where: 8721
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(a) Net present value of one M.C.F. of gas = 365 x the sum of [net income for each year of the discount period x discount rate factor for that year] for all years in the discount period; and 8726
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(b) Net income for a year of the discount period = gross revenue for that year minus the sum of the following for that year: average royalty expense, average operating expense, and average capital recovery expense. 8729
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(2) For wells for which average daily production of gas is less than eight M.C.F. in the calendar year preceding the tax lien date, the true value in money equals the average daily production of the well in the calendar year preceding the tax lien date multiplied by fifty per cent of the net present value of one M.C.F. as computed under division (C)(1) of this section. 8733
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Sec. 5727.84. (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code: 8739
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(1) "School district" means a city, local, or exempted village school district. 8741
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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 8743
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(3) "Local taxing unit" means a subdivision or taxing unit, 8749

as defined in section 5705.01 of the Revised Code, a park district
created under Chapter 1545. of the Revised Code, or a township
park district established under section 511.23 of the Revised
Code, but excludes school districts and joint vocational school
districts.

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(4) "State education aid," for a school district, means the
sum of state aid amounts computed for ~~a school~~ the district or
~~joint vocational school district~~ under Chapter ~~3317.~~ of the
Revised Code divisions (A), (C)(1), (C)(4), (D), (E), and (F) of
section 3317.022; divisions (B), (C), and (D) of section 3317.023;
divisions (G), (L), and (N) of section 3317.024; and sections
3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and
3317.053 of the Revised Code, after making the adjustments
required by division (C) of section 3310.08; division (C) of
section 3314.08; division (D) of section 3314.13; divisions (E),
(K), (L), (M), (N), and (O) of section 3317.023; division (C) of
section 3317.20; and sections 3313.979 and 3313.981 of the Revised
Code. However, when calculating state education aid for a school
district for fiscal years 2006 and 2007, include the amount
computed for the district under Section 206.09.21 of Am. Sub. H.B.
66 of the 126th general assembly, as subsequently amended, instead
of division (D) of section 3317.022 of the Revised Code; include
amounts calculated under Section 206.09.39 of that act, as
subsequently amended; and account for adjustments under division
(C)(2) of Section 206.09.84 of that act, as subsequently amended.

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(5) "State education aid," for a joint vocational school
district, means the sum of the state aid amounts computed for the
district under division (N) of section 3317.024 and section
3317.16 of the Revised Code. However, when calculating state
education aid for a joint vocational school district for fiscal
years 2006 and 2007, include the amount computed for the district
under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th general

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<u>assembly, as subsequently amended.</u>	8782
<u>(6)</u> "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.	8783 8784 8785
(6) <u>(7)</u> "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.	8786 8787
(7) <u>(8)</u> "Electric company tax value loss" means the amount determined under division (D) of this section.	8788 8789
(8) <u>(9)</u> "Natural gas company tax value loss" means the amount determined under division (E) of this section.	8790 8791
(9) <u>(10)</u> "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	8792 8793
(10) <u>(11)</u> "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	8794 8795
(11) <u>(12)</u> "Fixed-rate levy loss" means the amount determined under division (G) of this section.	8796 8797
(12) <u>(13)</u> "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	8798 8799 8800 8801 8802
(13) <u>(14)</u> "Fixed-sum levy loss" means the amount determined under division (H) of this section.	8803 8804
(14) <u>(15)</u> "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	8805 8806 8807
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	8808 8809 8810 8811

- (1) Fifty-nine and nine hundred seventy-six one-thousandths per cent, shall be credited to the general revenue fund. 8812
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- (2) Two and six hundred forty-six one-thousandths per cent shall be credited to the local government fund, for distribution in accordance with section 5747.50 of the Revised Code. 8814
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- (3) Three hundred seventy-eight one-thousandths per cent shall be credited to the local government revenue assistance fund, for distribution in accordance with section 5747.61 of the Revised Code. 8817
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- (4) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code. 8821
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- (5) Eleven and six-tenths per cent shall be credited to the local government property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.86 of the Revised Code. 8825
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- (C) The natural gas tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.811 of the Revised Code. All money in the fund shall be credited as follows: 8829
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- (1) Sixty-eight and seven-tenths per cent shall be credited to the school district property tax replacement fund for the purpose of making the payments described in section 5727.85 of the Revised Code. 8833
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- (2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code. 8837
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- (D) Not later than January 1, 2002, the tax commissioner 8841

shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (3) of this section:

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998;

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section.

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments;

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(3) In the case of a taxing district having a nuclear power

plant within its territory, any amount, resulting in an electric
company tax value loss, obtained by subtracting the amount
described in division (D)(1) of this section from the difference
obtained by subtracting the amount described in division (D)(3)(b)
of this section from the amount described in division (D)(3)(a) of
this section.

(a) The value of electric company tangible personal property
as assessed by the tax commissioner for tax year 2000 on a
preliminary assessment, or an amended preliminary assessment if
issued prior to March 1, 2001, and as apportioned to the taxing
district for tax year 2000;

(b) The value of electric company tangible personal property
as assessed by the tax commissioner for tax year 2001 on a
preliminary assessment, or an amended preliminary assessment if
issued prior to March 1, 2002, and as apportioned to the taxing
district for tax year 2001.

(E) Not later than January 1, 2002, the tax commissioner
shall determine for each taxing district its natural gas company
tax value loss, which is the sum of the amounts described in
divisions (E)(1) and (2) of this section:

(1) The difference obtained by subtracting the amount
described in division (E)(1)(b) from the amount described in
division (E)(1)(a) of this section.

(a) The value of all natural gas company tangible personal
property, other than property described in division (E)(2) of this
section, as assessed by the tax commissioner for tax year 1999 on
a preliminary assessment, or an amended preliminary assessment if
issued prior to March 1, 2000, and apportioned to the taxing
district for tax year 1999;

(b) The value of all natural gas company tangible personal
property, other than property described in division (E)(2) of this

section, as assessed by the tax commissioner for tax year 1999 had 8903
the property been apportioned to the taxing district for tax year 8904
2001, and assessed at the rates in effect for tax year 2001. 8905

(2) The difference in the value of current gas obtained by 8906
subtracting the amount described in division (E)(2)(b) from the 8907
amount described in division (E)(2)(a) of this section. 8908

(a) The three-year average assessed value of current gas as 8909
assessed by the tax commissioner for tax years 1997, 1998, and 8910
1999 on a preliminary assessment, or an amended preliminary 8911
assessment if issued prior to March 1, 2001, and as apportioned in 8912
the taxing district for those respective years; 8913

(b) The three-year average assessed value from current gas 8914
under division (E)(2)(a) of this section for tax years 1997, 1998, 8915
and 1999, as reflected in the preliminary assessment, using an 8916
assessment rate of twenty-five per cent. 8917

(F) The tax commissioner may request that natural gas 8918
companies, electric companies, and rural electric companies file a 8919
report to help determine the tax value loss under divisions (D) 8920
and (E) of this section. The report shall be filed within thirty 8921
days of the commissioner's request. A company that fails to file 8922
the report or does not timely file the report is subject to the 8923
penalty in section 5727.60 of the Revised Code. 8924

(G) Not later than January 1, 2002, the tax commissioner 8925
shall determine for each school district, joint vocational school 8926
district, and local taxing unit its fixed-rate levy loss, which is 8927
the sum of its electric company tax value loss multiplied by the 8928
tax rate in effect in tax year 1998 for fixed-rate levies and its 8929
natural gas company tax value loss multiplied by the tax rate in 8930
effect in tax year 1999 for fixed-rate levies. 8931

(H) Not later than January 1, 2002, the tax commissioner 8932
shall determine for each school district, joint vocational school 8933

district, and local taxing unit its fixed-sum levy loss, which is 8934
the amount obtained by subtracting the amount described in 8935
division (H)(2) of this section from the amount described in 8936
division (H)(1) of this section: 8937

(1) The sum of the electric company tax value loss multiplied 8938
by the tax rate in effect in tax year 1998, and the natural gas 8939
company tax value loss multiplied by the tax rate in effect in tax 8940
year 1999, for fixed-sum levies for all taxing districts within 8941
each school district, joint vocational school district, and local 8942
taxing unit. For the years 2002 through 2006, this computation 8943
shall include school district emergency levies that existed in 8944
1998 in the case of the electric company tax value loss, and 1999 8945
in the case of the natural gas company tax value loss, and all 8946
other fixed-sum levies that existed in 1998 in the case of the 8947
electric company tax value loss and 1999 in the case of the 8948
natural gas company tax value loss and continue to be charged in 8949
the tax year preceding the distribution year. For the years 2007 8950
through 2016 in the case of school district emergency levies, and 8951
for all years after 2006 in the case of all other fixed-sum 8952
levies, this computation shall exclude all fixed-sum levies that 8953
existed in 1998 in the case of the electric company tax value loss 8954
and 1999 in the case of the natural gas company tax value loss, 8955
but are no longer in effect in the tax year preceding the 8956
distribution year. For the purposes of this section, an emergency 8957
levy that existed in 1998 in the case of the electric company tax 8958
value loss, and 1999 in the case of the natural gas company tax 8959
value loss, continues to exist in a year beginning on or after 8960
January 1, 2007, but before January 1, 2017, if, in that year, the 8961
board of education levies a school district emergency levy for an 8962
annual sum at least equal to the annual sum levied by the board in 8963
tax year 1998 or 1999, respectively, less the amount of the 8964
payment certified under this division for 2002. 8965

(2) The total taxable value in tax year 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss.

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately

display the levy loss for each levy eligible for reimbursement. 8998

(K) Not later than September 1, 2001, the tax commissioner 8999
shall certify the amount of the fixed-sum levy loss to the county 9000
auditor of each county in which a school district with a fixed-sum 9001
levy loss has territory. 9002

Sec. 5741.101. The amount of any refund to be certified to 9003
the treasurer ~~and auditor~~ of state and the director of budget and 9004
management pursuant to section 5741.10 of the Revised Code may be 9005
reduced by the amount the person claiming the refund is indebted 9006
to the state for any tax or fee administered by the tax 9007
commissioner that is paid to the state or to the clerk of courts 9008
pursuant to section 4505.06 of the Revised Code, or any charge, 9009
penalty, or interest arising from such a tax or fee. If the amount 9010
refundable is less than the amount of the debt, it may be applied 9011
in partial satisfaction of the debt. If the amount refundable is 9012
greater than the amount of the debt, the amount remaining after 9013
satisfaction of the debt shall be refunded. If the person has more 9014
than one such debt, any debt subject to section 5739.33 or 9015
division (G) of section 5747.07 of the Revised Code shall be 9016
satisfied first. This section applies only to debts that have 9017
become final. 9018

Sec. 5751.011. (A) A group of two or more persons may elect 9019
to be a consolidated elected taxpayer for the purposes of this 9020
chapter if the group satisfies all of the following requirements: 9021

(1) The group elects to include all persons, including 9022
persons enumerated in divisions (E)(2) to (10) of section 5751.01 9023
of the Revised Code, having at least eighty per cent, or having at 9024
least fifty per cent, of the value of their ownership interests 9025
owned or controlled, directly or constructively through related 9026
interests, by common owners during all or any portion of the tax 9027

period, together with the common owners. At the election of the group, all entities that are not incorporated or formed under the laws of a state or of the United States and that meet the elected ownership test shall either be included in the group or all shall be excluded from the group. The group shall notify the tax commissioner of the foregoing elections before the due date of the return in which the election is to become effective. If fifty per cent of the value of a person's ownership interests is owned or controlled by each of two consolidated elected taxpayer groups formed under the fifty per cent ownership or control test, that person is a member of each group for the purposes of this section, and each group shall include in the group's taxable gross receipts fifty per cent of that person's taxable gross receipts. Otherwise, all of that person's taxable gross receipts shall be included in the taxable gross receipts of the consolidated elected taxpayer group of which the person is a member. In no event shall the ownership or control of fifty per cent of the value of a person's ownership interests by two otherwise unrelated groups form the basis for consolidating the groups into a single consolidated elected taxpayer group or permit any exclusion under division (C) of this section of taxable gross receipts between members of the two groups. Division (A)(3) of this section applies with respect to the elections described in this division.

(2) The group makes the election to be treated as a consolidated elected taxpayer in the manner prescribed under division (D) of this section.

(3) Subject to review and audit by the tax commissioner, the group agrees that all of the following apply:

(a) The group shall file reports as a single taxpayer for at least the next eight calendar quarters following the election so long as at least two or more of the members of the group meet the requirements of division (A)(1) of this section.

(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the group does not so notify the tax commissioner, the election remains in effect for another eight calendar quarters.

(c) If, at any time during any of those eight calendar quarters following the election, a former member of the group no longer meets the requirements under division (A)(1) of this section, that member shall report and pay the tax imposed under this chapter separately, as a member of a combined taxpayer, or, if the former member satisfies such requirements with respect to another consolidated elected group, as a member of that consolidated elected group.

(d) The group agrees to the application of division (B) of this section.

(B) A group of persons making the election under this section shall report and pay tax on all of the group's taxable gross receipts even if substantial nexus with this state does not exist for one or more persons in the group.

(C)(1) ~~A (a) Members of a consolidated elected taxpayer group shall exclude taxable gross receipts between its members and taxable among persons included in the consolidated elected taxpayer group.~~

(b) Subject to divisions (C)(1)(c) and (C)(2) of this section, nothing in this section shall have the effect of requiring a consolidated elected taxpayer group to include gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, except for taxable gross receipts received by a member described in division (E)(4) of section 5751.01 of the Revised Code that is not a qualifying dealer as defined in section 5725.24 of the Revised Code. Except

~~as provided in division (C)(2) of this section, nothing in this~~ 9091
~~section shall have the effect of excluding taxable gross receipts~~ 9092
~~received from persons that are not members of the group if that~~ 9093
~~person is a member of the group pursuant to the elections made by~~ 9094
~~the group under division (A)(1) of this section.~~ 9095

(c)(i) As used in division (C)(1)(c) of this section, "dealer 9096
transfer" means a transfer of property that satisfies both of the 9097
following: (I) the property is directly transferred by any means 9098
from one member of the group to another member of the group that 9099
is a dealer in intangibles but is not a qualifying dealer as 9100
defined in section 5725.24 of the Revised Code; and (II) the 9101
property is subsequently delivered by the dealer in intangibles to 9102
a person that is not a member of the group. 9103

(ii) In the event of a dealer transfer, a consolidated 9104
elected taxpayer group shall not exclude, under division (C) of 9105
this section, gross receipts from the transfer described in 9106
division (C)(1)(c)(i)(I) of this section. 9107

(2) Gross receipts related to the sale or transmission of 9108
electricity through the use of an intermediary regional 9109
transmission organization approved by the federal energy 9110
regulatory commission shall be excluded from taxable gross 9111
receipts under division (C)(1) of this section if all other 9112
requirements of that division are met, even if the receipts are 9113
from and to the same member of the group. 9114

(D) To make the election to be a consolidated elected 9115
taxpayer, a group of persons shall notify the tax commissioner of 9116
the election in the manner prescribed by the commissioner and pay 9117
the commissioner a registration fee equal to the lesser of two 9118
hundred dollars or twenty dollars for each person in the group. No 9119
additional fee shall be imposed for the addition of new members to 9120
the group once the group has remitted a fee in the amount of two 9121
hundred dollars. The election shall be made and the fee paid 9122

before the later of the beginning of the first calendar quarter to 9123
which the election applies or November 15, 2005. The fee shall be 9124
collected and used in the same manner as provided in section 9125
5751.04 of the Revised Code. 9126

The election shall be made on a form prescribed by the tax 9127
commissioner for that purpose and shall be signed by one or more 9128
individuals with authority, separately or together, to make a 9129
binding election on behalf of all persons in the group. 9130

Any person acquired or formed after the filing of the 9131
registration shall be included in the group if the person meets 9132
the requirements of division (A)(1) of this section, and the group 9133
shall notify the tax commissioner of any additions to the group 9134
with the next tax return it files with the commissioner. 9135

(E) Each member of a consolidated elected taxpayer is jointly 9136
and severally liable for the tax imposed by this chapter and any 9137
penalties or interest thereon. The tax commissioner may require 9138
one person in the group to be the taxpayer for purposes of 9139
registration and remittance of the tax, but all members of the 9140
group are subject to assessment under section 5751.09 of the 9141
Revised Code. 9142

Sec. 5910.03. Scholarships shall be granted only to children 9143
of deceased or disabled veterans of the armed services of the 9144
United States. To be eligible for a scholarship, such child shall: 9145

(A) At the time of application, have attained the sixteenth, 9146
but not the ~~twenty-first~~ twenty-fifth, birthday; 9147

(B) At the time of application, if a child of a veteran who 9148
entered the armed services: 9149

(1) As a legal resident of Ohio, have resided in the state 9150
for the last preceding year; 9151

(2) Not as a legal resident of Ohio, have resided in the 9152

state for the year preceding the year in which application for the scholarship is made and any other four of the last ten years;

(C) Be in financial need, as determined by the board.

Sec. 5919.31. (A) If an active duty member of the Ohio national guard chooses to purchase life insurance pursuant to the "Servicemembers' Group Life Insurance Act," 79 Stat. 880 et seq. (1965), 38 U.S.C. 1965 et seq. and if the adjutant general determines that the member is ineligible for reimbursement of associated premiums under federal law, the adjutant general shall reimburse the member in an amount equal to the monthly premium paid for each month or part of a month by the member pursuant to the act while being an active duty member.

(B) The adjutant general may request additional money from the controlling board if the adjutant general does not have sufficient available unencumbered funds to reimburse active duty members for life insurance premiums pursuant to this section.

(C) The adjutant general may prescribe and enforce regulations to implement the requirements of this section. In prescribing and enforcing those regulations, the adjutant general need not comply with section 111.15 or Chapter 119. of the Revised Code.

(D) As used in this section, "active duty member" means a member of the Ohio national guard on active duty pursuant to an executive order of the president of the United States, the "Act of October 28, 2004," 118 Stat. 1878, 32 U.S.C. 901 to 908, as amended, another act of the congress of the United States, or a proclamation of the governor, but does not include a member performing full-time Ohio national guard duty or performing special work active duty under the "Act of October 3, 1964," 78 Stat. 999, 32 U.S.C. 502(f).

Section 101.02. That existing sections 3.21, 3.23, 5.10, 9183
9.37, 101.15, 101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 9184
126.11, 131.02, 133.021, 151.01, 151.09, 151.10, 151.40, 152.09, 9185
152.18, 152.19, 152.21, 152.24, 152.242, 152.26, 169.13, 333.02, 9186
333.04, 340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 2301.02, 9187
2305.26, 2329.07, 2701.06, 3317.013, 3317.022, 3317.029, 9188
3317.0217, 3317.03, 3383.01, 3383.07, 3706.01, 3770.05, 3770.073, 9189
4121.121, 4503.068, 4728.03, 4763.03, 4763.05, 4763.06, 4919.76, 9190
5107.12, 5111.88, 5115.06, 5119.071, 5120.03, 5123.08, 5139.02, 9191
5502.62, 5537.01, 5537.02, 5537.03, 5537.10, 5537.17, 5537.24, 9192
5537.26, 5537.27, 5537.28, 5701.11, 5709.87, 5727.84, 5741.101, 9193
5751.011, 5910.03, and 5919.31 of the Revised Code are hereby 9194
repealed. 9195

Section 110.07. That the version of section 5502.62 of the 9196
Revised Code that is scheduled to take effect April 1, 2007, be 9197
amended to read as follows: 9198

Sec. 5502.62. (A) There is hereby created in the department 9199
of public safety a division of criminal justice services. The 9200
director of public safety, with the concurrence of the governor, 9201
shall appoint an executive director of the division of criminal 9202
justice services. The executive director shall be the head of the 9203
division. The executive director shall serve at the pleasure of 9204
the director of public safety. To carry out the duties assigned 9205
under this section and to comply with sections 5502.63 to 5502.66 9206
of the Revised Code, the executive director, subject to the 9207
direction and control of the director of public safety, may 9208
appoint and maintain any necessary staff and may enter into any 9209
necessary contracts and other agreements. The executive director 9210
of the division, and all professional and technical personnel 9211
employed within the division who are not public employees as 9212

defined in section 4117.01 of the Revised Code, shall be in the 9213
unclassified civil service, and all other persons employed within 9214
the division shall be in the classified civil service. 9215

(B) Subject to division (F) of this section and subject to 9216
divisions (D) to (F) of section 5120.09 of the Revised Code 9217
insofar as those divisions relate to federal criminal justice acts 9218
that the governor requires the department of rehabilitation and 9219
correction to administer, the division of criminal justice 9220
services shall do all of the following: 9221

(1) Serve as the state criminal justice services agency and 9222
perform criminal justice system planning in the state, including 9223
any planning that is required by any federal law; 9224

(2) Collect, analyze, and correlate information and data 9225
concerning the criminal justice system in the state; 9226

(3) Cooperate with and provide technical assistance to state 9227
departments, administrative planning districts, metropolitan 9228
county criminal justice services agencies, criminal justice 9229
coordinating councils, agencies, offices, and departments of the 9230
criminal justice system in the state, and other appropriate 9231
organizations and persons; 9232

(4) Encourage and assist agencies, offices, and departments 9233
of the criminal justice system in the state and other appropriate 9234
organizations and persons to solve problems that relate to the 9235
duties of the division; 9236

(5) Administer within the state any federal criminal justice 9237
acts that the governor requires it to administer; 9238

(6) Administer funds received under the "Family Violence 9239
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 9240
10401, as amended, with all powers necessary for the adequate 9241
administration of those funds, including the authority to 9242
establish a family violence prevention and services program; 9243

- (7) Implement the state comprehensive plans; 9244
- (8) Audit grant activities of agencies, offices, 9245
organizations, and persons that are financed in whole or in part 9246
by funds granted through the division; 9247
- (9) Monitor or evaluate the performance of criminal justice 9248
system projects and programs in the state that are financed in 9249
whole or in part by funds granted through the division; 9250
- (10) Apply for, allocate, disburse, and account for grants 9251
that are made available pursuant to federal criminal justice acts, 9252
or made available from other federal, state, or private sources, 9253
to improve the criminal justice system in the state. ~~Except as~~ 9254
~~otherwise provided in this division, all money from such federal~~ 9255
~~grants shall, if the terms under which the money is received~~ 9256
~~require that the money be deposited into an interest-bearing fund~~ 9257
~~or account, be deposited in the state treasury to the credit of~~ 9258
~~the federal program purposes fund, which is hereby created. All~~ 9259
~~investment earnings of the federal program purposes fund shall be~~ 9260
~~credited to the fund. All money from such federal grants that~~ 9261
require that the money be deposited into an interest-bearing fund 9262
or account, that are intended to provide funding to local criminal 9263
justice programs, and that require that investment earnings be 9264
distributed for program purposes shall be deposited in the state 9265
treasury to the credit of the federal justice programs ~~fund~~ funds, 9266
which ~~is~~ are hereby created. A separate fund shall be established 9267
each federal fiscal year. All investment earnings of ~~the~~ a federal 9268
justice programs fund shall be credited to ~~the~~ that fund and 9269
distributed in accordance with the terms of the grant under which 9270
the money is received. 9271
- (11) Contract with federal, state, and local agencies, 9272
foundations, corporations, businesses, and persons when necessary 9273
to carry out the duties of the division; 9274

(12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;	9275 9276 9277
(13) Advise the director of public safety, general assembly, and governor on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile justice systems in the state;	9278 9279 9280 9281
(14) Prepare and recommend legislation to the director of public safety, general assembly, and governor for the improvement of the criminal and juvenile justice systems in the state;	9282 9283 9284
(15) Assist, advise, and make any reports that are requested or required by the governor, director of public safety, attorney general, or general assembly;	9285 9286 9287
(16) Develop and maintain the Ohio incident-based reporting system in accordance with division (C) of this section;	9288 9289
(17) Subject to the approval of the director of public safety, adopt rules pursuant to Chapter 119. of the Revised Code;	9290 9291
(18)(a) Not later than June 1, 2007, and subject to the approval of the director of public safety, adopt rules for the establishment and maintenance of a mcgruff house program by any sponsoring agency. The rules shall include the following:	9292 9293 9294 9295
(i) The adoption of the mcgruff house symbol to be used exclusively in all mcgruff house programs in this state;	9296 9297
(ii) The requirements for any sponsoring agency to establish and maintain a mcgruff house program;	9298 9299
(iii) The criteria for the selection of volunteers to participate in a mcgruff house program that shall include, but not be limited to, criminal background checks of those volunteers;	9300 9301 9302
(iv) Any other matters that the division of criminal justice services considers necessary for the establishment and maintenance	9303 9304

of mcgruff house programs by sponsoring agencies and the 9305
participation of volunteers in those programs. 9306

(b) The division of criminal justice services shall 9307
distribute materials and provide technical assistance to any 9308
sponsoring agency that establishes and maintains a mcgruff house 9309
program, any volunteer group or organization that provides 9310
assistance to that sponsoring agency, or any volunteer who 9311
participates in a mcgruff house program. 9312

(C) The division of criminal justice services shall develop 9313
and maintain the Ohio incident-based reporting system to 9314
facilitate the sharing of information with the federal bureau of 9315
investigation and participating law enforcement agencies in Ohio. 9316
The Ohio incident-based reporting system shall be known as OIBRS. 9317
In connection with OIBRS, the division shall do all of the 9318
following: 9319

(1) Collect and organize statistical data for reporting to 9320
the national incident-based reporting system operated by the 9321
federal bureau of investigation for the purpose of securing 9322
federal criminal justice grants; 9323

(2) Analyze and highlight mapping data for participating law 9324
enforcement agencies; 9325

(3) Distribute data and analyses to participating law 9326
enforcement agencies; 9327

(4) Encourage nonparticipating law enforcement agencies to 9328
participate in OIBRS by offering demonstrations, training, and 9329
technical assistance; 9330

(5) Provide assistance, advice, and reports requested by the 9331
governor, the general assembly, or the federal bureau of 9332
investigation; 9333

(6) Require every law enforcement agency that receives 9334

federal criminal justice grants or state criminal justice 9335
information system general revenue funds through the division to 9336
participate in OIBRS or in the uniform crime reporting program of 9337
the federal bureau of investigation. An agency that submits OIBRS 9338
data to the Ohio local law enforcement information sharing network 9339
shall be considered to be in compliance with division (C)(6) of 9340
this section if both of the following apply: 9341

(a) The Ohio local law enforcement information sharing 9342
network is capable of collecting OIBRS data. 9343

(b) The division of criminal justice services has the ability 9344
to extract the OIBRS data for reporting to the national 9345
incident-based reporting system in the manner required by the 9346
federal bureau of investigation. 9347

(D) Upon the request of the director of public safety or 9348
governor, the division of criminal justice services may do any of 9349
the following: 9350

(1) Collect, analyze, or correlate information and data 9351
concerning the juvenile justice system in the state; 9352

(2) Cooperate with and provide technical assistance to state 9353
departments, administrative planning districts, metropolitan 9354
county criminal justice service agencies, criminal justice 9355
coordinating councils, agency offices, and the departments of the 9356
juvenile justice system in the state and other appropriate 9357
organizations and persons; 9358

(3) Encourage and assist agencies, offices, and departments 9359
of the juvenile justice system in the state and other appropriate 9360
organizations and persons to solve problems that relate to the 9361
duties of the division. 9362

(E) Divisions (B), (C), and (D) of this section do not limit 9363
the discretion or authority of the attorney general with respect 9364

to crime victim assistance and criminal justice programs. 9365

(F) Nothing in this section is intended to diminish or alter 9366
the status of the office of the attorney general as a criminal 9367
justice services agency or to diminish or alter the status or 9368
discourage the development and use of other law enforcement 9369
information systems in Ohio. 9370

Section 110.08. That the existing version of section 5502.62 9371
of the Revised Code that is scheduled to take effect April 1, 9372
2007, is hereby repealed. 9373

Section 110.09. That Sections 110.07 and 110.08 of this act 9374
take effect April 1, 2007. 9375

Section 201.10. The items set forth in this section are 9376
hereby appropriated out of any moneys in the state treasury to the 9377
credit of the Wildlife Fund (Fund 015), that are not otherwise 9378
appropriated. 9379

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			9380
CAP-012	Land Acquisition - Statewide	\$ 3,000,000	9381
CAP-852	Wildlife Area Building	\$ 1,000,000	9382
	Development/Renovations		
	Total Department of Natural Resources	\$ 4,000,000	9383
	TOTAL Wildlife Fund	\$ 4,000,000	9384

Section 203.10. The items set forth in this section are 9386
hereby appropriated out of any moneys in the state treasury to the 9387
credit of the Public School Building Fund (Fund 021), that are not 9388
otherwise appropriated. 9389

Appropriations

SFC SCHOOL FACILITIES COMMISSION			9390
CAP-622	Public School Buildings	\$ 154,632,362	9391

CAP-786	New School Planning and Design	\$	4,000,000	9392
	Total School Facilities Commission	\$	158,632,362	9393
	TOTAL Public School Building Fund	\$	158,632,362	9394

Section 203.20. PUBLIC SCHOOL BUILDING FUND 9396

The Controlling Board, when requested to do so by the 9397
Executive Director of the Ohio School Facilities Commission, may 9398
increase appropriations in the Public School Building Fund (Fund 9399
021), based on revenues received by the fund, including cash 9400
transfers and interest that may accrue to the fund. 9401

Section 203.40. NEW BLIND AND DEAF SCHOOL PLANNING AND DESIGN 9402

The foregoing appropriation item CAP-786, New School Planning 9403
and Design, shall be used for the planning and design of a new 9404
consolidated school, residential facility, transportation garage, 9405
and athletic facilities for the Ohio State School for the Blind 9406
and the Ohio School for the Deaf. Notwithstanding sections 123.01 9407
and 123.15 of the Revised Code and in addition to its powers and 9408
duties under Chapter 3318. of the Revised Code, the Ohio School 9409
Facilities Commission shall administer the planning and design of 9410
a new consolidated school, residential facility, transportation 9411
garage, and athletic facilities for the Ohio State School for the 9412
Blind and the Ohio School for the Deaf on the current campus of 9413
the Ohio School for the Deaf. The design and construction of the 9414
new consolidated school shall comply to the fullest extent 9415
possible with the specifications and policies set forth in the 9416
Ohio School Design Manual. This project shall not be considered a 9417
part of any program created under Chapter 3318. of the Revised 9418
Code. The Executive Director of the Ohio School Facilities 9419
Commission shall determine the planning, design, scope, and budget 9420
of the project in consultation with the superintendents of the 9421
Ohio State School for the Blind and the Ohio School for the Deaf 9422

and the Director of Budget and Management. Upon issuance by the 9423
Commission of a certificate of completion of the project, the 9424
Commission's participation in the project shall end. 9425

The Executive Director of the Ohio School Facilities 9426
Commission shall comply with the procedures and guidelines 9427
established in Chapter 153. of the Revised Code. Upon the release 9428
of funds for the project by the Controlling Board or the Director 9429
of Budget and Management, the commission may administer the 9430
project without the supervision, control, or approval of the 9431
Director of Administrative Services. Any references to the 9432
Director of Administrative Services in the Revised Code, with 9433
respect to the administration of this project, shall be construed 9434
to refer to the Director of the Ohio School Facilities Commission. 9435

Section 205.10. The items set forth in this section are 9436
hereby appropriated out of any moneys in the state treasury to the 9437
credit of the Highway Safety Fund (Fund 036), that are not 9438
otherwise appropriated. 9439

		Appropriations	
DHS DEPARTMENT OF PUBLIC SAFETY			9440
CAP-083	Alum Creek Facility Roof Renovation	\$ 1,067,000	9441
CAP-084	OSHP Academy Maintenance	\$ 433,000	9442
Total Department of Public Safety		\$ 1,500,000	9443
TOTAL Highway Safety Fund		\$ 1,500,000	9444

Section 207.10. All items set forth in this section are 9446
hereby appropriated out of any moneys in the state treasury to the 9447
credit of the State Capital Improvements Revolving Loan Fund (Fund 9448
040). Revenues to the State Capital Improvements Revolving Loan 9449
Fund shall consist of all repayments of loans made to local 9450
subdivisions for capital improvements, investment earnings on 9451
moneys in the fund, and moneys obtained from federal or private 9452

grants or from other sources for the purpose of making loans for 9453
the purpose of financing or assisting in the financing of the cost 9454
of capital improvement projects of local subdivisions. 9455

Appropriations

PWC PUBLIC WORKS COMMISSION 9456
CAP-151 Revolving Loan \$ 25,300,000 9457
Total Public Works Commission \$ 25,300,000 9458
TOTAL State Capital Improvements Revolving Loan \$ 25,300,000 9459
Fund

The foregoing appropriation item CAP-151, Revolving Loan, 9460
shall be used in accordance with sections 164.01 to 164.12 of the 9461
Revised Code. 9462

If the Public Works Commission receives refunds due to 9463
project overpayments that are discovered during a post-project 9464
audit, the Director of the Public Works Commission may certify to 9465
the Director of Budget and Management that refunds have been 9466
received. In certifying the refunds, the Director of the Public 9467
Works Commission shall provide the Director of Budget and 9468
Management information on the project refunds. The certification 9469
shall detail by project the source and amount of project 9470
overpayments received and include any supporting documentation 9471
required or requested by the Director of Budget and Management. 9472
Upon receipt of the certification, the Director of Budget and 9473
Management shall determine if the project refunds are necessary to 9474
support existing appropriations. If the project refunds are 9475
available to support additional appropriations, these amounts are 9476
hereby appropriated to appropriation item CAP-151, Revolving Loan. 9477

Section 209.10. All items set forth in this section are 9478
hereby appropriated out of any moneys in the state treasury to the 9479
credit of the Waterways Safety Fund (Fund 086), that are not 9480
otherwise appropriated. 9481

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			9482
CAP-324	Cooperative Funding for Boating	\$ 8,700,000	9483
Facilities			
CAP-934	Operations Facilities Development	\$ 3,440,000	9484
Total Department of Natural Resources		\$ 12,140,000	9485
TOTAL Waterways Safety Fund		\$ 12,140,000	9486

Section 211.10. All items set forth in this section are 9488
 hereby appropriated out of any moneys in the state treasury to the 9489
 credit of the Army National Guard Service Contract Fund (Fund 9490
 342), that are not otherwise appropriated. 9491

		Appropriations	
ADJ ADJUTANT GENERAL			9492
CAP-065	Armory Construction-Federal	\$ 877,275	9493
Total Adjutant General		\$ 877,275	9494
TOTAL Army National Guard Service Contract Fund		\$ 877,275	9495

Section 213.10. All items set forth in this section are 9497
 hereby appropriated out of any moneys in the state treasury to the 9498
 credit of the Special Administrative Fund (Fund 4A9), that are not 9499
 otherwise appropriated. 9500

		Appropriations	
JFS DEPARTMENT OF JOB AND FAMILY SERVICES			9501
CAP-702	Central Office Building Renovations	\$ 2,000,000	9502
Total Department of Job and Family Services		\$ 2,000,000	9503
TOTAL Special Administrative Fund		\$ 2,000,000	9504

Section 215.10. The items set forth in this section are 9506
 hereby appropriated out of any moneys in the state treasury to the 9507
 credit of the State Fire Marshal Fund (Fund 546), that are not 9508
 otherwise appropriated. 9509

Appropriations

	COM DEPARTMENT OF COMMERCE		9510
CAP-115	Emergency Generator Replacement	\$ 1,650,000	9511
CAP-116	IT Infrastructure	\$ 720,000	9512
CAP-117	Security Fence & Entrance Gate	\$ 50,000	9513
CAP-118	Driver Training/Road Improvement	\$ 1,070,000	9514
CAP-119	Master Plan for SFM Facilities	\$ 500,000	9515
CAP-120	Forensic Laboratory Equipment	\$ 130,000	9516
	Total Department of Commerce	\$ 4,120,000	9517
	TOTAL State Fire Marshal Fund	\$ 4,120,000	9518

Section 217.10. The items set forth in this section are 9520
 hereby appropriated out of any moneys in the state treasury to the 9521
 credit of the Veterans' Home Improvement Fund (Fund 604), that are 9522
 not otherwise appropriated. 9523

Appropriations

	OVH OHIO VETERANS' HOME AGENCY		9524
CAP-786	General Building Renovations	\$ 2,700,000	9525
	Total Ohio Veterans' Home Agency	\$ 2,700,000	9526
	TOTAL Veterans' Home Improvement Fund	\$ 2,700,000	9527

Section 219.10. All items set forth in this section are 9529
 hereby appropriated out of any moneys in the state treasury to the 9530
 credit of the Job Ready Site Development Fund (Fund 012), that are 9531
 not otherwise appropriated: 9532

Appropriations

	DEV DEPARTMENT OF DEVELOPMENT		9533
CAP-003	Job Ready Sites	\$ 30,000,000	9534
	Total Department of Development	\$ 30,000,000	9535
	TOTAL Job Ready Site Development Fund	\$ 30,000,000	9536

Section 219.20. JOB READY SITE DEVELOPMENT 9538

The Ohio Public Facilities Commission, upon request of the 9539
 Department of Development, is hereby authorized to issue and sell, 9540

in accordance with Section 2p of Article VIII, Ohio Constitution, 9541
 and pursuant to sections 151.01 and 151.11 of the Revised Code, 9542
 original obligations of the State of Ohio in an aggregate amount 9543
 not to exceed \$30,000,000 in addition to the original issuance of 9544
 obligations heretofore authorized by prior acts of the General 9545
 Assembly. These authorized obligations shall be issued and sold 9546
 from time to time, subject to applicable constitutional and 9547
 statutory limitations, as needed to ensure sufficient moneys to 9548
 the credit of the Job Ready Site Development Fund (Fund 012) to 9549
 pay costs of sites and facilities. 9550

Section 221.10.10. All items set forth in Sections 221.10.20 9551
 to 221.20.10 of this act are hereby appropriated out of any moneys 9552
 in the state treasury to the credit of the Administrative Building 9553
 Fund (Fund 026), that are not otherwise appropriated. 9554

Appropriations

Section 221.10.20. ADJ ADJUTANT GENERAL			9555
CAP-036	Roof Replacement - Various	\$ 530,000	9556
CAP-038	Electrical Systems - Various	\$ 560,000	9557
CAP-044	Replace Windows/Doors - Various	\$ 220,000	9558
CAP-045	Plumbing Renovations - Various	\$ 525,000	9559
CAP-046	Paving Renovations - Various	\$ 455,225	9560
CAP-050	HVAC Systems - Various	\$ 700,000	9561
CAP-056	Masonry Repairs/Renovations - Various	\$ 220,000	9562
CAP-071	Construct Delaware Armory	\$ 1,756,250	9563
CAP-072	Energy Conservation - Various	\$ 33,525	9564
CAP-063	Rickenbacker International Airport	\$ 2,775,000	9565
CAP-075	Mansfield Lahm Air National Guard Facility	\$ 1,000,000	9566
CAP-076	Camp Perry Improvements	\$ 1,200,000	9567
Total Adjutant General		\$ 9,975,000	9568

ARMORY CONSTRUCTION 9569

The foregoing appropriation item CAP-071, Construct Delaware 9570
 Armory, shall be used to fund the state's share of the cost of 9571
 building a basic armory in the Delaware area, including the cost 9572
 of site acquisition, site preparation, and planning and design. 9573
 Appropriations shall not be released for this item without a 9574
 certification by the Adjutant General to the Director of Budget 9575
 and Management that sufficient moneys have been allocated for the 9576
 federal share of the cost of construction. 9577

Appropriations

Section 221.10.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 9578

CAP-773	Governor's Residence Renovations	\$	912,000	9579
CAP-826	Surface Road Building Renovations	\$	394,300	9580
CAP-834	Capital Improvements Project Management System	\$	2,342,400	9581
CAP-835	Energy Conservation Projects	\$	1,000,000	9582
CAP-838	SOCC Renovations	\$	1,200,000	9583
CAP-850	Education Building Renovations	\$	564,900	9584
CAP-852	North High Building Complex Renovations	\$	14,001,400	9585
CAP-855	Office Space Planning	\$	5,000,000	9586
CAP-856	Governor's Residence Security Upgrades	\$	25,000	9587
CAP-865	DAS Building Security Upgrades	\$	79,500	9588
Total Department of Administrative Services		\$	25,519,500	9589

Appropriations

Section 221.10.40. AGR DEPARTMENT OF AGRICULTURE 9591

CAP-043	Building and Grounds Renovation	\$	600,000	9592
CAP-051	Plant Industries Building #7 Replacement	\$	10,485,631	9593
CAP-052	Grounds Security/Emergency Power	\$	200,000	9594
Total Department of Agriculture		\$	11,285,631	9595

Appropriations

Section 221.10.50.	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD		9597
	BOARD		9598
CAP-024	Capitol Square Security	\$ 350,000	9599
	Total Capitol Square Review and Advisory Board	\$ 350,000	9600
		Appropriations	
Section 221.10.60.	EXP EXPOSITIONS COMMISSION		9602
CAP-056	Building Renovations and Repairs	\$ 4,696,000	9603
CAP-072	Emergency Repairs and Equipment Repair or Replacement	\$ 1,000,000	9604
CAP-074	Multi-Purpose Building	\$ 14,000,000	9605
	Total Expositions Commission	\$ 19,696,000	9606
		Appropriations	
Section 221.10.70.	DHS DEPARTMENT OF PUBLIC SAFETY		9608
CAP-085	American Red Cross Public Safety Facility	\$ 1,000,000	9609
CAP-086	Consolidated Communications Project of Strongsville	\$ 85,000	9610
CAP-087	Domestic Violence Shelter	\$ 100,000	9611
CAP-088	Family Services of Cincinnati	\$ 100,000	9612
	Total Department of Public Safety	\$ 1,285,000	9613
		Appropriations	
Section 221.10.80.	DNR DEPARTMENT OF NATURAL RESOURCES		9615
CAP-742	Fountain Square Building and Telephone System Improvements	\$ 1,000,000	9616
CAP-744	MARCS	\$ 2,000,000	9617
CAP-747	DNR Fairgrounds Areas - General Upgrading - Fairgrounds Site Improvements	\$ 700,000	9618
	Total Department of Natural Resources	\$ 3,700,000	9619

Appropriations

Section 221.10.90.	OSB SCHOOL FOR THE BLIND		9621
CAP-784	Renovations and Repairs	\$ 890,000	9622
CAP-785	Replacement of School Elevator	\$ 110,000	9623
	Total School for the Blind	\$ 1,000,000	9624

Appropriations

Section 221.20.10.	OSD SCHOOL FOR THE DEAF		9626
CAP-783	Renovations and Repairs	\$ 1,000,000	9627
	Total School for the Deaf	\$ 1,000,000	9628
	TOTAL Administrative Building Fund	\$ 73,811,131	9629

Section 221.20.20. The Ohio Building Authority is hereby 9630
 authorized to issue and sell, in accordance with Section 2i of 9631
 Article VIII, Ohio Constitution, and Chapter 152. and other 9632
 applicable sections of the Revised Code, original obligations in 9633
 an aggregate principal amount not to exceed \$66,000,000 in 9634
 addition to the original issuance of obligations heretofore 9635
 authorized by prior acts of the General Assembly. These authorized 9636
 obligations shall be issued, subject to applicable constitutional 9637
 and statutory limitations, to pay costs associated with previously 9638
 authorized capital facilities and the capital facilities referred 9639
 to in Sections 221.10.10 to 221.20.10 of this act. 9640

Section 223.10. All items set forth in this section are 9641
 hereby appropriated out of any moneys in the state treasury to the 9642
 credit of the Adult Correctional Building Fund (Fund 027), that 9643
 are not otherwise appropriated. 9644

Appropriations

	DRC DEPARTMENT OF REHABILITATION AND CORRECTION		9645
	STATEWIDE AND CENTRAL OFFICE PROJECTS		9646
CAP-003	Community Based Correctional Facility	\$ 1,200,000	9647

CAP-017	Security Improvements - Statewide	\$	6,127,037	9648
CAP-111	General Building Renovations	\$	28,847,973	9649
	Total Statewide and Central Office Projects	\$	36,175,010	9650
	TOTAL Department of Rehabilitation and Correction	\$	36,175,010	9651
	TOTAL ADULT CORRECTIONAL BUILDING FUND	\$	36,175,010	9652

Section 223.20. The Ohio Building Authority is hereby 9654
 authorized to issue and sell, in accordance with Section 2i of 9655
 Article VIII, Ohio Constitution, and Chapter 152. and section 9656
 307.021 of the Revised Code, original obligations in an aggregate 9657
 principal amount not to exceed \$21,000,000 in addition to the 9658
 original issuance of obligations heretofore authorized by prior 9659
 acts of the General Assembly. These authorized obligations shall 9660
 be issued, subject to applicable constitutional and statutory 9661
 limitations, to pay costs associated with previously authorized 9662
 capital facilities and the capital facilities referred to in 9663
 Section 223.10 of this act for the Department of Rehabilitation 9664
 and Correction. 9665

Section 225.10. All items set forth in this section are 9666
 hereby appropriated out of any moneys in the state treasury to the 9667
 credit of the Juvenile Correctional Building Fund (Fund 028), that 9668
 are not otherwise appropriated. 9669

Appropriations

	DYS DEPARTMENT OF YOUTH SERVICES			9670
CAP-801	Fire Suppression/Safety/Security	\$	2,369,806	9671
CAP-803	General Institutional Renovations	\$	4,833,336	9672
CAP-812	CCF Renovations/Maintenance	\$	1,322,304	9673
CAP-837	Sanitary Safety & Other Renovations - Indian River	\$	4,850,000	9674
CAP-839	Classroom Renovations	\$	1,988,875	9675
CAP-840	Mental Health Unit Construction	\$	2,877,510	9676
	Total Department of Youth Services	\$	18,241,831	9677

TOTAL Juvenile Correctional Building Fund \$ 18,241,831 9678

Section 225.20. The Ohio Building Authority is hereby 9680
authorized to issue and sell, in accordance with Section 2i of 9681
Article VIII, Ohio Constitution, and Chapter 152. and other 9682
applicable sections of the Revised Code, original obligations in 9683
an aggregate principal amount not to exceed \$18,000,000 in 9684
addition to the original issuance of obligations heretofore 9685
authorized by prior acts of the General Assembly. These authorized 9686
obligations shall be issued, subject to applicable constitutional 9687
and statutory limitations, to pay the costs associated with 9688
previously authorized capital facilities and the capital 9689
facilities referred to in Section 225.10 of this act for the 9690
Department of Youth Services. 9691

Section 227.10. All items set forth in this section are 9692
hereby appropriated out of any moneys in the state treasury to the 9693
credit of the Cultural and Sports Facilities Building Fund (Fund 9694
030), that are not otherwise appropriated. 9695

Appropriations

			9696
OHS OHIO HISTORICAL SOCIETY			
CAP-734	Hayes Center Renov & Repairs	\$ 300,000	9697
CAP-745	Renovations and Repairs	\$ 850,000	9698
CAP-763	Historic Site Signage	\$ 250,000	9699
CAP-770	Serpent Mound Improvements	\$ 340,000	9700
CAP-781	Information Technology Project	\$ 364,000	9701
CAP-784	Center Rehabilitation	\$ 1,035,000	9702
CAP-803	Digitization of Collections	\$ 300,000	9703
CAP-809	Exhibit Replace/Orientation	\$ 415,000	9704
CAP-910	Collections Facility Planning	\$ 1,240,000	9705
CAP-911	W.P. Snyder Restoration	\$ 876,000	9706
CAP-912	Lockington Locks Restoration	\$ 172,000	9707
Total Ohio Historical Society		\$ 6,142,000	9708

Appropriations

Section 227.20. AFC CULTURAL FACILITIES COMMISSION			9710
CAP-913	Huntington Park	\$ 7,000,000	9711
CAP-914	Schuster Center for the Performing Arts	\$ 5,500,000	9712
CAP-915	Cleveland Museum of Art	\$ 3,000,000	9713
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$ 3,000,000	9714
CAP-917	Marina District Amphitheatre	\$ 3,000,000	9715
CAP-918	Cincinnati Museum Center	\$ 2,000,000	9716
CAP-919	National Underground Railroad Freedom Center	\$ 2,000,000	9717
CAP-920	Cincinnati Sports Facility Improvements	\$ 2,000,000	9718
CAP-921	Pro Football Hall of Fame	\$ 1,650,000	9719
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$ 1,300,000	9720
CAP-923	Western Reserve Historical Society	\$ 1,000,000	9721
CAP-924	Cleveland Institute of Art	\$ 1,000,000	9722
CAP-925	COSI Columbus	\$ 1,000,000	9723
CAP-926	Columbus Museum of Art	\$ 1,000,000	9724
CAP-927	Mason ATP Tennis Center	\$ 1,300,000	9725
CAP-928	Stan Hywet Hall and Gardens	\$ 1,175,000	9726
CAP-929	Akron Art Museum	\$ 1,000,000	9727
CAP-930	Sauder Village	\$ 830,000	9728
CAP-931	Horvitz Center for the Arts	\$ 750,000	9729
CAP-932	Ensemble Theatre	\$ 750,000	9730
CAP-933	Voice of America Museum	\$ 750,000	9731
CAP-934	Cleveland Steamship Mather	\$ 600,000	9732
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$ 500,000	9733
CAP-936	King-Lincoln Arts & Entertainment District	\$ 500,000	9734
CAP-937	Art Academy of Cincinnati	\$ 500,000	9735

CAP-938	Great Lakes Historical Society	\$	500,000	9736
CAP-939	McKinley Museum	\$	425,000	9737
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000	9738
CAP-942	Davis Shai Historical Facility	\$	300,000	9739
CAP-943	Massillon Museum	\$	275,000	9740
CAP-944	The Mandel Center	\$	250,000	9741
CAP-945	Worthington Arts Center	\$	250,000	9742
CAP-946	CCAD	\$	250,000	9743
CAP-947	BalletMet	\$	250,000	9744
CAP-948	Stambaugh Hall Improvements	\$	250,000	9745
CAP-949	Youngstown Symphony Orchestra	\$	250,000	9746
CAP-950	Wood County Historical Center & Museum	\$	220,000	9747
CAP-951	Harding Memorial	\$	210,000	9748
CAP-952	Cincinnati Ballet	\$	200,000	9749
CAP-953	City of Avon Stadium Complex	\$	200,000	9750
CAP-954	Renaissance Performing Arts Center	\$	200,000	9751
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000	9752
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000	9753
CAP-958	Maumee Valley Historical Society	\$	150,000	9754
CAP-959	Trumbull County Historical Society	\$	150,000	9755
CAP-960	First Lunar Flight Project	\$	150,000	9756
CAP-961	Holmes County Historical Society Improvements	\$	140,000	9757
CAP-962	Canal Winchester Historical Society	\$	125,000	9758
CAP-963	Ukrainian Museum	\$	100,000	9759
CAP-964	Gordon Square Arts District	\$	100,000	9760
CAP-965	Moreland Theatre Renovation	\$	100,000	9761
CAP-966	Karamu House	\$	100,000	9762
CAP-967	Symmes Township Historical Society - Ross House	\$	100,000	9763
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000	9764

CAP-969	Gallia County Historical Genealogical Society	\$	100,000	9765
CAP-970	Gallia County French Art Colony	\$	100,000	9766
CAP-971	The Octagon House	\$	100,000	9767
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000	9768
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000	9769
CAP-974	Paul Brown Museum	\$	75,000	9770
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000	9771
CAP-976	Van Wert Historical Society	\$	70,000	9772
CAP-977	Indian Mill Renovations	\$	66,000	9773
CAP-978	Hale Farm & Village	\$	50,000	9774
CAP-979	Howe House Historic Site	\$	50,000	9775
CAP-980	Beavercreek Community Theatre	\$	50,000	9776
CAP-981	Jamestown Opera House	\$	50,000	9777
CAP-982	Johnny Appleseed Museum	\$	50,000	9778
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000	9779
CAP-984	Woodward Opera House	\$	50,000	9780
CAP-985	Little Brown Jug Facility Improvements	\$	50,000	9781
CAP-986	Applecreek Historical Society	\$	50,000	9782
CAP-987	Wyandot Historic Building Renovation	\$	50,000	9783
CAP-988	Galion Historic Big Four Depot Restoration	\$	30,000	9784
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000	9785
CAP-990	Myers Historical Stagecoach Inn Renovation	\$	25,000	9786
CAP-991	Arts West Performing Arts Center	\$	25,000	9787
CAP-992	Chester Academy Historic Building	\$	25,000	9788
CAP-993	Portland Civil War Museum and Historic Displays	\$	25,000	9789
CAP-994	Morgan County Historic Opera House	\$	25,000	9790

CAP-995	Philo Performing Arts Center	\$	25,000	9791
CAP-996	Crawford Antique Museum	\$	9,000	9792
CAP-997	Monroe City Historical Society Building	\$	5,000	9793
	Repairs			
CAP-998	Wright-Dunbar Historical	\$	250,000	9794
	Total Cultural Facilities Commission	\$	50,854,000	9795
	TOTAL Cultural and Sports Facilities Building Fund	\$	56,996,000	9796

Section 227.30. The Treasurer of State is hereby authorized 9798
to issue and sell, in accordance with Section 2i of Article VIII, 9799
Ohio Constitution, and Chapter 154. and other applicable sections 9800
of the Revised Code, original obligations in an aggregate 9801
principal amount not to exceed \$51,000,000 in addition to the 9802
original issuance of obligations heretofore authorized by prior 9803
acts of the General Assembly. These authorized obligations shall 9804
be issued, subject to applicable constitutional and statutory 9805
limitations, to pay costs of capital facilities as defined in 9806
section 154.01 of the Revised Code, including construction as 9807
defined in division (H) of section 3383.01 of the Revised Code, of 9808
the Ohio cultural facilities designated in Sections 227.10 and 9809
227.20 of this act. 9810

Section 229.10. All items set forth in this section are 9811
hereby appropriated out of any moneys in the state treasury to the 9812
credit of the Ohio Parks and Natural Resources Fund (Fund 031), 9813
that are not otherwise appropriated. 9814

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES			9815
	STATEWIDE AND LOCAL PROJECTS			9816
CAP-012	Land Acquisition - Department	\$	4,325,000	9817
CAP-702	Underground Fuel Storage/Tank	\$	500,000	9818
	Removal/Replacement - Department			
CAP-748	NatureWorks Local Park Grants	\$	2,846,480	9819

CAP-881	Dam Rehabilitation - Department	\$	3,060,920	9820
CAP-923	Sheldon Marsh Remediation Match	\$	1,000,000	9821
CAP-928	Handicapped Accessibility - Department	\$	500,000	9822
CAP-929	Hazardous Waste/Asbestos Abatement - Department	\$	500,000	9823
CAP-930	The WILDS	\$	1,175,000	9824
CAP-931	Wastewater/Water Systems Upgrades - Department	\$	2,500,000	9825
CAP-984	Belpre Swimming Pool	\$	50,000	9826
	Total Statewide and Local Projects	\$	16,457,400	9827
	Total Department of Natural Resources	\$	16,457,400	9828
	TOTAL Ohio Parks and Natural Resources Fund	\$	16,457,400	9829

Section 229.20. The Ohio Public Facilities Commission, upon 9831
the request of the Director of Natural Resources, is hereby 9832
authorized to issue and sell, in accordance with Section 21 of 9833
Article VIII, Ohio Constitution, and Chapter 151. and particularly 9834
sections 151.01 and 151.05 of the Revised Code, original 9835
obligations in an aggregate principal amount not to exceed 9836
\$16,000,000 in addition to the original issuance of obligations 9837
heretofore authorized by prior acts of the General Assembly. These 9838
authorized obligations shall be issued, subject to applicable 9839
constitutional and statutory limitations, as needed to provide 9840
sufficient moneys to the credit of the Ohio Parks and Natural 9841
Resources Fund (Fund 031) to pay costs of capital facilities as 9842
defined in sections 151.01 and 151.05 of the Revised Code. 9843

Section 231.10. All items set forth in this section are 9844
hereby appropriated out of any moneys in the state treasury to the 9845
credit of the School Building Program Assistance Fund (Fund 032), 9846
that are not otherwise appropriated. 9847

Appropriations

SFC SCHOOL FACILITIES COMMISSION 9848

CAP-770	School Building Program Assistance	\$	540,000,000	9849
	Total School Facilities Commission	\$	540,000,000	9850
	TOTAL School Building Program Assistance Fund	\$	540,000,000	9851

SCHOOL BUILDING PROGRAM ASSISTANCE 9852

The foregoing appropriation item CAP-770, School Building 9853
Program Assistance, shall be used by the School Facilities 9854
Commission to provide funding to school districts that receive 9855
conditional approval from the Commission pursuant to Chapter 3318. 9856
of the Revised Code. 9857

Section 231.20. The Ohio Public Facilities Commission is 9858
hereby authorized to issue and sell, in accordance with Section 2n 9859
of Article VIII, Ohio Constitution, and Chapter 151. and 9860
particularly sections 151.01 and 151.03 of the Revised Code, 9861
original obligations in an aggregate principal amount not to 9862
exceed \$530,000,000, in addition to the original issuance of 9863
obligations heretofore authorized by prior acts of the General 9864
Assembly. These authorized obligations shall be issued, subject to 9865
applicable constitutional and statutory limitations, to pay the 9866
costs to the state of constructing classroom facilities pursuant 9867
to sections 3318.01 to 3318.33 of the Revised Code. 9868

Section 231.30. The item set forth in this section is 9869
appropriated contingently upon Chapter 3326. of the Revised Code 9870
being enacted in other legislation. If the contingency applies, 9871
the item set forth in this section is appropriated out of any 9872
moneys in the state treasury to the credit of the School Building 9873
Program Assistance Fund (Fund 032), that are not otherwise 9874
appropriated. 9875

Appropriations

	STM OHIO STEM EDUCATION AUTHORITY			9876
CAP-001	Ohio STEM Education Authority	\$	16,000,000	9877

Total Ohio STEM Education Authority \$ 16,000,000 9878
TOTAL School Building Program Assistance Fund \$ 16,000,000 9879

OHIO STEM EDUCATION AUTHORITY 9880

The foregoing appropriation item CAP-001, Ohio STEM Education 9881
Authority, shall be used to support the capital needs of the Ohio 9882
STEM Education Authority. 9883

Section 231.40. The Ohio Public Facilities Commission is 9884
hereby authorized to issue and sell, in accordance with Section 2n 9885
of Article VIII, Ohio Constitution, and Chapter 151. and 9886
particularly sections 151.01 and 151.03 of the Revised Code, 9887
original obligations in an aggregate principal amount not to 9888
exceed \$16,000,000, in addition to the original issuance of 9889
obligations heretofore authorized by Section 231.20 of this act 9890
and by prior acts of the General Assembly. These authorized 9891
obligations shall be issued, subject to applicable constitutional 9892
and statutory limitations, to pay the costs to the state of 9893
constructing classroom facilities pursuant to sections 3318.01 to 9894
3318.33 of the Revised Code. 9895

Section 233.10.10. All items set forth in Sections 233.10.20 9896
to 233.10.50 are hereby appropriated out of any moneys in the 9897
state treasury to the credit of the Mental Health Facilities 9898
Improvement Fund (Fund 033), that are not otherwise appropriated. 9899

Appropriations

Section 233.10.20. ADA ALCOHOL AND DRUG ADDICTION SERVICES 9900
CAP-004 New Directions Residential Treatment \$ 250,000 9901
CAP-005 Maryhaven Facility Improvements \$ 200,000 9902
Total Alcohol and Drug Addiction Services \$ 450,000 9903

Appropriations

Section 233.10.30. DMH DEPARTMENT OF MENTAL HEALTH 9905

CAP-092	Hazardous Material Abatement	\$	500,000	9906
CAP-479	Community Assistance Projects	\$	4,000,000	9907
CAP-946	Demolition	\$	500,000	9908
CAP-978	Infrastructure Improvements	\$	11,980,000	9909
CAP-986	Campus Consolidation	\$	4,000,000	9910
CAP-990	Mayerson Center	\$	500,000	9911
CAP-992	Chabad House	\$	350,000	9912
CAP-993	Sylvania Family Services	\$	250,000	9913
CAP-994	Talbert House	\$	200,000	9914
Total Department of Mental Health		\$	22,280,000	9915

Appropriations

Section 233.10.40. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 9917
9918

STATEWIDE AND CENTRAL OFFICE PROJECTS 9919

CAP-480	Community Assistance Projects	\$	12,000,000	9920
CAP-885	Bellefaire Jewish Children's Bureau	\$	750,000	9921
CAP-886	Berea Children's Home	\$	250,000	9922
CAP-887	North Olmstead Welcome House	\$	100,000	9923
CAP-888	The Aullwood Audubon Center	\$	100,000	9924
CAP-889	Kamp Dovetail Project at Rocky Fork Lake State Park	\$	100,000	9925

CAP-912	Telecommunications	\$	765,000	9926
CAP-941	Emergency Generator Replacement	\$	1,000,000	9927
CAP-955	Statewide Development Centers	\$	6,212,373	9928
CAP-981	Emergency Improvements	\$	500,000	9929
Total Statewide and Central Office Projects		\$	21,777,373	9930

TOTAL Department of Mental Retardation and Developmental Disabilities \$ 21,777,373 9931

TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND \$ 44,507,373 9932

COMMUNITY ASSISTANCE PROJECTS 9933

The foregoing appropriation item CAP-480, Community 9934

Assistance Projects, may be used to provide community assistance 9935
funds for the development, purchase, construction, or renovation 9936
of facilities for day programs or residential programs that 9937
provide services to persons eligible for services from the 9938
Department of Mental Retardation and Developmental Disabilities or 9939
county boards of mental retardation and developmental 9940
disabilities. Any funds provided to nonprofit agencies for the 9941
construction or renovation of facilities for persons eligible for 9942
services from the Department of Mental Retardation and 9943
Developmental Disabilities and county boards of mental retardation 9944
and developmental disabilities shall be governed by the prevailing 9945
wage provisions in section 176.05 of the Revised Code. 9946

Section 233.10.50. The foregoing appropriations for the 9947
Department of Mental Health, CAP-479, Community Assistance 9948
Projects, and the Department of Mental Retardation and 9949
Developmental Disabilities, CAP-480, Community Assistance 9950
Projects, may be used on facilities constructed or to be 9951
constructed pursuant to Chapter 340., 3793., 5119., 5123., or 9952
5126. of the Revised Code or the authority granted by section 9953
154.20 of the Revised Code and the rules issued pursuant to those 9954
chapters and shall be distributed by the Department of Mental 9955
Health and the Department of Mental Retardation and Developmental 9956
Disabilities, all subject to Controlling Board approval. 9957

Section 233.10.60. (A) No capital improvement appropriations 9958
made in Sections 233.10.10 to 233.10.50 of this act shall be 9959
released for planning or for improvement, renovation, or 9960
construction or acquisition of capital facilities if a 9961
governmental agency, as defined in section 154.01 of the Revised 9962
Code, does not own the real property that constitutes the capital 9963
facilities or on which the capital facilities are or will be 9964
located. This restriction does not apply in any of the following 9965

circumstances: 9966

(1) The governmental agency has a long-term (at least fifteen 9967
years) lease of, or other interest (such as an easement) in, the 9968
real property. 9969

(2) In the case of an appropriation for capital facilities 9970
that, because of their unique nature or location, will be owned or 9971
be part of facilities owned by a separate nonprofit organization 9972
and made available to the governmental agency for its use or 9973
operated by the nonprofit organization under contract with the 9974
governmental agency, the nonprofit organization either owns or has 9975
a long-term (at least fifteen years) lease of the real property or 9976
other capital facility to be improved, renovated, constructed, or 9977
acquired and has entered into a joint or cooperative use 9978
agreement, approved by the Department of Mental Health or the 9979
Department of Mental Retardation and Developmental Disabilities, 9980
whichever is applicable, with the governmental agency for that 9981
agency's use of and right to use the capital facilities to be 9982
financed and, if applicable, improved, the value of such use or 9983
right to use being, as determined by the parties, reasonably 9984
related to the amount of the appropriation. 9985

(B) In the case of capital facilities referred to in division 9986
(A)(2) of this section, the joint or cooperative use agreement 9987
shall include, as a minimum, provisions that: 9988

(1) Specify the extent and nature of that joint or 9989
cooperative use, extending for not fewer than fifteen years, with 9990
the value of such use or right to use to be, as determined by the 9991
parties and approved by the approving department, reasonably 9992
related to the amount of the appropriation; 9993

(2) Provide for pro rata reimbursement to the state should 9994
the arrangement for joint or cooperative use by a governmental 9995
agency be terminated; 9996

(3) Provide that procedures to be followed during the capital 9997
improvement process will comply with appropriate applicable state 9998
laws and rules, including the provisions of this act. 9999

Section 233.10.70. The Treasurer of State is hereby 10000
authorized to issue and sell in accordance with Section 2i of 10001
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 10002
Code, particularly section 154.20 of the Revised Code, original 10003
obligations in an aggregate principal amount not to exceed 10004
\$49,000,000 in addition to the original issuance of obligations 10005
heretofore authorized by prior acts of the General Assembly. These 10006
authorized obligations shall be issued, subject to applicable 10007
constitutional and statutory limitations, to pay costs of capital 10008
facilities as defined in section 154.01 of the Revised Code for 10009
mental hygiene and retardation. 10010

Section 235.10.10. All items set forth in Sections 235.10.20 10011
to 235.50.80 are hereby appropriated out of any moneys in the 10012
state treasury to the credit of the Higher Education Improvement 10013
Fund (Fund 034), that are not otherwise appropriated. 10014

Appropriations

Section 235.10.20. ETC ETECH OHIO 10015
CAP-001 Educational TV and Radio Equipment \$ 1,000,000 10016
CAP-003 ETC Ohio Government Telecomm \$ 310,000 10017
Total eTech Ohio \$ 1,310,000 10018

Appropriations

Section 235.10.30. BOARD OF REGENTS AND STATE INSTITUTIONS OF 10020
HIGHER EDUCATION 10021
BOR BOARD OF REGENTS 10022
CAP-025 Instructional and Data Processing \$ 23,783,697 10023
Equipment

CAP-029	Ohio Library and Information Network	\$	5,410,000	10024
CAP-030	Ohio Supercomputer Center Expansion	\$	7,480,000	10025
CAP-031	Ohio Aerospace Institute	\$	200,000	10026
CAP-032	Research Facility Action and Investment Funds	\$	5,500,000	10027
CAP-060	Technology Initiatives	\$	2,000,000	10028
CAP-062	Non-credit Job Training Facilities	\$	2,350,000	10029
CAP-068	Third Frontier Wright Capital	\$	50,000,000	10030
CAP-070	Dark Fiber/OARnet	\$	4,950,000	10031
CAP-082	Supplemental Renovations - Library Depositories	\$	2,000,000	10032
CAP-083	Central State Supplement	\$	1,000,000	10033
CAP-084	University Hospitals Ireland Cancer Center	\$	5,000,000	10034
CAP-085	315 Research and Technology Corridor	\$	2,000,000	10035
CAP-087	Youngstown Technology Center	\$	2,750,000	10036
CAP-088	Cleveland Clinic-Glickman Tower	\$	1,000,000	10037
CAP-089	MetroHealth Senior Health and Wellness Center	\$	1,000,000	10038
CAP-090	Columbus Children's Hospital Amphitheater	\$	700,000	10039
CAP-091	CWRU Mt. Sinai Skills and Simulation Center	\$	500,000	10040
CAP-092	Shawnee State Motion Capture Studio Project	\$	281,300	10041
CAP-093	Central Ohio Research Data Network-New Albany	\$	250,000	10042
CAP-094	Clintonville Fiber Project	\$	100,000	10043
Total Board of Regents		\$	118,254,997	10044

Section 235.10.40. RESEARCH FACILITY ACTION AND INVESTMENT 10046

FUNDS 10047

The foregoing appropriation item CAP-032, Research Facility 10048

Action and Investment Funds, shall be used for a program of grants 10049
to be administered by the Board of Regents to provide timely 10050
availability of capital facilities for research programs and 10051
research-oriented instructional programs at or involving 10052
state-supported and state-assisted institutions of higher 10053
education. 10054

Section 235.10.50. THIRD FRONTIER WRIGHT CAPITAL 10055

The foregoing appropriation item CAP-068, Third Frontier 10056
Wright Capital, shall be used to acquire, renovate, or construct 10057
facilities and purchase equipment for research programs, 10058
technology development, product development, and commercialization 10059
programs at or involving state-supported and state-assisted 10060
institutions of higher education. The funds shall be used to make 10061
grants awarded on a competitive basis, and shall be administered 10062
by the Third Frontier Commission. Expenditure of these funds shall 10063
comply with Section 2n of Article VIII, Ohio Constitution, and 10064
sections 151.01 and 151.04 of the Revised Code for the period 10065
beginning July 1, 2006, and ending June 30, 2008. 10066

The Third Frontier Commission shall develop guidelines 10067
relative to the application for and selection of projects funded 10068
from appropriation item CAP-068, Third Frontier Wright Capital. 10069
The Commission may develop these guidelines in consultation with 10070
other interested parties. The Board of Regents and all 10071
state-assisted and state-supported institutions of higher 10072
education shall take all actions necessary to implement grants 10073
awarded by the Third Frontier Commission. 10074

The foregoing appropriation item CAP-068, Third Frontier 10075
Wright Capital, for which an appropriation is made from the Higher 10076
Education Improvement Fund (Fund 034), is determined to consist of 10077
capital improvements and capital facilities for state-supported 10078
and state-assisted institutions of higher education, and is 10079

designated for the capital facilities to which proceeds of 10080
obligations in the Higher Education Improvement Fund (Fund 034) 10081
are to be applied. 10082

Section 235.10.60. REIMBURSEMENT FOR PROJECT COSTS 10083

Appropriations made in Sections 235.10.10 to 235.50.80 of 10084
this act for purposes of costs of capital facilities for the 10085
interim financing of which the particular institution has 10086
previously issued its own obligations anticipating the possibility 10087
of future state appropriations to pay all or a portion of such 10088
costs, as contemplated in division (B) of section 3345.12 of the 10089
Revised Code, shall be paid directly to the institution or the 10090
paying agent for those outstanding obligations in the full 10091
principal amount of those obligations then to be paid from the 10092
anticipated appropriation, and shall be timely applied to the 10093
retirement of a like principal amount of the institution's 10094
obligations. 10095

Appropriations made in Sections 235.10.10 to 235.50.80 of 10096
this act for purposes of costs of capital facilities, all or a 10097
portion of which costs the particular institution has paid from 10098
the institution's moneys that were temporarily available and which 10099
expenditures were reasonably expected at the time of the advance 10100
by the institution to be reimbursed from the proceeds of 10101
obligations issued by the state, shall be directly paid to the 10102
institution in the full amounts of those payments, and shall be 10103
timely applied to the reimbursement of those temporarily available 10104
moneys. All reimbursements are subject to review and approval 10105
through the capital release process. 10106

Appropriations

Section 235.10.70. UAK UNIVERSITY OF AKRON 10107

CAP-008 Basic Renovations \$ 6,260,392 10108

CAP-047	Polsky Building Rehabilitation	\$	949,082	10109
CAP-049	Basic Renovations-Wayne	\$	215,241	10110
CAP-054	Auburn West Tower Rehabilitation Phase III	\$	6,026,253	10111
CAP-119	Wayne College Renovations/Expansion	\$	709,805	10112
CAP-121	Administration Building Phase II	\$	1,344,536	10113
CAP-122	Polymer Processing Center Phase I	\$	4,935,457	10114
CAP-123	Medina County University Center (UAK)	\$	1,500,000	10115
CAP-124	Fuel Cell Project at University of Akron	\$	1,000,000	10116
Total University of Akron		\$	22,940,766	10117

Appropriations

Section 235.10.80. BGU BOWLING GREEN STATE UNIVERSITY 10119

CAP-009	Basic Renovations	\$	4,746,508	10120
CAP-060	Basic Renovations-Firelands	\$	351,961	10121
CAP-127	Instructional Laboratory Phase II	\$	836,265	10122
CAP-131	Health Center Addition	\$	9,750,000	10123
CAP-132	Student Services Building Replacement	\$	8,100,000	10124
CAP-133	BGSU Aviation Improvements	\$	500,000	10125
Total Bowling Green University		\$	24,284,734	10126

Appropriations

Section 235.10.90. CSU CENTRAL STATE UNIVERSITY 10128

CAP-022	Basic Renovations	\$	1,182,374	10129
CAP-084	Center for Education & Natural Sciences Phase II Construction	\$	6,023,789	10130
Total Central State University		\$	7,206,163	10131

Appropriations

Section 235.20.10. UCN UNIVERSITY OF CINCINNATI 10132

CAP-009	Basic Renovations	\$	11,936,927	10133
CAP-018	Basic Renovations-Clermont	\$	315,249	10134
CAP-054	Raymond Walters Renovations	\$	568,630	10135

CAP-205	Medical Science Building Renovation and Expansion (CARE)	\$	17,285,021	10136
CAP-224	Van Wormer Renovation	\$	3,600,000	10137
CAP-263	Swift Renovation	\$	2,540,000	10138
CAP-313	Expand Clermont	\$	785,062	10139
CAP-353	Zimmer Plaza/Auditorium Renovation	\$	3,600,000	10140
CAP-354	RWC Technology Center	\$	1,534,608	10141
CAP-355	Barrett Cancer Center	\$	2,500,000	10142
CAP-356	Freestore Foodbank	\$	1,000,000	10143
CAP-357	Sharonville Convention Center	\$	550,000	10144
CAP-358	Hebrew Union College Archives Project	\$	350,000	10145
CAP-359	Consolidated Communications Project of Clermont County	\$	300,000	10146
CAP-360	People Working Cooperatively	\$	75,000	10147
Total University of Cincinnati		\$	46,940,497	10148

Appropriations

Section 235.20.20. CLS CLEVELAND STATE UNIVERSITY				10150
CAP-023	Basic Renovations	\$	3,796,031	10151
CAP-125	College of Education	\$	10,115,719	10152
CAP-163	Anthropology Department Renovations/Relocation	\$	400,000	10153
CAP-164	Chester Building Annex Demolition	\$	921,583	10154
CAP-165	Bakers Building Renovations	\$	1,328,583	10155
CAP-166	Playhouse Square Center - Hanna Theatre	\$	750,000	10156
CAP-167	Cleveland State University Windtower Generator Project	\$	400,000	10157
CAP-168	Kenston Wind Turbine Project in Geauga (CSU Engineering Department)	\$	300,000	10158
Total Cleveland State University		\$	18,011,916	10159

Appropriations

Section 235.20.30. KSU KENT STATE UNIVERSITY				10161
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CAP-022	Basic Renovations	\$	5,729,827	10162
CAP-105	Basic Renovations-East Liverpool	\$	240,437	10163
CAP-106	Basic Renovations-Geauga	\$	74,459	10164
CAP-107	Basic Renovations-Salem	\$	167,621	10165
CAP-108	Basic Renovations-Stark	\$	566,473	10166
CAP-110	Basic Renovations-Ashtabula	\$	282,463	10167
CAP-111	Basic Renovations-Trumbull	\$	552,348	10168
CAP-112	Basic Renovations-Tuscarawas	\$	371,018	10169
CAP-212	Health Science Building	\$	768,084	10170
CAP-262	Gym Renovations, Construction Phase	\$	566,617	10171
CAP-266	Fine & Performing Arts Center, Planning Phase	\$	911,738	10172
CAP-277	Bowman Hall Chilled Water Plant	\$	2,250,000	10173
CAP-278	Electrical Infrastructure Improvements	\$	808,800	10174
CAP-279	Oscar Ritchie Hall Rehabilitation	\$	10,455,000	10175
CAP-280	Taylor Hall Renovation, Phase I	\$	750,000	10176
CAP-281	Music/Speech Center Renovation, Phase I	\$	1,262,807	10177
CAP-282	Classroom Building Renovation, Phase I	\$	415,662	10178
CAP-283	Classroom Addition/Renovation Planning	\$	279,901	10179
CAP-284	Main Hall Science Lab/Nurse Addition	\$	1,165,436	10180
CAP-285	Classroom Building Renovation	\$	640,399	10181
CAP-286	Fire Alarm System Upgrade	\$	375,000	10182
CAP-287	Blossom Music Center	\$	2,000,000	10183
CAP-288	Columbiana County Port Authority Coal Liquification Project	\$	500,000	10184
CAP-289	Kent State University - Hillel	\$	400,000	10185
Total Kent State University		\$	31,534,090	10186

Appropriations

Section 235.20.40. MUN MIAMI UNIVERSITY			10188	
CAP-018	Basic Renovations	\$	5,465,380	10189
CAP-066	Basic Renovations - Hamilton	\$	595,995	10190
CAP-069	Basic Renovations - Middletown	\$	546,243	10191

CAP-160	Benton Hall Rehabilitation	\$	3,900,000	10192
CAP-161	Kreger-Robertson Hall Renovation	\$	1,000,000	10193
CAP-162	Richard T. Farmer School of Business	\$	3,000,000	10194
CAP-163	Upham Hall North Wing Rehabilitation	\$	500,000	10195
CAP-164	Warfield Hall Rehabilitation	\$	3,699,024	10196
CAP-165	Pearson Hall Laboratories	\$	997,408	10197
CAP-166	Academic/Administration & General Improvement Project	\$	1,153,217	10198
CAP-167	Academic/Administration & Renovation Project	\$	1,526,909	10199
Total Miami University		\$	22,384,176	10200

Appropriations

Section 235.20.50. OSU OHIO STATE UNIVERSITY				10202
CAP-074	Basic Renovations	\$	26,062,119	10203
CAP-149	Basic Renovations - Regional Campuses	\$	4,777,451	10204
CAP-255	Supplemental Renovations - OARDC	\$	829,170	10205
CAP-534	Main Library Rehabilitation/Expansion	\$	50,841,261	10206
CAP-736	Brown Hall Renovation/Replacement	\$	3,500,000	10207
CAP-737	Hughes Hall Renovation	\$	1,500,000	10208
CAP-738	COMPH Academic Center	\$	5,000,000	10209
CAP-739	Murray Hall Renovation	\$	1,000,000	10210
CAP-740	New Student Life Building	\$	1,000,000	10211
CAP-741	Founders/Hopewell Hall Renovation	\$	1,960,080	10212
CAP-742	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	10213
CAP-743	Selby Hall Phytotron Facility Renovation	\$	2,000,000	10214
CAP-744	Stone Laboratory Research Facility Improvements	\$	500,000	10215
CAP-745	OSU Extension Safety Improvements in Madison County	\$	94,000	10216
CAP-746	Camp Clifton Improvements	\$	90,000	10217
CAP-747	Delaware Speech & Hearing with OSU	\$	75,000	10218

Medical College			
Total Ohio State University	\$	103,229,081	10219
FEED MILL REPLACEMENT PROJECT			10220
Notwithstanding anything to the contrary in sections 9.33,			10221
123.01, and 3345.50 and Chapter 153. of the Revised Code, the Ohio			10222
State University may negotiate, enter into, and locally administer			10223
a contract that combines the design and construction elements of			10224
the project into a single contract for the feed mill replacement			10225
project, funded with appropriations in the foregoing appropriation			10226
item CAP-255, Supplemental Renovations - OARDC, including any			10227
reappropriation amount made to appropriation item CAP-492, OARDC			10228
Feed Mill, in Am. Sub. H.B. 530 of the 126th General Assembly.			10229

Appropriations

Section 235.20.60. OHU OHIO UNIVERSITY			10230
CAP-020 Basic Renovations	\$	7,091,427	10231
CAP-095 Basic Renovations - Eastern	\$	257,411	10232
CAP-098 Basic Renovations - Lancaster	\$	360,387	10233
CAP-099 Basic Renovations - Zanesville	\$	328,368	10234
CAP-113 Basic Renovations - Chillicothe	\$	305,706	10235
CAP-114 Basic Renovations - Ironton	\$	259,241	10236
CAP-216 Southern - Land Acquisition	\$	200,000	10237
CAP-222 Clippinger Lab Rehabilitation Phase I	\$	1,000,000	10238
CAP-223 Alden Library Rehabilitation Phase I	\$	1,000,000	10239
CAP-224 University Center	\$	5,210,000	10240
CAP-225 Lausche Heating Plant Phase III	\$	2,175,000	10241
CAP-233 Integrated Learning and Research Facility	\$	1,431,170	10242
CAP-234 Porter Hall Addition	\$	3,681,170	10243
CAP-235 Supplemental Basic Renovations	\$	1,000,000	10244
CAP-236 College of Communication Baker RTVC Redevelopment	\$	2,400,000	10245

CAP-237	Shannon Hall Interior Renovation	\$	384,090	10246
CAP-238	Ohio University Eastern Campus Health and Education Center	\$	200,157	10247
CAP-239	Stevenson Student Service Area	\$	704,720	10248
CAP-240	Shoemaker A/C Completion	\$	259,096	10249
CAP-241	Proctorville Parking - Site Improvement	\$	200,000	10250
CAP-242	Southern - Student Activity Office Renovation	\$	193,491	10251
CAP-243	Lancaster Community Conference 7 Events Center	\$	954,647	10252
CAP-244	Elson Hall 2nd Floor Renovation	\$	924,481	10253
CAP-245	Road Widening and Campus Gate	\$	120,000	10254
CAP-246	Ohio University Integrated Learning and Research Facility	\$	1,000,000	10255
CAP-247	Ohio University Southern Ohio Proctorville Center Improvements	\$	90,000	10256
Total Ohio University		\$	31,730,562	10257

Appropriations

Section 235.20.70. SSC SHAWNEE STATE UNIVERSITY 10259

CAP-004	Basic Renovations	\$	1,226,165	10260
CAP-053	University Center Renovation	\$	1,726,006	10261
Total Shawnee State University		\$	2,952,171	10262

Appropriations

Section 235.20.80. UTO UNIVERSITY OF TOLEDO 10264

CAP-010	Basic Renovations	\$	6,131,561	10265
CAP-129	Science/Laboratory Building	\$	4,042,523	10266
CAP-136	CBLE - Stranahan Hall Addition	\$	6,000,000	10267
CAP-137	Chilled Water Plant Equipment	\$	1,756,000	10268
CAP-138	Steam & Chilled Water Line Extension	\$	1,450,304	10269
CAP-139	North Engineering Renovation	\$	1,000,000	10270
CAP-140	Northwest Ohio Science & Technology	\$	1,000,000	10271

Corridor

Total University of Toledo	\$	21,380,388	10272
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Appropriations

Section 235.20.90. WSU WRIGHT STATE UNIVERSITY	10274
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CAP-015	Basic Renovations	\$	4,384,404	10275
CAP-064	Basic Renovations - Lake	\$	137,381	10276
CAP-119	Science Lab Renovations	\$	9,886,492	10277
CAP-134	Lake Campus Rehabilitation	\$	478,906	10278
CAP-135	Advanced Technical Intelligence Center (ATIC)	\$	2,500,000	10279
CAP-136	Welcome Stadium Project	\$	1,600,000	10280
CAP-137	Consolidated Communications Project of Greene County	\$	750,000	10281
CAP-139	Glenn Helen Preserve Ecology Art Classroom	\$	15,000	10282
Total Wright State University		\$	19,752,183	10283

Appropriations

Section 235.30.10. YSU YOUNGSTOWN STATE UNIVERSITY	10285
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CAP-014	Basic Renovations	\$	3,841,621	10286
CAP-125	Campus-wide Building Systems Upgrades	\$	1,950,000	10287
CAP-133	Campus Development	\$	1,500,000	10288
CAP-134	Instructional Space Upgrades	\$	900,000	10289
CAP-135	College of Business	\$	6,224,834	10290
Total Youngstown State University		\$	14,416,455	10291

Appropriations

Section 235.30.20. MCO MEDICAL COLLEGE OF OHIO	10293
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CAP-010	Basic Renovations	\$	1,893,176	10294
CAP-066	Core Research Facility Construction - Phase II	\$	1,800,720	10295
CAP-078	Clinical/Academic Renovation	\$	900,350	10296

CAP-081	Resource & Community Learning Center	\$	900,360	10297
CAP-082	Campus Energy Plant - Phase I	\$	900,350	10298
Total Medical College of Ohio		\$	6,394,956	10299

Appropriations

Section 235.30.30. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE				10301
OF MEDICINE				10302
CAP-018	Basic Renovations	\$	679,957	10303
CAP-048	Rehabilitation of Multi-Disciplinary Laboratories	\$	1,473,952	10304
Total Northeastern Ohio Universities College of Medicine		\$	2,153,909	10305

Appropriations

Section 235.30.40. CTC CINCINNATI STATE COMMUNITY COLLEGE				10307
CAP-013	Basic Renovations	\$	1,449,887	10308
CAP-039	Brick Repair and Weather Proofing	\$	225,359	10309
CAP-040	Energy Management - Motor Replacement	\$	377,899	10310
CAP-041	Roof Replacement	\$	661,573	10311
CAP-042	Neighborhood Health Care	\$	175,000	10312
Total Cincinnati State Community College		\$	2,889,718	10313

Appropriations

Section 235.30.50. CLT CLARK STATE COMMUNITY COLLEGE				10315
CAP-006	Basic Renovations	\$	628,411	10316
CAP-041	Sarah T. Landess Technology and Learning Center	\$	146,313	10317
CAP-045	Performing Arts Center Expansion	\$	970,607	10318
CAP-046	Library Resource Center Addition	\$	300,000	10319
CAP-047	Clark State Community College Facility Purchase	\$	150,000	10320
CAP-048	Clark State Health and Education Center	\$	100,000	10321
Total Clark State Community College		\$	2,295,331	10322

Appropriations

Section 235.30.60. CTI COLUMBUS STATE COMMUNITY COLLEGE			10324
CAP-006	Basic Renovations	\$ 1,803,681	10325
CAP-054	Renovations/Addition - Delaware Hall	\$ 4,728,428	10326
CAP-055	Planning Moneys for Building "F"	\$ 1,310,554	10327
Total Columbus State Community College			\$ 7,842,663 10328

Appropriations

Section 235.30.70. CCC CUYAHOGA COMMUNITY COLLEGE			10330
CAP-031	Basic Renovations	\$ 3,866,782	10331
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$ 2,411,797	10332
CAP-099	Hospitality Management Program	\$ 4,000,000	10333
CAP-100	Theater/Auditorium Renovations	\$ 4,036,552	10334
CAP-101	Nursing Clinical Simulation Center	\$ 250,000	10335
CAP-102	Rock and Roll Hall of Fame Archives	\$ 200,000	10336
Total Cuyahoga Community College			\$ 14,765,131 10337

Appropriations

Section 235.30.80. ESC EDISON STATE COMMUNITY COLLEGE			10339
CAP-006	Basic Renovations	\$ 422,154	10340
CAP-023	Regional Centers of Excellence	\$ 3,375,000	10341
CAP-024	Edison State Community College Regional Center for Excellence	\$ 250,000	10342
Total Edison State Community College			\$ 4,047,154 10343

Appropriations

Section 235.30.90. JTC JEFFERSON COMMUNITY COLLEGE			10345
CAP-022	Basic Renovations	\$ 331,514	10346
CAP-044	Second Floor Business & Industry Technical Center	\$ 725,443	10347
Total Jefferson Community College			\$ 1,056,957 10348

Appropriations

Section 235.40.10. LCC LAKELAND COMMUNITY COLLEGE			10350
CAP-006	Basic Renovations	\$ 1,302,992	10351
CAP-045	Instructional Use/University Partnership Building	\$ 2,433,264	10352
Total Lakeland Community College			\$ 3,736,256 10353

Appropriations

Section 235.40.20. LOR LORAIN COMMUNITY COLLEGE			10355
CAP-005	Basic Renovations	\$ 1,432,562	10356
CAP-045	HPER Rehabilitation	\$ 2,645,970	10357
Total Lorain Community College			\$ 4,078,532 10358

Appropriations

Section 235.40.30. NTC NORTHWEST STATE COMMUNITY COLLEGE			10360
CAP-003	Basic Renovations	\$ 417,030	10361
Total Northwest State Community College			\$ 417,030 10362

Appropriations

Section 235.40.40. OTC OWENS COMMUNITY COLLEGE			10364
CAP-019	Basic Renovations	\$ 2,123,075	10365
CAP-042	Campus Expansion - Penta Acquisition	\$ 12,000,000	10366
CAP-043	Center for Emergency Preparedness, Phase IV	\$ 493,940	10367
CAP-044	The Max Albon Center	\$ 550,000	10368
Total Owens Community College			\$ 15,167,015 10369

Appropriations

Section 235.40.50. RGC RIO GRANDE COMMUNITY COLLEGE			10371
CAP-005	Basic Renovations	\$ 548,241	10372
Total Rio Grande Community College			\$ 548,241 10373

Appropriations

Section 235.40.60. SCC SINCLAIR COMMUNITY COLLEGE			10375
CAP-007	Basic Renovations	\$ 2,863,978	10376
CAP-062	Consolidated Communications Project - Montgomery	\$ 1,500,000	10377
Total Sinclair Community College			\$ 4,363,978 10378

Appropriations

Section 235.40.70. SOC SOUTHERN STATE COMMUNITY COLLEGE			10380
CAP-010	Basic Renovations	\$ 428,025	10381
CAP-027	Southern State Community College Laboratory and Classroom Building	\$ 1,000,000	10382
Total Southern State Community College			\$ 1,428,025 10383

Appropriations

Section 235.40.80. TTC TERRA STATE COMMUNITY COLLEGE			10385
CAP-009	Basic Renovations	\$ 442,291	10386
Total Terra State Community College			\$ 442,291 10387

Appropriations

Section 235.40.90. WTC WASHINGTON STATE COMMUNITY COLLEGE			10389
CAP-006	Basic Renovations	\$ 385,546	10390
CAP-021	Washington State Community College Health Sciences Center	\$ 350,000	10391
CAP-022	Washington State Community College Center for Higher Education	\$ 25,000	10392
Total Washington State Community College			\$ 760,546 10393

Appropriations

Section 235.50.10. BTC BELMONT TECHNICAL COLLEGE			10395
CAP-008	Basic Renovations	\$ 309,432	10396
Total Belmont Technical College			\$ 309,432 10397

Appropriations

Section 235.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE			10399
CAP-003	Basic Renovations	\$ 333,331	10400
CAP-015	Founders/Hopewell Hall Renovation	\$ 1,538,362	10401
CAP-016	Roscoe Village Inn Renovation	\$ 500,000	10402
Total Central Ohio Technical College			\$ 2,371,693 10403

Appropriations

Section 235.50.30. HTC HOCKING TECHNICAL COLLEGE			10405
CAP-019	Basic Renovations	\$ 693,603	10406
CAP-042	McClenaghan Center for Hospitality Training	\$ 1,838,986	10407
Total Hocking Technical College			\$ 2,532,589 10408

Appropriations

Section 235.50.40. LTC JAMES RHODES STATE COLLEGE			10410
CAP-004	Basic Renovations	\$ 431,960	10411
CAP-018	Community Union	\$ 1,045,625	10412
Total James Rhodes State College			\$ 1,477,585 10413

Appropriations

Section 235.50.50. MTC MARION TECHNICAL COLLEGE			10415
CAP-004	Basic Renovations	\$ 166,413	10416
CAP-013	Classroom/Student Resource Center	\$ 3,500,000	10417
Total Marion Technical College			\$ 3,666,413 10418

Appropriations

Section 235.50.60. MAT ZANE STATE COLLEGE			10420
CAP-007	Basic Renovations	\$ 402,714	10421
CAP-023	Willet-Pratt Center Expansion	\$ 750,000	10422
Total Zane State College			\$ 1,152,714 10423

Appropriations

Section 235.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE			10425
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CAP-003	Basic Renovations	\$	515,249	10426
CAP-016	Health Sciences Center Rehabilitation	\$	1,035,150	10427
CAP-017	Kehoe Center Rehabilitation	\$	419,655	10428
Total North Central Technical College		\$	1,970,054	10429

Appropriations

Section 235.50.80. STC STARK TECHNICAL COLLEGE				10431
CAP-004	Basic Renovations	\$	277,804	10432
CAP-039	Health & Science Building	\$	5,097,338	10433
Total Stark Technical College		\$	5,375,142	10434
Total Board of Regents and				10435
Institutions of Higher Education		\$	576,261,534	10436
TOTAL Higher Education Improvement Fund		\$	577,571,534	10437

Section 235.50.90. DEBT SERVICE FORMULA ALLOCATION 10439

Based on the foregoing appropriations in Sections 235.10.70 10440
to 235.50.80 of this act, from Fund 034, Higher Education 10441
Improvement Fund, the following higher education institutions 10442
shall be responsible for the specified amounts as part of the debt 10443
service component of the instructional subsidy beginning in fiscal 10444
year 2008: 10445

INSTITUTION		AMOUNT	
University of Akron	\$	13,255,328	10447
University of Akron - Wayne	\$	709,805	10448
Bowling Green State University	\$	17,300,000	10449
Bowling Green State University - Firelands	\$	836,265	10450
Central State University	\$	2,023,789	10451
University of Cincinnati	\$	27,025,021	10452
University of Cincinnati - Clermont	\$	785,062	10453
University of Cincinnati - Walters	\$	1,534,608	10454
Cleveland State University	\$	11,437,302	10455
Kent State University	\$	15,526,607	10456
Kent State University - Ashtabula	\$	768,084	10457

Kent State University - East Liverpool	\$	415,662	10458
Kent State University - Geauga	\$	279,901	10459
Kent State University - Salem	\$	566,617	10460
Kent State University - Stark	\$	1,165,436	10461
Kent State University - Trumbull	\$	1,015,399	10462
Kent State University - Tuscarawas	\$	911,738	10463
Miami University	\$	13,096,432	10464
Miami University - Hamilton	\$	1,153,217	10465
Miami University - Middletown	\$	1,526,909	10466
Ohio State University	\$	61,841,261	10467
Ohio State University - Lima	\$	1,000,000	10468
Ohio State University - Newark	\$	1,960,080	10469
Ohio State University - OARDC	\$	6,829,170	10470
Ohio University	\$	17,897,340	10471
Ohio University - Eastern	\$	584,247	10472
Ohio University - Chillicothe	\$	963,816	10473
Ohio University - Southern	\$	593,491	10474
Ohio University - Lancaster	\$	890,535	10475
Ohio University - Zanesville	\$	1,044,481	10476
Shawnee State University	\$	1,726,006	10477
University of Toledo	\$	14,248,827	10478
Wright State University	\$	9,886,492	10479
Wright State University - Lake	\$	478,906	10480
Youngstown State University	\$	10,574,834	10481
Medical University of Ohio	\$	4,501,780	10482
Northeastern Ohio Universities College of Medicine	\$	1,473,952	10483
Cincinnati State Community College	\$	1,145,659	10484
Clark State Community College	\$	1,416,920	10485
Columbus State Community College	\$	6,038,982	10486
Cuyahoga Community College	\$	10,448,349	10487
Edison State Community College	\$	3,375,000	10488
Jefferson Community College	\$	725,443	10489

Lakeland Community College	\$	2,766,142	10490
Lorain County Community College	\$	2,645,970	10491
Central Ohio Technical College	\$	1,538,362	10492
Hocking Technical College	\$	1,838,986	10493
James Rhodes State Technical College	\$	1,045,625	10494
Zane State College	\$	757,271	10495
North Central Technical College	\$	1,354,805	10496
Stark Technical College	\$	1,871,379	10497

Institutions not listed above shall not have a debt service obligation as a result of these appropriations. 10498
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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. 10500
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Section 235.60.10. 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. 10506
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Section 235.60.20. 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 151.04 of the Revised Code, original obligations in an aggregate principal amount not to 10515
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exceed \$572,000,000, in addition to the original issuance of 10520
obligations heretofore authorized by prior acts of the General 10521
Assembly. These authorized obligations shall be issued, subject to 10522
applicable constitutional and statutory limitations, to pay costs 10523
of capital facilities as defined in sections 151.01 and 151.04 of 10524
the Revised Code for state-supported and state-assisted 10525
institutions of higher education. 10526

Section 235.60.30. None of the foregoing capital improvements 10527
appropriations for state-supported or state-assisted institutions 10528
of higher education shall be expended until the particular 10529
appropriation has been recommended for release by the Ohio Board 10530
of Regents and released by the Director of Budget and Management 10531
or the Controlling Board. Either the institution concerned, or the 10532
Ohio Board of Regents with the concurrence of the institution 10533
concerned, may initiate the request to the Director of Budget and 10534
Management or the Controlling Board for the release of the 10535
particular appropriations. 10536

Section 235.60.40. (A) No capital improvement appropriations 10537
made in Sections 235.10.10 to 235.50.80 of this act shall be 10538
released for planning or for improvement, renovation, 10539
construction, or acquisition of capital facilities if the 10540
institution of higher education or the state does not own the real 10541
property on which the capital facilities are or will be located. 10542
This restriction does not apply in any of the following 10543
circumstances: 10544

(1) The institution has a long-term (at least fifteen years) 10545
lease of, or other interest (such as an easement) in, the real 10546
property. 10547

(2) The Ohio Board of Regents certifies to the Controlling 10548
Board that undue delay will occur if planning does not proceed 10549

while the property or property interest acquisition process 10550
continues. In this case, funds may be released upon approval of 10551
the Controlling Board to pay for planning through the development 10552
of schematic drawings only. 10553

(3) In the case of an appropriation for capital facilities 10554
that, because of their unique nature or location, will be owned or 10555
will be part of facilities owned by a separate nonprofit 10556
organization or public body and will be made available to the 10557
institution of higher education for its use, the nonprofit 10558
organization or public body either owns or has a long-term (at 10559
least fifteen years) lease of the real property or other capital 10560
facility to be improved, renovated, constructed, or acquired and 10561
has entered into a joint or cooperative use agreement with the 10562
institution of higher education that meets the requirements of 10563
division (C) of this section. 10564

(B) Any foregoing appropriations which require cooperation 10565
between a technical college and a branch campus of a university 10566
may be released by the Controlling Board upon recommendation by 10567
the Ohio Board of Regents that the facilities proposed by the 10568
institutions are: 10569

(1) The result of a joint planning effort by the university 10570
and the technical college, satisfactory to the Ohio Board of 10571
Regents; 10572

(2) Facilities that will meet the needs of the region in 10573
terms of technical and general education, taking into 10574
consideration the totality of facilities that will be available 10575
after the completion of the projects; 10576

(3) Planned to permit maximum joint use by the university and 10577
technical college of the totality of facilities that will be 10578
available upon their completion; and 10579

(4) To be located on or adjacent to the branch campus of the 10580

university. 10581

(C) The Ohio Board of Regents shall adopt rules regarding the 10582
release of moneys from all the foregoing appropriations for 10583
capital facilities for all state-supported or state-assisted 10584
institutions of higher education. In the case of capital 10585
facilities referred to in division (A)(3) of this section, the 10586
joint or cooperative use agreements shall include, as a minimum, 10587
provisions that: 10588

(1) Specify the extent and nature of that joint or 10589
cooperative use, extending for not fewer than fifteen years, with 10590
the value of such use or right to use to be, as is determined by 10591
the parties and approved by the Board of Regents, reasonably 10592
related to the amount of the appropriations; 10593

(2) Provide for pro rata reimbursement to the state should 10594
the arrangement for joint or cooperative use be terminated; 10595

(3) Provide that procedures to be followed during the capital 10596
improvement process will comply with appropriate applicable state 10597
laws and rules, including the provisions of this act; and 10598

(4) Provide for payment or reimbursement to the institution 10599
of its administrative costs incurred as a result of the facilities 10600
project, not to exceed 1.5 per cent of the appropriated amount. 10601

(D) Upon the recommendation of the Ohio Board of Regents, the 10602
Controlling Board may approve the transfer of appropriations for 10603
projects requiring cooperation between institutions from one 10604
institution to another institution with the approval of both 10605
institutions. 10606

(E) Notwithstanding section 127.14 of the Revised Code, the 10607
Controlling Board, upon the recommendation of the Ohio Board of 10608
Regents, may transfer amounts appropriated to the Ohio Board of 10609
Regents to accounts of state-supported or state-assisted 10610

institutions created for that same purpose. 10611

Section 235.60.50. The requirements of Chapters 123. and 153. 10612
of the Revised Code, with respect to the powers and duties of the 10613
Director of Administrative Services, and the requirements of 10614
section 127.16 of the Revised Code, with respect to the 10615
Controlling Board, do not apply to projects of community college 10616
districts, which include Cuyahoga Community College, Jefferson 10617
Community College, Lakeland Community College, Lorain Community 10618
College, Rio Grande Community College, and Sinclair Community 10619
College; and technical college districts, which include Belmont 10620
Technical College, Central Ohio Technical College, Hocking 10621
Technical College, James Rhodes State College, Marion Technical 10622
College, Zane State College, North Central Technical College, and 10623
Stark Technical College. 10624

Section 235.60.60. Those institutions locally administering 10625
capital improvement projects pursuant to section 3345.50 of the 10626
Revised Code may: 10627

(A) Establish charges for recovering costs directly related 10628
to project administration as defined by the Director of 10629
Administrative Services. The Department of Administrative Services 10630
shall review and approve these administrative charges when the 10631
charges are in excess of 1.5 per cent of the total construction 10632
budget. 10633

(B) Seek reimbursement from state capital appropriations to 10634
the institution for the in-house design services performed by the 10635
institution for the capital projects. Acceptable charges are 10636
limited to design document preparation work that is done by the 10637
institution. These reimbursable design costs shall be shown as 10638
"A/E fees" within the project's budget that is submitted to the 10639
Controlling Board or the Director of Budget and Management as part 10640

of a request for release of funds. The reimbursement for in-house 10641
design shall not exceed seven per cent of the estimated 10642
construction cost. 10643

Section 237.10. All items set forth in this section are 10644
hereby appropriated out of any moneys in the state treasury to the 10645
credit of the Parks and Recreation Improvement Fund (Fund 035), 10646
that are not otherwise appropriated. 10647

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 10648

CAP-012	Land Acquisition - Statewide	\$	500,000	10649
CAP-169	Lake White State Park - Dam Rehabilitation	\$	5,500,000	10650
CAP-390	State Park Maintenance Facility Development - Middle Bass Island State Park Mitigation Costs	\$	2,000,000	10651
CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$	4,000,000	10652
CAP-702	Upgrade Underground Fuel Storage Tanks - Statewide	\$	250,000	10653
CAP-716	Muskingum River Parkway - Locks and Dam Rehabilitation	\$	1,000,000	10654
CAP-748	Local Parks Projects	\$	16,076,700	10655
CAP-753	Project Planning	\$	250,000	10656
CAP-836	State Park Renovations/Upgrading - Dillon Environmental Restoration Project (Corps Grant Match)	\$	600,000	10657
CAP-876	Statewide Trails Program	\$	6,030,000	10658
CAP-881	Dam Rehabilitation - Parks	\$	1,017,600	10659
CAP-929	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000	10660
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$	2,500,000	10661

Total Department of Natural Resources	\$ 39,874,300	10662
TOTAL Parks and Recreation Improvement Fund	\$ 39,874,300	10663
FEDERAL REIMBURSEMENT		10664
All reimbursements received from the federal government for		10665
any expenditures made pursuant to this section shall be deposited		10666
in the state treasury to the credit of the Parks and Recreation		10667
Improvement Fund (Fund 035).		10668
LOCAL PARKS PROJECTS		10669
Of the foregoing appropriation item CAP-748, Local Parks		10670
Projects, \$2,000,000 shall be used for the Center City Park in		10671
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo;		10672
\$1,000,000 shall be used for the East Bank/Flats Project;		10673
\$1,000,000 shall be used for the Scioto Mile; \$1,500,000 shall be		10674
used for the Franklin Park Conservatory; \$1,000,000 shall be used		10675
for Kroc Community Park Improvements; \$640,000 shall be used for		10676
the Cuyahoga River Corridor Glens Park; \$540,000 shall be used for		10677
Tar Hollow State Park Improvements; \$515,000 shall be used for the		10678
Cleveland Zoo; \$400,000 shall be used for the Hi-Y; \$300,000 shall		10679
be used for the Colerain Township Heritage Park; \$300,000 shall be		10680
used for the Columbus Zoo; \$300,000 shall be used for the Fremont		10681
Park and Athletic Facilities; \$250,000 shall be used for the		10682
Gahanna South Flood Plain Project; \$250,000 shall be used for the		10683
Sippo Lake Park/Canal Way; \$250,000 shall be used for Van Buren		10684
State Park Land Acquisitions; \$250,000 shall be used for the City		10685
of Wellston Veterans Park; \$250,000 shall be used for the City of		10686
Jackson Bike Path; \$250,000 shall be used for Cambridge Park		10687
Improvements; \$250,000 shall be used for the Brunswick Nature		10688
Preserve; \$200,000 shall be used for North Royalton Recreational		10689
Park Improvements; \$200,000 shall be used for Harrison Village		10690
Historical Society-Phoenix Park Museum; \$200,000 shall be used for		10691
Ault Park Improvements; \$200,000 shall be used for Indian Lake		10692
State Park Dredging Improvements; \$200,000 shall be used for the		10693

Belmont Carnes Center; \$191,000 shall be used for Deerfield 10694
Township Simpson Creek Erosion Mitigation and Bank Control; 10695
\$185,000 shall be used for the City of Wilmington Park 10696
Upgrades/Tennis Courts; \$175,700 shall be used for the Georgetown 10697
Community Tennis Park; \$170,000 shall be used for Violet Township 10698
Park Land Acquisition; \$150,000 shall be used for Kelly's Island 10699
Park Improvements; \$150,000 shall be used for Ironton Port 10700
Authority Green Space Acquisition; \$150,000 shall be used for 10701
Perry Township Camp Improvements; \$122,000 shall be used for 10702
Sandusky Plains Environmental Nature Preserve; \$100,000 shall be 10703
used for Mountain Bike Park/Midtown Cleveland; \$100,000 shall be 10704
used for Delhi Park Veteran's Memorial Wall; \$100,000 shall be 10705
used for The Mentor Lagoons Nature Preserve; \$100,000 shall be 10706
used for the Chester Township Park; \$100,000 shall be used for 10707
Thompson Park Renovations in East Liverpool; \$75,000 shall be used 10708
for Perry Township Park; \$75,000 shall be used for Hocking River 10709
Park Complex of Athens County; \$69,000 shall be used for Miami 10710
Erie Canal Repairs in Spencerville; \$65,000 shall be used for Star 10711
Mill Skate Park Improvements; \$60,000 shall be used for Marseilles 10712
Reservoir Bulk Head Project; \$50,000 shall be used for 10713
Beavercreek/John Akeney Soccer Field and Park; \$50,000 shall be 10714
used for the Beavercreek Community Athletic Association Facility 10715
and Park Upgrade; \$50,000 shall be used for the Delaware Skate 10716
Park; \$50,000 shall be used for the Columbus Zoo Education Center; 10717
\$50,000 shall be used for Dillon State Park Upgrades; \$50,000 10718
shall be used for Indian Lake State Park Shoreline Improvements; 10719
\$40,000 shall be used for Athens Village of Glouster Park 10720
Improvements; \$30,000 shall be used for Harold Miller Memorial 10721
Park Improvements; \$25,000 shall be used for Geauga Veterans 10722
Monument Park Improvements; \$25,000 shall be used for the 10723
Conesville Community Children's Park; \$25,000 shall be used for 10724
the Cambridge Skate Park; \$19,000 shall be used for East Fork 10725
State Park-Harsha Lake Dock Improvements; \$10,000 shall be used 10726

for the Marine Corps League Park/Monument; \$10,000 shall be used 10727
for Huntington Township Park Improvements; \$5,000 shall be used 10728
for Morgan County Bicentennial Park; and \$5,000 shall be used for 10729
the Galion Memorial Veterans Park. 10730

STATEWIDE TRAILS PROGRAM 10731

Of the foregoing appropriation item CAP-876, Statewide 10732
Trails, \$2,000,000 shall be used for the Ohio to Erie Trail 10733
Metroparks; \$1,900,000 shall be used for the Cuyahoga Towpath 10734
Trail; \$500,000 shall be used for Henry County Park and Bike 10735
Trails; \$400,000 shall be used for the Prairie Grass Trail; 10736
\$330,000 shall be used for the Williamsburg/Batavia Hike and Bike 10737
Trail; \$200,000 shall be used for the Xenia-Jamestown Connector 10738
Trail Project; \$100,000 shall be used for Tri-County Triangle 10739
Trail Funding; and \$100,000 shall be used for the Trumbull Bike 10740
Trail. 10741

Section 237.20. For the appropriations in Section 237.10 of 10742
this act, the Department of Natural Resources shall periodically 10743
prepare and submit to the Director of Budget and Management the 10744
estimated design, planning, and engineering costs of 10745
capital-related work to be done by the Department of Natural 10746
Resources for each project. Based on the estimates, the Director 10747
of Budget and Management may release appropriations from the 10748
foregoing appropriation item CAP-753, Project Planning, within the 10749
Parks and Recreation Improvement Fund (Fund 035), to pay for 10750
design, planning, and engineering costs incurred by the Department 10751
of Natural Resources for the projects. Upon release of the 10752
appropriations by the Director of Budget and Management, the 10753
Department of Natural Resources shall pay for these expenses from 10754
the Parks Capital Expenses Fund (Fund 227), and shall be 10755
reimbursed from the Parks and Recreation Improvement Fund (Fund 10756
035) using an intrastate voucher. 10757

Section 237.30. The Treasurer of State is hereby authorized 10758
to issue and sell, in accordance with Section 2i of Article VIII, 10759
Ohio Constitution, and Chapter 154. of the Revised Code, 10760
particularly section 154.22 of the Revised Code, original 10761
obligations in an aggregate principal amount not to exceed 10762
\$39,000,000, in addition to the original issuance of obligations 10763
heretofore authorized by prior acts of the General Assembly. These 10764
authorized obligations shall be issued, subject to applicable 10765
constitutional and statutory limitations, to pay the costs of 10766
capital facilities for parks and recreation as defined in section 10767
154.01 of the Revised Code. 10768

Section 237.40. (A) No capital improvement appropriations 10769
made in Section 237.10 of this act shall be released for planning 10770
or for improvement, renovation, or construction or acquisition of 10771
capital facilities if a governmental agency, as defined in section 10772
154.01 of the Revised Code, does not own the real property that 10773
constitutes the capital facilities or on which the capital 10774
facilities are or will be located. This restriction does not apply 10775
in any of the following circumstances: 10776

(1) The governmental agency has a long-term (at least fifteen 10777
years) lease of, or other interest (such as an easement) in, the 10778
real property. 10779

(2) In the case of an appropriation for capital facilities 10780
for parks and recreation that, because of their unique nature or 10781
location, will be owned or be part of facilities owned by a 10782
separate nonprofit organization and made available to the 10783
governmental agency for its use or operated by the nonprofit 10784
organization under contract with the governmental agency, the 10785
nonprofit organization either owns or has a long-term (at least 10786
fifteen years) lease of the real property or other capital 10787

facility to be improved, renovated, constructed, or acquired and 10788
has entered into a joint or cooperative use agreement, approved by 10789
the Department of Natural Resources, with the governmental agency 10790
for that agency's use of and right to use the capital facilities 10791
to be financed and, if applicable, improved, the value of such use 10792
or right to use being, as determined by the parties, reasonably 10793
related to the amount of the appropriation. 10794

(B) In the case of capital facilities referred to in division 10795
(A)(2) of this section, the joint or cooperative use agreement 10796
shall include, as a minimum, provisions that: 10797

(1) Specify the extent and nature of that joint or 10798
cooperative use, extending for not fewer than fifteen years, with 10799
the value of such use or right to use to be, as determined by the 10800
parties and approved by the approving department, reasonably 10801
related to the amount of the appropriation; 10802

(2) Provide for pro rata reimbursement to the state should 10803
the arrangement for joint or cooperative use by a governmental 10804
agency be terminated; and 10805

(3) Provide that procedures to be followed during the capital 10806
improvement process will comply with appropriate applicable state 10807
laws and rules, including the provisions of this act. 10808

Section 239.10. All items set forth in this section are 10809
hereby appropriated out of any moneys in the state treasury to the 10810
credit of the State Capital Improvements Fund (Fund 038), that are 10811
not otherwise appropriated. 10812

	Appropriations	
PWC PUBLIC WORKS COMMISSION		10813
CAP-150 Local Public Infrastructure	\$ 120,000,000	10814
Total Public Works Commission	\$ 120,000,000	10815
TOTAL State Capital Improvements Fund	\$ 120,000,000	10816

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.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item CAP-151, Revolving Loan.

Section 239.20. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Sections 2m and 2p of Article VIII, Ohio Constitution, and sections 151.01 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 10848
shall be issued and sold from time to time and in amounts 10849
necessary to ensure sufficient moneys to the credit of the State 10850
Capital Improvements Fund (Fund 038) to pay costs charged to that 10851
fund, as estimated by the Director of Budget and Management. 10852

Section 301.10. Notwithstanding any provision of law to the 10853
contrary, the Director of Budget and Management, with the written 10854
concurrence of the Director of Public Safety, may transfer cash 10855
temporarily from the Highway Safety Fund (Fund 036) to the Highway 10856
Safety Building Fund (Fund 025), and the cash may be used to fund 10857
projects previously appropriated by acts of the general assembly. 10858
The transfers shall be made for the purpose of providing cash to 10859
support appropriations or encumbrances that exist upon the 10860
effective date of this section. At such time as obligations are 10861
issued for Highway Safety Building Fund projects, the Director of 10862
Budget and Management shall transfer from the Highway Safety 10863
Building Fund to the Highway Safety Fund any amounts originally 10864
transferred to the Highway Safety Building Fund under this 10865
section. 10866

Section 303.10. CERTIFICATION OF AVAILABILITY OF MONEYS 10867

No moneys that require release may be expended from any 10868
appropriation contained in this act without certification of the 10869
Director of Budget and Management that there are sufficient moneys 10870
in the state treasury in the fund from which the appropriation is 10871
made. The certification shall be based on estimates of revenue, 10872
receipts, and expenses. Nothing in this section shall be construed 10873
as a limitation on the authority of the Director of Budget and 10874
Management under section 126.07 of the Revised Code. 10875

Section 303.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 10876

The appropriations made in this act, excluding those made to 10877
the State Capital Improvement Fund (Fund 038) and the State 10878
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 10879
or structures, including remodeling and renovations, are limited 10880
to: 10881

(A) Acquisition of real property or interests in real 10882
property; 10883

(B) Buildings and structures, which includes construction, 10884
demolition, complete heating, lighting and lighting fixtures, all 10885
necessary utilities, and ventilating, plumbing, sprinkling, and 10886
sewer systems, when such systems are authorized or necessary; 10887

(C) Architectural, engineering, and professional services 10888
expenses directly related to the projects; 10889

(D) Machinery that is a part of structures at the time of 10890
initial acquisition or construction; 10891

(E) Acquisition, development, and deployment of new computer 10892
systems, including the redevelopment or integration of existing 10893
and new computer systems, but excluding regular or ongoing 10894
maintenance or support agreements; 10895

(F) Equipment that meets all the following criteria: 10896

(1) The equipment is essential in bringing the facility up to 10897
its intended use; 10898

(2) The unit cost of the equipment, and not the individual 10899
parts of a unit, is about \$100 or more; 10900

(3) The equipment has a useful life of five years or more; 10901

(4) The equipment is necessary for the functioning of the 10902
particular facility or project. 10903

No equipment shall be paid for from these appropriations that 10904
is not an integral part of or directly related to the basic 10905

purpose or function of a project for which moneys are 10906
appropriated. This paragraph does not apply to appropriation items 10907
for equipment. 10908

Section 303.30. CONTINGENCY RESERVE REQUIREMENT 10909

Any request for release of capital appropriations by the 10910
Director of Budget and Management or the Controlling Board of 10911
capital appropriations for projects, the contracts for which are 10912
awarded by the Department of Administrative Services, shall 10913
contain a contingency reserve, the amount of which shall be 10914
determined by the Department of Administrative Services, for 10915
payment of unanticipated project expenses. Any amount deducted 10916
from the encumbrance for a contractor's contract as an assessment 10917
for liquidated damages shall be added to the encumbrance for the 10918
contingency reserve. Contingency reserve funds shall be used to 10919
pay costs resulting from unanticipated job conditions, to comply 10920
with rulings regarding building and other codes, to pay costs 10921
related to errors or omissions in contract documents, to pay costs 10922
associated with changes in the scope of work, and to pay the cost 10923
of settlements and judgments related to the project. 10924

Any funds remaining upon completion of a project may, upon 10925
approval of the Controlling Board, be released for the use of the 10926
institution to which the appropriation was made for other capital 10927
facilities projects. 10928

Section 305.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 10929
AGAINST THE STATE 10930

Except as otherwise provided in this section, an 10931
appropriation in this act or any other act may be used for the 10932
purpose of satisfying judgments, settlements, or administrative 10933
awards ordered or approved by the Court of Claims or by any other 10934
court of competent jurisdiction in connection with civil actions 10935

against the state. This authorization does not apply to 10936
appropriations to be applied to or used for payment of guarantees 10937
by or on behalf of the state, or for payments under lease 10938
agreements relating to or debt service on bonds, notes, or other 10939
obligations of the state. Notwithstanding any other section of law 10940
to the contrary, this authorization includes appropriations from 10941
funds into which proceeds or direct obligations of the state are 10942
deposited only to the extent that the judgment, settlement, or 10943
administrative award is for or represents capital costs for which 10944
the appropriation may otherwise be used and is consistent with the 10945
purpose for which any related obligations were issued or entered 10946
into. Nothing contained in this section is intended to subject the 10947
state to suit in any forum in which it is not otherwise subject to 10948
suit, and it is not intended to waive or compromise any defense or 10949
right available to the state in any suit against it. 10950

Section 307.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 10951
AND MANAGEMENT 10952

Notwithstanding section 126.14 of the Revised Code, 10953
appropriations for appropriation item CAP-003, Community-Based 10954
Correctional Facilities, appropriated from the Adult Correctional 10955
Building Fund (Fund 027) to the Department of Rehabilitation and 10956
Correction shall be released upon the written approval of the 10957
Director of Budget and Management. The appropriations from the 10958
Public School Building Fund (Fund 021) and the School Building 10959
Program Assistance Fund (Fund 032) to the School Facilities 10960
Commission, from the Clean Ohio Conservation Fund (Fund 056), the 10961
State Capital Improvement Fund (Fund 038), and the State Capital 10962
Improvements Revolving Loan Fund (Fund 040) to the Public Works 10963
Commission shall be released upon presentation of a request to 10964
release the funds, by the agency to which the appropriation has 10965
been made, to the Director of Budget and Management. 10966

Section 309.10. PREVAILING WAGE REQUIREMENT 10967

Except as provided in section 4115.04 of the Revised Code, no 10968
moneys appropriated or reappropriated by the 126th General 10969
Assembly shall be used for the construction of public 10970
improvements, as defined in section 4115.03 of the Revised Code, 10971
unless the mechanics, laborers, or workers engaged therein are 10972
paid the prevailing rate of wages as prescribed in section 4115.04 10973
of the Revised Code. Nothing in this section shall affect the 10974
wages and salaries established for state employees under the 10975
provisions of Chapter 124. of the Revised Code, or collective 10976
bargaining agreements entered into by the state pursuant to 10977
Chapter 4117. of the Revised Code, while engaged on force account 10978
work, nor shall this section interfere with the use of inmate and 10979
patient labor by the state. 10980

Section 311.10. CAPITAL FACILITIES LEASES 10981

Capital facilities for which appropriations are made from the 10982
Highway Safety Building Fund (Fund 025), the Administrative 10983
Building Fund (Fund 026), the Adult Correctional Building Fund 10984
(Fund 027), and the Juvenile Correctional Building Fund (Fund 028) 10985
may be leased by the Ohio Building Authority to the Department of 10986
Public Safety, the Department of Youth Services, the Department of 10987
Administrative Services, and the Department of Rehabilitation and 10988
Correction, and other agreements may be made by the Ohio Building 10989
Authority and the departments with respect to the use or purchase 10990
of the capital facilities, or subject to the approval of the 10991
director of the department or the commission, the Ohio Building 10992
Authority may lease the capital facilities to, and make other 10993
agreements with respect to the use or purchase of the capital 10994
facilities with, any governmental agency or nonprofit corporation 10995
having authority under law to own, lease, or operate the capital 10996

facilities. The director of the department or the commission may
sublease the capital facilities to, and make other agreements with
respect to the use or purchase of the capital facilities with, any
such governmental agency or nonprofit corporation, which
agreements may include provisions for transmittal of receipts of
the agency or nonprofit corporation of any charges for the use of
the facilities, all upon such terms and conditions as the parties
may agree upon and subject to any other provision of law affecting
the leasing, acquisition, or disposition of capital facilities by
the parties.

**Section 313.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND
MANAGEMENT**

The Director of Budget and Management shall authorize both of
the following:

(A) The initial release of moneys for projects from the funds
into which proceeds of direct obligations of the state are
deposited;

(B) The expenditure or encumbrance of moneys from funds into
which proceeds of direct obligations are deposited, but only after
determining to the director's satisfaction that either of the
following applies:

(1) The application of the 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.

(2) 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 11027
house of the General Assembly, and the agency for the use of which 11028
the project is intended. 11029

Section 315.10. SCHOOL FACILITIES ENCUMBRANCES AND 11030
REAPPROPRIATION 11031

At the request of the Executive Director of the Ohio School 11032
Facilities Commission, the Director of Budget and Management may 11033
cancel encumbrances for school district projects from a previous 11034
biennium if the district has not raised its local share of project 11035
costs within one year after receiving Controlling Board approval 11036
in accordance with section 3318.05 of the Revised Code. The 11037
Executive Director of the Ohio School Facilities Commission shall 11038
certify the amounts of these canceled encumbrances to the Director 11039
of Budget and Management on a quarterly basis. The amounts of the 11040
canceled encumbrances are hereby appropriated. 11041

Section 317.10. CERTIFICATE OF NEED REQUIREMENT 11042

No appropriation for a health care facility authorized under 11043
this act may be released until the requirements of sections 11044
3702.51 to 3702.68 of the Revised Code have been met. 11045

Section 319.10. DISTRIBUTION OF PROCEEDS FROM ASBESTOS 11046
ABATEMENT LITIGATION 11047

All proceeds received by the state as a result of litigation, 11048
judgments, settlements, or claims, filed by or on behalf of any 11049
state agency, as defined by section 1.60 of the Revised Code, or 11050
state-supported or state-assisted institution of higher education, 11051
for damages or costs resulting from the use, removal, or hazard 11052
abatement of asbestos materials shall be deposited in the Asbestos 11053
Abatement Distribution Fund (Fund 674). All funds deposited into 11054
the Asbestos Abatement Distribution Fund are hereby appropriated 11055

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.

These 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 the proceeds. The amounts approved by the
Controlling Board are hereby appropriated. The 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 the proceeds are sufficient 11088
and available to fund the additional anticipated expenditures. 11089

Section 321.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 11090
REVISED CODE 11091

The capital improvements for which appropriations are made in 11092
this act from the Third Frontier Research and Development Fund 11093
(Fund 011), the Job Ready Site Development Fund (Fund 012), the 11094
Ohio Parks and Natural Resources Fund (Fund 031), the School 11095
Building Program Assistance Fund (Fund 032), the Higher Education 11096
Improvement Fund (Fund 034), the State Capital Improvements Fund 11097
(Fund 038), the Clean Ohio Conservation Fund (Fund 056), the Clean 11098
Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio 11099
Trail Fund (Fund 061) are determined to be capital improvements 11100
and capital facilities for research and development, preparation 11101
of sites, natural resources, a statewide system of common schools, 11102
state-supported and state-assisted institutions of higher 11103
education, local subdivision capital improvement projects, and 11104
conservation purposes (under the Clean Ohio Program) and are 11105
designated as capital facilities to which proceeds of obligations 11106
issued under Chapter 151. of the Revised Code are to be applied. 11107

Section 321.20. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 11108
REVISED CODE 11109

The capital improvements for which appropriations are made in 11110
this act from the Highway Safety Building Fund (Fund 025), the 11111
Administrative Building Fund (Fund 026), the Adult Correctional 11112
Building Fund (Fund 027), the Juvenile Correctional Building Fund 11113
(Fund 028), and the Transportation Building Fund (Fund 029) are 11114
determined to be capital improvements and capital facilities for 11115
housing state agencies and branches of state government and are 11116
designated as capital facilities to which proceeds of obligations 11117

issued under Chapter 152. of the Revised Code are to be applied.	11118
Section 321.30. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE REVISED CODE	11119 11120
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.	11121 11122 11123 11124 11125 11126 11127 11128 11129
Section 323.10. TRANSFER OF OPEN ENCUMBRANCES	11130
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.	11131 11132 11133 11134 11135 11136
Section 325.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE BUILDING FUND	11137 11138
Any proceeds received by the state as the result of litigation or a settlement agreement related to any liability for the planning, design, engineering, construction, or construction management of facilities operated by the Department of Administrative Services shall be deposited into the Administrative Building Fund (Fund 026).	11139 11140 11141 11142 11143 11144
Section 327.10. COAL RESEARCH AND DEVELOPMENT BONDS	11145

The Ohio Public Facilities Commission, upon the request of 11146
the Director of the Ohio Coal Development Office with the advice 11147
of the Technical Advisory Committee created in section 1551.35 of 11148
the Revised Code and with the approval of the Director of the Air 11149
Quality Development Authority, is hereby authorized to issue and 11150
sell, in accordance with Section 15 of Article VIII, Ohio 11151
Constitution, and Chapter 151. of the Revised Code, and 11152
particularly sections 151.01 and 151.07 and other applicable 11153
sections of the Revised Code, bonds or other obligations of the 11154
state heretofore authorized by prior acts of the General Assembly. 11155
The obligations shall be issued, subject to applicable 11156
constitutional and statutory limitations, to provide sufficient 11157
moneys to the credit of the Coal Research and Development Fund 11158
created in section 1555.15 of the Revised Code to pay costs 11159
charged to the fund when due as estimated by the Director of the 11160
Ohio Coal Development Office. 11161

Section 329.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 11162

The Ohio Administrative Knowledge System (OAKS) shall be an 11163
enterprise resource planning system that replaces the state's 11164
central services infrastructure systems, including the Central 11165
Accounting System, the Human Resources/Payroll System, the Capital 11166
Improvements Projects Tracking System, the Fixed Assets Management 11167
System, and the Procurement System. The Department of 11168
Administrative Services, in conjunction with the Office of Budget 11169
and Management, may acquire the system, including, but not limited 11170
to, the enterprise resource planning software and installation and 11171
implementation thereof pursuant to Chapter 125. of the Revised 11172
Code. Any lease-purchase arrangement utilized under Chapter 125. 11173
of the Revised Code, including any fractionalized interest therein 11174
as defined in division (N) of section 133.01 of the Revised Code, 11175
shall provide at the end of the lease period that OAKS shall 11176

become the property of the state. 11177

Section 331.10. Sections 201.10 to 239.20 of this act shall 11178
remain in full force and effect commencing on July 1, 2006, and 11179
terminating on June 30, 2008, for the purpose of drawing money 11180
from the state treasury in payment of liabilities lawfully 11181
incurred under those sections, and on June 30, 2008, and not 11182
before, the moneys hereby appropriated shall lapse into the funds 11183
from which they are severally appropriated. Because if, under 11184
Section 1c of Article II, Ohio Constitution, Sections 201.10 to 11185
239.20 of this act do not take effect until after July 1, 2006, 11186
Sections 201.10 to 239.20 of this act shall be and remain in full 11187
force and effect commencing on that later effective date. 11188

Section 401.10. That Sections 203.12.06, 203.24, 203.57, 11189
203.81, 206.33, 206.66.06, 209.54, 209.63.30, and 209.93 of Am. 11190
Sub. H.B. 66 of the 126th General Assembly be amended to read as 11191
follows: 11192

Sec. 203.12.06. OHIO BUILDING AUTHORITY 11193

The foregoing appropriation item 100-447, OBA - Building Rent 11194
Payments, shall be used to meet all payments at the times they are 11195
required to be made during the period from July 1, 2005, to June 11196
30, 2007, by the Department of Administrative Services to the Ohio 11197
Building Authority pursuant to leases and agreements under Chapter 11198
152. of the Revised Code, but limited to the aggregate amount of 11199
\$231,831,700. These appropriations are the source of funds pledged 11200
for bond service charges on obligations issued pursuant to Chapter 11201
152. of the Revised Code. 11202

The foregoing appropriation item 100-448, OBA - Building 11203
Operating Payments, shall be used to meet all payments at the 11204
times that they are required to be made during the period from 11205

July 1, 2005, to June 30, 2007, by the Department of 11206
Administrative Services to the Ohio Building Authority pursuant to 11207
~~leases and agreements under~~ Chapter 152. of the Revised Code, but 11208
limited to the aggregate amount of \$51,040,433. 11209

The payments to the Ohio Building Authority are for the 11210
purpose of paying the expenses of the Ohio Building Authority and 11211
the agencies that occupy space in the various state facilities. 11212
The Department of Administrative Services may enter into leases 11213
and agreements with the Ohio Building Authority providing for the 11214
payment of these expenses. The Ohio Building Authority shall 11215
report to the Department of Administrative Services and the Office 11216
of Budget and Management not later than five months after the 11217
start of a fiscal year the actual expenses incurred by the Ohio 11218
Building Authority in operating the facilities and any balances 11219
remaining from payments and rentals received in the prior fiscal 11220
year. The Department of Administrative Services shall reduce 11221
subsequent payments by the amount of the balance reported to it by 11222
the Ohio Building Authority. 11223

Sec. 203.24. AGR DEPARTMENT OF AGRICULTURE 11224

General Revenue Fund 11225

GRF 700-321	Operating Expenses	\$	2,605,330	\$	2,605,330	11226
GRF 700-401	Animal Disease Control	\$	3,574,506	\$	3,574,506	11227
GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	11228
GRF 700-404	Ohio Proud	\$	185,395	\$	185,395	11229
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	11230
GRF 700-406	Consumer Analytical	\$	819,907	\$	819,907	11231
	Lab					
GRF 700-407	Food Safety	\$	939,099	\$	939,099	11232
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	11233
GRF 700-410	Plant Industry	\$	391,216	\$	50,000	11234
GRF 700-411	International Trade	\$	617,524	\$	517,524	11235

		and Market Development				
GRF	700-412	Weights and Measures	\$	1,100,000	\$	1,300,000 11236
GRF	700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000 11237
GRF	700-415	Poultry Inspection	\$	325,000	\$	325,000 11238
GRF	700-418	Livestock Regulation	\$	1,428,496	\$	1,428,496 11239
		Program				
<u>GRF</u>	<u>700-422</u>	<u>Emergency Preparedness</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>634,000</u> 11240
		<u>Supplies and Equipment</u>				
GRF	700-424	Livestock Testing and	\$	115,946	\$	115,946 11241
		Inspections				
GRF	700-499	Meat Inspection	\$	4,696,889	\$	4,696,889 11242
		Program - State Share				
GRF	700-501	County Agricultural	\$	358,226	\$	358,226 11243
		Societies				
TOTAL GRF	General Revenue Fund		\$	18,963,611	\$	18,722,395 11244
						<u>19,356,395</u> 11245
		Federal Special Revenue Fund Group				11246
3J4	700-607	Indirect Cost	\$	1,500,027	\$	1,500,027 11247
3R2	700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000 11248
326	700-618	Meat Inspection	\$	5,201,291	\$	5,201,291 11249
		Program - Federal				
		Share				
336	700-617	Ohio Farm Loan	\$	43,793	\$	44,679 11250
		Revolving Fund				
382	700-601	Cooperative Contracts	\$	4,300,000	\$	4,300,000 11251
TOTAL FED	Federal Special Revenue					11252
Fund Group			\$	15,845,111	\$	15,845,997 11253
		State Special Revenue Fund Group				11254
4C9	700-605	Feed, Fertilizer,	\$	1,922,857	\$	1,891,395 11255
		Seed, and Lime				
		Inspection				
4D2	700-609	Auction Education	\$	23,885	\$	24,601 11256

4E4	700-606	Utility Radiological Safety	\$	73,059	\$	73,059	11257
4P7	700-610	Food Safety Inspection	\$	816,096	\$	858,096	11258
4R0	700-636	Ohio Proud Marketing	\$	38,300	\$	38,300	11259
4R2	700-637	Dairy Industry Inspection	\$	1,541,466	\$	1,621,460	11260
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	11261
4T7	700-613	International Trade and Market Development	\$	52,000	\$	54,000	11262
494	700-612	Agricultural Commodity Marketing Program	\$	170,220	\$	170,220	11263
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,054	11264
497	700-627	Commodity Handlers Regulatory Program	\$	515,820	\$	529,978	11265
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	11266
5H2	700-608	Metrology Lab and Scale Certification	\$	351,526	\$	362,526	11267
5L8	700-604	Livestock Management Program	\$	30,000	\$	30,000	11268
578	700-620	Ride Inspection Fees	\$	1,105,436	\$	1,115,436	11269
652	700-634	Animal Health and Food Safety	\$	1,876,624	\$	1,831,232	11270
669	700-635	Pesticide Program	\$	2,993,232	\$	3,354,448	11271
TOTAL SSR State Special Revenue							11272
Fund Group			\$	12,994,304	\$	13,438,489	11273
Clean Ohio Fund Group							11274
057	700-632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	11275
TOTAL CLR Clean Ohio Fund Group			\$	149,000	\$	149,000	11276
TOTAL ALL BUDGET FUND GROUPS			\$	47,952,026	\$	48,155,881	11277
						<u>48,789,881</u>	11278

OHIO - ISRAEL AGRICULTURAL INITIATIVE	11279
Of the foregoing General Revenue Fund appropriation item	11280
700-411, International Trade and Market Development, \$100,000	11281
shall be used in fiscal year 2006 for the Ohio - Israel	11282
Agricultural Initiative.	11283
<u>EMERGENCY PREPAREDNESS SUPPLIES AND EQUIPMENT</u>	11284
<u>The foregoing appropriation item 700-422, Emergency</u>	11285
<u>Preparedness Supplies and Equipment, may only be used for</u>	11286
<u>purchasing items contained within a plan that has been submitted</u>	11287
<u>to and approved by the Controlling Board.</u>	11288
FAMILY FARM LOAN PROGRAM	11289
Notwithstanding Chapter 166. of the Revised Code, up to	11290
\$1,000,000 in each fiscal year shall be transferred from moneys in	11291
the Facilities Establishment Fund (Fund 037) to the Family Farm	11292
Loan Fund (Fund 5H1) in the Department of Development. These	11293
moneys shall be used for loan guarantees. The transfer is subject	11294
to Controlling Board approval.	11295
Financial assistance from the Family Farm Loan Fund (Fund	11296
5H1) shall be repaid to Fund 5H1. This fund is established in	11297
accordance with sections 166.031, 901.80, 901.81, 901.82, and	11298
901.83 of the Revised Code.	11299
When the Family Farm Loan Fund (Fund 5H1) ceases to exist,	11300
all outstanding balances, all loan repayments, and any other	11301
outstanding obligations shall revert to the Facilities	11302
Establishment Fund (Fund 037).	11303
<u>CASH TRANSFER TO COOPERATIVE CONTRACTS FUND</u>	11304
<u>On the effective date of this amendment, or as soon as</u>	11305
<u>possible thereafter, the Director of Budget and Management may</u>	11306
<u>transfer \$111,668.76 in cash from the General Revenue Fund to the</u>	11307
<u>Cooperative Contracts Fund (Fund 382) to correct wire transfers to</u>	11308

the Department of Agriculture that were mistakenly deposited in 11309
the General Revenue Fund. 11310

Sec. 203.57. OBM OFFICE OF BUDGET AND MANAGEMENT 11311

General Revenue Fund 11312

GRF 042-321 Budget Development and \$ 2,143,886 \$ 2,143,886 11313
Implementation

GRF 042-410 National Association \$ 27,089 \$ 28,173 11314
Dues

GRF 042-412 Audit of Auditor of \$ 55,900 \$ 58,700 11315
State

GRF 042-435 Gubernatorial \$ 0 \$ 250,000 11316
Transition

TOTAL GRF General Revenue Fund \$ 2,226,875 \$ 2,480,759 11317

General Services Fund Group 11318

105 042-603 Accounting and \$ 9,781,085 \$ 9,976,689 11319
Budgeting

TOTAL GSF General Services Fund \$ 9,781,085 \$ 9,976,689 11320

Group

State Special Revenue Fund Group 11321

5N4 042-602 OAKS Project \$ 2,262,441 \$ 2,272,595 11322
Implementation

TOTAL SSR State Special Revenue \$ 2,262,441 \$ 2,272,595 11323

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 14,270,401 \$ 14,730,043 11324

AUDIT COSTS 11325

Of the foregoing appropriation item 042-603, Accounting and 11326

Budgeting, not more than \$420,000 in fiscal year 2006 and \$425,000 11327

in fiscal year 2007 shall be used to pay for centralized audit 11328

costs associated with either Single Audit Schedules or financial 11329

statements prepared in conformance with generally accepted 11330

accounting principles for the state.				11331
OAKS PROJECT IMPLEMENTATION				11332
Notwithstanding section 126.25 of the Revised Code, in fiscal				11333
years 2006 and 2007, rebates or revenue shares received from any				11334
state payment card program established under division (B) of				11335
section 126.21 of the Revised Code may be deposited into the OAKS				11336
Project Implementation Fund (Fund 5N4).				11337
<u>MEDICAID AGENCY TRANSITION</u>				11338
<u>Upon the transfer of appropriations to GRF appropriation item</u>				11339
<u>042-416, Medicaid Agency Transition, the Director of Budget and</u>				11340
<u>Management may retain staff of the Medicaid Administrative Study</u>				11341
<u>Council, hire staff, enter into contracts, and take other steps</u>				11342
<u>necessary to complete the transition tasks identified in the</u>				11343
<u>Medicaid Administrative Study Council report or other tasks</u>				11344
<u>considered necessary to create a new Department of Medicaid. Any</u>				11345
<u>contracts entered into under this paragraph shall be exempt from</u>				11346
<u>the authority and supervision of the Department of Administrative</u>				11347
<u>Services and the Office of Information Technology.</u>				11348
Sec. 203.81. CEB CONTROLLING BOARD				11349
General Revenue Fund				11350
GRF 911-401 Emergency	\$	5,000,000	\$ 5,000,000	11351
Purposes/Contingencies			<u>8,000,000</u>	
GRF 911-404 Mandate Assistance	\$	650,000	\$ 650,000	11352
GRF 911-441 Ballot Advertising	\$	300,000	\$ 300,000	11353
Costs				
TOTAL GRF General Revenue Fund	\$	5,950,000	\$ 5,950,000	11354
			<u>8,950,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	5,950,000	\$ 5,950,000	11355
			<u>8,950,000</u>	
FEDERAL SHARE				11356

In transferring appropriations to or from appropriation items 11357
that have federal shares identified in ~~this act~~ Am. Sub. H.B. 66 11358
of the 126th General Assembly, the Controlling Board shall add or 11359
subtract corresponding amounts of federal matching funds at the 11360
percentages indicated by the state and federal division of the 11361
appropriations in ~~this act~~ Am. Sub. H.B. 66 of the 126th General 11362
Assembly. Such changes are hereby appropriated. 11363

DISASTER ASSISTANCE 11364

Pursuant to requests submitted by the Department of Public 11365
Safety, the Controlling Board may approve transfers from 11366
appropriation item 911-401, Emergency Purposes/Contingencies, to 11367
Department of Public Safety appropriation items to provide funding 11368
for assistance to political subdivisions and individuals made 11369
necessary by natural disasters or emergencies. Such transfers may 11370
be requested and approved prior to or following the occurrence of 11371
any specific natural disasters or emergencies in order to 11372
facilitate the provision of timely assistance. 11373

DISASTER SERVICES 11374

Pursuant to requests submitted by the Department of Public 11375
Safety, the Controlling Board may approve transfers from the 11376
Disaster Services Fund (5E2) to a Department of Public Safety 11377
General Revenue Fund appropriation item to provide for assistance 11378
to political subdivisions made necessary by natural disasters or 11379
emergencies. These transfers may be requested and approved prior 11380
to the occurrence of any specific natural disasters or emergencies 11381
in order to facilitate the provision of timely assistance. The 11382
Emergency Management Agency of the Department of Public Safety 11383
shall use the funding for disaster aid requests that meet the 11384
Emergency Management Agency's criteria for assistance. 11385

The Disaster Services Fund (5E2) shall be used by the 11386
Controlling Board, pursuant to requests submitted by state 11387

agencies, to transfer cash and appropriation authority to any fund	11388
and appropriation item for the payment of state agency program	11389
expenses as follows:	11390
(A) The Southern Ohio flooding, referred to as	11391
FEMA-DR-1164-OH;	11392
(B) The flood and storm disaster referred to as	11393
FEMA-DR-1227-OH;	11394
(C) The Southern Ohio flooding, referred to as	11395
FEMA-DR-1321-OH;	11396
(D) The flooding referred to as FEMA-DR-1339-OH;	11397
(E) The tornado and storms referred to as FEMA-DR-1343-OH;	11398
(F) Other disasters declared by the Governor, if the Director	11399
of Budget and Management determines that sufficient funds exist	11400
beyond the expected program costs of these other disasters.	11401
The unencumbered balance of the Disaster Services Fund (5E2)	11402
at the end of fiscal year 2006 is transferred to fiscal year 2007	11403
for use for the same purposes as in fiscal year 2006.	11404
SOUTHERN OHIO CORRECTIONAL FACILITY COST	11405
The Division of Criminal Justice Services in the Department	11406
of Public Safety and the Public Defender Commission may each	11407
request, upon approval of the Director of Budget and Management,	11408
additional funds from appropriation item 911-401, Emergency	11409
Purposes/Contingencies, for costs related to the disturbance that	11410
occurred on April 11, 1993, at the Southern Ohio Correctional	11411
Facility in Lucasville, Ohio.	11412
MANDATE ASSISTANCE	11413
(A) The foregoing appropriation item 911-404, Mandate	11414
Assistance, shall be used to provide financial assistance to local	11415
units of government and school districts for the cost of the	11416

following two unfunded state mandates: 11417

(1) The cost to county prosecutors for prosecuting certain 11418
felonies that occur on the grounds of state institutions operated 11419
by the Department of Rehabilitation and Correction and the 11420
Department of Youth Services; 11421

(2) The cost to school districts of in-service training for 11422
child abuse detection. 11423

(B) The Division of Criminal Justice Services in the 11424
Department of Public Safety and the Department of Education may 11425
prepare and submit to the Controlling Board one or more requests 11426
to transfer appropriations from appropriation item 911-404, 11427
Mandate Assistance. The state agencies charged with this 11428
administrative responsibility are listed below, as well as the 11429
estimated annual amounts that may be used for each program of 11430
state financial assistance. 11431

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal	\$150,000	11434
	Justice Services		11435
Child Abuse Detection	Department of	\$500,000	11436
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 11437
year for appropriation item 911-404, Mandate Assistance, the 11438
Division of Criminal Justice Services in the Department of Public 11439
Safety and the Department of Education may request from the 11440
Controlling Board that amounts smaller or larger than these 11441
estimated annual amounts be transferred to each program. 11442

(D) In addition to making the initial transfers requested by 11443
the Division of Criminal Justice Services in the Department of 11444
Public Safety and the Department of Education, the Controlling 11445
Board may transfer appropriations received by a state agency under 11446

this section back to appropriation item 911-404, Mandate 11447
Assistance, or to the other program of state financial assistance 11448
identified under this section. 11449

(E) It is expected that not all costs incurred by local units 11450
of government and school districts under each of the two programs 11451
of state financial assistance identified in this section will be 11452
fully reimbursed by the state. Reimbursement levels may vary by 11453
program and shall be based on: the relationship between the 11454
appropriation transfers requested by the Division of Criminal 11455
Justice Services in the Department of Public Safety and the 11456
Department of Education and provided by the Controlling Board for 11457
each of the programs; the rules and procedures established for 11458
each program by the administering state agency; and the actual 11459
costs incurred by local units of government and school districts. 11460

(F) Each of these programs of state financial assistance 11461
shall be carried out as follows: 11462

(1) PROSECUTION COSTS 11463

(a) Appropriations may be transferred to the Division of 11464
Criminal Justice Services in the Department of Public Safety to 11465
cover local prosecution costs for aggravated murder, murder, 11466
felonies of the first degree, and felonies of the second degree 11467
that occur on the grounds of institutions operated by the 11468
Department of Rehabilitation and Correction and the Department of 11469
Youth Services. 11470

(b) Upon a delinquency filing in juvenile court or the return 11471
of an indictment for aggravated murder, murder, or any felony of 11472
the first or second degree that was committed at a Department of 11473
Youth Services or a Department of Rehabilitation and Correction 11474
institution, the affected county may, in accordance with rules 11475
that the Division of Criminal Justice Services in the Department 11476
of Public Safety shall adopt, apply to the Division of Criminal 11477

Justice Services for a grant to cover all documented costs that 11478
are incurred by the county prosecutor's office. 11479

(c) Twice each year, the Division of Criminal Justice 11480
Services in the Department of Public Safety shall designate 11481
counties to receive grants from those counties that have submitted 11482
one or more applications in compliance with the rules that have 11483
been adopted by the Division of Criminal Justice Services for the 11484
receipt of such grants. In each year's first round of grant 11485
awards, if sufficient appropriations have been made, up to a total 11486
of \$100,000 may be awarded. In each year's second round of grant 11487
awards, the remaining appropriations available for this purpose 11488
may be awarded. 11489

(d) If for a given round of grants there are insufficient 11490
appropriations to make grant awards to all the eligible counties, 11491
the first priority shall be given to counties with cases involving 11492
aggravated murder and murder; second priority shall be given to 11493
counties with cases involving a felony of the first degree; and 11494
third priority shall be given to counties with cases involving a 11495
felony of the second degree. Within these priorities, the grant 11496
awards shall be based on the order in which the applications were 11497
received, except that applications for cases involving a felony of 11498
the first or second degree shall not be considered in more than 11499
two consecutive rounds of grant awards. 11500

(2) CHILD ABUSE DETECTION TRAINING COSTS 11501

Appropriations may be transferred to the Department of 11502
Education for disbursement to local school districts as full or 11503
partial reimbursement for the cost of providing in-service 11504
training for child abuse detection. In accordance with rules that 11505
the department shall adopt, a local school district may apply to 11506
the department for a grant to cover all documented costs that are 11507
incurred to provide in-service training for child abuse detection. 11508

The department shall make grants within the limits of the funding provided. 11509
11510

(G) Any moneys allocated within appropriation item 911-404, 11511
Mandate Assistance, not fully utilized may, upon application of 11512
the Ohio Public Defender Commission, and with the approval of the 11513
Controlling Board, be disbursed to boards of county commissioners 11514
to provide additional reimbursement for the costs incurred by 11515
counties in providing defense to indigent defendants pursuant to 11516
Chapter 120. of the Revised Code. Application for the unutilized 11517
funds shall be made by the Ohio Public Defender Commission at the 11518
first June meeting of the Controlling Board. 11519

The amount to be disbursed to each county shall be allocated 11520
proportionately on the basis of the total amount of reimbursement 11521
paid to each county as a percentage of the amount of reimbursement 11522
paid to all of the counties during the most recent state fiscal 11523
year for which data is available and as calculated by the Ohio 11524
Public Defender Commission. 11525

BALLOT ADVERTISING COSTS 11526

Pursuant to requests submitted by the Ohio Ballot Board, the 11527
Controlling Board shall approve transfers from the foregoing 11528
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 11529
Ballot Board appropriation item in order to reimburse county 11530
boards of elections for the cost of public notices associated with 11531
statewide ballot initiatives. 11532

Sec. 206.33. ETH OHIO ETHICS COMMISSION 11533

General Revenue Fund 11534

GRF 146-321 Operating Expenses \$ 1,536,213 \$ ~~1,536,213~~ 11535
1,742,213

TOTAL GRF General Revenue Fund \$ 1,536,213 \$ ~~1,536,213~~ 11536
1,742,213

General Services Fund Group				11537
4M6 146-601 Operating Expenses	\$	502,543	\$ 432,543	11538
TOTAL GSF General Services				11539
Fund Group	\$	502,543	\$ 432,543	11540
TOTAL ALL BUDGET FUND GROUPS	\$	2,038,756	\$ 1,968,756 <u>2,174,756</u>	11541

OPERATING EXPENSES 11542

Of the foregoing GRF appropriation item 146-321, Operating Expenses, in fiscal year 2007 \$56,000 shall be used to complete the Financial Disclosure Database, and in addition to amounts already designated for investigative services, an additional \$150,000 shall be used for that purpose. 11543
11544
11545
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11547

Sec. 206.66.06. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES 11548
11549

Of the foregoing appropriation item 600-321, Support Services, up to \$312,500 per fiscal year may be used to support the activities of the Governor's Office of Faith-Based and Community Initiatives. 11550
11551
11552
11553

MEDICAID ADMINISTRATIVE STUDY COUNCIL FUNDING 11554

Of the foregoing appropriation item 600-321, Support Services, \$1,000,000 in fiscal year 2006 and \$500,000 in fiscal year 2007 shall be provided to the Medicaid Administrative Study Council to carry out the duties of the Council as specified under the section of ~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly entitled "MEDICAID ADMINISTRATIVE STUDY COUNCIL." 11555
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11560

MEDICAID AGENCY TRANSITION 11561

The Director of Budget and Management may transfer in the Department of Job and Family Services up to \$1,000,000 in appropriations from GRF appropriation item 600-321, Support 11562
11563
11564

Services, to newly created GRF appropriation item 042-416, 11565
Medicaid Agency Transition, in the Office of Budget and 11566
Management. The amount transferred is hereby appropriated. The 11567
funds shall be administered by the Office of Budget and Management 11568
and shall be used as specified in Section 203.57 of Am. Sub. H.B. 11569
66 of the 126th General Assembly as amended by this act. 11570

Sec. 209.54. PUC PUBLIC UTILITIES COMMISSION OF OHIO 11571

General Services Fund Group 11572

5F6 870-622 Utility and Railroad \$ 31,272,222 \$ 31,272,223 11573
 Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 167,233 \$ 167,233 11574

5F6 870-625 Motor Transportation \$ 5,361,239 \$ 5,361,238 11575
 Regulation

TOTAL GSF General Services 11576

Fund Group \$ 36,800,694 \$ 36,800,694 11577

Federal Special Revenue Fund Group 11578

3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 11579
 Information

Systems/Networks

333 870-601 Gas Pipeline Safety \$ 597,957 \$ 597,957 11580

350 870-608 Motor Carrier Safety \$ 7,027,712 \$ 7,027,712 11581

TOTAL FED Federal Special Revenue 11582

Fund Group \$ 7,925,669 \$ 7,925,669 11583

State Special Revenue Fund Group 11584

4A3 870-614 Grade Crossing \$ 1,349,757 \$ 1,349,757 11585
 Protection

Devices-State

4L8 870-617 Pipeline Safety-State \$ 187,621 \$ 187,621 11586

4S6 870-618 Hazardous Material \$ 464,325 \$ 464,325 11587

Registration

4S6 870-621 Hazardous Materials \$ 373,346 \$ 373,346 11588

		Base State				
		Registration				
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986 11589
5BP	870-623	Wireless 911 <u>9-1-1</u>	\$	650,000	\$	375,000 11590
		Administration				
559	870-605	Public Utilities	\$	4,000	\$	4,000 11591
		Territorial				
		Administration				
560	870-607	Special Assessment	\$	100,000	\$	100,000 11592
561	870-606	Power Siting Board	\$	337,210	\$	337,210 11593
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000 11594
661	870-612	Hazardous Materials	\$	900,000	\$	900,000 11595
		Transportation				
TOTAL SSR		State Special Revenue				11596
Fund Group			\$	4,691,245	\$	4,416,245 11597
Agency Fund Group						11598
4G4	870-616	Base State	\$	5,600,000	\$	5,600,000 11599
		Registration Program				
TOTAL AGY		Agency Fund Group	\$	5,600,000	\$	5,600,000 11600
TOTAL ALL BUDGET FUND GROUPS			\$	55,017,608	\$	54,742,608 11601
		COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT				11602
		The Commercial Vehicle Information Systems and Networks Fund				11603
		is hereby created in the state treasury. The fund shall receive				11604
		funding from the United States Department of Transportation's				11605
		Commercial Vehicle Intelligent Transportation System				11606
		Infrastructure Deployment Program and shall be used to deploy the				11607
		Ohio Commercial Vehicle Information Systems and Networks Project				11608
		and to expedite and improve the safety of motor carrier operations				11609
		through electronic exchange of data by means of on-highway				11610
		electronic systems.				11611
		<u>On the effective date of this amendment, or as soon as</u>				11612
		<u>possible thereafter, the Director of Budget and Management shall</u>				11613

transfer \$150,000 in cash from Fund 3V3, Commercial Vehicle Information Systems/Networks, to Fund 4U8, Civil Forfeitures, and \$350,000 in cash from Fund 3V3, Commercial Vehicle Information Systems/Networks, to Fund 4S6, Hazardous Materials Registration. The purpose of the transfers is to repay the temporary cash transfers that were made into Fund 3V3, Commercial Vehicle Information Systems/Networks, in fiscal year 2002.

ENHANCED AND WIRELESS ENHANCED 9-1-1

The foregoing appropriation item 870-623, Wireless ~~911~~ 9-1-1 Administration, shall be used pursuant to section 4931.63 of the Revised Code.

CASH TRANSFER TO THE PUBLIC UTILITIES FUND

If the cash available in the Public Utilities Fund (Fund 5F6) is insufficient to support the fiscal year 2007 appropriation to appropriation item 870-625, Motor Transportation Regulation, because of delayed implementation of the federal Unified Carrier Registration Program, the Chairman of the Public Utilities Commission shall notify the Director of Budget and Management. Upon receiving the notification, the Director may transfer up to \$2,100,000 in fiscal year 2007 from the General Revenue Fund to the Public Utilities Fund (Fund 5F6).

If, after receiving any transfers pursuant to the preceding paragraph, the Public Utilities Fund (Fund 5F6) receives revenue for the purpose of motor transportation regulation pursuant to a continuation of the Single-State Registration Program or the implementation of the Unified Carrier Registration Program, the Director of Budget and Management may transfer cash from the Public Utilities Fund (Fund 5F6) to the General Revenue Fund up to the amount originally transferred pursuant to the preceding paragraph.

Sec. 209.63.30. ACCESS CHALLENGE 11644

In each fiscal year, the foregoing appropriation item 11645
235-418, Access Challenge, shall be distributed to Ohio's 11646
state-assisted access colleges and universities. For the purposes 11647
of this allocation, "access campuses" includes state-assisted 11648
community colleges, state community colleges, technical colleges, 11649
Shawnee State University, Central State University, Cleveland 11650
State University, the regional campuses of state-assisted 11651
universities, and, where they are organizationally distinct and 11652
identifiable, the community-technical colleges located at the 11653
University of Cincinnati, Youngstown State University, and the 11654
University of Akron. 11655

The purpose of Access Challenge is to reduce the student 11656
share of costs for resident undergraduates enrolled in lower 11657
division undergraduate courses at Ohio's access campuses. The 11658
long-term goal is to make the student share of costs for these 11659
students equivalent to the student share of costs for resident 11660
undergraduate students enrolled throughout Ohio's public colleges 11661
and universities. Access Challenge appropriations shall be used in 11662
both years of the biennium to sustain, as much as possible, the 11663
tuition restraint or tuition reduction that was achieved with 11664
Access Challenge allocations in prior years. 11665

In fiscal year 2006, Access Challenge subsidies shall be 11666
distributed by the Board of Regents to eligible access campuses on 11667
the basis of the average of each campus's share of fiscal year 11668
2003 and 2004 all-terms subsidy-eligible General Studies FTEs. In 11669
fiscal year 2007, Access Challenge subsidies shall be distributed 11670
by the Board of Regents to eligible access campuses on the basis 11671
of the average of each campus's share of fiscal year 2004 and 2005 11672
all-terms subsidy-eligible General Studies FTEs. 11673

For purposes of this calculation, Cleveland State 11674

University's enrollments shall be adjusted by the ratio of the sum of subsidy-eligible lower-division FTE student enrollments eligible for access funding to the sum of subsidy-eligible General Studies FTE student enrollments at Central State University and Shawnee State University, and for the following universities and their regional campuses: the Ohio State University, Ohio University, Kent State University, Bowling Green State University, Miami University, the University of Cincinnati, the University of Akron, and Wright State University.

Of the foregoing appropriation item 235-418, Access Challenge, \$10,172,626 in fiscal year 2006 and ~~\$9,663,995~~ \$11,413,995 in fiscal year 2007 shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

Sec. 209.93. SOS SECRETARY OF STATE

General Revenue Fund					11692
GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	11693
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	11694
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	11695
GRF 050-409 Litigation	\$	4,652	\$	4,652	11696
Expenditures					
TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	11697
General Services Fund Group					11698
4S8 050-610 Board of Voting	\$	7,200	\$	7,200	11699
Machine Examiners					
412 050-609 Notary Commission	\$	685,250	\$	685,249	11700
413 050-601 Information Systems	\$	169,955	\$	169,955	11701
414 050-602 Citizen Education Fund	\$	75,700	\$	55,712	11702
TOTAL General Services Fund Group	\$	938,105	\$	918,116	11703

Federal Special Revenue Fund Group				11704
3AS 050-616 2005 HAVA Voting	\$	37,436,203	\$	0
Machines				11705
3X4 050-612 Ohio Center/Law	\$	41,000	\$	41,000
Related Educational				11706
Grant				
TOTAL FED Federal Special Revenue				11707
Fund Group	\$	37,477,203	\$	41,000
State Special Revenue Fund Group				11709
5N9 050-607 Technology	\$	129,565	\$	129,565
Improvements				11710
599 050-603 Business Services	\$	13,741,745	\$	13,761,734
Operating Expenses				11711
TOTAL SSR State Special Revenue				11712
Fund Group	\$	13,871,310	\$	13,891,299
Holding Account Redistribution Fund Group				11714
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000
Code Refunds				11715
R02 050-606 Corporate/Business	\$	100,000	\$	100,000
Filing Refunds				11716
TOTAL 090 Holding Account				11717
Redistribution Fund Group	\$	165,000	\$	165,000
TOTAL ALL BUDGET FUND GROUPS	\$	55,423,203	\$	17,987,000
BOARD OF VOTING MACHINE EXAMINERS				11720
The foregoing appropriation item 050-610, Board of Voting				11721
Machine Examiners, shall be used to pay for the services and				11722
expenses of the members of the Board of Voting Machine Examiners,				11723
and for other expenses that are authorized to be paid from the				11724
Board of Voting Machine Examiners Fund, which is created in				11725
section 3506.05 of the Revised Code. Moneys not used shall be				11726
returned to the person or entity submitting the equipment for				11727

examination. If it is determined that additional appropriations
are necessary, such amounts are appropriated.

2005 HAVA VOTING MACHINES

On July 1, 2005, or as soon as possible thereafter, the
Secretary of State shall certify to the Director of Budget and
Management the cash balance in Fund 3AR, appropriation item
050-615, 2004 HAVA Voting Machines. The Director of Budget and
Management shall transfer the certified amount of cash to Fund
3AS, 050-616, 2005 HAVA Voting Machines, for use in fiscal year
2006. The transferred amount is hereby appropriated.

On July 1, 2006, or as soon as possible thereafter, the
Director of Budget and Management shall transfer any remaining
unexpended, unencumbered appropriations in Fund 3AS, appropriation
item 050-616, 2005 HAVA Voting Machines, at the end of fiscal year
2006 to fiscal year 2007 for use under the same appropriation
item.

On January 1, 2007, or as soon as possible thereafter, the
Director of Budget and Management shall transfer up to \$6,832,753
in cash from the General Revenue Fund (GRF) to the credit of the
Federal Election Reform Fund (Fund 3AA), the Election
Reform/Health and Human Services Fund (Fund 3AH), the 2004 HAVA
Voting Machines Fund (Fund 3AR), the 2005 HAVA Voting Machines
Fund (Fund 3AS), and the Voter/Poll Worker Education Fund (Fund
3AT).

All investment earnings and amounts equal to the interest
earnings from the first and second quarter of fiscal year 2007 of
the federal Election Reform/Health and Human Services Fund (Fund
3AH) and the 2005 HAVA Voting Machines Fund (Fund 3AS) shall be
credited to the respective funds and distributed in accordance
with the terms of the grant under which the money is received.

Interest earnings from the federal Election Reform/Health and

Human Services Fund (Fund 3AH) and the 2005 HAVA Voting Machines 11759
Fund (Fund 3AS) shall be credited to the respective funds and 11760
distributed in accordance with the terms of the grant under which 11761
the money is received. 11762

HOLDING ACCOUNT REDISTRIBUTION GROUP 11763

The foregoing appropriation items 050-605 and 050-606, 11764
Holding Account Redistribution Fund Group, shall be used to hold 11765
revenues until they are directed to the appropriate accounts or 11766
until they are refunded. If it is determined that additional 11767
appropriations are necessary, such amounts are appropriated. 11768

Section 401.11. That existing Sections 203.12.06, 203.24, 11769
203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.30, and 209.93 11770
of Am. Sub. H.B. 66 of the 126th General Assembly are hereby 11771
repealed. 11772

Section 405.10. That Section 203.27 of Am. Sub. H.B. 66 of 11773
the 126th General Assembly, as amended by Sub. H.B. 440 of the 11774
126th General Assembly, be amended to read as follows: 11775

Sec. 203.27. AIR AIR QUALITY DEVELOPMENT AUTHORITY 11776

General Revenue Fund 11777

GRF 898-401 FutureGen Assistance	\$	0	\$	1,000,000	11778
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GRF 898-402 Coal Development	\$	568,814	\$	573,814	11779
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Office

GRF 898-901 Coal R&D General	\$	7,071,100	\$	8,980,800	11780
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Obligation Debt

Service

TOTAL GRF General Revenue Fund	\$	7,639,914	\$	10,554,614	11781
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State Special Revenue Fund Group 11782

5DR 898-606 FutureGen Initiative	\$	0	\$	250,000	11783
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TOTAL SSR State Special Revenue	\$	0	\$	250,000	11784
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Fund Group

Agency Fund Group					11785
4Z9 898-602 Small Business	\$	263,165	\$	264,196	11786
Ombudsman					
5A0 898-603 Small Business	\$	71,087	\$	71,087	11787
Assistance					
570 898-601 Operating Expenses	\$	256,875	\$	263,693	11788
TOTAL AGY Agency Fund Group	\$	591,127	\$	598,976	11789
Coal Research/Development Fund					11790
046 898-604 Coal Research and	\$	10,000,000	\$	10,000,000	11791
Development Fund					
TOTAL 046 Coal	\$	10,000,000	\$	10,000,000	11792
Research/Development Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	18,231,041	\$	21,403,590	11793
COAL DEVELOPMENT OFFICE					11794
The foregoing appropriation item GRF 898-402, Coal					11795
Development Office, shall be used for the administrative costs of					11796
the Coal Development Office.					11797
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					11798
The foregoing appropriation item GRF 898-901, Coal R & D					11799
General Obligation Debt Service, shall be used to pay all debt					11800
service and related financing costs at the times they are required					11801
to be made under sections 151.01 and 151.07 of the Revised Code					11802
during the period from July 1, 2005, to June 30, 2007. The Office					11803
of the Sinking Fund or the Director of Budget and Management shall					11804
effectuate the required payments by intrastate transfer voucher.					11805
SCIENCE AND TECHNOLOGY COLLABORATION					11806
The Air Quality Development Authority shall work in close					11807
collaboration with the Department of Development, the Board of					11808
Regents, and the Third Frontier Commission in relation to					11809

appropriation items and programs referred to as Alignment Programs 11810
in the following paragraph, and other technology-related 11811
appropriations and programs in the Department of Development, Air 11812
Quality Development Authority, and the Board of Regents as those 11813
agencies may designate, to ensure implementation of a coherent 11814
state strategy with respect to science and technology. 11815

To the extent permitted by law, the Air Quality Development 11816
Authority shall assure that coal research and development 11817
programs, proposals, and projects consider or incorporate 11818
appropriate collaborations with Third Frontier Project programs 11819
and grantees and with Alignment Programs and grantees. 11820

"Alignment Programs" means: appropriation items 195-401, 11821
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 11822
Third Frontier Action Fund; 898-604, Coal Research and Development 11823
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 11824
Institute of Technology; 235-510, Ohio Supercomputer Center; 11825
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 11826
235-535, Ohio Agricultural Research and Development Center; 11827
235-553, Dayton Area Graduate Studies Institute; 235-554, 11828
Priorities in Collaborative Graduate Education; 235-556, Ohio 11829
Academic Resources Network; and 195-435, Biomedical Research and 11830
Technology Transfer Trust. 11831

Consistent with the recommendations of the Governor's 11832
Commission on Higher Education and the Economy, Alignment Programs 11833
shall be managed and administered (1) to build on existing 11834
competitive research strengths, (2) to encourage new and emerging 11835
discoveries and commercialization of ideas and products that will 11836
benefit the Ohio economy, and (3) to assure improved collaboration 11837
among Alignment Programs, with programs administered by the Third 11838
Frontier Commission, and with other state programs that are 11839
intended to improve economic growth and job creation. 11840

As directed by the Third Frontier Commission, Alignment 11841
Program managers shall report to the Commission or to the Third 11842
Frontier Advisory Board on the contributions of their programs to 11843
achieving the objectives stated in the preceding paragraph. 11844

Each alignment program shall be reviewed annually by the 11845
Third Frontier Commission with respect to its development of 11846
complementary relationships within a combined state science and 11847
technology investment portfolio and its overall contribution to 11848
the state's science and technology strategy, including the 11849
adoption of appropriately consistent criteria for: (1) the 11850
scientific merit of activities supported by the program; (2) the 11851
relevance of the program's activities to commercial opportunities 11852
in the private sector; (3) the private sector's involvement in a 11853
process that continually evaluates commercial opportunities to use 11854
the work supported by the program; and (4) the ability of the 11855
program and recipients of grant funding from the program to engage 11856
in activities that are collaborative, complementary, and efficient 11857
with respect to the expenditure of state funds. Each alignment 11858
program shall provide annual reports to the Third Frontier 11859
Commission discussing existing, planned, or possible 11860
collaborations between programs and recipients of grant funding 11861
related to technology, development, commercialization, and 11862
supporting Ohio's economic development. The annual review by the 11863
Third Frontier Commission shall be a comprehensive review of the 11864
entire state science and technology program portfolio rather than 11865
a review of individual programs. 11866

Applicants for Third Frontier and Alignment Program funding 11867
shall identify their requirements for high-performance computing 11868
facilities and services, including both hardware and software, in 11869
all proposals. If an applicant's requirements exceed approximately 11870
\$100,000 for a proposal, the Ohio Supercomputer Center shall 11871
convene a panel of experts. The panel shall review the proposal to 11872

determine whether the proposal's requirements can be met through 11873
Ohio Supercomputer Center facilities or through other means and 11874
report its conclusion to the Third Frontier Commission. 11875

To ensure that the state receives the maximum benefit from 11876
its investment in the Third Frontier Project and the Third 11877
Frontier Network, organizations receiving Third Frontier awards 11878
and Alignment Program awards shall, as appropriate, be expected to 11879
have a connection to the Third Frontier Network that enables them 11880
and their collaborators to achieve award objectives through the 11881
Third Frontier Network. 11882

FUTUREGEN ASSISTANCE 11883

The foregoing appropriation item GRF 898-401, FutureGen 11884
Assistance, shall be used to make grants for the drilling of a 11885
test well to assist the state's efforts to secure or support the 11886
development and operation of the United States Department of 11887
Energy FutureGen Initiative pursuant to section 3706.01 of the 11888
Revised Code, as amended by this act. 11889

FUTUREGEN INITIATIVE 11890

The foregoing appropriation item 5DR 898-606, FutureGen 11891
Initiative, shall be used to make grants for the drilling of a 11892
test well to assist the state's efforts to secure or support the 11893
development and operation of the United States Department of 11894
Energy FutureGen Initiative pursuant to section 3706.01 of the 11895
Revised Code, as amended by this act. 11896

Section 405.11. That existing Section 203.27 of Am. Sub. H.B. 11897
66 of the 126th General Assembly, as amended by Sub. H.B. 440 of 11898
the 126th General Assembly, is hereby repealed. 11899

Section 405.16. That Section 209.63 of Am. Sub. H.B. 66 of 11900
the 126th General Assembly, as most recently amended by Sub. H.B. 11901

478 and Am. Sub. H.B. 530, both of the 126th General Assembly, be 11902
amended to read as follows: 11903

Sec. 209.63. BOR BOARD OF REGENTS 11904

General Revenue Fund 11905

GRF 235-321	Operating Expenses	\$	2,897,659	\$	2,966,351	11906
GRF 235-401	Lease Rental Payments	\$	200,619,200	\$	200,795,300	11907
GRF 235-402	Sea Grants	\$	231,925	\$	231,925	11908
GRF 235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000	11909
GRF 235-408	Midwest Higher Education Compact	\$	90,000	\$	90,000	11910
GRF 235-409	Information System	\$	1,146,510	\$	1,175,172	11911
GRF 235-414	State Grants and Scholarship Administration	\$	1,352,811	\$	1,382,881	11912
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	11913
GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	11914
GRF 235-418	Access Challenge	\$	73,513,302	\$	73,004,671 <u>74,754,671</u>	11915
GRF 235-420	Success Challenge	\$	52,601,934	\$	52,601,934	11916
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	11917
GRF 235-433	Economic Growth Challenge	\$	20,343,097	\$	23,186,194	11918
GRF 235-434	College Readiness and Access	\$	6,375,975	\$	7,655,425	11919
GRF 235-435	Teacher Improvement Initiatives	\$	2,697,506	\$	2,697,506	11920
GRF 235-451	Eminent Scholars	\$	0	\$	1,370,988	11921
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	11922
GRF 235-474	Area Health Education	\$	1,571,756	\$	1,571,756	11923

	Centers Program				
	Support				
GRF 235-501	State Share of	\$ 1,559,096,031	\$ 1,589,096,031	11924	
	Instruction				
GRF 235-502	Student Support	\$ 795,790	\$ 795,790	11925	
	Services				
GRF 235-503	Ohio Instructional	\$ 121,151,870	\$ 92,496,969	11926	
	Grants				
GRF 235-504	War Orphans	\$ 4,672,321	\$ 4,672,321	11927	
	Scholarships				
GRF 235-507	OhioLINK	\$ 6,887,824	\$ 6,887,824	11928	
GRF 235-508	Air Force Institute of	\$ 1,925,345	\$ 1,925,345	11929	
	Technology				
GRF 235-510	Ohio Supercomputer	\$ 4,271,195	\$ 4,271,195	11930	
	Center				
GRF 235-511	Cooperative Extension	\$ 25,644,863	\$ 25,644,863	11931	
	Service				
GRF 235-513	Ohio University	\$ 336,082	\$ 336,082	11932	
	Voinovich Center				
GRF 235-515	Case Western Reserve	\$ 3,011,271	\$ 3,011,271	11933	
	University School of				
	Medicine				
GRF 235-518	Capitol Scholarship	\$ 125,000	\$ 125,000	11934	
	Program				
GRF 235-519	Family Practice	\$ 4,548,470	\$ 4,548,470	11935	
GRF 235-520	Shawnee State	\$ 1,918,830	\$ 1,822,889	11936	
	Supplement				
GRF 235-521	The Ohio State	\$ 286,082	\$ 286,082	11937	
	University Glenn				
	Institute				
GRF 235-524	Police and Fire	\$ 171,959	\$ 171,959	11938	
	Protection				
GRF 235-525	Geriatric Medicine	\$ 750,110	\$ 750,110	11939	

GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	11940
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	11941
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	11942
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376	11943
GRF 235-534	Student Workforce Development Grants	\$	2,137,500	\$	2,137,500	11944
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$	35,955,188	11945
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	11946
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	11947
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	11948
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	11949
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	11950
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	11951
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	250,000	\$	250,000	11952
GRF 235-547	School of International Business	\$	450,000	\$	450,000	11953

GRF 235-549	Part-time Student Instructional Grants	\$ 14,457,721	\$ 10,534,617	11954
GRF 235-552	Capital Component	\$ 19,059,866	\$ 19,059,866	11955
GRF 235-553	Dayton Area Graduate Studies Institute	\$ 2,806,599	\$ 2,806,599	11956
GRF 235-554	Priorities in Collaborative Graduate Education	\$ 2,355,548	\$ 2,355,548	11957
GRF 235-555	Library Depositories	\$ 1,696,458	\$ 1,696,458	11958
GRF 235-556	Ohio Academic Resources Network	\$ 3,727,223	\$ 3,727,223	11959
GRF 235-558	Long-term Care Research	\$ 211,047	\$ 211,047	11960
GRF 235-561	Bowling Green State University Canadian Studies Center	\$ 100,015	\$ 100,015	11961
GRF 235-563	Ohio College Opportunity Grant	\$ 0	\$ 58,144,139	11962
GRF 235-572	The Ohio State University Clinic Support	\$ 1,277,019	\$ 1,277,019	11963
GRF 235-583	Urban University Program	\$ 4,992,937	\$ 4,992,937	11964
GRF 235-587	Rural University Projects	\$ 1,147,889	\$ 1,147,889	11965
GRF 235-596	Hazardous Materials Program	\$ 360,435	\$ 360,435	11966
GRF 235-599	National Guard Scholarship Program	\$ 15,128,472	\$ 16,611,063	11967
GRF 235-909	Higher Education General Obligation Debt Service	\$ 137,600,300	\$ 152,114,100	11968
TOTAL GRF	General Revenue Fund	\$ 2,469,261,760	\$ 2,548,148,872	11969

2,549,898,872

General Services Fund Group				11970
220	235-614	Program Approval and Reauthorization	\$ 400,000 \$	400,000 11971
456	235-603	Sales and Services	\$ 700,000 \$	900,000 11972
TOTAL GSF General Services Fund Group				11973
				11974
Federal Special Revenue Fund Group				11975
3H2	235-608	Human Services Project	\$ 1,500,000 \$	1,500,000 11976
3H2	235-622	Medical Collaboration Network	\$ 3,346,143 \$	3,346,143 11977
3N6	235-605	State Student Incentive Grants	\$ 2,196,680 \$	2,196,680 11978
3T0	235-610	National Health Service Corps - Ohio Loan Repayment	\$ 150,001 \$	150,001 11979
312	235-609	Tech Prep	\$ 183,850 \$	183,850 11980
312	235-611	Gear-up Grant	\$ 1,370,691 \$	1,370,691 11981
312	235-612	Carl D. Perkins Grant/Plan Administration	\$ 112,960 \$	112,960 11982
312	235-615	Professional Development	\$ 523,129 \$	523,129 11983
312	235-617	Improving Teacher Quality Grant	\$ 2,900,000 \$	2,900,000 11984
312	235-619	Ohio Supercomputer Center	\$ 6,000,000 \$	6,000,000 11985
312	235-621	Science Education Network	\$ 1,686,970 \$	1,686,970 11986
312	235-631	Federal Grants	\$ 250,590 \$	250,590 11987
TOTAL FED Federal Special Revenue Fund Group				11988
				11989

State Special Revenue Fund Group				11990
4E8 235-602 Higher Educational Facility Commission Administration	\$	55,000	\$ 55,000	11991
4P4 235-604 Physician Loan Repayment	\$	476,870	\$ 476,870	11992
649 235-607 The Ohio State University Highway/Transportation Research	\$	760,000	\$ 760,000	11993
682 235-606 Nursing Loan Program	\$	893,000	\$ 893,000	11994
TOTAL SSR State Special Revenue Fund Group				11995
	\$	2,184,870	\$ 2,184,870	11996
TOTAL ALL BUDGET FUND GROUPS	\$	2,492,767,644	\$ 2,571,854,756 <u>2,573,604,756</u>	11997

Section 405.17. That existing Section 209.63 of Am. Sub. H.B. 66 of the 126th General Assembly, as most recently amended by Sub. H.B. 478 and Am. Sub. H.B. 530, both of the 126th General Assembly, is hereby repealed.

Section 411.10. That Section 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 126th General Assembly, be amended to read as follows:

Sec. 212.30. DVM STATE VETERINARY MEDICAL BOARD

General Services Fund Group				12006
4K9 888-609 Operating Expenses	\$	293,691	\$ 307,000	12007
5BU 888-602 Veterinary Student Loan Program	\$	60,000	\$ 60,000	12008
TOTAL GSF General Services Fund Group				12009
	\$	353,691	\$ 367,000	12010
TOTAL ALL BUDGET FUND GROUPS	\$	353,691	\$ 367,000	12011
				12012

CASH TRANSFER TO ~~VETERINARY STUDENT LOAN PROGRAM~~ VETERINARIAN 12013
LOAN REPAYMENT FUND (FUND 5BU) 12014

On July 1, 2005, or as soon as possible thereafter, the 12015
Director of Budget and Management shall transfer \$60,000 in cash 12016
from the Occupational Licensing and Regulatory Fund (Fund 4K9) to 12017
the ~~Veterinary Student Loan Program~~ Veterinarian Loan Repayment 12018
Fund (Fund 5BU), ~~which is hereby~~ created in division (B) of 12019
section 4741.46 of the Revised Code. The amount of the transfer is 12020
hereby appropriated. 12021

VETERINARY STUDENT LOAN PROGRAM 12022

The foregoing appropriation item 888-602, Veterinary Student 12023
Loan Program, shall be used by the Veterinary Medical Licensing 12024
Board to implement a student loan repayment program for veterinary 12025
students focusing on large animal populations, public health, or 12026
regulatory veterinary medicine. 12027

Section 411.11. That existing Section 212.30 of Am. Sub. H.B. 12028
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 12029
of the 126th General Assembly, is hereby repealed. 12030

Section 415.10. That Section 243.10 of Am. Sub. H.B. 530 of 12031
the 126th General Assembly be amended to read as follows: 12032

Sec. 243.10. All items set forth in this section are hereby 12033
appropriated out of any moneys in the state treasury to the credit 12034
of the Cultural and Sports Facilities Building Fund (Fund 030) 12035
that are not otherwise appropriated: 12036

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 12037
CAP-003 Center of Science and Industry - Toledo \$ 7,542 12038
CAP-033 Woodward Opera House Renovation \$ 1,150,000 12039
CAP-038 Center Exhibit Replacement \$ 816,000 12040

CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	123,000	12041
CAP-043	Statewide Site Repairs	\$	200,100	12042
CAP-046	Cincinnati Museum Center Improvements	\$	250,000	12043
CAP-053	Powers Auditorium Improvements	\$	250,000	12044
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	12045
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	12046
CAP-064	Bramley Historic House	\$	75,000	12047
CAP-065	Beck Center for the Cultural Arts	\$	100,000	12048
CAP-066	Delaware County Cultural Arts Center	\$	40,000	12049
CAP-071	Cleveland Institute of Music	\$	1,500,000	12050
CAP-072	West Side Arts Consortium	\$	138,000	12051
CAP-073	Ice Arena Development	\$	5,500,000	12052
CAP-074	Stan Hywet Hall & Gardens	\$	1,000,000	12053
CAP-075	McKinley Museum Improvements	\$	125,000	12054
CAP-076	Spring Hill Historic Home	\$	125,000	12055
CAP-079	Lorain Palace Civic Theatre	\$	200,000	12056
CAP-080	Great Lakes Historical Society	\$	150,000	12057
CAP-745	Historic Sites and Museums	\$	604,453	12058
CAP-753	Buffington Island State Memorial	\$	73,500	12059
CAP-769	Rankin House State Memorial	\$	192,000	12060
CAP-781	Historical Center Archives/Library	\$	624,000	12061
CAP-784	Ohio Historical Center Rehabilitation	\$	1,523,737	12062
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	12063
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	12064
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	12065
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	12066
CAP-821	Lorain County Historical Society	\$	300,000	12067
CAP-822	Armory Youth Center	\$	40,000	12068
CAP-823	Marion Palace Theatre	\$	1,575,000	12069

CAP-824	McConnellsville Opera House	\$	75,000	12070
CAP-825	Secrest Auditorium	\$	75,000	12071
CAP-826	Renaissance Theatre	\$	700,000	12072
CAP-827	Trumpet in the Land	\$	100,000	12073
CAP-829	Mid-Ohio Valley Players	\$	80,000	12074
CAP-830	The Anchorage	\$	50,000	12075
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	12076
CAP-835	Jamestown Opera House	\$	125,000	12077
CAP-837	Lake County Historical Society	\$	250,000	12078
CAP-839	Hancock Historical Society	\$	75,000	12079
CAP-840	Riversouth Development	\$	1,000,000	12080
CAP-841	Ft. Piqua Hotel	\$	200,000	12081
CAP-843	Marina District Amphitheatre and Related Development	\$	2,000,000	12082
CAP-844	Chas. A. Eulett Education Center/Appalachian Museum	\$	1,850,000	12083
CAP-845	Lima Historic Athletic Field	\$	100,000	12084
CAP-846	Butler Palace Theatre	\$	200,000	12085
CAP-847	Voice Of America Museum	\$	275,000	12086
CAP-848	Oxford Arts Center ADA Project	\$	72,000	12087
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	12088
CAP-850	Westcott House Historic Site	\$	75,000	12089
CAP-851	Gen. Lytle Homestead-Harmony Hill	\$	50,000	12090
CAP-852	Miami Township Community Amphitheatre	\$	50,000	12091
CAP-853	Western Reserve Historical Society	\$	1,000,000	12092
CAP-854	<u>Cleveland</u> Steamship Mather Museum	\$	100,000	12093
CAP-855	Rock and Roll Hall of Fame	\$	250,000	12094
CAP-858	Strongsville Historic Building	\$	100,000	12095
CAP-859	Arts Castle	\$	100,000	12096
CAP-860	Great Lakes Historical Society	\$	325,000	12097
CAP-861	Ohio Glass Museum	\$	250,000	12098

CAP-863	Ariel Theatre	\$	100,000	12099
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	12100
CAP-867	Ensemble Theatre	\$	450,000	12101
CAP-868	Taft Museum	\$	500,000	12102
CAP-869	Art Academy of Cincinnati	\$	100,000	12103
CAP-870	Riverbend Pavilion Improvements	\$	250,000	12104
CAP-871	Cincinnati Art and Technical Academy - Longworth Hall	\$	100,000	12105
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	12106
CAP-873	John Bloomfield Home Restoration	\$	115,000	12107
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	12108
CAP-875	Hocking County Historic Society - Schempp House	\$	10,000	12109
CAP-876	Art Deco Markay Theatre	\$	200,000	12110
CAP-877	Harvey Wells House	\$	100,000	12111
CAP-879	Broad Street Historical Renovation	\$	300,000	12112
CAP-880	Amherst Historical Society	\$	35,000	12113
CAP-881	COSI - Toledo	\$	1,580,000	12114
CAP-882	Ohio Theatre - Toledo	\$	100,000	12115
CAP-883	Chester Academy Historic Site Renovation	\$	25,000	12116
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	12117
CAP-885	Montgomery County Historical Society Archives	\$	100,000	12118
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	12119
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	12120
CAP-888	Preble County Historical Society	\$	100,000	12121
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	12122
CAP-890	Pro Football Hall of Fame	\$	400,000	12123
CAP-891	Maps Air Museum	\$	15,000	12124
CAP-892	Foundation Community Theatre	\$	50,000	12125
CAP-893	William McKinley Library Restoration	\$	250,000	12126
CAP-896	Richard Howe House	\$	100,000	12127

CAP-897	Ward-Thomas Museum	\$	30,000	12128
CAP-898	Packard Music Hall Renovation Project	\$	1,075,000	12129
			<u>675,000</u>	
CAP-899	Holland Theatre	\$	100,000	12130
CAP-900	Van Wert Historical Society	\$	32,000	12131
CAP-901	Warren County Historical Society	\$	225,000	12132
CAP-902	Marietta Colony Theatre	\$	335,000	12133
CAP-903	West Salem Village Opera House	\$	92,000	12134
CAP-904	Beavercreek Community Theater	\$	100,000	12135
CAP-905	Smith Orr Homestead	\$	100,000	12136
	Total Cultural Facilities Commission	\$	39,831,048	12137
			<u>39,431,048</u>	
	TOTAL Cultural and Sports Facilities Building Fund	\$	39,831,048	12138
			<u>39,431,048</u>	

ICE ARENA DEVELOPMENT 12139

The amount reappropriated for the foregoing appropriation 12140
 item CAP-073, Ice Arena Development, is the unencumbered and 12141
 unallotted balance, as of June 30, 2006, in appropriation item 12142
 CAP-073, Ice Arena Development, which prior to July 1, 2006, was 12143
 named "Marina District/Ice Arena Development," plus \$2,000,000. 12144

Notwithstanding any provision of law to the contrary, on July 12145
 1, 2006, or as soon thereafter as possible, the Director of Budget 12146
 and Management shall transfer \$2,000,000 from CAP-843, Marina 12147
 District Amphitheatre and Related Development, which prior to July 12148
 1, 2006, was named "Marina District/Ice Arena Development," to 12149
 CAP-073, Ice Arena Development. 12150

The foregoing appropriation item CAP-073, Ice Arena 12151
 Development, shall be used by the City of Toledo for the 12152
 development of an ice arena in the City of Toledo. 12153

MARINA DISTRICT AMPHITHEATRE AND RELATED DEVELOPMENT 12154

The amount reappropriated for the foregoing appropriation 12155

item CAP-843, Marina District Amphitheatre and Related 12156
Development, is the unencumbered and unallotted balance, as of June 12157
30, 2006, in appropriation item CAP-843, Marina District 12158
Amphitheatre and Related Development, which prior to July 1, 2006, 12159
was named "Marina District/Ice Arena Development," minus 12160
\$2,000,000. 12161

The foregoing appropriation item CAP-843, Marina District 12162
Amphitheatre and Related Development, shall be used by the City of 12163
Toledo for the development of an amphitheatre and related 12164
developments in the Marina District of Toledo. 12165

PACKARD MUSIC HALL RENOVATIONS PROJECT 12166

The amount reappropriated for the foregoing appropriation 12167
item CAP-898, Packard Music Hall Renovation Project, is the 12168
unencumbered and unallotted balance, as of June 30, 2006, in 12169
appropriation item CAP-898, Packard Music Hall Renovation Project, 12170
plus ~~\$975,000~~ \$575,000 of the unencumbered and unallotted balance, 12171
as of June 30, 2006, in appropriation item CAP-063, Robins Theatre 12172
Renovations. 12173

Section 415.11. That existing Section 243.10 of Am. Sub. H.B. 12174
530 of the 126th General Assembly is hereby repealed. 12175

Section 501.10. The item in this section is hereby 12176
appropriated as designated out of any moneys in the state treasury 12177
to the credit of the State Special Revenue Fund Group. For the 12178
appropriation made in this section, that in the first column is 12179
for fiscal year 2006 and that in the second column is for fiscal 12180
year 2007. The appropriation made in this section is in addition 12181
to any other appropriations made for the fiscal years 2006-2007 12182
biennium. 12183

JLE JOINT LEGISLATIVE ETHICS COMMITTEE 12184

State Special Revenue Fund Group 12185

4G7 028-601 Joint Legislative	\$	0	\$	100,000	12186
Ethics Committee					
TOTAL SSR State Special Revenue	\$	0	\$	100,000	12187
Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	100,000	12188

Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for the appropriation made in this section, and shall determine the form and manner in which the appropriation accounts shall be maintained. Expenditures from the appropriation contained in this section shall be accounted for as though made in H.B. 66 of the 126th General Assembly.

The appropriation made in this section is subject to all provisions of H.B. 66 of the 126th General Assembly that are generally applicable to such an appropriation.

Section 503.10. OHIO COMMUNITY SERVICE COUNCIL DEPOSIT 12199

On January 1, 2007, or as soon as possible thereafter, the Director of the Ohio Community Service Council may certify to the Director of Budget and Management the amount of cash posted to the Ohio Community Service Council Programs Fund (Fund 3R7) that should have been deposited to the OCSC Community Support Fund (Fund 624). The Director of Budget and Management may transfer cash up to the amount certified from the Ohio Community Service Council Programs Fund (Fund 3R7) to the OCSC Community Support Fund (Fund 624).

Section 505.10. The amendment by this act to division (C) of section 2305.26 of the Revised Code applies to liens filed with the county recorder before, on, or after the effective date of the amendment.

Section 507.10. TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE 12213
FUND ENDING BALANCES 12214

Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of 12215
section 131.44 of the Revised Code, the Director of Budget and 12216
Management may transfer up to \$100,000,000 of the fiscal year 2007 12217
General Revenue Fund surplus to the Public School Building Fund 12218
(Fund 021). 12219

Section 507.20. TRANSFER FROM HALF-MILL EQUALIZATION FUND 12220

Notwithstanding division (F) of section 3318.18 of the 12221
Revised Code, between June 1, 2007, and June 30, 2007, the 12222
Director of Budget and Management may transfer up to \$60,000,000 12223
in cash from the Half-Mill Equalization Fund (Fund 5BJ) to the 12224
Public School Building Fund (Fund 021). 12225

Section 509.10. HEALTH EMERGENCY FUND 12226

The Health Emergency Fund (Fund 5EC) is hereby created in the 12227
state treasury. The fund may be used by the Department of Health 12228
to purchase vaccines and antiviral drugs to stockpile for pandemic 12229
flu. The Director of Budget and Management, in consultation with 12230
the Director of Health, shall determine the amount of 12231
appropriation needed. The amount so determined is hereby 12232
appropriated. The Director of Budget and Management may transfer 12233
up to \$17,500,000 in cash from the General Revenue Fund to the 12234
Health Emergency Fund (Fund 5EC) as needed. The Director of Budget 12235
and Management shall submit a letter to the Governor, the 12236
President and Minority Leader of the Senate, and the Speaker and 12237
Minority Leader of the House of Representatives detailing the cash 12238
transfers. 12239

Section 511.10. TANF INITIATIVES 12240

The Department of Job and Family Services, in accordance with 12241
sections 5101.80 and 5101.801 of the Revised Code, shall take the 12242
steps necessary, through interagency agreements, adoption of 12243
rules, or otherwise as determined by the Department, to implement 12244
and administer the Title IV-A programs identified in this section. 12245

STRENGTHENING FAMILIES INITIATIVE 12246

The Department of Job and Family Services shall use up to \$11 12247
million in fiscal year 2007 to reimburse the Governor's Office of 12248
Faith-Based and Community Initiatives (GOFBCI) pursuant to section 12249
5101.801 of the Revised Code for projects that are part of the 12250
Ohio Strengthening Families Initiative. 12251

TANF EDUCATIONAL AWARDS PROGRAM 12252

The Department of Job and Family Services shall use up to \$30 12253
million in fiscal year 2007 to reimburse the Ohio Board of Regents 12254
pursuant to section 5101.801 of the Revised Code for initiatives 12255
addressing postsecondary tuition and educational expenses not 12256
covered by other grant programs that target low-income students. 12257

ADOPTION PROMOTION 12258

Up to \$5 million shall be used in fiscal year 2007 for TANF 12259
eligible activities pursuant to section 5101.801 of the Revised 12260
Code to provide additional support for initiatives aimed at 12261
increasing the number of adoptions including recruiting, 12262
promoting, and supporting adoptive families. 12263

CHILD CARE SUBSIDY 12264

Up to \$15 million shall be used in fiscal year 2007 for the 12265
Title IV-A non-assistance child-care subsidy program pursuant to 12266
section 5101.801 of the Revised Code to help additional needy 12267
working families with the cost of child care. 12268

EARLY LEARNING QUALITY AND AVAILABILITY 12269

Up to \$5 million shall be used in fiscal year 2007 for TANF 12270

eligible activities pursuant to section 5101.801 of the Revised Code to provide additional support to improve the quality and availability of early learning opportunities, including but not limit to Step Up to Quality, for low-income working families with pre-school children.	12271 12272 12273 12274 12275
INDEPENDENT LIVING INITIATIVES	12276
Up to \$2.5 million shall be used in fiscal year 2007 for TANF eligible activities pursuant to section 5101.801 of the Revised Code to support independent living initiatives, including but not limited to life-skills training and work supports for older children in foster care and those who have recently aged-out of foster care.	12277 12278 12279 12280 12281 12282
HOME ENERGY ASSISTANCE PROGRAM	12283
The Department of Job and Family Services shall use up to \$45 million in fiscal year 2007 to reimburse the Ohio Department of Development pursuant to section 5101.801 of the Revised Code for allowable expenditures of the Title IV-A Home Energy Assistance Program during the 2006-2007 HEAP winter heating season.	12284 12285 12286 12287 12288
FOOD BOXES	12289
Up to \$1.5 million shall be used in fiscal year 2007 to reimburse the Ohio network of food banks pursuant to section 5101.801 of the Revised Code for purchase of food boxes for distribution to TANF eligible families on a one-time basis.	12290 12291 12292 12293
TWO-PARENT OHIO WORKS FIRST CASELOAD	12294
Up to \$7 million shall be used in fiscal year 2007 for TANF eligible activities pursuant to section 5101.801 of the Revised Code to enhance county operated work and support programs targeting the two-parent Ohio Works First caseload.	12295 12296 12297 12298
The Department of Job and Family Services shall make TANF funding available to assist with the programs identified in this	12299 12300

section and provide Title IV-A funds as necessary to implement 12301
these programs. In administering these programs, the state, 12302
county, and private agencies receiving funds from the Department 12303
of Job and Family Services shall comply with the requirements of 12304
the respective interagency agreements, grant agreements, sections 12305
5101.80 and 5101.801 of the Revised Code, Title IV-A of the Social 12306
Security Act, rules adopted by the Department of Job and Family 12307
Services, and other directives from the Department of Job and 12308
Family Services as appropriate. 12309

Section 513.10. FEDERAL JUSTICE PROGRAMS FUNDS 12310

On the effective date of this section, or as soon as possible 12311
thereafter, the Director of Public Safety shall certify the 12312
following to the Director of Budget and Management: 12313

(A) The federal justice program funds to be created in the 12314
accounting system pursuant to the amendment by this act of section 12315
5502.62 of the Revised Code and appropriation items to be created 12316
within those funds. 12317

(B) The amount of cash to be transferred from the Federal 12318
Justice Programs Fund (Fund 3AY) in the Department of Public 12319
Safety to the funds created pursuant to division (A) of this 12320
section. 12321

(C) The amount of appropriation authority to be transferred 12322
from existing appropriation items to the Federal Justice Programs 12323
Fund in the Department of Public Safety to the appropriation items 12324
created pursuant to division (A) of this section. 12325

The Director of Public Safety shall certify only those 12326
amounts required for transfer in order for the department to 12327
comply with the investment earnings retention and distribution 12328
requirements of federal grant awards. 12329

The Director of Budget and Management may create funds in the 12330

accounting system pursuant to section 5502.62 of the Revised Code 12331
upon receiving certification under this section from the Director 12332
of Public Safety. The Director of Budget and Management may 12333
transfer cash and appropriation authority pursuant to the 12334
certification. Any amounts transferred pursuant to the 12335
certification are hereby appropriated. 12336

Section 515.10. Within ninety days after the effective date 12337
of the amendment by this act of section 5709.87 of the Revised 12338
Code, the current owner of record of real property that is subject 12339
to an ongoing exemption previously granted under division 12340
(C)(1)(a) of that section may notify the Tax Commissioner in 12341
writing that the owner elects to discontinue the exemption for the 12342
remainder of its term. Upon receiving such a notification, the 12343
commissioner shall issue an order restoring the property to the 12344
tax list beginning with the year in which the notification was 12345
received. 12346

Section 606.03. The items of law of which the sections of law 12347
contained in this act are composed, and their applications, are 12348
independent and severable. If any item of law that constitutes the 12349
whole or part of a section of law contained in this act, or if any 12350
application of any item of law that constitutes the whole or part 12351
of a section of law contained in this act, is held invalid, the 12352
invalidity does not affect other items of law or applications of 12353
items of law that can be given effect without the invalid item of 12354
law or application. 12355

Section 609.03. An item of law that composes the whole or 12356
part of a section of law contained in this act that makes, or that 12357
provides for funding of, an appropriation or reappropriation of 12358
money has no effect after June 30, 2008, unless its context 12359
clearly indicates otherwise. 12360

Section 612.03. Except as otherwise specifically provided in 12361
this act, the amendment or enactment of the sections of law 12362
contained in this act, and the items of law of which the 12363
amendments or enactments are composed, are subject to the 12364
referendum. Therefore, under Ohio Constitution, Article II, 12365
Section 1c and section 1.471 of the Revised Code, the amendments 12366
or enactments, and the items of law of which the amendments or 12367
enactments are composed, take effect on the ninety-first day after 12368
this act is filed with the Secretary of State. If, however, a 12369
referendum petition is filed against any such amendment or 12370
enactment, or against any item of law of which any such amendment 12371
or enactment is composed, the amendment or enactment, or item, 12372
unless rejected at the referendum, takes effect at the earliest 12373
time permitted by law. 12374

Section 615.03. The amendment or enactment by this act of the 12375
sections of law listed in this section, and the items of law of 12376
which the amendments or enactments are composed, are not subject 12377
to the referendum. Therefore, under Ohio Constitution, Article II, 12378
Section 1d and section 1.471 of the Revised Code, the amendments 12379
or enactments, and the items of law of which the amendments or 12380
enactments are composed, go into immediate effect when this act 12381
becomes law. 12382

Sections 3318.101, 3706.01, 5111.88, 5727.84, and 5919.31 of 12383
the Revised Code. 12384

The version of section 5502.62 of the Revised Code resulting 12385
from Section 101.01 of this act. 12386

Sections 203.12.06, 203.24, 203.27, 203.57, 203.81, 206.33, 12387
206.66.06, 209.54, 209.63, 209.63.30, 209.93, and 212.30 of Am. 12388
Sub. H.B. 66 of the 126th General Assembly. 12389

Sections 110.07, 110.08, 110.09, 401.10, 401.11, 405.10, 12390

405.11, 405.16, 405.17, 411.10, 411.11, 501.10, 503.10, 507.10,	12391
507.20, 509.10, 511.10, and 513.10 of this act.	12392
Sections 615.03, 615.09, and 623.03 of this act.	12393
Section 615.09. The amendment or enactment by this act of the	12394
sections of law listed in this section are not subject to the	12395
referendum. Therefore, under Ohio Constitution, Article II,	12396
Section 1d and section 1.471 of the Revised Code, the amendments	12397
or enactments, and the items of law of which amendments or	12398
enactments are composed, go into effect as specified in this	12399
section.	12400
Section 4919.76 of the Revised Code takes effect January 1,	12401
2007.	12402
The version of section 5502.62 of the Revised Code resulting	12403
from Sections 110.07 and 110.08 of this act takes effect April 1,	12404
2007.	12405
Section 618.03. The amendment or enactment by this act of the	12406
sections of law listed in this section provides for or is	12407
essential to implementation of a tax levy. Therefore, under Ohio	12408
Constitution, Article II, Section 1d, the amendments and	12409
enactments, and the items of which the amendments and enactments	12410
are composed, are not subject to the referendum and go into	12411
immediate effect when this act becomes law.	12412
Section 5701.11 of the Revised Code.	12413
Section 618.03 of this act.	12414
Section 621.03. The amendment of section 101.83 of the	12415
Revised Code is not intended to supersede the earlier repeal, with	12416
delayed effective date, of that section.	12417
Section 623.03. The General Assembly, applying the principle	12418

stated in division (B) of section 1.52 of the Revised Code that 12419
amendments are to be harmonized if reasonably capable of 12420
simultaneous operation, finds that the following sections, 12421
presented in this act as composites of the sections as amended by 12422
the acts indicated, are the resulting versions of the sections in 12423
effect prior to the effective date of the sections as presented in 12424
this act: 12425

Section 131.02 of the Revised Code as amended by both Sub. 12426
H.B. 390 and Am. Sub. H.B. 530 of the 126th General Assembly. 12427

Section 181.52 (5502.62) of the Revised Code as amended by 12428
both Sub. H.B. 4 and Am. Sub. H.B. 66 of the 126th General 12429
Assembly. 12430

Section 209.63 of Am. Sub. H.B. 66 of the 126th General 12431
Assembly, as amended by both Sub. H.B. 478 and Am. Sub. H.B. 530 12432
of the 126th General Assembly. 12433

The finding in this section takes effect at the same time as 12434
the section referenced in the finding takes effect. 12435